



MARANA PLANNING COMMISSION  
MEETING NOTICE AND AGENDA  
11555 W. Civic Center Drive, Marana, Arizona 85653  
Council Chambers, December 11, 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

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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 December 11, 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. Revisions to the agenda 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](http://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](http://www.maranaaz.gov).

**Public Comments**

Please submit public comments to [tbyler@maranaaz.gov](mailto: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 October 30, 2024 Meeting Minutes

#### B. Public Hearings

1. **PCZ2408-001: Coyote Howl Rezone;** A request for a recommendation to the Marana Town Council for approval to rezone approximately five acres of land located at 13049 N. Coyote Howl Road, approximately one-quarter mile north of the intersection of Moore Road and Coyote Howl Road, from AG (Agricultural) to R-36 (Single-Family Residential) (Scott S. Radden)
2. **Backyard Fowl Regulation Land Development Code Text Amendment;** Recommendation to the Town Council regarding revisions to Marana Town Code Title 17 (Land Development), amending Sections 17-4-2 (Use matrix) and 17-4-3 (Use conditions matrix) to allow up to 6 chickens to be kept on a single-family detached residential lot that is one-half acre or less in size and prescribing development regulations related to the keeping of chickens; amending Section 17-6-7 (Animal-keeping) to add additional animal-keeping requirements for chickens; making other conforming changes (Jane Fairall)

#### C. Commission Action

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

#### D. Informational Items/Possible Action Items

### 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:** 12/11/2024

**To:** Planning Commission

**From:** Terri Byler, Executive Assistant

**Date:** December 11, 2024

**Subject:** Approval of the October 30, 2024 Meeting Minutes

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**Attachments**

October 30, 2024 Summary Minutes

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**MARANA PLANNING COMMISSION  
REGULAR MEETING**

11555 W. Civic Center Drive, Marana, Arizona 85653  
Council Chambers, October 30, 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 PM.

**PLEDGE OF ALLEGIANCE AND INVOCATION/MOMENT OF SILENCE:**

**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 made a motion to move Action Item: PCM2409-001: Waiver of subdivision requirements for the Tangerine/ Klos Drive, to first on the agenda/approve agenda as modified. Commissioner McIntyre seconded the motion. Motion passed, 7-0.***

**ANNOUNCEMENTS**

**GENERAL ORDER OF BUSINESS**

Approval of the Regular Planning Commission Meeting Summary Minutes of September 25, 2024.

***Commissioner Bowen moved, and Commissioner Tyson seconded, the motion approving the minutes. Motion passed, 7-0.***

## COMMISSION ACTION

**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 west side of N. Klos Drive. (Scott S. Radden)**

**Senior Planner, Scott Radden** presented on this item.

Applicant - Patricia Wawrzynek, representing the property owner, Alhaurin, LLC.

Request - waiver from the requirement to underground existing overhead electrical power lines within the 12322 North Klos Drive, Lots 1-3 Subdivision.

Town Code Section 17-5-3 (B)(15) requires overhead lines on-site and adjacent to new developments to be undergrounded but Planning Commission may waive the requirement.

Location - located approximately four-tenths of a mile north of W. Tangerine Road on the west side of N. Klos Drive.

**Mr. Radden** noted 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 feasible.

**Chairman Schnee** did Trico tell the Town the requirement was technically not feasible?

**Mr. Radden** read a letter from Trico stating, "Relocating and/or converting the three-phase overhead line would require a much larger scope of project and is therefore not feasible. Trico would likely not consider this, at this time."

**Commissioner Bowen** asked what the actual cost would be.

**Mr. Radden** noted the ballpark estimate from Trico, was \$10,000 total.

**Chairman Schnee** felt the location was remote enough to grant their request.

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

## PUBLIC HEARING

**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)**

**Town Attorney, Jane Fairall** noted Senate Bill 1162 was passed in the last legislative session, requiring municipalities to adopt an amendment to the municipalities zoning code on/or before January 1, 2025, establishing certain specified timeframes for review of zoning applications.

