



MARANA TOWN COUNCIL - **AMENDED 11/27/2024 @ 3:30PM**
REGULAR COUNCIL MEETING
NOTICE AND AGENDA

11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, December 3, 2024, at or after 6:00 PM

Jon Post, Vice Mayor
Patrick Cavanaugh, Council Member
Patti Comerford, 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 December 3, 2024, 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. Revisions to the agenda 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

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.

LIQUOR LICENSES

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

- A1 Public Hearing: Ordinance No. 2024.027: Relating to Development; amending Marana Town Code Title 17 (Land Development), Chapter 17-3 (Administration and Enforcement), Section 17-3-1 (Amendment and rezoning) to add provisions establishing time frames for review of zoning applications; and establishing an effective date (Jane Fairall)
- A2 Public Hearing: Ordinance No. 2024.028: Relating to Development; amending Marana Town Code Title 17 (Land Development), amending Chapter 17-6 (General and Miscellaneous Development Regulations) by adding new Section 17-6-14 entitled Accessory Dwelling Units; amending chapter 17-4 (Zoning) by making conforming amendments to sections 17-4-2 (Use matrix) and 17-4-3 (Use conditions matrix); approving the housing impact statement pertaining to this ordinance; and establishing an effective date (Jane Fairall)
- A3 Public Hearing: Ordinance No. 2024.029: Relating to Land Development; adopting amendments to Marana Town Code Title 17 "Land Development"; revising Section 17-1-6 (Definitions), to add a definition for "data center"; revising Section 17-4-2 (Use matrix) Table 2 - Use matrix, to add the data center use and to provide that data centers are prohibited as a principal use

in all standard Town zones and allowed as accessory uses in the Town's industrial zones LI and HI; revising sections 17-4-8 (Industrial zoning districts) and 17-4-16 (Legacy zones) to provide regulations for data centers operating as accessory uses; revising Chapter 17-6 "General and Miscellaneous Development Regulations" to add new section 17-6-13 (Data centers) establishing that data centers may only operate in the Town as a principal use if approved in a specific plan or specific plan amendment adopted through the normal rezoning process, and establishing development regulations for data centers; and designating an effective date (Jason Angell)

Resolution No. 2024-108: Relating to Land Development; declaring as a public record filed with the Town Clerk the amendments adopted by Ordinance No. 2024.029, revisions to Title 17 "Land Development" of the Marana Town Code, including revising Section 17-1-6 (Definitions), to add a definition for "data center"; revising Section 17-4-2 (Use matrix) Table 2 - Use matrix, to add the data center use and to provide that data centers are prohibited as a principal use in all standard Town zones and allowed as accessory uses in the Town's industrial zones LI and HI; revising sections 17-4-8 (Industrial zoning districts) and 17-4-16 (Legacy zones) to provide regulations for data centers operating as accessory uses; revising Chapter 17-6 "General and Miscellaneous Development Regulations" to add new section 17-6-13 (Data centers) establishing that data centers may only operate in the Town as a principal use if approved in a specific plan or specific plan amendment adopted through the normal rezoning process, and establishing development regulations for data centers (Jason Angell)

ITEMS FOR DISCUSSION / POSSIBLE ACTION

- D1 Resolution No. 2024-110: Relating to Facilities; naming the Marana Municipal Complex the "Ed Honea Marana Municipal Complex" (Terry Rozema)

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).

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

A1

Meeting Date: 12/03/2024

To: Mayor and Council

From: Jane Fairall, Town Attorney

Date: December 3, 2024

Strategic Plan Focus Area:
Not Applicable

Subject: Public Hearing: Ordinance No. 2024.027: Relating to Development; amending Marana Town Code Title 17 (Land Development), Chapter 17-3 (Administration and Enforcement), Section 17-3-1 (Amendment and rezoning) to add provisions establishing time frames for review of zoning applications; and establishing an effective date (Jane Fairall)

Discussion:

Request

Town staff proposes to revise the Land Development Code text to provide specified time frames for review of zoning applications.

Background

The Arizona Legislature adopted Laws 2024, Chapter 141 (Senate Bill (SB)1162), signed by Governor Katie Hobbs on April 23, 2024, and effective on September 14, 2024, requiring all Arizona municipalities to adopt an amendment to the municipality's zoning ordinance on or before January 1, 2025 establishing specified time frames for review of zoning applications. Senate Bill 1162 is now codified in the Arizona Revised Statutes at A.R.S. § 9-462.11. A copy of SB 1162 is included in the agenda materials for reference.

Proposed Amendments

The proposed ordinance will bring the Marana Town Code (MTC) into compliance with the new law, by adding the specified zoning application review time frames to MTC Section 17-3-1, which sets forth the Town's procedures for zoning applications. Specifically, the proposed ordinance will implement the following review time frames:

- The Town shall determine whether a zoning application is administratively complete within 30 days after receiving the application.
- If the Town determines that a zoning application is not administratively complete, the Town will provide the applicant with a written notice that includes a comprehensive list of the specific deficiencies. Upon issuance of the written notice, the administrative completeness review time frame and overall time frame contained in this section are suspended until the Town receives the resubmitted application.
- The Town shall determine whether a resubmitted application is administratively complete within 15 days after receiving the resubmitted application.
- After determining that a zoning application is administratively complete, the Town Council shall approve or deny the application within 180 days. The owner may extend the time frame to approve or deny a zoning application beyond 180 days for either of the following reasons:
 - Town staff may grant a one-time extension of not more than 30 days for extenuating circumstances; or
 - Town staff may grant extensions in 30-day increments at the request of the applicant.

The review time frames do not apply to zoning applications for land that is designated as a district of historical significance pursuant to A.R.S. § 9-462.01(a); an area that is designated as historic on the national register of historic places; or land that is already zoned as a specific plan. The proposed ordinance will be effective on January 1, 2025.

Public Notification

Notice of this public hearing was published in The Daily Territorial as required by law. Notices were also posted in various locations in the town.

Staff Recommendation:

Staff recommends approval of the proposed ordinance.

Suggested Motion:

I move to adopt Ordinance No. 2024.027, amending Marana Town Code Title 17 (Land Development), Chapter 17-3 (Administration and Enforcement), Section 17-3-1 (Amendment and rezoning) to add provisions establishing time frames for review of zoning applications; and establishing an effective date.

Attachments

Ordinance No. 2024.027
Senate Bill 1162

MARANA ORDINANCE NO. 2024.027

RELATING TO DEVELOPMENT; AMENDING MARANA TOWN CODE TITLE 17 (LAND DEVELOPMENT), CHAPTER 17-3 (ADMINISTRATION AND ENFORCEMENT), SECTION 17-3-1 (AMENDMENT AND REZONING) TO ADD PROVISIONS ESTABLISHING TIME FRAMES FOR REVIEW OF ZONING APPLICATIONS; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS the Arizona Legislature adopted Laws 2024, Chapter 141 (Senate Bill 1162), signed by Governor Katie Hobbs on April 23, 2024, and effective on September 14, 2024, requiring all Arizona municipalities to adopt an amendment to the municipality's zoning ordinance on or before January 1, 2025 establishing specified time frames for review of zoning applications; and

WHEREAS Senate Bill 1162 is now codified in the Arizona Revised Statutes at A.R.S. § 9-462.11; and

WHEREAS the Town Council finds this ordinance to be in the best interests of the Town and its citizens.

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

SECTION 1. Marana Town Code Title 17 (Land Development), Chapter 17-3 (Administration and Enforcement), Section 17-3-1 (Amendment and rezoning), is hereby amended as follows (with additions shown with double underlining):

17-3-1 Amendment and rezoning

[No revisions to paragraphs A through E]

F. Review time frames. The town shall review all zoning applications pursuant to the following time frames.

1. The town shall determine whether a zoning application is administratively complete within 30 days after receiving the application.
2. If the town determines that a zoning application is not administratively complete, the town will provide the applicant with a written notice that includes a comprehensive list of the specific

deficiencies. Upon issuance of the written notice, the administrative completeness review time frame and overall time frame contained in this section are suspended until the town receives the resubmitted application.

3. The town shall determine whether a resubmitted application is administratively complete within 15 days after receiving the resubmitted application. If the town determines that a resubmitted application is not administratively complete, the process set forth in subparagraph F.2 above shall repeat until the application is administratively complete.

4. After determining that a zoning application is administratively complete, the town council shall approve or deny the application within 180 days. The town may extend the time frame to approve or deny a zoning application beyond 180 days for either of the following reasons:

a. Town staff may grant a one-time extension of not more than 30 days for extenuating circumstances; or

b. Town staff may grant extensions in 30-day increments at the request of the applicant.

5. This section does not apply to zoning applications for any of the following:

a. Land that is designated as a district of historical significance pursuant to A.R.S. § 9-462.01(a).

b. An area that is designated as historic on the national register of historic places.

c. Land that is already zoned as a specific plan.

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

SECTION 3. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. This ordinance is effective on January 1, 2025.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this ____day of December, 2024.

Jon Post, Vice Mayor

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney

~~telecommunications fund; report; posting~~
(now: residential zoning; housing; assessment; hearings)

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

CHAPTER 172

SENATE BILL 1162

AN ACT

AMENDING SECTION 9-462.04, ARIZONA REVISED STATUTES; AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-462.10; AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.4, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-469; RELATING TO MUNICIPALITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-462.04, Arizona Revised Statutes, is amended
3 to read:

4 9-462.04. Public hearing required; definition

5 A. If the municipality has a planning commission or a hearing
6 officer, the planning commission or hearing officer shall hold a public
7 hearing on any zoning ordinance. Notice of the time and place of the
8 hearing including a general explanation of the matter to be considered and
9 including a general description of the area affected shall be given at
10 least fifteen days before the hearing in the following manner:

11 1. The notice shall be published at least once in a newspaper of
12 general circulation published or circulated in the municipality, or if
13 there is none, it shall be posted on the affected property in such a
14 manner as to be legible from the public right-of-way and in at least ten
15 public places in the municipality. A posted notice shall be printed so
16 that the following are visible from a distance of one hundred feet: the
17 word "zoning", the present zoning district classification, the proposed
18 zoning district classification and the date and time of the hearing.

19 2. In proceedings involving rezoning of land that abuts other
20 municipalities or unincorporated areas of the county or a combination of a
21 municipality and an unincorporated area, copies of the notice of public
22 hearing shall be transmitted to the planning agency of the governmental
23 unit abutting such land. In proceedings involving rezoning of land that
24 is located within the territory in the vicinity of a military airport or
25 ancillary military facility as defined in section 28-8461, the
26 municipality shall send copies of the notice of public hearing by first
27 class mail to the military airport. In addition to notice by publication,
28 a municipality may give notice of the hearing in any other manner that the
29 municipality deems necessary or desirable.

30 3. In proceedings that are not initiated by the property owner
31 involving rezoning of land that may change the zoning classification,
32 notice by first class mail shall be sent to each real property owner, as
33 shown on the last assessment of the property, of the area to be rezoned
34 and all property owners, as shown on the last assessment of the property,
35 within three hundred feet of the property to be rezoned.

36 4. In proceedings involving one or more of the following proposed
37 changes or related series of changes in the standards governing land uses,
38 notice shall be provided in the manner prescribed by paragraph 5 of this
39 subsection:

40 (a) A ten percent or more increase or decrease in the number of
41 square feet or units that may be developed.

42 (b) A ten percent or more increase or reduction in the allowable
43 height of buildings.

1 (c) An increase or reduction in the allowable number of stories of
2 buildings.

3 (d) A ten percent or more increase or decrease in setback or open
4 space requirements.

5 (e) An increase or reduction in permitted uses.

6 5. In proceedings governed by paragraph 4 of this subsection, the
7 municipality shall provide notice to real property owners pursuant to at
8 least one of the following notification procedures:

9 (a) Notice shall be sent by first class mail to each real property
10 owner, as shown on the last assessment, whose real property is directly
11 governed by the changes.

12 (b) If the municipality issues utility bills or other mass mailings
13 that periodically include notices or other informational or advertising
14 materials, the municipality shall include notice of the changes with such
15 utility bills or other mailings.

16 (c) The municipality shall publish the changes before the first
17 hearing on such changes in a newspaper of general circulation in the
18 municipality. The changes shall be published in a "display ad" covering
19 not less than one-eighth of a full page.

20 6. If notice is provided pursuant to paragraph 5, subdivision (b)
21 or (c) of this subsection, the municipality shall also send notice by
22 first class mail to persons who register their names and addresses with
23 the municipality as being interested in receiving such notice. The
24 municipality may charge a fee not to exceed \$5 per year for providing this
25 service and may adopt procedures to implement this paragraph.

26 7. Notwithstanding the notice requirements in paragraph 4 of this
27 subsection, the failure of any person or entity to receive notice does not
28 constitute grounds for any court to invalidate the actions of a
29 municipality for which the notice was given.

