



MARANA PLANNING COMMISSION
MEETING NOTICE AND AGENDA
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, October 30, 2024, at or after 6:00 PM

Thomas Schnee, Chairman
Ronald Hill, Vice Chair
David Bowen, Commissioner
John Flint, Commissioner
John McIntyre, Commissioner
Joseph Parsons, Commissioner
Sharon Tyson, Commissioner

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Marana Planning Commission and to the general public that the Planning Commission will hold a meeting open to the public on October 30, 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 COMMISSION ON ANY ITEM LISTED ON THIS AGENDA.
Revisions to the agenda can occur up to 24 hours prior to the meeting. Revised agenda items appear in *italics*.

Marana Planning Commission

Welcome to this public meeting of the Marana Planning Commission. The Commission consists of seven citizens who are appointed by the Town Council and serve without pay. For the most part, the Commission acts in an advisory capacity to the Town Council on matters related to land use planning and zoning. Citizens are encouraged to address the Commission with their concerns on agenda items during the public testimony portions of the meeting, or other issues at the Call to the Public.

Meeting Times

Regular Commission meetings are usually held on the last Wednesday 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.

Speaking at Meetings

If you are interested in speaking to the Commission during the Call to the Public or Public Hearings, you must fill out a speaker card (located inside the Council Chambers) and deliver it to the Planning Commission Secretary prior to the convening of the meeting.

All persons attending the Commission meeting, whether speaking to the Commission or not, are expected to observe the Commission 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 inside the Council Chambers or online at www.maranaaz.gov.

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.

Public Comments

Please submit public comments to tbyler@maranaaz.gov. Any submitted comments from the public will be provided to the Commission and included within the Commission packet file and a summary of the comments submitted will be reflected in the official Commission meeting minutes of that meeting. All emailed comments must be received by the Town no later than 12:00 p.m. (noon) on the day of the meeting to be included.

REGULAR COMMISSION MEETING**CALL TO ORDER****PLEDGE OF ALLEGIANCE****INVOCATION/MOMENT OF SILENCE****ROLL CALL****CALL TO THE PUBLIC**

At this time, any member of the public is allowed to address the Planning Commission on any issue within the jurisdiction of the Planning Commission, except for items scheduled for a Public Hearing at this meeting. The speaker may have up to three (3) minutes to speak. Any persons wishing to address the Commission must complete a speaker card (located at the rear of the Commission Chambers) and deliver it to the Commission Secretary prior to this agenda item being called. Pursuant to the Arizona Open Meeting Law, at the conclusion of Call to the Public, individual members of the Commission may respond to criticism made by those who have addressed the Commission, and may ask staff to review the matter, or may ask that the matter be placed on a future agenda. However, members of the Commission shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

APPROVAL OF AGENDA**ANNOUNCEMENTS**

GENERAL ORDER OF BUSINESS

A. Approval of the September 25, 2024 Meeting Minutes

B. Public Hearings

1. Zoning Application Review Time Frames Land Development Code Text

Amendment; Recommendation to the Town Council regarding revisions to 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 (Jane Fairall)

2. Accessory Dwelling Units Land Development Code Text Amendment;

Recommendation to the Town Council regarding revisions to 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 making the changes automatically effective when the population of the Town of Marana reaches 75,000 persons (Jane Fairall)

3. Data Center Regulations Land Development Code Text Amendment;

Recommendation to the Town Council regarding revisions to Marana Town Code (MTC) Title 17 (Land Development) for the purpose of enacting reasonable zoning, design, operational, and other regulations for data centers, including: revising MTC Section 17-1-6 (Definitions), to add a definition for "Data center"; revising MTC Section 17-4-2 (Use matrix) Table 2 - Use matrix, to add the data center use and 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 MTC 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)

C. Commission Action

Opening remarks by an applicant should not exceed ten minutes. Comments by others should not exceed three minutes.

1. PCM2409-001; Waiver of subdivision requirements for the Tangerine/ Klos Drive, Parcel B.

A request for a waiver of the subdivision requirement to underground existing electrical power lines within the 12322 North Klos Drive, Lots 1-3 Subdivision located approximately four-tenths of a mile north of W. Tangerine Road on the east side of N. Klos Drive. (Scott S. Radden)

D. Informational Items/Possible Action Items

1. Discussion and possible rescheduling or cancellation of the November 27, 2024 and December 25, 2024 Planning Commission Meetings. (Jason Angell)

FUTURE AGENDA ITEMS

EXECUTIVE SESSIONS

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

Executive Session pursuant to A.R.S. §38-431.03 (A), Planning Commission 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).