The proposed ordinance would do what the state law requires the Town to determine whether a zoning application is administratively complete within 30 days after receiving the application. If not, we need to provide written communication to the applicant with the list of deficiencies.

When an application is resubmitted, we would have 15 days to determine if it is administratively complete. Once the town has an administratively complete application, the Town Council has 180 days to take action on it - approve or deny it.

There are also provisions for extensions of the timeframe based on extenuating circumstances. Below are a few situations where this timeframe would not apply:

- In areas that are of historical significance, per state statute
- An area that is designated as historic on the National Register of Historic Places
- Or land that is already zoned as Specific Plan

If approved by the Town Council, the proposed ordinance will be effective on January 1, 2025.

**Commissioner Bowen** asked if this would change the way we approve changes for zoning.

**Ms. Fairall** it will not be an issue for the Town to comply with the conditions.

Seeing there were no speaker cards, **Chairman Schnee** opened and closed the public hearing at 7:17 p.m.

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

**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)**

**Town Attorney, Jane Fairall** House Bill 2720, passed in the last legislative session, requires all municipalities with a population of more than 75,000 to adopt regulations allowing ADUs on any lot or parcel where a single-family dwelling unit is allowed.

Paragraph F of A.R.S. § 9-461.18 provides:

“If a municipality fails to adopt development regulations as required by this section on or before January 1, 2025, accessory dwelling units shall be allowed on all lots or parcels zoned for residential use in the municipality without limits.”

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

New Marana Town Code section 17-6-14, entitled “Accessory dwelling units,” includes all elements required by HB 2720 for cities and towns over 75,000.

Uses the same definitions as HB 2720, including:

- “Accessory dwelling unit” means a self-contained living unit that is on the same lot or parcel as a single-family dwelling of greater square footage than the accessory dwelling unit, that includes its own sleeping and sanitation facilities, and that may include its own kitchen facilities.
- “Permitted use” means approved without requiring a public hearing, variance, conditional use permit, special permit, or special exception, other than a determination that a site plan conforms with applicable zoning regulations.
- “Restricted-affordable dwelling unit” means a dwelling unit that, either through a deed restriction or a development agreement with the town, shall be rented to households earning up to 80% of area median income.

The new section 17-6-14

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

House Bill 2722, adopted in the 2023 legislative session, requires the Town to consider a housing impact statement regarding the impact of any zoning ordinance text amendment of general applicability.

Staff recommends the Planning Commission recommend approval to the Town Council.

**Chairman Schnee** asked how this affect HOAs.

**Ms. Fairall** the HOAs would not be affected, as their CC&Rs would come first.

**Commissioner Flint** had concerns with potential parking issues. He also asked if the Town was going to have a standardized deed restriction for the homeowner to follow.

**Ms. Fairall** Deed restrictions would be done by the buyer/seller.

**Ms. Fairall** reiterated this ordinance will not go into effect until the Town of Marana reaches 75,000 in population. Until that time, our current Code is in effect. We just wanted to get this approved before January 1, 2025 to avoid even more ADUs in our town.

Seeing there were no speaker cards, **Chairman Schnee** opened and closed the public hearing at 7:17 p.m.

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

**3. Relating to Development: presentation, discussion, and possible action regarding proposed amendments to Marana Town Code Title 17 (Land Development) for the purpose of enacting reasonable zoning, design, operational, and other regulations for data centers. The proposed amendments would do the following: revise Marana Town Code (MTC) Section 17-1-6 (Definitions), to add a definition for "Data center"; revise 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; revise MTC 17-4-8 (Industrial zoning districts) and 17-4-16 (Legacy zones), to provide regulations for data centers operating as accessory uses; revise 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)**