30 B. If the matter to be considered applies to territory in a high
31 noise or accident potential zone as defined in section 28-8461, the notice
32 prescribed in subsection A of this section shall include a general
33 statement that the matter applies to property located in the high noise or
34 accident potential zone.

35 C. After the hearing, the planning commission or hearing officer
36 shall render a decision in the form of a written recommendation to the
37 governing body. The recommendation shall include the reasons for the
38 recommendation and be transmitted to the governing body in the form and
39 manner prescribed by the governing body.

40 D. If the planning commission or hearing officer has held a public
41 hearing, the governing body may adopt the recommendations of the planning
42 commission or hearing officer without holding a second public hearing if
43 there is no objection, request for public hearing or other protest. The
44 governing body shall hold a public hearing if requested by the party
45 aggrieved or any member of the public or of the governing body, or, in any

1 case, if a public hearing has not been held by the planning commission or
2 hearing officer. The governing body may consider the testimony of any
3 party aggrieved when making its decision. In municipalities with
4 territory in the vicinity of a military airport or ancillary military
5 facility as defined in section 28-8461, the governing body shall hold a
6 public hearing if, after notice is transmitted to the military airport
7 pursuant to subsection A of this section and before the public hearing,
8 the military airport provides comments or analysis concerning the
9 compatibility of the proposed rezoning with the high noise or accident
10 potential generated by military airport or ancillary military facility
11 operations that may have an adverse impact on public health and safety,
12 and the governing body shall consider and analyze the comments or analysis
13 before making a final determination. Notice of the time and place of the
14 hearing shall be given in the time and manner provided for the giving of
15 notice of the hearing by the planning commission as specified in
16 subsection A of this section. A municipality may give additional notice
17 of the hearing in any other manner as the municipality deems necessary or
18 desirable. For the purposes of this subsection, "party aggrieved" means
19 any property owner within the notification area prescribed by subsection
20 A, paragraph 3 of this section.

21 E. A municipality may enact an ordinance authorizing county zoning
22 to continue in effect until municipal zoning is applied to land previously
23 zoned by the county and annexed by the municipality, but not longer than
24 six months after the annexation.

25 F. A municipality is not required to adopt a general plan before
26 the adoption of a zoning ordinance.

27 G. If there is no planning commission or hearing officer, the
28 governing body of the municipality shall perform the functions assigned to
29 the planning commission or hearing officer.

30 H. If the owners of twenty percent or more of the property by area
31 and number of lots, tracts and condominium units within the zoning area of
32 the affected property, **EXCLUDING GOVERNMENT OWNED PROPERTY**, file a protest
33 in writing against a proposed amendment, the change shall not become
34 effective except by the favorable vote of three-fourths of all members of
35 the governing body of the municipality. If any members of the governing
36 body are unable to vote on such a question because of a conflict of
37 interest, then the required number of votes for passage of the question
38 shall be three-fourths of the remaining membership of the governing body,
39 provided that such required number of votes shall not be less than a
40 majority of the full membership of the legally established governing body.
41 For the purposes of this subsection, the vote shall be rounded to the
42 nearest whole number. A protest filed pursuant to this subsection shall
43 be signed by the property owners, **EXCLUDING GOVERNMENT OWNED PROPERTY**,
44 opposing the proposed amendment and filed in the office of the clerk of
45 the municipality not later than 12:00 noon one business day before the

1 date on which the governing body will vote on the proposed amendment or on
2 an earlier time and date established by the governing body.

3 I. In applying an open space element or a growth element of a
4 general plan, a parcel of land shall not be rezoned for open space,
5 recreation, conservation or agriculture unless the owner of the land
6 consents to the rezoning in writing.

7 J. Notwithstanding section 19-142, subsection B, a decision by the
8 governing body involving rezoning of land that is not owned by the
9 municipality and that changes the zoning classification of such land may
10 not be enacted as an emergency measure and the change shall not be
11 effective for at least thirty days after final approval of the change in
12 classification by the governing body.

13 K. For the purposes of this section, "zoning area" means both of
14 the following:

15 1. The area within one hundred fifty feet, including all
16 rights-of-way, of the affected property subject to the proposed amendment
17 or change.

18 2. The area of the proposed amendment or change.

19 Sec. 2. Title 9, chapter 4, article 6.1, Arizona Revised Statutes,
20 is amended by adding section 9-462.10, to read:

21 9-462.10. Residential zoning; amendment; applications;
22 deadline; extensions; applicability

23 A. ON OR BEFORE JANUARY 1, 2025, A MUNICIPALITY SHALL ADOPT AN
24 AMENDMENT TO THE MUNICIPALITY'S ZONING ORDINANCE THAT REQUIRES THE
25 MUNICIPALITY TO DETERMINE WHETHER A ZONING APPLICATION IS ADMINISTRATIVELY
26 COMPLETE WITHIN THIRTY DAYS AFTER RECEIVING THE APPLICATION. IF THE
27 MUNICIPALITY DETERMINES THAT THE APPLICATION IS NOT ADMINISTRATIVELY
28 COMPLETE, THE MUNICIPALITY SHALL FOLLOW THE PROCEDURES PRESCRIBED IN
29 SECTION 9-835, SUBSECTION E UNTIL THE APPLICATION IS ADMINISTRATIVELY
30 COMPLETE. THE MUNICIPALITY SHALL DETERMINE WHETHER A RESUBMITTED
31 APPLICATION IS ADMINISTRATIVELY COMPLETE WITHIN FIFTEEN DAYS AFTER
32 RECEIVING THE RESUBMITTED APPLICATION. AFTER DETERMINING THAT THE
33 APPLICATION IS ADMINISTRATIVELY COMPLETE, THE MUNICIPALITY SHALL APPROVE
34 OR DENY THE APPLICATION WITHIN ONE HUNDRED EIGHTY DAYS.

35 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THE MUNICIPALITY
36 MAY EXTEND THE TIME FRAME TO APPROVE OR DENY THE REQUEST BEYOND ONE
37 HUNDRED EIGHTY DAYS FOR EITHER OF THE FOLLOWING REASONS:

38 1. FOR EXTENUATING CIRCUMSTANCES, THE MUNICIPALITY MAY GRANT A
39 ONETIME EXTENSION OF NOT MORE THAN THIRTY DAYS.

40 2. IF AN APPLICANT REQUESTS AN EXTENSION, THE MUNICIPALITY MAY
41 GRANT EXTENSIONS OF THIRTY DAYS FOR EACH EXTENSION GRANTED.

42 C. THIS SECTION DOES NOT APPLY TO LAND THAT IS DESIGNATED AS A
43 DISTRICT OF HISTORICAL SIGNIFICANCE PURSUANT TO SECTION 9-462.01,
44 SUBSECTION A, PARAGRAPH 10 OR AN AREA THAT IS DESIGNATED AS HISTORIC ON
45 THE NATIONAL REGISTER OF HISTORIC PLACES OR PLANNED AREA DEVELOPMENTS.

1 Sec. 3. Title 9, chapter 4, article 6.4, Arizona Revised Statutes,
2 is amended by adding section 9-469, to read:

3 9-469. Municipal housing needs assessment; annual report;
4 applicability

5 A. BEGINNING JANUARY 1, 2025 AND EVERY FIVE YEARS THEREAFTER, A
6 MUNICIPALITY SHALL PUBLISH A HOUSING NEEDS ASSESSMENT THAT INCLUDES THE
7 FOLLOWING:

8 1. THE TOTAL POPULATION GROWTH PROJECTED FOR THE SUBSEQUENT
9 FIVE-YEAR PERIOD.

10 2. THE TOTAL JOB GROWTH PROJECTED FOR THE SUBSEQUENT FIVE-YEAR
11 PERIOD.

12 3. THE TOTAL AMOUNT OF RESIDENTIALLY ZONED LAND WITH DETAIL ON LAND
13 ZONED AS SINGLE-FAMILY AND MULTIFAMILY.

14 4. THE TOTAL NEED FOR ADDITIONAL RESIDENTIAL HOUSING UNITS FOR RENT
15 AND FOR SALE IN THE MUNICIPALITY TO MEET:

16 (a) ANY DEFICIENCIES IN HOUSING THE EXISTING POPULATION.

17 (b) ANY DEFICIENCIES IN HOUSING THE EXISTING WORKFORCE.

18 (c) POPULATION GROWTH PROJECTIONS.

19 (d) JOB GROWTH PROJECTIONS.

20 (e) HOUSING NEEDS ACROSS ALL VARIOUS INCOME LEVELS.

21 B. BEGINNING JANUARY 1, 2025 AND EVERY YEAR THEREAFTER, EACH
22 MUNICIPALITY SHALL SUBMIT AN ANNUAL REPORT TO THE ARIZONA DEPARTMENT OF
23 HOUSING ACCOUNTING FOR THE TOTAL NUMBER OF PROPOSED RESIDENTIAL HOUSING
24 UNITS SUBMITTED TO THE MUNICIPALITY, THE TOTAL NUMBER OF NET NEW
25 RESIDENTIAL HOUSING UNITS SUBMITTED TO THE MUNICIPALITY AND THE TOTAL
26 NUMBER OF NEW RESIDENTIAL HOUSING UNITS THAT ARE ENTITLED, HAVE BEEN
27 PLATTED, HAVE BEEN ISSUED A BUILDING PERMIT AND HAVE RECEIVED A
28 CERTIFICATE OF OCCUPANCY BY THE MUNICIPALITY. THE ANNUAL REPORT SHALL
29 INCLUDE ALL OF THE FOLLOWING:

30 1. THE NUMBER OF HOUSING DEVELOPMENT APPLICATIONS RECEIVED IN THE
31 PRIOR YEAR.

32 2. THE NUMBER OF LOTS AND MULTIFAMILY UNITS INCLUDED IN ALL
33 DEVELOPMENT APPLICATIONS IN THE PRIOR YEAR.

34 3. THE NUMBER OF LOTS AND MULTIFAMILY UNITS APPROVED AND
35 DISAPPROVED OR OTHERWISE NOT APPROVED IN THE PRIOR YEAR.

36 4. A THRESHOLD PERCENTAGE REQUIREMENT OF MULTIFAMILY ZONED LAND
37 VERSUS SINGLE-FAMILY ZONED LAND NEEDED TO MEET POPULATION DEMAND IN EACH
38 MUNICIPALITY.

39 5. THE STATUS AND PROGRESS IN MEETING THE MUNICIPALITY'S HOUSING
40 NEEDS.

41 6. A PLAN THAT SPECIFIES HOW THE MUNICIPALITY INTENDS TO SATISFY
42 THE IDENTIFIED NEED FOR ADDITIONAL HOUSING UNITS WITHIN THE MUNICIPALITY.

43 C. A MUNICIPALITY THAT HAS CONDUCTED A HOUSING NEEDS ASSESSMENT
44 REPORT AS OF JANUARY 1, 2021 SHALL AMEND ALL EXISTING REPORTS TO INCLUDE
45 THE INFORMATION REQUIRED IN SUBSECTION A OF THIS SECTION.

1 D. THE ARIZONA DEPARTMENT OF HOUSING SHALL COMPILE THE REPORTS
2 RECEIVED PURSUANT TO SUBSECTION B OF THIS SECTION AND SUBMIT THE REPORTS
3 TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE
4 OF REPRESENTATIVES.

5 E. THIS SECTION DOES NOT REQUIRE A MUNICIPALITY TO FULFILL THE
6 PROJECTIONS IN THE HOUSING NEEDS ASSESSMENT REQUIRED BY SUBSECTION A OF
7 THIS SECTION.

8 F. THIS SECTION DOES NOT APPLY TO A MUNICIPALITY THAT IS LOCATED ON
9 TRIBAL LAND OR A MUNICIPALITY WITH A POPULATION OF LESS THAN THIRTY
10 THOUSAND PERSONS.

APPROVED BY THE GOVERNOR APRIL 23, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2024.



Council-Regular Meeting

A2

Meeting Date: 12/03/2024

To: Mayor and Council

From: Jane Fairall, Town Attorney

Date: December 3, 2024

Strategic Plan Focus Area:

Not Applicable

Subject: Public Hearing: Ordinance No. 2024.028: Relating to Development; amending Marana Town Code Title 17 (Land Development), amending Chapter 17-6 (General and Miscellaneous Development Regulations) by adding new Section 17-6-14 entitled Accessory Dwelling Units; amending chapter 17-4 (Zoning) by making conforming amendments to sections 17-4-2 (Use matrix) and 17-4-3 (Use conditions matrix); approving the housing impact statement pertaining to this ordinance; and establishing an effective date (Jane Fairall)

Discussion:

Request

Town staff proposes to revise the Land Development Code text, to be automatically effective when the Town's population reaches 75,000 persons, to allow accessory dwelling units (ADUs).