ADJOURNMENT

Planning Commission Regular Meeting

Meeting Date: 10/30/2024

To: Planning Commission

From: Terri Byler, Executive Assistant

Date: October 30, 2024

Subject: Approval of the September 25, 2024 Meeting Minutes

Attachments

September 25, 2024 Summary Minutes



**MARANA PLANNING COMMISSION
REGULAR MEETING**

11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, September 25, 2024, at or after 6:00 P.M.

Thomas Schnee, Chairman
Ronald Hill, Vice Chair
David Bowen, Commissioner
John Flint, Commissioner
John McIntyre, Commissioner
Joseph Parsons, Commissioner
Sharon Tyson, Commissioner

SUMMARY MINUTES

CALL TO ORDER

Chairman Schnee called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE AND INVOCATION/MOMENT OF SILENCE: led by **Chairman Schnee**.

ROLL CALL

Chairman Schnee directed the Planning Commission secretary to call roll. All commission members were present. The Planning Commission secretary stated a quorum was present.

CALL TO THE PUBLIC

APPROVAL OF AGENDA

Commissioner Flint moved to approve the agenda, as presented. Commissioner Tyson seconded the motion. Motion passed, 7-0.

ANNOUNCEMENTS

GENERAL ORDER OF BUSINESS

Approval of the Regular Planning Commission Meeting Summary Minutes of May 29, 2024.

Commissioner Flint moved, and Commissioner McIntyre seconded, the motion approving the meeting minutes, as presented. Motion passed 7-0.

PUBLIC HEARING

1. **PCZ2403-001: Monarch at Rancho Marana West Specific Plan;** A request for a recommendation to the Marana Town Council for approval to amend the Rancho Marana West Specific Plan approved by Ordinance Nos. 99.13 and 2005.05, which rezoned approximately 754 acres generally located west of I-10, south of Grier Road, north of Moore Road and east of Sanders Road, to rezone approximately 249 acres of land located between Barnett Rd and Moore Rd, and west of the I-10 Frontage Rd, in portions of Section 26 & 27, Township 11S, Range 11E, to create the Monarch at Rancho Marana West Specific Plan Amendment as a separate planning area within the Rancho Marana West Specific Plan (Scott S. Radden)

Senior Planner, Scott Radden, presented on this item.

- Applicant – The Planning Center representing SBH Marana
- Request – An amendment to the Rancho Marana West Specific Plan to delineate Monarch at Rancho Marana West as a separate planning area.
- Size and location - Approximately 249 acres, south of Barnett, north of Moore and west of I-10 Frontage Road.
- Adopted plan – Ordinance No. 2005.05, February 15, 2005.
- Proposed plan – Monarch proposes new opportunities for additional housing options, including single-family residences, multi-family communities (build-for-rent or garden-style apartments), and assisted living facilities, as well as opportunities for other employment-generating and freeway-oriented commercial uses.

Mr. Radden noted the requested changes to the plan are minimal and include moving the commercial from Block 10 to the lower corner of Block 1 and change the densities of Blocks 10 and 11A to HDR and Block 2 from MDR to MHDR.

Staff recommends that the Planning Commission recommend to the Marana Town Council approval of PCZ2402-001, Monarch at Rancho Marana Specific Plan based upon the recommended findings and subject to the recommended conditions.

Garrett Aldrete: Planning Center noted the specific plan was originally established as the Rancho Marana Specific Plan in 1990 and then amended in 1999 to create the Rancho Marana West Specific Plan, then further amended in 2005 to bring the plan into compliance with new town plans, as well as establish the town center special planning area within the Rancho Marana West Specific Plan.

The goal of the Rancho Marana West Specific Plan was to create a thriving central municipal and business district and develop a functional Town Center. To achieve the goal, it requires a permitted mix of land uses that range from residential, to neighborhood commercial services, to regional commercial and light industrial uses.

Mr. Aldrete noted they relocated C-1 (NC) from Block 10 to the SWC of Block 2 (creating Block 2A) due to the El Paso natural gas line cutting through the area. Block 2 will be changed from MDR to MDHR. This will create a transition from the more intensive commercial zone to the east and MDR zone to the west. Any single-family homes that come in will be subject to a minimum lot size 4500 S.F. **Mr. Aldrete** noted, Block 5 is not within the Monarch special planning area.

A neighborhood meeting was held. Topics of discussion consisted of the allowable uses within each of the land use designations and construction activity outside the Monarch special planning area.

Commissioner Flint requested, going forward, if either the planning staff or applicant could provide a table showing the differences in setbacks from the old plan compared to the new plan.

Chairman Schnee opened the public hearing at 6:32 p.m.

Colleen Crooks addressed the Commission. Her home backs up to Moore Road, just south of the proposed project. Ms. Crooks stated there is 37 feet separating her home and Moore Road and there is no landscaping between her back wall and Moore Road. She had concerns related to the proposed land use plan. She asked if a median was going to be added when Moore Road was extended to four lanes. She and her husband were concerned with the potential increase in traffic from the logistics center and the lighting, traffic, and noise from Block 3 (EC – Employment Center.)