**Development Services Director, Jason Angell** covered the following topics related to Data Centers:

- "The Why" and Process Taken
  - Town Code currently does not define data center use
  - Staff has had requests to consider such a use
  - Research
  - Draft Ordinance – Council study session (May 2024)
  - Public Comment Period – approximately 45 days
  - Proposed code
- Proposed Regulations
  - Define Data Center use
  - Principal use standards
  - Accessory use standards
  - Design standards
    - Site design standards
    - Building design standards

- 17-1-6 Definitions
  - 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.
- Principal Use
  - Principal use: The primary or predominant use of any lot or parcel.
  - Data centers are not allowed as a principal use unless a specific plan (SP) is adopted through the standard rezoning process.
- Specific Plan Requirements
  - An application for a specific plan created for the purpose of data center development shall include the following information:
    - The baseline noise study and noise contour exhibit required by paragraph G below.
    - Intended source of electric power and documentation from the electric utility provider affirming sufficient power exists to serve the site.
    - An assessment of future energy needs for the site.
    - Intended source of water for the development, and documentation from the water provider affirming sufficient water resources exist to serve the site.\*
    - An explanation regarding how the development complies with each of the requirements of section 17-6-13; or, if the applicant is requesting the council consider waiving any of the requirements, with an explanation as to why compliance is not feasible.
    - *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.*
- Accessory Use
  - Accessory: A use customarily incidental and subordinate to the main building or principal use.
  - Data centers are permitted in LI and HI zoning districts and in the legacy zones as an accessory use only and only when all of the following are true:
    - The data center occupies no more than 15% of the site.
    - 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 service to third parties.
    - The data center complies with any applicable development standards for accessory use data centers, set forth in section 17-6-13.

- Site Design Standards
  - Building placement and orientation
  - Lighting
  - Setbacks
  - Generators
  - Screening of mechanical equipment and substations
  - Landscape buffers
  - Fencing
  
- Building Design Standards
  - Massing and scale
  - Building height
  - Principal façade
  - Fenestration
  - Main building entryways
  - Exterior colors and materials

**Commissioner Flint** thanked staff for their hard work on this item. He also asked what happens when a temporary certificate of occupancy is issued to a business, but they don't get approved for a permanent certificate of occupancy.

**Mr. Angell** that is one of the areas we had discussed. When we issue a temporary certificate of occupancy, it is for 30 days. As long as the business owner is working toward addressing the issues, we would work with them. If they stop, we will work with the legal team and let the business owner know that we won't extend their temporary certificate of occupancy anymore. All staff presence and operations would cease.

**Commissioner Parsons** had a concern with a data center being approved to be built near homes.

**Mr. Angell** when any requests come in, staff will look at what properties are currently entitled (current allowed uses for that property), or what currently exists on the property. We would not allow a data center to be built right next to a subdivision, like Gladden Farms, for instance. Data centers are usually high-security and generally are built further out. We will evaluate all requests from a staff level. We pledge to both Planning Commission and Town Council, that staff will inform you on what the existing use is of the surrounding properties and what the zoned uses are.

Regarding the setbacks, **Commissioner Flint** asked if the adjacent property includes or excludes public or private right-of-way.

**Mr. Angell** it would include the distance of the right-of-way.

Seeing there were no speaker cards, **Chairman Schnee** opened and closed the public hearing at 7:16 p.m.

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

## 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)

*Chairman Schnee moved to cancel both the November 29, 2024 and December 25, 2024 Regular Planning Commission meetings and schedule a new Planning Commission meeting for December 11, 2024 at 6:00 pm. Commissioner McIntyre seconded the motion. Motion passed unanimously.*

## FUTURE AGENDA ITEMS

## ADJOURNMENT

Chairman Schnee asked for a motion to adjourn the meeting.

*Commissioner Bowen moved to adjourn the meeting. Commissioner McIntyre seconded the motion The motion passed, 7-0. The meeting adjourned at 7:20 p.m.*

## CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the Marana Planning Commission meeting held on October 30, 2024. I further certify that a quorum was present.