Background

The Arizona Legislature adopted Laws 2024, Chapter 196 (House Bill (HB) 2720), signed by Governor Katie Hobbs on May 21, 2024, and effective on September 14, 2024, requiring all Arizona municipalities with a population of more than 75,000 persons to adopt regulations allowing ADUs on any lot or parcel where a single-family dwelling is allowed. A copy of HB 2720 is included in the agenda packet for reference. House Bill 2720 is now codified in the Arizona Revised Statutes at A.R.S. § 9-461.18.

Paragraph F of A.R.S. § 9-461.18 provides: "If a municipality fails to adopt development regulations as required by this section on or before January 1, 2025, accessory dwelling units shall be allowed on all lots or parcels zoned for residential use in the municipality without limits."

Analysis

The population of the Town of Marana is less than 75,000, but is expected to reach 75,000 within the next few years. To avoid having no limits on ADUs when the Town's population hits 75,000, and because of the language in paragraph F requiring adoption before January 1, 2025, Town staff is proposing for the Town to adopt regulations on ADUs conforming to A.R.S. § 9-461.18 that will automatically become effective when the population of the Town of Marana reaches 75,000.

Proposed Amendments

The proposed text amendment inserts a new section 17-6-14, entitled "accessory dwelling units," containing all the elements required by state law for cities and towns over 75,000. Specifically, the proposed text amendment:

- Allows one attached and one detached ADU as a permitted use on any single-family lot or parcel that contains a primary dwelling
- Allows one additional ADU on lots one acre or larger as long as one of the ADUs on the lot is "restricted-affordable" (that is, rented to households earning up to 80% of area median income)
- Limits the size of ADUs to the lesser of 75% of the gross floor area of the existing single-family dwelling on the same parcel or 1,000 square feet
- Requires ADUs to meet the setbacks for accessory buildings in the applicable zoning district, except that the rear and side setbacks for an ADU shall be a minimum of five feet
- Requires ADUs to meet the height limit for a single-family dwelling within the applicable zoning district
- Requires lots with one or more ADUs to meet the lot coverage requirements of the applicable zoning district
- Allows an ADU to be used for short-term rental only if and while the owner resides on the property that contains the ADU
- Prohibits an ADU from being built on a current or planned public utility easement unless the property owner receives written consent from any utility that is currently using the public utility easement or that may use the public utility easement in the future
- Only applies to lots and parcels where the town determines that adequate public utility services are available and the application complies with the Land Development Code and the town's building codes, fire codes, and public health and safety regulations
- Does not apply to any single-family lot or parcel located on:
 - Tribal land
 - Land in the vicinity of a military airport or ancillary military facility
 - Land in the vicinity of an FAA commercially licensed airport
 - Land in the vicinity of a general aviation airport
 - Land in the vicinity of a public airport
- Uses the same definitions as in the statute

The proposed text amendment also amends the use matrix found in Town Code section 17-4-2 and the conditions per use matrix found in section 17-4-3 to include ADUs, to conform to new section 17-6-14.

The proposed text amendment does not include limitations on the Town's authority as found in A.R.S. § 9-461.18. Those limitations include that the town may not:

- Prohibit the use or advertisement of either the single-family dwelling or any ADU located on the same lot or parcel as separately leased long-term rental housing
- Require a familial, marital, employment or other preexisting relationship between the owner or occupant of a single-family dwelling and the occupant of an ADU located on the same lot or parcel
- Require that a lot or parcel have additional parking to accommodate an ADU or require payment of fees instead of additional parking
- Require that an ADU match the exterior design, roof pitch or finishing materials of the single-family dwelling that is located on the same lot as the ADU
- Set restrictions for ADUs that are more restrictive than those for single-family dwellings within the same zoning area with regard to height, setbacks, lot size, coverage, or building frontage
- Set rear or side setbacks for ADUs that are more than five feet from the property line
- Require improvements to public streets as a condition of allowing an ADU, except as necessary to reconstruct or repair a public street that is disturbed as a result of the construction of the ADU
- Require a restrictive covenant concerning an ADU on a lot or parcel zoned for residential use by a single-family dwelling

Public Notification

Notice of this public hearing was published in The Daily Territorial as required by law. Notices were also posted in various locations in the town.

Housing Impact Statement

A.R.S. § 9-462.01 paragraph J requires the Town to consider a housing impact statement regarding the impact of any zoning ordinance or zoning ordinance text amendment. The housing impact statement for this proposed ordinance is included in the agenda materials accompanying this proposed ordinance.

Staff Recommendation:

Staff recommends that the proposed ordinance be approved.

Suggested Motion:

I move to adopt Ordinance No. 2024.028, amending Marana Town Code Title 17 (Land Development), amending Chapter 17-6 (General and Miscellaneous Development Regulations) by adding new Section 17-6-14 entitled Accessory Dwelling Units; amending chapter 17-4 (Zoning) by making conforming amendments to sections 17-4-2 (Use matrix) and 17-4-3 (Use conditions matrix); approving the housing impact statement pertaining to this ordinance; and establishing an effective date.

Attachments

Ordinance No. 2024.028
Housing Impact Statement
House Bill 2720
Presentation

MARANA ORDINANCE NO. 2024.028

RELATING TO DEVELOPMENT; AMENDING MARANA TOWN CODE TITLE 17 (LAND DEVELOPMENT), AMENDING CHAPTER 17-6 (GENERAL AND MISCELLANEOUS DEVELOPMENT REGULATIONS) BY ADDING NEW SECTION 17-6-14 ENTITLED ACCESSORY DWELLING UNITS; AMENDING CHAPTER 17-4 (ZONING) BY MAKING CONFORMING AMENDMENTS TO SECTIONS 17-4-2 (USE MATRIX) AND 17-4-3 (USE CONDITIONS MATRIX); APPROVING THE HOUSING IMPACT STATEMENT PERTAINING TO THIS ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS the Arizona Legislature adopted Laws 2024, Chapter 196 (House Bill 2720), signed by Governor Katie Hobbs on May 21, 2024, and effective on September 14, 2024, requiring all Arizona municipalities with a population of more than 75,000 persons to adopt regulations allowing accessory dwelling units on any lot or parcel where a single-family dwelling is allowed; and

WHEREAS House Bill 2720 is now codified in the Arizona Revised Statutes at A.R.S. § 9-461.18; and

WHEREAS A.R.S. § 9-461.18 paragraph F provides: “If a municipality fails to adopt development regulations as required by this section on or before January 1, 2025, accessory dwelling units shall be allowed on all lots or parcels zoned for residential use in the municipality without limits;” and

WHEREAS the population of the Town of Marana is less than 75,000 persons, but the Town desires to adopt accessory dwelling unit regulations conforming to A.R.S. § 9-461.18 that will automatically become effective when the population of the Town of Marana reaches 75,000 persons; and

WHEREAS A.R.S. § 9-462.01 paragraph J requires the Town to consider a housing impact statement regarding the impact of the zoning ordinance or zoning ordinance text amendment; and

WHEREAS the housing impact statement for this ordinance is on file with the Marana Town Clerk and in the Council’s agenda backup materials accompanying this ordinance, and has been considered as part of the record of this ordinance; and

WHEREAS the Town Council finds this ordinance to be in the best interests of the Town and its citizens.

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

SECTION 1. Marana Town Code Title 17 (Land Development), Chapter 17-6 (General and Miscellaneous Development Regulations), is hereby amended by adding new Section 17-6-14, accessory dwelling units, as follows:

17-6-14 Accessory dwelling units

A. Purpose. This section is adopted to comply with state law requiring municipalities with a population over 75,000 to allow accessory dwelling units on a lot or parcel with zoning that allows a single-family dwelling.

1. These regulations are in addition to the town's residential building codes, fire codes, public health and safety regulations, and other regulations of general applicability.
2. To the extent any provision in this section conflicts with state law, state law shall control.

B. Definitions. The following definitions apply to this section:

1. "Accessory dwelling unit" means a self-contained living unit that is on the same lot or parcel as a single-family dwelling of greater square footage than the accessory dwelling unit, that includes its own sleeping and sanitation facilities, and that may include its own kitchen facilities.
2. "Gross floor area" means the interior habitable area of a single-family dwelling or an accessory dwelling unit.
3. "Permitted use" means approved without requiring a public hearing, variance, conditional use permit, special permit, or special exception, other than a determination that a site plan conforms with applicable zoning regulations.
4. "Restricted-affordable dwelling unit" means a dwelling unit that, either through a deed restriction or a development agreement with the town, shall be rented to households earning up to 80% of area median income.
5. "Short-term rental" means rental use in which the tenant holds a lease of less than ninety days or that meets the definition of "vacation rental" or "short-term-rental" in A.R.S. § 9-500.39.

C. Accessory dwelling unit as a permitted use. If the town determines that adequate public utility services are available and the application complies with this title and the town's building codes, fire codes, and public health and safety regulations, the following are permitted uses on any single-family lot or parcel that contains a primary dwelling:

1. One attached accessory dwelling unit and one detached accessory dwelling unit.
2. One additional detached accessory dwelling unit on a lot or parcel that is one acre or more in size if at least one accessory dwelling unit on the lot or parcel is a restricted-affordable dwelling unit.

D. Development standards and requirements.

1. Size. An accessory dwelling unit shall not exceed the lesser of 75% of the gross floor area of the existing single-family dwelling on the same parcel or 1,000 square feet.
2. Setbacks. An accessory dwelling unit shall meet the setbacks for accessory buildings in the applicable zoning district, except that the rear and side setbacks for an accessory dwelling unit shall be a minimum of five feet.
3. Heights. An accessory dwelling unit shall meet the height limit for a single-family dwelling within the applicable zoning district.
4. Lot coverage. Lots with one or more accessory dwelling units must meet the lot coverage requirements of the applicable zoning district.
5. Short-term rental. An accessory dwelling unit may be used for short-term rental only if and while the owner resides on the property that contains the accessory dwelling unit.
6. Easements. An accessory dwelling unit may not be built on a current or planned public utility easement unless the property owner receives written consent from any utility that is currently using the public utility easement or that may use the public utility easement in the future.

E. Exceptions. The provisions of this section do not apply to any single-family lot or parcel located on any of the following:

1. Tribal land.
2. Land in the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461.

3. Land in the vicinity of a federal aviation administration commercially licensed airport.

4. Land in the vicinity of a general aviation airport.

5. Land in the vicinity of a public airport as defined in A.R.S. § 28-8486.

F. Appeals. If an application for a proposed accessory dwelling unit is denied or deemed not to be a permitted use, the applicant may appeal the town's decision to the board of adjustment.

G. Effective date. This section becomes effective when the town's population reaches 75,000 persons as determined by the United States census bureau or by official acknowledgment by the town council or any other governmental body with jurisdiction to determine the town's population.

SECTION 2. Marana Town Code Title 17 (Land Development), Chapter 17-4 (Zoning), section 17-4-2 (Use matrix), Table 2 (Use matrix) is hereby amended by adding a new table row and footnote as follows, with all other existing table rows remaining unchanged (added language is double underlined):

Table 2. Use matrix											
Uses	AG	RA	ER	NR	GR	MR	RR	NC	VC	LI	HI
Residential											
<u>Accessory dwelling unit*</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>X</u>	<u>X</u>

* Accessory dwelling units are allowed upon meeting the conditions set forth in table 3 below only upon the effective date of section 17-6-14 as set forth in section 17-6-14(G).

SECTION 3. Marana Town Code Title 17 (Land Development), Chapter 17-4 (Zoning), section 17-4-3 (Use conditions matrix), Table 3 (Conditions per use) is hereby amended by adding a new table row as follows, with all other existing table rows remaining unchanged (added language is double underlined):

Table 3. Conditions per use		
USE	ZONE(S)	CONDITION(S)
Residential		
<u>Accessory dwelling unit</u>	<u>AG, RA, ER, NR, GR, MR, RR, NC, VC</u>	<u>Must comply with all development standards for accessory dwelling units, as set forth in section 17-6-14</u>

SECTION 4. This Ordinance is effective on the 31st day after its adoption, but the rights associated with new Section 17-6-14 become effective when the population of the Town of Marana reaches 75,000 persons as determined by the official United States Census Bureau or by official acknowledgment by the Town Council of the Town of

Marana or any other governmental body with jurisdiction to determine the Town's population.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this ____ day of December, 2024.

Jon Post, Vice Mayor

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney

Frank Cassidy, P.C.

5190 WEST PASEO DEL CAMPO
TUCSON, ARIZONA 85745

(520) 260-7908

FRANK CASSIDY, ATTORNEY AT LAW

FRANK@CASSIDYAZLAW.COM

To: Town of Marana, Arizona, Mayor and Council
Through: Jane Fairall, Town Attorney
From: Frank Cassidy, FRANK CASSIDY, P.C.
Date: October 22, 2024
Subject: Housing Impact Statement for Proposed ADU Ordinance



This is the housing impact statement for the proposed Town of Marana zoning ordinance text amendment to accommodate accessory dwelling units (ADUs) as mandated by Laws 2024, Chapter 196 (House Bill 2720), now codified in the Arizona Revised Statutes at A.R.S. § 9-461.18.