Chairman Schnee noted that from a roadway perspective, the town is able to add trees in the medians and exterior sides of the roads to reduce the noise level.

Diahn Swartz, Traffic Manager replied there are treatments that can be added to potentially reduce the noise level. Usually, that would consist of a noise wall. The Town of Marana has not done any projects in recent years that have required noise mitigation. Usually those are federally funded projects that require noise mitigation.

Ms. Crooks asked how they could find out what is planned for Moore Road.

Ms. Swartz that would be included as part of the design process. The plan for Moore Road is so far in the future. It isn't on a capital improvement program, so it hasn't been designed as yet.

Commissioner Flint is Moore Road projected to be a major arterial road? The right-of-way will be 250 feet, correct?

Ms. Swartz Yes. There will be an interchange at Moore Road and I-10. That lends itself to carrying quite a bit of traffic. The right-of-way will be 250 feet in proximity to I-10 to handle the auxiliary lanes, then expected to be reduced to 150 feet (standard right-of-way width.)

Commissioner Bowen asked when the interchange would conceivably take place. Is it ADOT's radar?

Ms. Swartz it is on ADOT's radar in the sense that it was included in a design concept report. Moore Road was identified as a location for a future interchange. ADOT would expect the Town to find various funding for a portion of the project. It is likely to be awhile before the project is built.

Commissioner McIntyre Since Ms. Crooks lives on the south side of Moore Road, when the construction activity begins, can we also improve the south side of Moore Road with trees and a buffer to address her concerns, at the same time? Is that a fair assumption?

Ms. Swartz it is difficult without seeing the entire plan. It is a fair assumption that any design that is done in the future will be very sensitive to people who currently live to the south of Moore.

Chairman Schnee asked if the Commission would see the development plan when submitted.

Mr. Angell any of the uses that are listed in the specific plan, as permitted, would be reviewed and approved administratively and permitted through the standard building permit process. Any that are listed as a conditional use, would come back before this body for a public hearing and reviewed at that time. Any use that is not listed in here, would require an amendment to the specific plan, which would be brought before the Commission as a public hearing, to amend the list of uses.

Chairman Schnee closed the public hearing at 6:50 p.m.

Chairman Schnee liked the plan indicating Block 9, 10, and 11A as HDR and Block 2 as MHDR, as it migrates from the southeast to the northwest of the project. He also liked the plan to widen Moore Road 4 lanes and the planned interchange at Moore Road and I-10 in the future.

Motion to approve, subject to the recommended conditions by Chairman Schnee, seconded by Commissioner McIntyre. Motion passed, 7-0.

COMMISSION ACTION

INFORMATIONAL ITEMS/POSSIBLE ACTION ITEMS

ELECTION OF BOARD CHAIRPERSON AND VICE-CHAIRPERSON

Motion moved by Commissioner Bowen to nominate Tom Schnee, as Chair of the Planning Commission, seconded by Commissioner Tyson. Motion passed unanimously, 6-0.

Motion moved by Commissioner Bown to nominate Ron Hill as Vice Chair of the Planning Commission, seconded by Commissioner Tyson. Motion passed unanimously, 6-0.

FUTURE AGENDA ITEMS **Jason Angell** next month staff will want to discuss the schedule for the regular November and December meetings.

ADJOURNMENT

Chairman Schnee asked for a motion to adjourn the meeting.

Commissioner Flint moved to adjourn the meeting. Commissioner McIntyre seconded the motion. The motion passed, 7-0. The meeting adjourned at 6:55 pm.

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the Marana Planning Commission meeting held on September 25, 2024. I further certify that a quorum was present.



Terri Byler, Planning Commission Secretary

Planning Commission Regular Meeting

Meeting Date: 10/30/2024

To: Planning Commission

From: Jane Fairall, Town Attorney

Date: October 30, 2024

Strategic Plan Focus Area:

Not Applicable

Subject: Zoning Application Review Time Frames Land Development Code Text

Amendment; Recommendation to the Town Council regarding revisions to 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 (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 that the Commission recommend approval of the proposed ordinance to the Town Council.

Suggested Motion:

I move to recommend approval of the proposed ordinance revising Marana Town Code Title 17 to add provisions establishing review time frames for zoning applications to the Town Council.

Attachments

Draft ordinance
SB 1162

MARANA ORDINANCE NO. 2024.XX

RELATING TO DEVELOPMENT; AMENDING MARANA TOWN CODE TITLE 17 (LAND DEVELOPMENT), CHAPTER 173 (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. § 9462.11; 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 173 (Administration and Enforcement), Section 17-3-1 (Amendment and rezoning), is hereby amended as follows (with additions shown with double underlining):

1731 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.