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Terri Byler, Planning Commission Secretary

## **Planning Commission Regular Meeting**

**Meeting Date:** 12/11/2024

**To:** Planning Commission

**Submitted For:** Scott Radden, Senior Planner

**From:** Scott Radden, Senior Planner

**Date:** December 11, 2024

### **Strategic Plan Focus Area:**

Not Applicable

**Subject:** **PC22408-001: Coyote Howl Rezone;** A request for a recommendation to the Marana Town Council for approval to rezone approximately five acres of land located at 13049 N. Coyote Howl Road, approximately one-quarter mile north of the intersection of Moore Road and Coyote Howl Road, from AG (Agricultural) to R-36 (Single-Family Residential) (Scott S. Radden)

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### **Discussion:**

#### **Request**

Lazarus & Silvyn, P.C., representing the property owners, Cynthia Coleman and Roxanne Hampton, is requesting a recommendation to the Marana Town Council for approval to rezone the subject parcel from AG (Agricultural) to R-36 (Single-Family Residential), with the future intent to split the parcel into three separate lots.

#### **Marana 2040 General Plan**

The Marana General Plan designates the proposed rezoning area with a land use category of Rural Residential, allowing for low-density and low-intensity uses with residential development limited to one dwelling unit per acre (du/ac). The R-36 zoning district is a consistent land use category with the Rural Residential designation.

#### **History**

The 5-acre proposed rezoning area was annexed into the Town of Marana in 2001 by Ordinance No. 2001.21. The existing Pima County zoning of RH (Rural Homestead) was translated to the Town zoning of AG (Agricultural). The property has been occupied by a single, private residence since 2001.

#### **Surrounding Land Use and Zoning**

The property is surrounded by parcels zoned AG on the north, south and west sides, including single-family homes and vacant land. On the east side, across Coyote Howl Road, is the Tortolita 30 Specific Plan development, with an average lot size of 7,169 sq. ft. There is another residential subdivision to the southeast, part of the Dove Mountain Specific Plan Development Area (Quail Crossing), with an average lot size of 6,700 sq. ft.

#### **Access**

The property is adjacent to Coyote Howl Road with direct access. The future intent is to provide a 30-foot private access easement that will be the main access for existing and new development that will be established during a Minor Land Division process, if the rezone is approved.

#### **Utilities**

The rezoning area is located within the Tucson Water Obligated Service Area, as well as the service area for the Pima County Regional Wastewater Reclamation Department. The rezoning area also lies within the service areas of TRICO Electric Cooperative and Southwest Gas.

#### **Fire District Service**

The rezoning area is not currently part of the Northwest Fire District. However, the intent is to annex into Northwest Fire District upon demonstrating compliance with fire suppression requirements at the time of construction.

## **Citizen Participation**

The applicant mailed a letter to each of the property owners within 300 feet of the subject property informing them of the application submitted to the Town. The letter provided the opportunity for the property owners to contact and meet with the applicants to discuss the project via virtual meeting (Microsoft Teams) on Tuesday, October 15, 2024, at 6:00PM. One person (Susan Tobias at 5600 W. Alto Cielo) attended the meeting with the Project Team and Owners. Questions and answers involving the driveway location and lot sizes were discussed outside the meeting and one neighbor submitted an email to the Project Team with concerns about existing structures currently on the property. The full report of the meeting is provided as an attachment to this staff report.

## **Public Notification**

This public hearing was noticed in The Daily Territorial newspaper, and all property owners within 300 feet of the rezoning area were noticed by United States Mail of the date, time, and topic of the public hearing. Additional notices were posted at various locations within the community, on the Town's website, and on the property. As of writing this report, staff has received no comments.