Effective October 30, 2023, A.R.S. § 9-462.01 paragraph J as amended by Laws 2023 Chapter 85 includes the following housing impact statement requirement:

J. Before adopting any zoning ordinance or zoning ordinance text amendment of general applicability, the legislative body of a municipality shall consider a housing impact statement regarding the impact of the zoning ordinance or zoning ordinance text amendment that shall include:

1. A general estimate of the probable impact on the average cost to construct housing for sale or rent within the zoning districts to which the zoning ordinance or text amendment applies.
2. A description of any data or reference material on which the proposed zoning ordinance or text amendment is based.
3. A description of any less costly or less restrictive alternative methods of achieving the purpose of the proposed zoning ordinance or text amendment.

As of the date of this housing impact statement, the Town of Marana allows guest quarters for use by family members of the primary residence in residential zones subject to restrictions, and allows “accessory dwellings” in mixed-use zones subject to restrictions, but does not allow ADUs as defined in and to the extent permitted by A.R.S. § 9-461.18.

The proposed Marana ADU ordinance is not anticipated to have any impact on the average cost to construct housing for sale or rent in the Town of Marana, except to the possible extent that the construction of ADUs might increase the

demand for construction services in the Town, in which case construction costs could be anticipated to rise slightly.

The proposed Marana ADU ordinance is based on the requirements of Laws 2024, Chapter 196 (House Bill 2720), now codified in the Arizona Revised Statutes at A.R.S. § 9-461.18. In the preparation of this proposed ordinance, we also consulted and reviewed the “ACAA Attorney Working Group Draft Model Ordinance on the Adoption of Accessory Dwelling Unit to Conform to H.B. 2720 (2024)” distributed by the General Counsel of the League of Arizona Cities and Towns dated August 13, 2024.

Because the proposed accessory dwelling unit text amendment, when it becomes effective, will allow accessory dwelling units where they were previously prohibited or allowed subject to greater restrictions, it will have the effect of making housing more attainable in the Town of Marana. A less restrictive alternative would be to make the text amendment effective before the Town’s population reaches 75,000.

Senate Engrossed House Bill

accessory dwelling units; requirements.

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

CHAPTER 196

HOUSE BILL 2720

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-461.18; AMENDING SECTION 9-500.39, ARIZONA REVISED
STATUTES; RELATING TO MUNICIPAL PLANNING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

- i -

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 6, Arizona Revised Statutes,
3 is amended by adding section 9-461.18, to read:

4 9-461.18. Accessory dwelling units; regulation;
5 applicability; definitions

6 A. A MUNICIPALITY WITH A POPULATION OF MORE THAN SEVENTY-FIVE
7 THOUSAND PERSONS SHALL ADOPT REGULATIONS THAT ALLOW ON ANY LOT OR PARCEL
8 WHERE A SINGLE-FAMILY DWELLING IS ALLOWED ALL OF THE FOLLOWING:

9 1. AT LEAST ONE ATTACHED AND ONE DETACHED ACCESSORY DWELLING UNIT
10 AS A PERMITTED USE.

11 2. A MINIMUM OF ONE ADDITIONAL DETACHED ACCESSORY DWELLING UNIT AS
12 A PERMITTED USE ON A LOT OR PARCEL THAT IS ONE ACRE OR MORE IN SIZE IF AT
13 LEAST ONE ACCESSORY DWELLING UNIT ON THE LOT OR PARCEL IS A
14 RESTRICTED-AFFORDABLE DWELLING UNIT.

15 3. AN ACCESSORY DWELLING UNIT THAT IS SEVENTY-FIVE PERCENT OF THE
16 GROSS FLOOR AREA OF THE SINGLE-FAMILY DWELLING ON THE SAME LOT OR PARCEL
17 OR ONE THOUSAND SQUARE FEET, WHICHEVER IS LESS.

18 B. A MUNICIPALITY MAY NOT DO ANY OF THE FOLLOWING:

19 1. PROHIBIT THE USE OR ADVERTISEMENT OF EITHER THE SINGLE-FAMILY
20 DWELLING OR ANY ACCESSORY DWELLING UNIT LOCATED ON THE SAME LOT OR PARCEL
21 AS SEPARATELY LEASED LONG-TERM RENTAL HOUSING.

22 2. REQUIRE A FAMILIAL, MARITAL, EMPLOYMENT OR OTHER PREEXISTING
23 RELATIONSHIP BETWEEN THE OWNER OR OCCUPANT OF A SINGLE-FAMILY DWELLING AND
24 THE OCCUPANT OF AN ACCESSORY DWELLING UNIT LOCATED ON THE SAME LOT OR
25 PARCEL.

26 3. REQUIRE THAT A LOT OR PARCEL HAVE ADDITIONAL PARKING TO
27 ACCOMMODATE AN ACCESSORY DWELLING UNIT OR REQUIRE PAYMENT OF FEES INSTEAD
28 OF ADDITIONAL PARKING.

29 4. REQUIRE THAT AN ACCESSORY DWELLING UNIT MATCH THE EXTERIOR
30 DESIGN, ROOF PITCH OR FINISHING MATERIALS OF THE SINGLE-FAMILY DWELLING
31 THAT IS LOCATED ON THE SAME LOT AS THE ACCESSORY DWELLING UNIT.

32 5. SET RESTRICTIONS FOR ACCESSORY DWELLING UNITS THAT ARE MORE
33 RESTRICTIVE THAN THOSE FOR SINGLE-FAMILY DWELLINGS WITHIN THE SAME ZONING
34 AREA WITH REGARD TO HEIGHT, SETBACKS, LOT SIZE OR COVERAGE OR BUILDING
35 FRONTAGE.

36 6. SET REAR OR SIDE SETBACKS FOR ACCESSORY DWELLING UNITS THAT ARE
37 MORE THAN FIVE FEET FROM THE PROPERTY LINE.

38 7. REQUIRE IMPROVEMENTS TO PUBLIC STREETS AS A CONDITION OF
39 ALLOWING AN ACCESSORY DWELLING UNIT, EXCEPT AS NECESSARY TO RECONSTRUCT OR
40 REPAIR A PUBLIC STREET THAT IS DISTURBED AS A RESULT OF THE CONSTRUCTION
41 OF THE ACCESSORY DWELLING UNIT.

42 8. REQUIRE A RESTRICTIVE COVENANT CONCERNING AN ACCESSORY DWELLING
43 UNIT ON A LOT OR PARCEL ZONED FOR RESIDENTIAL USE BY A SINGLE-FAMILY
44 DWELLING.

1 C. THIS SECTION DOES NOT PROHIBIT RESTRICTIVE COVENANTS CONCERNING
2 ACCESSORY DWELLING UNITS ENTERED INTO BETWEEN PRIVATE PARTIES. THE
3 MUNICIPALITY MAY NOT CONDITION A PERMIT, LICENSE OR USE OF AN ACCESSORY
4 DWELLING UNIT ON ADOPTING OR IMPLEMENTING A RESTRICTIVE COVENANT BETWEEN
5 PRIVATE PARTIES.

6 D. THIS SECTION DOES NOT SUPERSEDE APPLICABLE BUILDING CODES, FIRE
7 CODES OR PUBLIC HEALTH AND SAFETY REGULATIONS, EXCEPT THAT A MUNICIPALITY
8 MAY NOT REQUIRE AN ACCESSORY DWELLING UNIT TO COMPLY WITH A COMMERCIAL
9 BUILDING CODE OR CONTAIN A FIRE SPRINKLER.

10 E. AN ACCESSORY DWELLING UNIT MAY NOT BE BUILT ON TOP OF A CURRENT
11 OR PLANNED PUBLIC UTILITY EASEMENT UNLESS THE PROPERTY OWNER RECEIVES
12 WRITTEN CONSENT FROM ANY UTILITY THAT IS CURRENTLY USING THE PUBLIC
13 UTILITY EASEMENT OR THAT MAY USE THE PUBLIC UTILITY EASEMENT IN THE
14 FUTURE.

15 F. IF A MUNICIPALITY FAILS TO ADOPT DEVELOPMENT REGULATIONS AS
16 REQUIRED BY THIS SECTION ON OR BEFORE JANUARY 1, 2025, ACCESSORY DWELLING
17 UNITS SHALL BE ALLOWED ON ALL LOTS OR PARCELS ZONED FOR RESIDENTIAL USE IN
18 THE MUNICIPALITY WITHOUT LIMITS.

19 G. THIS SECTION DOES NOT APPLY TO LOTS OR PARCELS THAT ARE LOCATED
20 ON TRIBAL LAND, ON LAND IN THE TERRITORY IN THE VICINITY OF A MILITARY
21 AIRPORT OR ANCILLARY MILITARY FACILITY AS DEFINED IN SECTION 28-8461, ON
22 LAND IN THE TERRITORY IN THE VICINITY OF A FEDERAL AVIATION ADMINISTRATION
23 COMMERCIALLY LICENSED AIRPORT OR A GENERAL AVIATION AIRPORT OR ON LAND IN
24 THE TERRITORY IN THE VICINITY OF A PUBLIC AIRPORT AS DEFINED IN SECTION
25 28-8486.

26 H. FOR THE PURPOSES OF THIS SECTION:

27 1. "ACCESSORY DWELLING UNIT" MEANS A SELF-CONTAINED LIVING UNIT
28 THAT IS ON THE SAME LOT OR PARCEL AS A SINGLE-FAMILY DWELLING OF GREATER
29 SQUARE FOOTAGE THAN THE ACCESSORY DWELLING UNIT, THAT INCLUDES ITS OWN
30 SLEEPING AND SANITATION FACILITIES AND THAT MAY INCLUDE ITS OWN KITCHEN
31 FACILITIES.

32 2. "GROSS FLOOR AREA" MEANS THE INTERIOR HABITABLE AREA OF A
33 SINGLE-FAMILY DWELLING OR AN ACCESSORY DWELLING UNIT.

34 3. "LONG-TERM RENTAL" MEANS RENTAL USE IN WHICH THE TENANT HOLDS A
35 LEASE OF NINETY DAYS OR LONGER OR ON A MONTH-BY-MONTH BASIS.

36 4. "MUNICIPALITY" MEANS A CITY OR TOWN THAT EXERCISES ZONING POWERS
37 UNDER THIS TITLE.

38 5. "PERMITTED USE" MEANS THE ABILITY FOR A DEVELOPMENT TO BE
39 APPROVED WITHOUT REQUIRING A PUBLIC HEARING, VARIANCE, CONDITIONAL USE
40 PERMIT, SPECIAL PERMIT OR SPECIAL EXCEPTION, OTHER THAN A DISCRETIONARY
41 ZONING ACTION TO DETERMINATION THAT A SITE PLAN CONFORMS WITH APPLICABLE
42 ZONING REGULATIONS.

1 6. "RESTRICTED-AFFORDABLE DWELLING UNIT" MEANS A DWELLING UNIT
2 THAT, EITHER THROUGH A DEED RESTRICTION OR A DEVELOPMENT AGREEMENT WITH
3 THE MUNICIPALITY, SHALL BE RENTED TO HOUSEHOLDS EARNING UP TO EIGHTY
4 PERCENT OF AREA MEDIAN INCOME.

5 Sec. 2. Section 9-500.39, Arizona Revised Statutes, is amended to
6 read:

7 9-500.39. Limits on regulation of vacation rentals and
8 short-term rentals; state preemption; civil
9 penalties; transaction privilege tax license
10 suspension; definitions

11 A. A city or town may not prohibit vacation rentals or short-term
12 rentals.

13 B. A city or town may not restrict the use of or regulate vacation
14 rentals or short-term rentals based on their classification, use or
15 occupancy except as provided in this section. A city or town may regulate
16 vacation rentals or short-term rentals as follows:

17 1. To protect the public's health and safety, including rules and
18 regulations related to fire and building codes, health and sanitation,
19 transportation or traffic control and solid or hazardous waste and
20 pollution control, if the city or town demonstrates that the rule or
21 regulation is for the primary purpose of protecting the public's health
22 and safety.

23 2. To adopt and enforce use and zoning ordinances, including
24 ordinances related to noise, protection of welfare, property maintenance
25 and other nuisance issues, if the ordinance is applied in the same manner
26 as other property classified under sections 42-12003 and 42-12004.

27 3. To limit or prohibit the use of a vacation rental or short-term
28 rental for the purposes of housing sex offenders, operating or maintaining
29 a sober living home, selling illegal drugs, liquor control or pornography,
30 obscenity, nude or topless dancing and other adult-oriented businesses.

31 4. To require the owner of a vacation rental or short-term rental
32 to provide the city or town ~~an~~ WITH emergency ~~point of~~ contact information
33 for the owner or the owner's designee who is responsible for responding to
34 complaints or emergencies in a timely manner in person if required by
35 public safety personnel, over the phone or by email at any time of day
36 before offering for rent or renting the vacation rental or short-term
37 rental. In addition to any other penalty IMPOSED pursuant to this
38 section, the city or town may impose a civil penalty of up to \$1,000
39 against the owner for every thirty days the owner fails to provide contact
40 information as prescribed by this paragraph. The city or town shall
41 provide thirty days' notice to the owner before imposing the initial civil
42 penalty.