Mayor Ed Honea

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.

Planning Commission Regular Meeting

Meeting Date: 10/30/2024

To: Planning Commission

From: Jane Fairall, Town Attorney

Date: October 30, 2024

Strategic Plan Focus Area:

Not Applicable

Subject: Accessory Dwelling Units Land Development Code Text Amendment;

Recommendation to the Town Council regarding revisions to 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 making the changes automatically effective when the population of the Town of Marana reaches 75,000 persons (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 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. 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 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 ADU ordinance be recommended to the Town Council for adoption.

Suggested Motion:

I move to recommend to the Town Council adoption of the proposed text amendment pertaining to ADUs, as presented by town staff.

Attachments

Ordinance

Housing Impact Statement

MARANA ORDINANCE NO. 2024.XX

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 17-6-13 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.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney

Frank Cassidy, P.C.

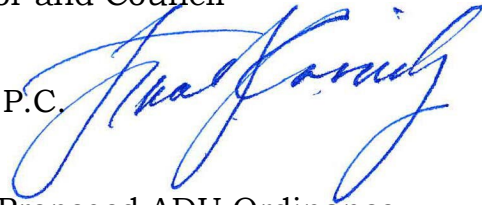
5190 WEST PASEO DEL CAMPO
TUCSON, ARIZONA 85745

(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.

Planning Commission Regular Meeting

Meeting Date: 10/30/2024

To: Planning Commission

From: Jason Angell, Development Services Director

Date: October 30, 2024

Strategic Plan Focus Area:

Thriving Commerce, Vibrant Community, Proactive Public Services

Subject: Data Center Regulations Land Development Code Text Amendment; Recommendation to the Town Council regarding revisions to Marana Town Code (MTC) Title 17 (Land Development) for the purpose of enacting reasonable zoning, design, operational, and other regulations for data centers, including: revising MTC Section 17-1-6 (Definitions), to add a definition for "Data center"; revising MTC Section 17-4-2 (Use matrix) Table 2 - Use matrix, to add the data center use and 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 MTC 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 Ordinance No. 2024-XXX is presented to the Planning Commission, Town Council, and the community as a result of this research.

Ordinance No. 2024-XXX proposes amendments to Town Code that 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 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:

Staff recommends that the proposed ordinance establishing development regulations for data centers be recommended to the Town Council for adoption.

Suggested Motion:

I move to recommend to the Town Council approval of Ordinance No. 2024-XXX, amending Title 17 of Marana Town Code to establish development regulations for data centers.

Attachments

Ordinance No. 2024-XXX

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

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-xxx
Amendments to Marana Town Code, Title 17 “Land Development” pursuant to Marana
Ordinance No. 2024.xx

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

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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.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

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.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

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

Planning Commission Regular Meeting

Meeting Date: 10/30/2024

To: Planning Commission

Submitted For: Scott Radden, Senior Planner

From: Scott Radden, Senior Planner

Date: October 30, 2024

Strategic Plan Focus Area:

Not Applicable

Subject: **PCM2409-001; Waiver of subdivision requirements for the Tangerine/ Klos Drive, Parcel B.** A request for a waiver of the subdivision requirement to underground existing electrical power lines within the 12322 North Klos Drive, Lots 1-3 Subdivision located approximately four-tenths of a mile north of W. Tangerine Road on the east side of N. Klos Drive. (Scott S. Radden)

Discussion:

Request

Patricia Wawrzynek, representing the property owner, Alhaurin, LLC, is requesting a waiver from the requirement to underground existing overhead electrical utilities within the 12322 North Klos Drive, Lots 1-3 Subdivision located approximately four-tenths of a mile north of W. Tangerine Road on the east side of N. Klos Drive. The plat for 12322 North Klos Drive, Lots 1-3 is currently in the review process and is expected to be subsequently approved.

Per Section 17-5-3(B)(15) of the Marana Town Code, electric power (except electrical transmission lines carrying 48 kV or more) within or contiguous to a subdivision shall be located underground except where the subdivider can show the Planning Commission that underground installation is not technically feasible. For purposes of this Code provision, economic feasibility is not to be considered. The applicant is requesting relief from the requirement to underground power lines within the subdivision.

Waiver Request

The applicant is requesting a waiver for the requirement to underground proposed service lines and an existing overhead electrical power line running north/south along the eastern portion of Lot 3 and generally through the center of Lot 2 of the subdivision for the following reasons:

The applicant submitted a "Request for a Ballpark Estimate" to Trico on June 10, 2024 (attached to this agenda item for review). Trico provided an estimate back to the applicant on June 21, 2024, in which they also provided additional comments including "Relocating and/or converting the 3 phase OH line would require a much larger scope of project and is therefore not feasible. Trico would likely not consider this at this time."