## **Case Analysis Review Criteria**

Pursuant to Town Code section 17-3-1(E), the Planning Commission and Town Council shall consider the following questions, at a minimum, in reviewing an application for rezoning:

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

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

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

*With the acceptance of the recommended conditions, this rezoning will benefit the community through infill and continuance of low density residential.*

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

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

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

*The rezoning amendment conforms to the goals and policies of the general plan, the land development code, and other town regulations and guidelines.*

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

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

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

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

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

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

Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification;  
*Based upon the rezoning requirements and conditions, the subject property is suitable for the proposed uses.*

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

If applicable, the length of time the subject property has remained vacant as zoned:  
N/A

Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs:  
*Based upon the rezoning subject area location, there is a reasonable supply of land available in the area and the surrounding community and will accommodate the zoning and community needs by utilizing successful infill.*

### **Staff Recommendation:**

This is a discretionary item for the Planning Commission to consider. Should the Commission choose to recommend approval of this item to the Town Council, staff recommends it be based upon the recommended findings and subject to the following conditions:

1. Compliance with all applicable provisions of the Town's codes and ordinances current at the time of any subsequent development including, but not limited to, requirements for public improvements and payment of application fees and applicable development impact fees.
2. A "Will Serve" letter must be obtained by the Property Owners from Tucson Water Obligated Service Area (the "water provider") prior to approval of any lot splitting for any portion of the Rezoning Area.
3. A "Will Serve" letter must be obtained by the Property Owners from Pima County Regional Wastewater (the "wastewater utility") prior to the approval of any lot splitting for the Rezoning Area.
4. The final design of all streets and circulation facilities, including gated access (if applicable) and emergency access, must be accepted by the Northwest Fire District prior to Town Council consideration of a final plat or development plan for any portion of the Rezoning Area.
5. No approval, permit or authorization by the Town of Marana authorizes violation of any federal or state law or regulation or relieves the Property Owners from responsibility to ensure compliance with all applicable federal and state laws and regulations, including the Endangered Species Act and the Clean Water Act. The Property Owners should retain appropriate experts and consult appropriate federal and state agencies to determine any action necessary to assure compliance with applicable laws and regulations.
6. The property owners shall transfer to the water provider, by the appropriate Arizona Department of Water Resources form, those water rights being IGR, Type I or Type II for providing designation of assured water supply and water service to the Rezoning Area. If Type I or Type II is needed on the Rezoning Area, the water provider and the property owners shall arrive at an agreeable solution to the use of those water rights appurtenant to the affected portion of the Rezoning Area.
7. Prior to the issuance of any grading permits, the Property Owners shall submit evidence to the Town that all federal permit requirements have been met through the Corps of Engineers and the State Historic Preservation Office, if federal permits are required for the development of the Rezoning Area.
8. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.

### **Suggested Motion:**

I move to recommend to the Town Council approval of PCZ2408-001 Coyote Howl Rezone subject to the recommended conditions.

---

### **Attachments**

Rezone Request  
Location Map  
Location Map

Neighborhood Meeting Summary  
Application

---

August 26, 2024

Mr. Scott Radden  
Senior Planner  
Town of Marana Development Services Department  
11555 W. Civic Center Drive  
Marana, AZ 85653

**SUBJECT: Coyote Howl Road – Non-Site Analysis Rezoning**

Dear Mr. Radden:

Cynthia Coleman and Roxanne Hampton (“Owners”) own the real property at 13049 N. Coyote Howl Road, Assessor’s Parcel Number 218-44-083B (the “Property”) located north of Moore Road and west of Dove Mountain in the Town of Marana (the “Town”). (See *Enclosure A: Location & Zoning Map*.) The Property is approximately 5 acres in size and zoned Agricultural (“AG”). Currently, there is one single-family home and several accessory structures on the Property. The Owners wish to rezone the Property from AG to the Town’s R-36 zoning district so that they may split the existing lot into three parcels. (See *Enclosure B: Coyote Howl Proposed Lot Configuration*). They do not intend sell the additional lots, and instead they will build two homes on the new parcels (the “Project”), and all three homes will be owned by family members. This letter serves as a non-site analysis rezoning request to rezone the Property to R-36 to accommodate the Project.