43 5. To require ~~an~~ THE owner of a vacation rental or short-term
44 rental to obtain and maintain a local regulatory permit or license
45 ~~pursuant to title 9, chapter 7, article 4.~~ As a condition of issuance of

1 a permit or license, the application for the permit or license may require
2 an applicant to provide only the following:

3 (a) THE name, address, ~~phone~~ TELEPHONE number and email address for
4 the owner or owner's agent.

5 (b) THE address of the vacation rental or short-term rental.

6 (c) Proof of compliance with section 42-5005.

7 (d) Contact information required pursuant to paragraph 4 of this
8 subsection.

9 (e) Acknowledgment of an agreement to comply with all applicable
10 laws, regulations and ordinances.

11 (f) A fee not to exceed the actual cost of issuing the permit or
12 license or \$250, whichever is less.

13 6. To require, before offering a vacation rental or short-term
14 rental for rent for the first time, the owner or the owner's designee of a
15 vacation rental or short-term rental to notify all single-family
16 residential properties adjacent to, ~~AND~~ directly and diagonally across
17 the street from the vacation rental or short-term rental. Notice shall be
18 deemed sufficient in a multifamily residential building if given to
19 residents on the same building floor. A city or town may require
20 additional notification pursuant to this paragraph if the contact
21 information previously provided changes. Notification provided in
22 compliance with this paragraph shall include the permit or license number
23 if required by the city or town, the address, ~~OF THE VACATION RENTAL OR~~
24 ~~SHORT-TERM RENTAL~~ and the information required pursuant to paragraph 4 of
25 this subsection. The owner or the owner's designee shall demonstrate
26 compliance with this paragraph by providing the city or town with an
27 attestation of notification compliance that consists of the following
28 information:

29 (a) The permit or license number of the vacation rental or
30 short-term rental, if required by the city or town.

31 (b) The address of each property notified.

32 (c) A description of the manner in which the owner or owner's
33 designee chose to provide notification to each property subject to
34 notification.

35 (d) The name and contact information of the person attesting to
36 compliance with this paragraph.

37 7. To require the owner or owner's designee of a vacation rental or
38 short-term rental to display the local regulatory permit number or license
39 number, if any, on each advertisement for a vacation rental or short-term
40 rental that the owner or owner's designee maintains. A city or town that
41 does not require a local regulatory permit or license may require the
42 owner or owner's designee of a vacation rental or short-term rental to
43 display the transaction privilege tax license NUMBER required by section
44 42-5042 on each advertisement for a vacation rental or short-term rental
45 that the owner or owner's designee maintains.

1 8. To require the vacation rental or short-term rental to maintain
2 liability insurance appropriate to cover the vacation rental or short-term
3 rental in the aggregate of at least \$500,000 or to advertise and offer
4 each vacation rental or short-term rental through an online lodging
5 marketplace that provides equal or greater coverage.

6 9. TO REQUIRE THE OWNER OF A VACATION RENTAL OR SHORT-TERM RENTAL
7 TO RESIDE ON THE PROPERTY IF THE PROPERTY CONTAINS AN ACCESSORY DWELLING
8 UNIT THAT WAS CONSTRUCTED ON OR AFTER THE EFFECTIVE DATE OF THIS AMENDMENT
9 TO THIS SECTION AND THAT IS BEING USED AS A VACATION RENTAL OR SHORT-TERM
10 RENTAL. UNLESS THE TIME PERIOD SPECIFIED IN SECTION 12-1134, SUBSECTION G
11 HAS EXPIRED, THIS PARAGRAPH DOES NOT APPLY TO A PROPERTY OWNER WHO HAS THE
12 RIGHT TO BUILD AN ACCESSORY DWELLING UNIT ON THE PROPERTY OWNER'S PROPERTY
13 BEFORE THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION WHETHER OR NOT
14 THE ACCESSORY DWELLING UNIT HAS BEEN BUILT.

15 C. A city or town that requires a local regulatory permit or
16 license pursuant to this section shall issue or deny the permit or license
17 within seven business days of receipt of the information required by
18 subsection B, paragraph 5 of this section and otherwise in accordance with
19 section 9-835, except that a city or town may deny issuance of a permit or
20 license only for any of the following:

21 1. Failure to provide the information required by subsection B,
22 paragraph 5, subdivisions (a) through (e) of this section.

23 2. Failure to pay the required permit or license fee.

24 3. At the time of application the owner has a suspended permit or
25 license for the same vacation rental or short-term rental.

26 4. The applicant provides false information.

27 5. The owner or owner's designee of a vacation rental or short-term
28 rental is a registered sex offender or has been convicted of any felony
29 ~~act~~ OFFENSE that resulted in death or serious physical injury or any
30 felony use of a deadly weapon within the past five years.

31 D. A city or town that requires a local regulatory permit or
32 license pursuant to this section shall adopt an ordinance to allow the
33 city or town to initiate an administrative process to suspend a local
34 regulatory permit or license for a period of up to twelve months for the
35 following verified violations associated with a property:

36 1. Three verified violations within a twelve-month period, not
37 including any verified violation based on an aesthetic, solid waste
38 disposal or vehicle parking violation that is not also a serious threat to
39 public health and safety.

40 2. One verified violation that results in or constitutes any of the
41 following:

42 (a) A felony offense committed at or in the vicinity of a vacation
43 rental or short-term rental by the vacation rental or short-term rental
44 owner or owner's designee.

1 (b) A serious physical injury or wrongful death at or related to a
2 vacation rental or short-term rental resulting from the knowing,
3 intentional or reckless conduct of the vacation rental or short-term
4 rental owner or owner's designee.

5 (c) An owner or owner's designee knowingly or intentionally housing
6 a sex offender, allowing offenses related to adult-oriented businesses,
7 sexual offenses or prostitution, or operating or maintaining a sober
8 living home, in violation of a regulation or ordinance adopted pursuant to
9 subsection B, paragraph 3 of this section.

10 (d) An owner or owner's designee knowingly or intentionally
11 allowing the use of a vacation rental or short-term rental for a special
12 event that would otherwise require a permit or license pursuant to a city
13 or town ordinance or a state law or rule or for a retail, restaurant,
14 banquet space or other similar use.

15 3. Notwithstanding paragraphs 1 and 2 of this subsection, any
16 attempted or completed felony ~~act~~ OFFENSE, arising from the occupancy or
17 use of a vacation rental or short-term rental, that results in a death, or
18 actual or attempted serious physical injury, shall be grounds for judicial
19 relief in the form of a suspension of the property's use as a vacation
20 rental or short-term rental for a period of time that shall not exceed
21 twelve months.

22 E. A city or town that requires sex offender background checks on a
23 vacation rental or short-term rental guest shall waive the requirement if
24 an online lodging marketplace performs a sex offender background check of
25 the booking guest.

26 F. Notwithstanding any other law, a city or town may impose a civil
27 penalty of the following amounts against an owner of a vacation rental or
28 short-term rental if the owner receives one or more verified violations
29 related to the same vacation rental or short-term rental property within
30 the same twelve-month period:

31 1. Up to \$500 or up to an amount equal to one night's rent for the
32 vacation rental or short-term rental as advertised, whichever is greater,
33 for the first verified violation.

34 2. Up to \$1,000 or up to an amount equal to two nights' rent for
35 the vacation rental or short-term rental as advertised, whichever is
36 greater, for the second verified violation.

37 3. Up to \$3,500 or up to an amount equal to three nights' rent for
38 the vacation rental or short-term rental as advertised, whichever is
39 greater, for a third and any subsequent verified violation.

40 G. A vacation rental or short-term rental that fails to apply for a
41 local regulatory permit or license in accordance with subsection B,
42 paragraph 5 of this section, within thirty days of the local regulatory
43 permit or license application process being made available by the city or
44 town issuing such permits or licenses, must cease operations. In addition
45 to any ~~fines~~ CIVIL PENALTIES imposed pursuant to subsection F of this

1 section, a city or town may impose a civil penalty of up to \$1,000 per
2 month against the owner if the owner or owner's designee fails to apply
3 for a regulatory permit or license within thirty days after receiving
4 written notice of the failure to comply with subsection B, paragraph 5 of
5 this section.

6 H. If multiple verified violations arise out of the same response
7 to an incident at a vacation rental or short-term rental, those verified
8 violations are considered one verified violation for the purpose of
9 assessing civil penalties or suspending the regulatory permit or license
10 of the owner ~~or owner's designee~~ pursuant to this section.

11 I. If the owner of a vacation rental or short-term rental has
12 provided contact information to a city or town pursuant to subsection B,
13 paragraph 4 of this section and if the city or town issues a citation for
14 a violation of the city's or town's applicable laws, regulations or
15 ordinances or a state law that occurred on the owner's vacation rental or
16 short-term rental property, the city or town shall make a reasonable
17 attempt to notify the owner or the owner's designee of the citation within
18 seven business days after the citation is issued using the contact
19 information provided pursuant to subsection B, paragraph 4 of this
20 section. If the owner of a vacation rental or short-term rental has not
21 provided contact information pursuant to subsection B, paragraph 4 of this
22 section, the city or town is not required to provide such notice.

23 J. This section does not exempt an owner of a residential rental
24 property, as defined in section 33-1901, from maintaining with the
25 assessor of the county in which the property is located information
26 required under title 33, chapter 17, article 1.

27 K. A vacation rental or short-term rental may not be used for
28 nonresidential uses, including for a special event that would otherwise
29 require a permit or license pursuant to a city or town ordinance or a
30 state law or rule or for a retail, restaurant, banquet space or other
31 similar use.

32 L. For the purposes of this section:

33 1. "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING PRESCRIBED IN
34 SECTION 9-461.18.

35 ~~1-~~ 2. "Online lodging marketplace" has the same meaning prescribed
36 in section 42-5076.

37 ~~2-~~ 3. "Transient" has the same meaning prescribed in section
38 42-5070.

39 ~~3-~~ 4. "Vacation rental" or "short-term rental":

40 (a) Means any individually or collectively owned single-family or
41 one-to-four-family house or dwelling unit or any unit or group of units in
42 a condominium or cooperative that is also a transient public lodging
43 establishment or owner-occupied residential home offered for transient use
44 if the accommodations are not classified for property taxation under
45 section 42-12001.

1 (b) Does not include a unit that is used for any nonresidential
2 use, including retail, restaurant, banquet space, event center or another
3 similar use.
4 ~~4.~~ 5. "Verified violation" means a finding of guilt or civil
5 responsibility for violating any state law or local ordinance relating to
6 a purpose prescribed in subsection B, D, F or K of this section that has
7 been finally adjudicated.

APPROVED BY THE GOVERNOR MAY 21, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 21, 2024.



Amending Title 17 – Accessory Dwelling Unit (ADU) Regulations

Jane Fairall, Town Attorney

12/3/2024

Background

- House Bill 2720 - effective September 14, 2024, requires all Arizona municipalities with a population of more than 75,000 to adopt regulations allowing ADUs on any lot or parcel where a single-family dwelling is allowed
- House Bill 2720 is now codified in the Arizona Revised Statutes at A.R.S. § 9-461.18.
- Paragraph F of A.R.S. § 9-461.18 provides:
“If a municipality fails to adopt development regulations as required by this section on or before January 1, 2025, accessory dwelling units shall be allowed on all lots or parcels zoned for residential use in the municipality without limits.”
- Marana’s population is less than 75,000, but is expected to reach 75,000 within the next few years. To avoid having no limits on ADUs when the Town’s population hits 75,000, and because of the language in paragraph F requiring adoption before January 1, 2025, Town staff is proposing for the Town to adopt regulations on ADUs conforming to A.R.S. § 9-461.18 that will automatically become effective when the population of the Town of Marana reaches 75,000

New Section 17-6-14

- New Marana Town Code section 17-6-14, entitled “Accessory dwelling units,” includes all elements required by HB 2720 for cities and towns over 75,000
- Uses the same definitions as HB 2720, including:
 - “Accessory dwelling unit” means a self-contained living unit that is on the same lot or parcel as a single-family dwelling of greater square footage than the accessory dwelling unit, that includes its own sleeping and sanitation facilities, and that may include its own kitchen facilities
 - “Permitted use” means approved without requiring a public hearing, variance, conditional use permit, special permit, or special exception, other than a determination that a site plan conforms with applicable zoning regulations
 - “Restricted-affordable dwelling unit” means a dwelling unit that, either through a deed restriction or a development agreement with the town, shall be rented to households earning up to 80% of area median income

New Section 17-6-14

- Allows one attached and one detached ADU as a permitted use on any single-family lot or parcel that contains a primary dwelling
- Allows one additional ADU on lots one acre or larger as long as one of the ADUs on the lot is “restricted-affordable” (that is, rented to households earning up to 80% of area median income)
- Limits the size of ADUs to the lesser of 75% of the gross floor area of the existing single-family dwelling on the same parcel or 1,000 square feet
- Requires ADUs to meet the setbacks for accessory buildings in the applicable zoning district, except that the rear and side setbacks for an ADU shall be a minimum of 5 feet

New Section

17-6-14

- Requires ADUs to meet the height limit for a single-family dwelling within the applicable zoning district
- Requires lots with one or more ADUs to meet the lot coverage requirements of the applicable zoning district
- Allows an ADU to be used for short-term rental only if and while the owner resides on the property that contains the ADU
- Prohibits an ADU from being built on a current or planned public utility easement unless the property owner receives written consent from any utility that is currently using the public utility easement or that may use the public utility easement in the future
- Only applies to lots and parcels where the town determines that adequate public utility services are available and the application complies with the Land Development Code and the town's building codes, fire codes, and public health and safety regulations

New Section 17-6-14

Does not apply to any single-family lot or parcel located on:

- Tribal land
- Land in the vicinity of a military airport or ancillary military facility
- Land in the vicinity of an FAA commercially licensed airport
- Land in the vicinity of a general aviation airport
- Land in the vicinity of a public airport

17-4-2 Use Matrix & 17-4-3 Conditions Per Use

Table 2. Use matrix											
Uses	AG	RA	ER	NR	GR	MR	RR	NC	VC	LI	HI
Residential											
<u>Accessory dwelling unit*</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>X</u>	<u>X</u>

*Accessory dwelling units are allowed upon meeting the conditions set forth in table 3 below only upon the effective date of section 17-6-14 as set forth in section 17-6-14(G).