Staff Recommendation:

This is a discretionary item for the Planning Commission to consider. Pursuant to Marana Town Code Section 17-5-3(B)(15), the Commission may waive the undergrounding requirement if the applicant demonstrates that underground installation is not technically feasible. Economic feasibility is not to be considered.

Suggested Motion:

I move to (approve) (deny) (modify) PCM2409-001, a request to waive the subdivision requirement to place underground existing overhead electrical utilities within the 12322 North Klos Drive, Lots 1- 3 subdivision.

Attachments

Utility Wavier Request Letter
Utility Line Exhibit
Request for a Ballpark Estimate
Application

September 12, 2024

To: Town of Marana
Waiver Commission

From: Patricia Wawrzynek
Pmccoy7738@gmail.com
(520) 609-7738

RE: PRV2409-002
Waiver Request Narrative re: overhead electric lines

Dear Commission,

My name is Trish Wawrzynek. I am a resident of the Town of Marana, but today I come to you as an applicant. My family is currently under contract to purchase a 10-acre parcel of land located in the area of Tangerine and Thornydale. Our purchase of this parcel is contingent upon Town of Marana allowing us to split this parcel into three, ~3.3 acre parcels – one for my brother, one for my parents, and one for me and my husband. The goal is for each of us to build our residences next to each other, to allow my parents to be neighbors to their kids and grandkids.

The application to split the land has been submitted as a Final Plat. The Marana Project number is PRV2409-002. The parcel is located at 12322 N. Klos Drive, Marana, AZ 85658 (administrative address: 12346 N Oldfather Rd). Parcel number is 219-35-001Y.

I write to you today to request a waiver regarding the requirement to underground the utilities – in particular, the overhead electric lines that bisect two of the three lots. Attached is a draft survey, performed by Psomas, which shows the electric lines running through (proposed) Lots 2 and 3, running north-south. It is my understanding that these lines have been there since the 1940s or 1950s.

Efforts have been made to ascertain whether Trico would allow us to underground the overhead electric lines.

Attached is a ballpark quote from Brian Haskell at Trico, wherein my brother had inquired with Trico about approximate costs to get electricity to the land. Included in that query was what the cost would be to underground the lines that run through the parcel. Below was Trico's response:

"Relocating and/or converting the 3-phase OH [overhead] line would require a much larger scope of project and is therefore not feasible. Trico would likely not consider this at this time."