### **Rezoning Request**

The northeast corner of the Property is currently developed with one single-family home, two accessory structures and a small horse stable and corral. The remainder of the Property is undeveloped. The entire Property is outside of the FEMA floodplain and contains no significant topography or slope. The Property is adjacent to AG-zoned properties to the north, south and west. A newer residential subdivision with smaller, 8,000 square-foot lots developed under R-8 zoning is located east of the Property, across Coyote Howl Road.

Upon approval of the rezoning, the Project proposes to divide the Property into three parcels, each of which will have a single-family residence. The Project will retain the existing single-family home and accessory structures within the new Lot 1, and the existing horse corral and stable will be removed. Lots 2 and 3 will contain new single-family homes, and a new enclosed barn will be constructed on Lot 3. The approximate locations of the parcel boundaries and homes are shown on *Enclosure B*. Grading will be limited to pads for each of the two new home sites, the new barn, and the access driveway that connects to Coyote Howl Road (i.e., no mass grading will occur). The final locations and designs of these homes will be established during the permitting stage of the Project following the rezoning.

The Owners propose to rezone the 5-acre Property to R-36, which permits one dwelling unit per lot with a minimum lot size of 36,000 square feet, or about 0.83 acres. As shown in *Enclosure B*, each of the new lots will be at least one acre in size, which generally mirrors the size of the properties directly south of the Property. The Project proposal is compatible with existing surrounding residential uses and will serve as an appropriate zoning transition between the R-8 subdivision on the east and the larger lot, rural AG zoning to the west. The Project will comply with all R-36 development standards and Marana Town Code requirements.

Marana's General Plan, *Make Marana 2040*, supports the Project and rezoning request to R-36. The General Plan's Future Land Use Map designates the Property as Rural Residential ("RR"), which is described as follows:

*The Rural Residential category designates areas that should maintain the rural character of the area by preserving much of the natural desert areas, agricultural fields, and scenic open spaces. Future development within this land use category consists of low-density and low-intensity uses, with residential densities limited up to one (1) dwelling unit per acre (du/ac) [...] The existing zoning districts consistent with this land use category are: B, C, D, AG, RD-180, R-36, R-80, R-144, NC, and MU-1.*

The utility companies serving the Project will be Tucson Water ("TW"), Pima County Regional Wastewater Reclamation Department ("PCRWRD"), Trico Electric Cooperative ("Trico") and Southwest Gas ("SWG"). The Project will require extension of new water and sewer lines from existing active lines within Coyote Howl Road. To meet TW service requirements, Lots 2 and 3 will have flag-lot configurations, so that each has direct access to Coyote Howl Road (i.e., no easements are necessary for water lines). The Property will annex into Northwest Fire District ("NWFD"), and the Project must demonstrate compliance with fire suppression requirements at time of construction.

The driveway currently providing access to Lot 1 will be removed, and all three lots will share a new access drive on Coyote Howl Road along the southern Property boundary. A 30-foot private access easement, the approximate location shown on *Exhibit A*, will be established during the Minor Land Division process that will follow the rezoning approval.

## **Conclusion**

We are requesting a rezoning of the Property from AG to R-36 to support the Project. Enclosed is a signed Owner Authorization Form authorizing the Project team to take actions necessary to obtain zoning entitlements and any other development-related approvals. Please do not hesitate to contact me if you have any questions or require additional information: (520) 207-4464 or via email at [RLarge@LSLawAZ.com](mailto:RLarge@LSLawAZ.com). Thank you for your consideration.