Table 3. Conditions per use		
USE	ZONE(s)	CONDITION(s)
Residential		
<u>Accessory dwelling unit</u>	<u>AG, RA, ER, NR, GR, MR, RR, NC, VC</u>	<u>Must comply with all development standards for accessory dwelling units, as set forth in section 17-6-14</u>

Other Prohibitions in HB 2720

The proposed text amendment does not include limitations on the Town's authority as found in A.R.S. § 9-461.18. Those limitations include that the town may not:

- Prohibit the use or advertisement of either the single-family dwelling or any ADU located on the same lot or parcel as separately leased long-term rental housing
- Require a familial, marital, employment or other preexisting relationship between the owner or occupant of a single-family dwelling and the occupant of an ADU located on the same lot or parcel
- Require that a lot or parcel have additional parking to accommodate an ADU or require payment of fees instead of additional parking
- Require that an ADU match the exterior design, roof pitch or finishing materials of the single-family dwelling that is located on the same lot as the ADU

Other Prohibitions in HB 2720

The proposed text amendment does not include limitations on the Town's authority as found in A.R.S. § 9-461.18. Those limitations include that the town may not:

- Set restrictions for ADUs that are more restrictive than those for single-family dwellings within the same zoning area with regard to height, setbacks, lot size, coverage, or building frontage
- Set rear or side setbacks for ADUs that are more than five feet from the property line
- Require improvements to public streets as a condition of allowing an ADU, except as necessary to reconstruct or repair a public street that is disturbed as a result of the construction of the ADU
- Require a restrictive covenant concerning an ADU on a lot or parcel zoned for residential use by a single-family dwelling

Housing Impact Statement

A.R.S. § 9-462.01 paragraph J requires the Town to consider a housing impact statement regarding the impact of any zoning ordinance text amendment of general applicability

- The proposed ADU ordinance is not anticipated to have any impact on the average cost to construct housing for sale or rent in Marana, except to the possible extent that the construction of ADUs might increase the demand for construction services in the Town, in which case construction costs could be anticipated to rise slightly.
- Because the proposed ADU text amendment will allow ADUs where they were previously prohibited or allowed subject to greater restrictions, it will have the effect of making housing more attainable in Marana.

Staff Recommendation

Staff recommends approval of the Ordinance adopting ADU regulations



Council-Regular Meeting

A3

Meeting Date: 12/03/2024

To: Mayor and Council

From: Jason Angell, Development Services Director

Date: December 3, 2024

Strategic Plan Focus Area:

Thriving Commerce, Vibrant Community, Proactive Public Services

Subject: Public Hearing: Ordinance No. 2024.029: Relating to Land Development; adopting amendments to Marana Town Code Title 17 "Land Development"; revising Section 17-1-6 (Definitions), to add a definition for "data center"; revising Section 17-4-2 (Use matrix) Table 2 - Use matrix, to add the data center use and to provide that data centers are prohibited as a principal use in all standard Town zones and allowed as accessory uses in the Town's industrial zones LI and HI; revising sections 17-4-8 (Industrial zoning districts) and 17-4-16 (Legacy zones) to provide regulations for data centers operating as accessory uses; revising Chapter 17-6 "General and Miscellaneous Development Regulations" to add new section 17-6-13 (Data centers) establishing that data centers may only operate in the Town as a principal use if approved in a specific plan or specific plan amendment adopted through the normal rezoning process, and establishing development regulations for data centers; and designating an effective date (Jason Angell)

Resolution No. 2024-108: Relating to Land Development; declaring as a public record filed with the Town Clerk the amendments adopted by Ordinance No. 2024.029, revisions to Title 17 "Land Development" of the Marana Town Code, including revising Section 17-1-6 (Definitions), to add a definition for "data center"; revising Section 17-4-2 (Use matrix) Table 2 - Use matrix, to add the data center use and to provide that data centers are prohibited as a principal use in all standard Town zones and allowed as accessory uses in the Town's industrial zones LI and HI; revising sections 17-4-8 (Industrial zoning districts) and 17-4-16 (Legacy zones) to provide regulations for data centers operating as accessory uses; revising Chapter 17-6 "General and Miscellaneous Development Regulations" to add new section 17-6-13 (Data

centers) establishing that data centers may only operate in the Town as a principal use if approved in a specific plan or specific plan amendment adopted through the normal rezoning process, and establishing development regulations for data centers (Jason Angell)

Discussion:

A data center is a facility that houses computer servers and their network connections. The growth of digital data has expanded exponentially in recent years, resulting in a rapid increase in data center facilities that is anticipated to continue. This growth is needed to support the increased online population as well as business applications in all sectors, including finance, entertainment, healthcare, and education. Data centers can bring positive tax revenues, with few impacts to transportation systems or schools. However, data centers are industrial uses that may affect surrounding uses (through noise and visual impacts), or affect energy demand and water supplies. (Source: County of Fairfax, Virginia, January 9, 2024, Data Centers Report and Recommendations)

The Marana Town Code does not currently include provisions that address the development of data centers. Based on feedback and direction from Council at the February 2024 Council Retreat and May 2024 Council Study Session, Town staff has conducted research regarding data center regulations, including best practices and lessons learned in other communities. The attached proposed amendments to the Marana Town Code establishing development regulations for data centers are presented to the Planning Commission, Town Council, and the community as a result of this research.

The proposed amendments to Town Code address all of the following issues related to data centers:

- An appropriate and comprehensive definition of data centers
- Zoning
 - Data centers allowed as a principal use only when approved by Council in a specific plan or specific plan amendment explicitly created for the purpose of data center development and adopted through the rezoning process.
 - Principal use data centers not permitted "by right" in any Town zoning districts.
 - Accessory use data centers permitted only in industrial and legacy zoning districts, with limitations on the size and operation of the accessory use.
- Supplemental specific plan application requirements specific to data centers, including requirements to address electric, water, and other energy needs for the site.
- Noise attenuation, including requirements for pre- and post-construction noise studies to ensure noise levels generated by the data center are within defined limits.
- Site design standards addressing:
 - Building placement and orientation
 - Setbacks
 - Screening of mechanical equipment and substations

- Landscape buffers
- And other design standards
- Building design standards addressing:
 - Massing and scale
 - Building height
 - Principal facades
 - Fenestration
 - Main building entryways
 - Exterior colors and materials

Staff Recommendation:

The Planning Commission considered this item at its October 30, 2024 regular meeting and voted 7-0 to recommend approval of the amendments to Title 17 of the Marana Town Code establishing development regulations for data centers as presented.

Suggested Motion:

I move to approve Ordinance No. 2024.029 and Resolution No. 2024-108, amending Title 17 of the Marana Town Code to establish development regulations for data centers.

Attachments

Ordinance No. 2024.029
 Resolution No. 2024-108
 Exhibit A to Resolution

MARANA ORDINANCE NO. 2024.029

RELATING TO LAND DEVELOPMENT; ADOPTING AMENDMENTS TO MARANA TOWN CODE TITLE 17 "LAND DEVELOPMENT"; REVISING SECTION 17-1-6 (DEFINITIONS), TO ADD A DEFINITION FOR "DATA CENTER"; REVISING SECTION 17-4-2 (USE MATRIX) TABLE 2 - USE MATRIX, TO ADD THE DATA CENTER USE AND TO PROVIDE THAT DATA CENTERS ARE PROHIBITED AS A PRINCIPAL USE IN ALL STANDARD TOWN ZONES AND ALLOWED AS ACCESSORY USES IN THE TOWN'S INDUSTRIAL ZONES LI AND HI; REVISING SECTIONS 17-4-8 (INDUSTRIAL ZONING DISTRICTS) AND 17-4-16 (LEGACY ZONES) TO PROVIDE REGULATIONS FOR DATA CENTERS OPERATING AS ACCESSORY USES; REVISING CHAPTER 17-6 "GENERAL AND MISCELLANEOUS DEVELOPMENT REGULATIONS" TO ADD NEW SECTION 17-6-13 (DATA CENTERS) ESTABLISHING THAT DATA CENTERS MAY ONLY OPERATE IN THE TOWN AS A PRINCIPAL USE IF APPROVED IN A SPECIFIC PLAN OR SPECIFIC PLAN AMENDMENT ADOPTED THROUGH THE NORMAL REZONING PROCESS, AND ESTABLISHING DEVELOPMENT REGULATIONS FOR DATA CENTERS; AND DESIGNATING AN EFFECTIVE DATE

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

SECTION 1. The revisions to Title 17 "Land Development" of the Marana Town Code, revising Section 17-1-6 (Definitions), to add a definition for "Data center"; revising Section 17-4-2 (Use matrix) Table 2 - Use matrix, to add the data center use and to provide that data centers are prohibited as a principal use in all standard Town zones and allowed as accessory uses in the Town's industrial zones LI and HI; revising sections 17-4-8 (Industrial zoning districts) and 17-4-16 (Legacy zones) to provide regulations for data centers operating as accessory uses; revising Chapter 17-6 "General and Miscellaneous Development Regulations" to add new section 17-6-13 (Data centers) establishing that data centers may only operate in the Town as a principal use if approved in a specific plan or specific plan amendment adopted through the normal rezoning process, and establishing development regulations for data centers, one paper copy and one electronic copy of which are on file in the office of the Town Clerk, which were made a public record by and attached as Exhibit A to Resolution No. 2024-108 of the Town of Marana, Arizona, are hereby referred to, adopted and made a part of this ordinance as if fully set out here.

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

SECTION 3. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. This ordinance is effective on the 31st day after its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this ____ day of December, 2024.

Jon Post, Vice Mayor

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney

MARANA RESOLUTION NO. 2024-108

RELATING TO LAND DEVELOPMENT; DECLARING AS A PUBLIC RECORD FILED WITH THE TOWN CLERK THE AMENDMENTS ADOPTED BY ORDINANCE NO. 2024.029, REVISIONS TO TITLE 17 "LAND DEVELOPMENT" OF THE MARANA TOWN CODE, INCLUDING REVISING SECTION 17-1-6 (DEFINITIONS), TO ADD A DEFINITION FOR "DATA CENTER"; REVISING SECTION 17-4-2 (USE MATRIX) TABLE 2 - USE MATRIX, TO ADD THE DATA CENTER USE AND TO PROVIDE THAT DATA CENTERS ARE PROHIBITED AS A PRINCIPAL USE IN ALL STANDARD TOWN ZONES AND ALLOWED AS ACCESSORY USES IN THE TOWN'S INDUSTRIAL ZONES LI AND HI; REVISING SECTIONS 17-4-8 (INDUSTRIAL ZONING DISTRICTS) AND 17-4-16 (LEGACY ZONES) TO PROVIDE REGULATIONS FOR DATA CENTERS OPERATING AS ACCESSORY USES; REVISING CHAPTER 17-6 "GENERAL AND MISCELLANEOUS DEVELOPMENT REGULATIONS" TO ADD NEW SECTION 17-6-13 (DATA CENTERS) ESTABLISHING THAT DATA CENTERS MAY ONLY OPERATE IN THE TOWN AS A PRINCIPAL USE IF APPROVED IN A SPECIFIC PLAN OR SPECIFIC PLAN AMENDMENT ADOPTED THROUGH THE NORMAL REZONING PROCESS, AND ESTABLISHING DEVELOPMENT REGULATIONS FOR DATA CENTERS

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, that the revisions to Title 17 "Land Development" of the Marana Town Code adopted by Marana Ordinance No. 2024.029, a copy of which is attached to and incorporated in this resolution as Exhibit A and one paper copy and one electronic copy of which are on file in the office of the Town Clerk, are 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 ____ day of December, 2024.