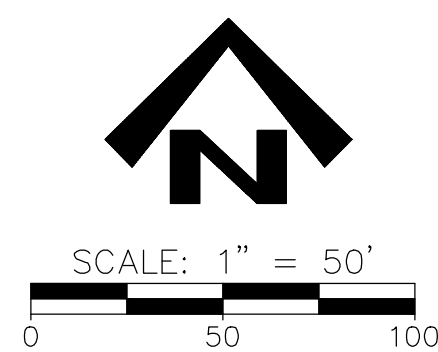
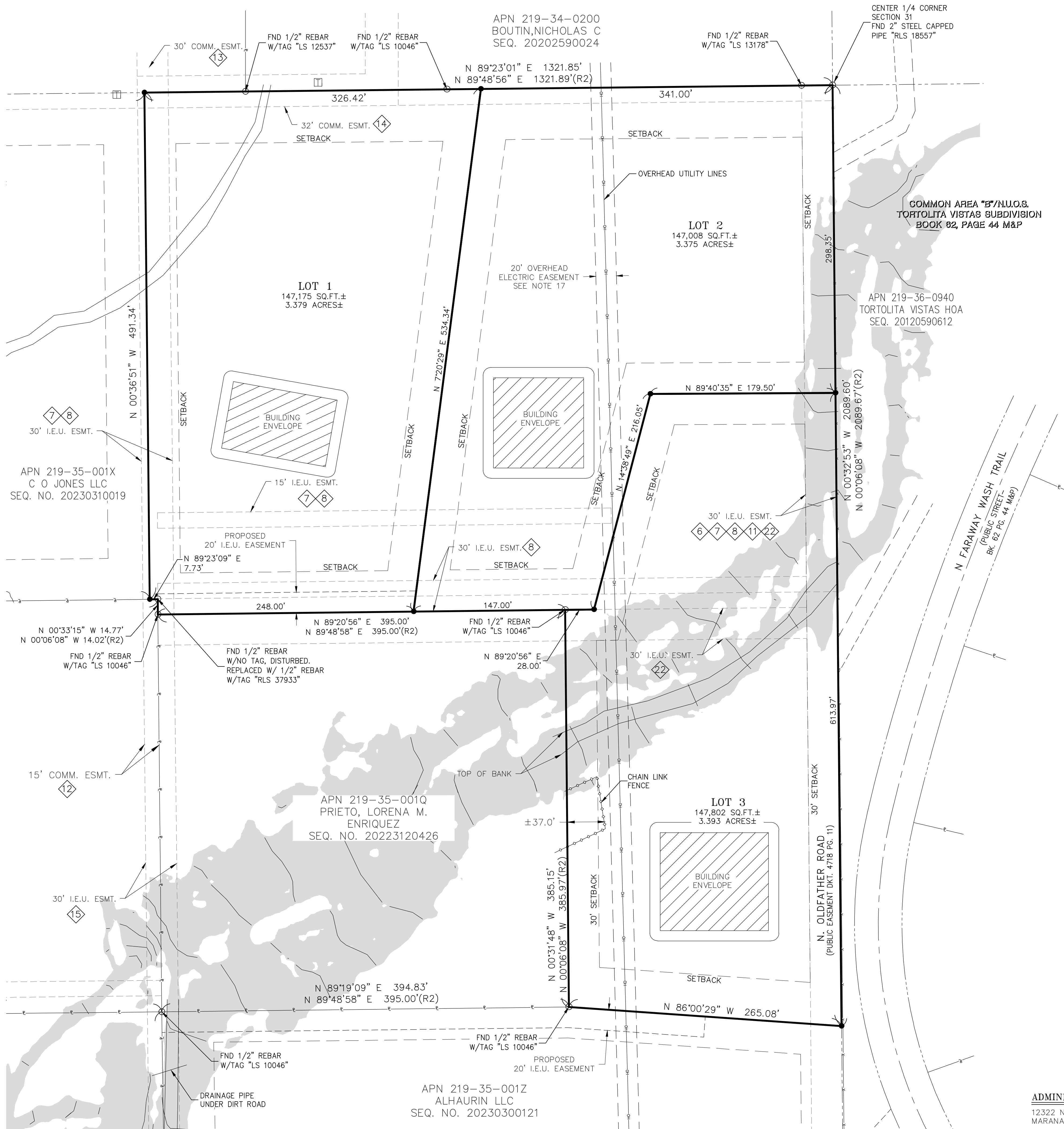
Given Trico's above response to our query, the Marana senior planner on this project, Scott Radden, has advised that, pursuant to Marana code 17-13-12, we need to obtain a formal waiver from the requirement to underground these overhead electric utilities.

We understand that any building in the vicinity of these overhead lines would need to comply with appropriate setback requirements.

Thank you for your time.

Kind regards,

Trish Wawrzynek



RECORD OF SURVEY:
A MINOR LAND DIVISION MAP

LEGEND	
LINE TYPES	SYMBOLS
	EASEMENT
	ADJACENT PARCEL LINE
	SUBJECT PARCEL LINE
	CENTERLINE
	SECTION LINE
	RIGHT OF WAY LINE
	FD MONUMENT AS NOTED
	CALCULATED POINT
	SET 1/2" RB WITH BRASS TAG MARKED "RLS 37933"
	EXISTING EASEMENT SEE EASEMENT TABLE
	IRRIGATION VALVE
	WATER METER
	TELEPHONE PEDESTAL
	TELEPHONE BOX
	UTILITY POLE W/ TRANSFORMER
	UTILITY POLE W/ RISER
	LARGE POST

- EASEMENTS PER TITLE REPORT**
- VARIOUS EASEMENTS IN BOOK 1 OF SURVEYS, PAGE 81. (NOTE 12)
 - VARIOUS EASEMENTS IN BOOK 32 OF SURVEYS, PAGE 25. (NOTE 12)
 - VARIOUS EASEMENTS IN BOOK 64 OF SURVEYS, PAGE 67. (NOTE 12)
 - EASEMENT FOR INGRESS, EGRESS AND UTILITIES, DOCKET 4718, PAGE 11
 - EASEMENT FOR RIGHT OF WAY, COMMUNICATION FACILITIES, DOCKET 5492, PAGE 536
 - EASEMENT FOR RIGHT OF WAY, COMMUNICATION FACILITIES, DOCKET 5941, PAGE 864
 - EASEMENT FOR RIGHT OF WAY, COMMUNICATION FACILITIES, DOCKET 6029, PAGE 1016
 - EASEMENT FOR INGRESS, EGRESS, ROAD AND UTILITY, DOCKET 6413, PAGE 1042
 - EASEMENT FOR INGRESS, EGRESS AND UTILITY, DOCKET 12076, PAGE 9574, AND DECLARATION OF SCRIVENER'S ERROR, DOCKET 12867, PAGE 4005