Jon Post, Vice Mayor

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney

EXHIBIT A TO MARANA RESOLUTION NO. 2024-108
Amendments to Marana Town Code, Title 17 “Land Development” pursuant to Marana
Ordinance No. 2024.029

SECTION 1. Section 17-1-6 (Definitions) of the Marana Town Code is hereby revised as follows (with additions shown with double underlining):

17-1-6 Definitions

A. The following definitions are used in this title, unless a different meaning is clearly indicated by the context or by a more specific definition:

[No revisions to subparagraphs 1 through 54]

55. Data center: A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data operations. Examples of such digital data include, but are not limited to, computationally-intensive applications such as blockchain technology, cryptocurrency mining, weather modeling, and genome sequencing. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the data center.

[No revisions to existing subparagraphs 55 through 222 which are hereby renumbered as subparagraphs 56 through 223 to conform]

[No revisions to paragraphs B and C]

SECTION 2. Chapter 17-4 “Zoning” of the Marana Town Code is hereby revised as follows (with additions shown with double underlining):

[No revisions to section 17-4-1]

17-4-2 Use matrix

A. Table 2 (use matrix) identifies the permissiveness of uses in all residential zoning groups and zoning districts other than the mixed-use districts and the SP zone. (Uses for the mixed-use districts are set forth in the mixed-use zoning district use matrix found at table 8.)

B. The notations in table 2 have the following meanings:

1. "P" means the use is permitted subject to design standards.
2. "A" means the use is permitted as an accessory use located on the same lot with a permitted use.
3. "C" means the use is allowed upon approval of a conditional use permit (see section 17-3-2).
4. "U" means the use is allowed upon meeting the conditions set forth in table 3 below.
5. "T" means the use is allowed upon approval of a temporary use permit (see section 17-3-3).
6. "X" means the use is prohibited.

[No revisions to paragraph C]

EXHIBIT A TO MARANA RESOLUTION NO. 2024-108
Amendments to Marana Town Code, Title 17 “Land Development” pursuant to Marana
Ordinance No. 2024.029

Table 2. Use matrix (only amendments to Table 2 are shown; the remainder of Table 2 is unchanged)

Uses	AG	RA	ER	NR	GR	MR	RR	NC	VC	LI	HI
Industrial											
<u>Data center</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>A</u>	<u>A</u>

[No revisions to sections 17-4-3 through 17-4-7]

17-4-8 Industrial zoning districts

[No revisions to paragraphs A through D]

E. Data centers. As provided in section 17-6-13, data centers are not permitted to operate in the town as a principal use unless approved in a specific plan or specific plan amendment explicitly created or amended for the purpose of data center development and adopted through the rezoning process set forth in section 17-3-1 and as described in section 17-4-15 (Specific plan (SP)). Data centers are permitted as an accessory use in the LI and HI zoning districts when all of the following are true:

1. The data center occupies no more than 15% of the site.
2. The data center is used to serve the enterprise functions of the on-site property owner and is not used to lease data storage and processing services to third parties. For purposes of this subparagraph “on-site property owner” includes an owner that owns the property and is the parent company of the company or companies on-site.
3. The data center complies with any applicable development standards for accessory use data centers, as set forth in section 17-6-13.

[No revisions to existing paragraph E which is hereby re-lettered to paragraph F to conform]

[No revisions to sections 17-4-9 through 17-4-15]

17-4-16 Legacy zones

A. The zoning districts set forth in sections 17-4-17 through 17-4-26 below are legacy zones. The legacy zones consist of zoning districts that currently exist within the town limits, but that are intended to be phased out over time. Each of these zoning designations is intended to be deleted when no land in the town has that zoning designation. The town will not rezone land to any of these legacy zone districts.

B. Notwithstanding any language in sections 17-4-17 through 17-4-26 permitting commercial and industrial uses in the legacy zones, as provided in section 17-6-13, data centers are not permitted to operate in the town as a principal use unless approved in a specific plan or specific plan amendment explicitly created or amended for the purpose of data center

EXHIBIT A TO MARANA RESOLUTION NO. 2024-108
Amendments to Marana Town Code, Title 17 “Land Development” pursuant to Marana
Ordinance No. 2024.029

development and adopted through the rezoning process set forth in section 17-3-1 and as described in section 17-4-15 (Specific plan (SP)).

C. Data centers are permitted as an accessory use in the legacy zoning districts when all of the following are true:

1. The data center occupies no more than 15% of the site.
2. The data center is used to serve the enterprise functions of the on-site property owner and is not used to lease data storage and processing services to third parties. For purposes of this subparagraph “on-site property owner” includes an owner that owns the property and is the parent company of the company or companies on-site.
3. The data center complies with any applicable development standards for accessory use data centers, as set forth in section 17-6-13.

[No revisions to sections 17-4-17 through 17-4-26]

SECTION 3. Chapter 17-6 “General and Miscellaneous Development Regulations” of the Marana Town Code is hereby revised by adding new section 17-6-13 (Data centers) as follows:

17-6-13 Data centers

- A. Data centers are not permitted to operate in the town as a principal use unless approved in a specific plan or specific plan amendment explicitly created or amended for the purpose of data center development and adopted through the rezoning process set forth in section 17-3-1 and as described in section 17-4-15 (Specific plan (SP)). Subject to the requirements of this section 17-6-13, a specific plan may authorize data center development in a specific geographic area or region of a larger specific plan area.
- B. In addition to the requirements of section 17-4-15(C), an application for a specific plan or a specific plan amendment for the purpose of data center development shall include the following information:
1. The baseline noise study and noise contour exhibit required by paragraph G below.
 2. The intended source of electric power for the development and documentation from the electric utility provider affirming sufficient power exists to serve the site.
 3. An assessment of future energy needs for the site.
 4. An estimate of annual water consumption for the site.
 5. The intended source of water for the development, and documentation from the water provider affirming sufficient water resources exist to serve the site.
 6. An explanation regarding how the development complies with each of the requirements of this section 17-6-13; or, if the applicant requests that the council waive a requirement or requirements, an explanation as to why compliance with the requirement(s) is not feasible.
- C. The minimum requirements of this section 17-6-13 shall apply to any data center operated as a principal use unless the council waives a requirement or requirements during the specific

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plan rezoning process. In addition to these minimum requirements, the town may impose additional or more stringent site-specific requirements or regulations during the specific plan rezoning process, provided that the site-specific requirements or regulations are reasonably related to the impact of the development.

- D. The minimum requirements of this section shall apply to any data center operated as an accessory use only where indicated.
- E. The minimum requirements of this section that are based on the planned or zoned property uses of adjacent properties shall be established based on the planned or zoned uses at the time of the specific plan rezoning process.
- F. The provisions of this section are intended to supplement the requirements of this code. If any provision of this section is found to be in conflict with any other provision of this code, the provision that establishes the higher or more restrictive standard shall prevail.
- G. Noise Attenuation. The developer of a data center to be operated as either a principal or an accessory use must conduct a noise study performed by a qualified third-party acoustic engineer to document baseline sound levels in the area of the proposed data center and to produce a noise contour exhibit depicting the anticipated noise levels to be generated by the data center.
 - 1. For purposes of this section 17-6-13:
 - a. “dBA” means the sound pressure level in decibels as measured on a sound level meter using the A weighted filter network. The A weighted filter network is designed to simulate the response of the human ear. The A weighted sound level is expressed by the symbol “dBA.”
 - b. “Daytime” means 7:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 8:00 p.m. on Saturdays, Sundays, and legal holidays observed by the town.
 - c. “Nighttime” means 7:00 p.m. to 7:00 a.m. on weekdays, and 8:00 p.m. to 9:00 a.m. on Saturdays, Sundays, and legal holidays observed by the town
 - 2. Any noise which emanates from any operation, activity, or source on a data center site, including, but not limited to, heating and cooling system(s), shall not exceed the maximum permissible sound levels set forth in Table 2 (Maximum sound levels for data center operation) measured at the property line of the property affected by the noise.

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Table 2. Maximum sound levels for data center operation	
Planned or zoned use of affected property	Maximum dBA Daytime/Nighttime
Residential and mixed-use	55/55
Agricultural	60/55
Commercial	65/60
Industrial	72/65

3. Notwithstanding the provisions of Table 2 above, any person performing site construction work in compliance with section 11-5-4 (Construction noise; extended work permits) shall not be subject to the maximum sound levels set forth in Table 2 above.
4. The data center must be designed and built to incorporate sound mitigation methods sufficient to prevent the sound levels emanating from the data center, as determined by a qualified third-party acoustic engineer, from exceeding the maximum sound levels set forth in Table 2. Design specifications for the required sound mitigation must be provided to the town before building permit approval.
5. Before issuance of a certificate of occupancy or certificate of completion, whichever occurs first, the data center operator must conduct a post-construction noise study performed by a qualified third-party acoustic engineer to document sound levels emanating from the data center measured at the property line of the nearest property to the data center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the zoning administrator, during peak operation of the data center mechanical equipment. The post-construction noise study must demonstrate that sound levels do not exceed the maximum sound levels set forth in Table 2. If sound levels exceed the maximum sound levels set forth in Table 2, the town will issue a temporary certificate of occupancy until the data center operator demonstrates that the required sound mitigation is achieved. If the data center operator is unable to demonstrate compliance with the sound levels set forth in Table 2 before expiration of the temporary certificate of occupancy, the town will not issue a permanent certificate of occupancy.
6. The data center operator must also conduct an additional noise study, as measured at the property line of the nearest property to the data center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the zoning administrator, annually during peak operation of the data center mechanical equipment for five years after completion of the initial post-construction noise study and when requested by the town thereafter. The data center operator must provide the results of the noise study to the town within 30 days of the anniversary of the date on which the certificate of occupancy or certificate of completion was issued by the town. If sound levels exceed the maximum sound levels set forth in Table 2, the data center operator shall take appropriate steps to achieve the required sound mitigation.

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- H. Water. The Marana water department will not provide potable water to a data center (principal or accessory use) for its cooling system, humidity control, and other similar operations. The developer must demonstrate an alternate source of water for these operations.
- I. Site Design Standards. The site design standards in Table 3 (Site design standards for data center development) apply to the development of land that will accommodate data centers, as well as the placement of buildings on a given site. The standards are intended to help minimize the physical, environmental, and visual impacts of data centers on adjacent development.

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Table 3. Site design standards for data center development	
Site design standard	Requirements
Building placement and orientation	Buildings shall orient principal façades, including visitor, staff and administrative entrances, to primary adjacent roads. Loading docks and service entries of buildings shall not face or be visible from public rights-of-way. When possible, existing buildings may be used to screen loading docks. Where building locations do not offer screening, and in the case of phased development plans, screening of loading docks and service entries shall be accomplished by existing or proposed landscaping, fencing, walls, or similarly effective methods.^Δ Loading docks are permitted on only one side of the building.^Δ Refuse collection areas must be fully screened on all four sides.^Δ
Lighting ^Δ	Must comply with the town of Marana lighting code.
Lot coverage	No maximum
Setbacks	Any data center building, equipment for cooling, ventilating, or otherwise operating the facility, power generator, or other power supply equipment must be located: • At least 400 feet from the property line of any adjacent property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the zoning administrator ^Δ • At least 100 feet from the property line of any adjacent property that is planned or zoned for any use other than residential or industrial uses
Generators ^Δ	Generators and generator use must be in compliance with all applicable state and federal regulations. If a data center uses diesel generators, only tier IV or newer

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Table 3. Site design standards for data center development	
Site design standard	Requirements
	generators are permitted. Except for generator testing or commissioning activities, generator use is limited to backup/emergency use only. Generator testing shall be limited to weekdays between 8:00 a.m. and 5:00 p.m., except in emergencies
Screening of mechanical equipment and substations ^A	Substations and mechanical equipment shall be screened from public and private rights-of-way (except for private rights-of-way that are within the data center site) and from any adjacent property that is planned or zoned with any use other than industrial uses using one or multiple of the following methods of screening: • Existing vegetation that will remain on the property • Landscaping improvements constructed on the property • A visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building; these features shall be at least ten feet in height; chain link fencing with slats is not permitted to satisfy this requirement Ground mounted mechanical equipment is prohibited in front yards. Solid screening walls must be constructed with a design, materials, details, and treatment compatible with those used on the nearest principal façade of a building, but may include perforated surfaces as needed for ventilation of mechanical equipment. Mechanical equipment shall be located and screened with materials that provide appropriate levels of noise attenuation to reduce sound impacts on surrounding properties. On properties adjacent to residentially zoned/planned properties, mechanical equipment must be screened on all four sides by an acoustical barrier. For purposes of this section, “acoustical barrier” is defined as an exterior solid or louvred wall containing sound-proofing materials designed to absorb noise and protect neighboring properties from noise pollution, or another effective mitigation measure specified by a qualified third-party acoustic engineer when found by the zoning

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Table 3. Site design standards for data center development	
Site design standard	Requirements
	administrator to provide appropriate levels of noise attenuation. Electric power lines, except electrical transmission lines carrying 48 kV or more, shall be located underground.
Landscape buffers	In lieu of the landscape buffer requirements in section 17-11-7(F) (Landscape buffer standards), any side or rear yard of a data center site abutting property that is planned or zoned for any use other than industrial uses shall include one of the following: • Agricultural and commercial zoned/planned properties: A minimum 50-foot buffer. This may be achieved through existing mature landscaping or a landscaped earthen berm that screens the site. Berms shall have a slope no steeper than 2:1 with a minimum height of four feet and planted with a minimum of 320 plant units* per 100 feet of right-of-way or property line. • Residential or mixed-use zoned/planned properties: A minimum 100-foot buffer. This may be achieved through existing mature landscaping or a landscaped earthen berm that screens the site. Berms shall have a slope no steeper than 2:1 with a minimum height of six feet and planted and planted with a minimum of 320 plant units* per 100 feet of right-of-way or property line. Notwithstanding the requirements of this section, use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, or on the outside of a six-foot-tall solid fence, may be substituted for the above requirements when found by the zoning administrator to provide visual screening from adjacent land uses at the density, depth, and height equivalent to the landscape buffer with earthen berm. To protect the landscaping and the preservation of open space, linear co-location of utilities shall not be located within the buffer.
Fencing ^Δ	Fencing of the property is permitted; however chain-link fencing, with or without slated inserts, and barbed wire fencing are prohibited along public or private street frontages.