DRAFT

PCM24 - -

RECORD OF SURVEY
A MINOR LAND DIVISION MAP OF

LOTS 1, 2 & 3

OF A PORTION OF THE SOUTHWEST QUARTER OF
SECTION 31, TOWNSHIP 11 SOUTH, RANGE 13 EAST
GILA & SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA

PSOMAS

333 E. Wetmore Road, Suite 450
Tucson, AZ 85705
(520) 292-2300 (520) 292-1290 fax
www.psomas.com

ADMINISTRATIVE ADDRESS
12322 N. KLOS DRIVE
MARANA, AZ 85658

PROJ NO: 7MCY240101 SCALE: HORIZ 1"= 60'
DATE: JUNE 2024 VERT = N/A 2 OF 2



Request for a Ballpark Estimate

You may email the completed form and supporting documents to: ConstructionApplications@Trico.coop

Date of Request		First Name	.	Last Name	
Phone		Email Address			
Mailing Address					

Dear Trico:

I hereby request that Trico Electric Cooperative, Inc. provide me a ballpark estimate of the cost of a line extension to be made by Trico and I acknowledge making this request prior to filing an application for electric service from Trico. I have stated that the line extension is of the following nature, purposes and estimates:

1. ☐ I have attached a site plan and parcel map. The line extension will serve the following property (Please provide the property address, Assessor Parcel Number or Tax ID, and County):

--

2. ☐ I have indicated the approximate distance from the lot line to the meter location on the attached site plan.

3. I am requesting the service line to the meter ☐ Underground ☐ Overhead
to be constructed:

4. The expected service type is: ☐ Residential ☐ Commercial ☐ Industrial

5. The estimated load to be served is (Service Panel Size): ☐ 200 Amps ☐ 400 Amps ☐ Other _____ Amps

The proposed voltage requirement for my request is (Trico will estimate the standard voltage for your type of service request if you do not know):

☐ 120/240V-1Phase	☐ 120/208V-3Phase*	☐ 277/480V-3Phase*
--	---	---

* Trico does not warrant that 3-phase service is readily available in all areas.

7. The facility to be provided by Trico will be: ☐ Permanent ☐ Temporary

(If the service is to be temporary, then the cost of removing said temporary facility must also be factored, therefore I estimate the duration for such temporary service is _____ months.)



Based upon the foregoing, it is Trico's ballpark cost estimate for the line extension to be approximately \$ _____. This does not include the facilities for which the Customer is responsible, which includes all facilities between the place the electric service is used (the load) and at the meter which is installed by Trico.

All line extensions are subject to the Rules, Regulations and Line Extension Policies of Trico approved by the Arizona Corporation Commission (collectively, "Rules"). You may obtain the Rules by visiting Trico's website at www.trico.coop. They are also subject to the applicable provisions of Trico's tariff under which the service will be made.

The Customer is required to satisfy Trico's conditions for supplying service as provided in the Rules. For underground extensions, the Customer is required to provide all trenching and backfill and supplying and installing a conduit system when applicable, at the Customer's expense. Trico makes no guarantee that proper easements exist or can be obtained to facilitate this extension. You are to provide all required easements at no cost to Trico.

This ballpark estimate is not an estimate made when electric service is formally requested of Trico as provided in Rule 201A. This ballpark estimate is not based upon any field measurements made by Trico and is subject to conditions of which Trico is unaware that could be discovered by a field inspection. In the event formal application for this line extension is made, the cost to be paid Trico for the line extension shall be based on the cost established by the Rules.

Accordingly, this ballpark estimate may vary substantially from an estimate made by Trico when formal application is made for the electric service and Trico is not responsible in any way for any such variance. The applicant is responsible for formally applying for electric service from Trico and this ballpark estimate does not constitute an application for service.

Prepared By		Date Prepared	
-------------	--	---------------	--

Bryan Haskell, Trico, bhaskell@trico.coop

Additional Comments:



Information below completed by Trico:

Based on the information you have provided in paragraphs 1-7, Trico estimates the extension to be comprised of the following segments:

- | | | | |
|----|---|----------------------------------|----------------------------------|
| a. | Off-site Overhead facilities of _____ feet | ☐ 1-Phase | ☐ 3-Phase |
| b. | Off-site Underground facilities of _____ feet | ☐ 1-Phase | ☐ 3-Phase |
| c. | On-Site Overhead facilities of _____ feet | ☐ 1-Phase | ☐ 3-Phase |
| d. | On-Site Underground facilities of _____ feet | ☐ 1-Phase | ☐ 3-Phase |

The basic facilities of the line extension which are included in the estimated cost of this extension and which Trico will own, provide, install, and maintain at the applicant's expense, are:

- ☐ All poles, crossarms, insulators, anchors, guys,
- ☐ All overhead or underground transformers and primary rated equipment
- ☐ All overhead primary, secondary, and service conductors,
- ☐ All underground primary, secondary, service conductors,
- ☐ All overhead or underground primary conductors but not the underground secondary or service cables (which shall be supplied & installed by the Customer).

The estimated facilities consist of the following types:

- | | | |
|----|-----------------------|------------|
| a. | Transmission Facility | _____ feet |
| b. | Primary Facility | _____ feet |
| c. | Secondary Facility | _____ feet |
| d. | Service Facility | _____ feet |



PROJECT APPLICATION

Instructions

Information about project submittal requirements can be found online by reviewing the submittal checklist for the proposed scope of work at <https://www.maranaaz.gov/developmentservicesforms>.

- Applicants can submit electronically by email. Please follow the information resource on "[How to Submit Electronically](#)."
- Submit the completed application along with all forms and attachments electronically by email to maranaplanning@maranaAZ.gov for planning related applications or deveng@maranaAZ.gov for engineering related applications. If means to submit electronically are unavailable, applicants can submit in person using a print copy to:
Development Services
Marana Municipal Complex, Second Floor
11555 W Civic Center Dr. Building A2
Marana, AZ 85653
- The application and review status can be viewed through [Permit Tracker](#), our On-line Application & Information System, utilizing the project search menu.
- Notice of correction or approval will be communicated via email to the applicant listed on the application.

Payment

Fee information can be found online at maranaAZ.gov/finance. An invoice will be provided by email to the applicant for payment. Payment can be made in the form of credit card, cash or check payable to the Town of Marana.

- Credit card over the phone, please call (520) 382-2600
- In person or by mail, please send checks to:
Town of Marana, Cashiering
11555 W Civic Center Dr. Building A2
Marana, AZ 85653

Licensing Time Frame

Pursuant to and subject to A.R.S. § 9-836 (2019), the Town of Marana hereby establishes its licensing time frames, available [here](#).

Contact Information

For planning related questions about this form, please contact Marci Johns by email at maranaplanning@maranaAZ.gov or call (520) 382-2600.

For development engineering questions about this form, please contact Charity Teresi by email at deveng@maranaAZ.gov or call (520) 382-2600.



Development Services / maranaAZ.gov

11555 West Civic Center Drive / Marana, AZ 85653

Ph (520) 382-2600 / Fax (520) 382-2641

PROJECT APPLICATION

APPLICATION TYPE

- | | | | |
|--|--|--|--|
| ☐ Annexation | ☐ Development Plan | ☐ Development Plan Package | ☐ General Plan Amendment |
| ☐ Rezone | ☐ Minor Land Division | ☐ Translational Rezone | ☐ Conditional Use Permit |
| ☐ Specific Plan | ☐ Landscape Plan | ☐ Native Plant Plan/Exception | ☐ SWPP |
| ☐ Variance | ☐ Hydraulic Model | ☐ Sewer Capacity Assurance | ☐ Sign Program of |
| ☐ Plat | ☐ Improvement Plan | ☐ Report (Type): _____ | ☒ Other: <u>WAIVER</u> of underground electric |

PROJECT INFORMATION

Project Name: TANGERINE KLOS DRIVE PARCEL B SPLIT FINAL

Description of Project: FINAL PLAT

Number of Lots: 3

Parcel No.(s): 219-35-001Y

Gross Area (Acres): 10.15

Project Address: ADMIN ADDRESS: 12346 N OLDFATHER RD. MARANA AZ 85658

Ref. Project No.: PRV2409-002

CONTACT INFORMATION

Owner: ALHAURIN LLC

Contact Name: JEFF UTSCHE

Address: 6141 N POMONA RD

City: TUCSON

State: AZ

Zip: 85704

Email: JSUTSCH@WRSF.COM

Phone No.: (520) 977-7946

Applicant: PATRICIA WAWRZYNEK

Contact Name: PATRICIA WAWRZYNEK

Address: 12405 N STARTHROAT DR

City: MARANA

State: AZ

Zip: 85653

Email: PMCCOY7738@GMAIL.COM

Phone No.: (520) 609-7738

Consultant/Engineer:

Contact Name:

Address:

City:

State:

Zip:

Email:

Phone No.:

APPLICANT AUTHORIZATION

By signing below, I hereby acknowledge that I have read the information provided online at maranaaz.gov/arsnotice and certify that the information set forth in this application are true and correct to the best of my knowledge. I am either the owner of the property or I have been **authorized in writing** by the owner to file this application. (If the applicant is not the owner, attach [written authorization from the owner](#))

PATRICIA WAWRZYNEK

Applicant Name (PRINT)

Signature

9/12/2024

Date

FOR OFFICIAL USE ONLY

Revision Date 05/16/2023

Project No. _____

Date Received _____