* See Table 4 (Plant unit equivalents)

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^Δ Requirement applies to data centers operated as accessory uses

Table 4. Plant unit equivalents	
Plant type	Plant unit(s)
1 large deciduous or evergreen tree	10
1 medium, small, or compact deciduous or evergreen tree	5
1 shrub	2
1 ornamental grass	1
1 perennial	0.25

J. Building Design Standards. The building design standards in Table 5 (Building design standards for data centers) are intended to guide the development of data center buildings and associated equipment. The goal of the standards is to ensure more visually appealing and welcoming data center developments that also minimize negative impacts in the built environment.

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Table 5. Building design standards for data centers	
Building design standard	Requirements
Massing and scale	Buildings shall use broad, large-scale architectural gestures to provide variety and modulation in façade and massing as seen from public rights-of-way. Variation at the ground plane shall be provided to create transitions in scale and mass as viewed from public rights-of-way. Additive and subtractive shifts in the building footprint shall be provided to reduce mass and scale and to provide outdoor amenity spaces for employees and visitors.
Building height	A maximum building height of 55 feet is allowed, with an additional 10 feet permitted for rooftop mounting of screened mechanical equipment. This building height limitation does not apply to utility substations, associated utility infrastructure such as utility poles, or accessory communication towers, but a height limitation for this infrastructure must be specified in the specific plan application.
Principal façade	

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Table 5. Building design standards for data centers	
Building design standard	Requirements
	Principal façade requirements apply to all building façades that face adjacent existing or planned public roads or that face property that is planned or zoned for any use other than industrial uses. Principal façades must incorporate differentiated surfaces at horizontal linear intervals that may vary in frequency, including: • Fenestration; and • A change in one of the following design elements: ○ Building material; ○ Pattern; ○ Texture; ○ Color; or ○ Accent materials. Principal façades must include building step-backs or recesses, which shall be a minimum of two feet in depth. When a building has more than one principal façade, the principal façades must be consistent in terms of design, materials, details, and treatment.
Fenestration	Each principal façade must include fenestration comprising at least 20% of the total surface coverage area of the principal façade. The fenestration must be compatible with the other design, materials, details, and treatment used on the same principal façade.
Main building entryways	A data center building must include a main entrance feature that is differentiated from the remainder of the building façade by a change in building material, pattern, texture, color, or accent material. The entrance feature must also either project or recess from the adjoining building plane.
Exterior colors and materials	Primary building facades shall use a neutral color palette and avoid high-contrast colors. ^Δ Accent colors shall be selected to complement the dominant building color, and any color change shall occur where changes in the building plane or recesses are provided. ^Δ Colors shall not act as advertisements or billboards. ^Δ

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Table 5. Building design standards for data centers	
Building design standard	Requirements
	Building exteriors shall use materials with texture and character. ^Δ Changes in materials shall be reflected in massing or offsets. The number of disparate materials shall be limited to a maximum of three primary materials to avoid a busy appearance. ^Δ Design elements shall be used to enhance the overall expression of data center buildings, with an emphasis on the pedestrian experience, particularly at entryways. All buildings shall include at least five of the following architectural features: • Overhang • Canopy or portico • Recesses or projections • Arcade • Raised corniced parapets over the entrance • Tower elements • Variation in the roof line

^Δ Requirement applies to data centers operated as accessory uses



Council-Regular Meeting

D1

Meeting Date: 12/03/2024

To: Mayor and Council

Submitted For: Terry Rozema, Town Manager

From: David L. Udall, Town Clerk/ Assistant Town Attorney

Date: December 3, 2024

Strategic Plan Focus Area:
Cherished Heritage

Subject: Resolution No. 2024-110: Relating to Facilities; naming the Marana Municipal Complex the "Ed Honea Marana Municipal Complex" (Terry Rozema)

Discussion:

On August 7, 2007, the Marana Town Council adopted Resolution No. 2007-137 (the "Resolution") establishing guidelines and procedures for the naming of Town-owned facilities. A copy of the Resolution is included in the agenda materials.

On November 22, 2024, Mayor Ed Honea passed away. Mayor Honea was a third-generation member of a prominent five-generation Marana family, graduating from Marana High School in 1965 before proudly serving his country as a member of the U.S. Navy Seabees, and was a lifetime member of VFW Post 5990 in Marana. His public service spanned 37 years across three terms on the Town Council, including serving as mayor since 2005, when the Town of Marana moved into the Marana Municipal Complex, and previously from 1995 to 1997. Mayor Honea was a respected leader on numerous boards and organizations, including the Pima Association of Governments, the Regional Transportation Authority, the Arizona League of Cities and Towns, the Arizona Association of Economic Development, the Marana Optimist Club, and the Marana Chamber of Commerce.

It is proposed that the Marana Municipal Complex be named the "Ed Honea Marana Municipal Complex" in memory of Mayor Ed Honea and in honor of his lifetime of dedicated service to the Town. In accordance with Section IV of the Resolution

(Naming and Renaming Processes), the Town Clerk has reviewed the proposed nomination against the criteria listed in Section I of the Resolution (Commemorative Naming) and has found that the proposed nomination is in compliance with the criteria. The Town Clerk now hereby forwards the nomination to the Town Council for review and for its consideration at the regularly scheduled Town Council meeting on December 3, 2024. A resolution adopting the proposed nomination has been included in the agenda materials in case that is the will of the Council.

Staff Recommendation:

Council's pleasure.

Suggested Motion:

I move to adopt Resolution No. 2024-110, naming the Marana Municipal Complex the "Ed Honea Marana Municipal Complex."

Attachments

Resolution No. 2024-110

Resolution No. 2007-137 (Guidelines and Procedures for Naming Town Facilities)

MARANA RESOLUTION NO. 2024-110

RELATING TO FACILITIES; NAMING THE MARANA MUNICIPAL COMPLEX THE
“ED HONEA MARANA MUNICIPAL COMPLEX”

WHEREAS on August 7, 2007, the Marana Town Council adopted Resolution No. 2007-137 establishing guidelines and procedures for the naming of Town-owned facilities; and

WHEREAS Mayor Ed Honea passed away on November 22, 2024; and

WHEREAS Mayor Honea was a third-generation member of a prominent five-generation Marana family, graduating from Marana High School in 1965 before proudly serving his country as a member of the U.S. Navy Seabees, and was a lifetime member of VFW Post 5990 in Marana; and

WHEREAS Mayor Honea’s public service spanned 37 years across three terms on the Town Council, including serving as mayor since 2005, when the Town of Marana moved into the Marana Municipal Complex, and previously from 1995 to 1997; and

WHEREAS Mayor Honea was a respected leader on numerous boards and organizations, including the Pima Association of Governments, the Regional Transportation Authority, the Arizona League of Cities and Towns, the Arizona Association of Economic Development, the Marana Optimist Club, and the Marana Chamber of Commerce; and

WHEREAS in compliance with the guidelines and procedures set forth in Resolution No. 2007-137, the Town Council has determined that it is appropriate to name the Marana Municipal Complex the “Ed Honea Marana Municipal Complex” to commemorate the significant contributions Mayor Honea has made to the Marana community.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, that the Marana Municipal Complex is hereby named the “Ed Honea Marana Municipal Complex.”

IT IS FURTHER RESOLVED that the Town Manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out the terms, obligations, conditions, and objectives of this resolution, including the posting of appropriate signage at the Marana Municipal Complex.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 3rd day of December, 2024.

Vice Mayor Jon Post

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney

MARANA RESOLUTION NO. 2007-137

RELATING TO FACILITIES; ESTABLISHING GUIDELINES AND PROCEDURES FOR THE NAMING OF TOWN-OWNED FACILITIES.

WHEREAS, the Town Council has identified the need to establish guidelines and procedures for the naming or renaming of Town-owned facilities; and

WHEREAS, the Town Council, at their meeting on June 12, 2007, were presented with draft facility naming guidelines and procedures and directed staff that they be brought back before Mayor and Council for approval at a future meeting date.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Marana, Arizona, that the following shall be the guidelines and procedures for the naming of Town-owned facilities within the Town of Marana:

I. Commemorative Naming

- a. Facilities may be named after an individual whether living or deceased.
- b. If a facility is proposed to be named after a person who is deceased, the Town and nominator shall coordinate with the family of the individual to ensure appropriate timing of initiating the naming process.
- c. When honoring a person by naming a facility after that person, he/she should be someone who had a significant association with the facility being named or the geographic area in which it is located, or be an outstanding citizen of local, state, or national prominence. The Mayor and Town Council will consider the following questions in reviewing the naming proposals:
 1. What was the individual's extraordinary contribution(s) as a community leader, volunteer, business leader, or public servant?
 2. How do these contributions relate to the mission/purpose of the facility?
 3. How will the naming of the facility after the individual reflect its history or purpose, or the area's cultural diversity?
 4. How is the individual being nominated related to the facility or its geographic area (e.g. early / pioneer or long-term resident, developer of the feature, donor of the land, or protector of the land for public benefit)?

II. Descriptive Naming

- a. A facility can also be named after a geographic landmark or area. The Mayor and Town Council will consider the following questions in reviewing the naming proposals:
 1. Why is the geographic landmark or area significant?

2. Why should the facility be named after the geographic landmark or area?
3. Is the proposed name culturally sensitive?

III. Naming Based on Financial Contribution, Land Donation or Facility Donation

An individual or family may make a substantial financial contribution at one time or over a period of time toward the development of a town facility, or may donate land or an existing building for public use and benefit. In such instances, consideration may be given to naming the facility after the donor.

IV. Naming and Renaming Processes

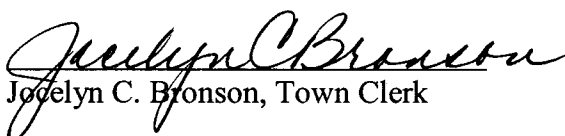
- a. Nominations to name, rename, or remove the name of a town-owned facility must be submitted in writing to the Town Clerk. The Town Clerk shall review the nominations to check for compliance with the criteria listed above and respond to the nominator within a reasonable timeframe. Upon initial approval by the Town Clerk, the nomination shall be forwarded to the Mayor and Town Council for review and placed on the agenda for a regularly scheduled meeting of the Mayor and Town Council.
- b. A town-owned facility may be renamed, or have its name removed, at any time by a majority vote of the Mayor and Town Council.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 7th day of August 2007.

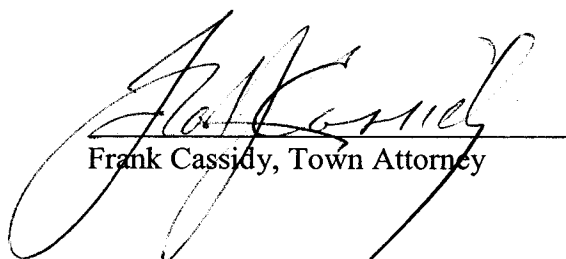
ATTEST:



Mayor ED HONEA


Jocelyn C. Bronson, Town Clerk

APPROVED AS TO FORM:



Frank Cassidy, Town Attorney