Sincerely,

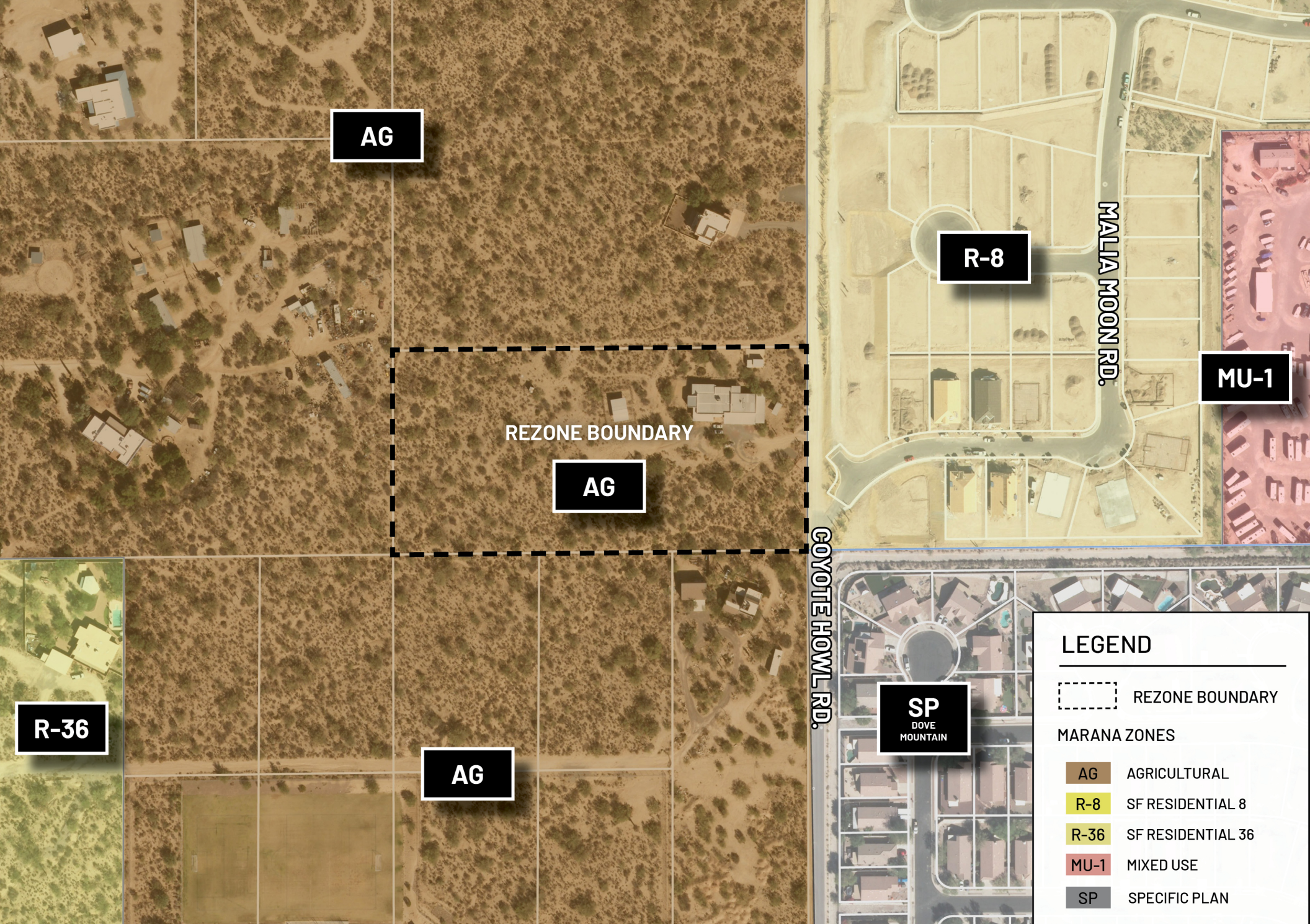


Robin M. Large  
Senior Land Use Planner  
Lazarus & Silvyn, P.C.

Enclosures:

- A – Location & Zoning Map
- B – Coyote Howl Proposed Lot Configuration
- C – Owner Authorization Form

cc: Ms. Cynthia Coleman  
Ms. Laura Coleman  
Ms. Roxane Hampton  
Mr. Rory Juneman, Esq.



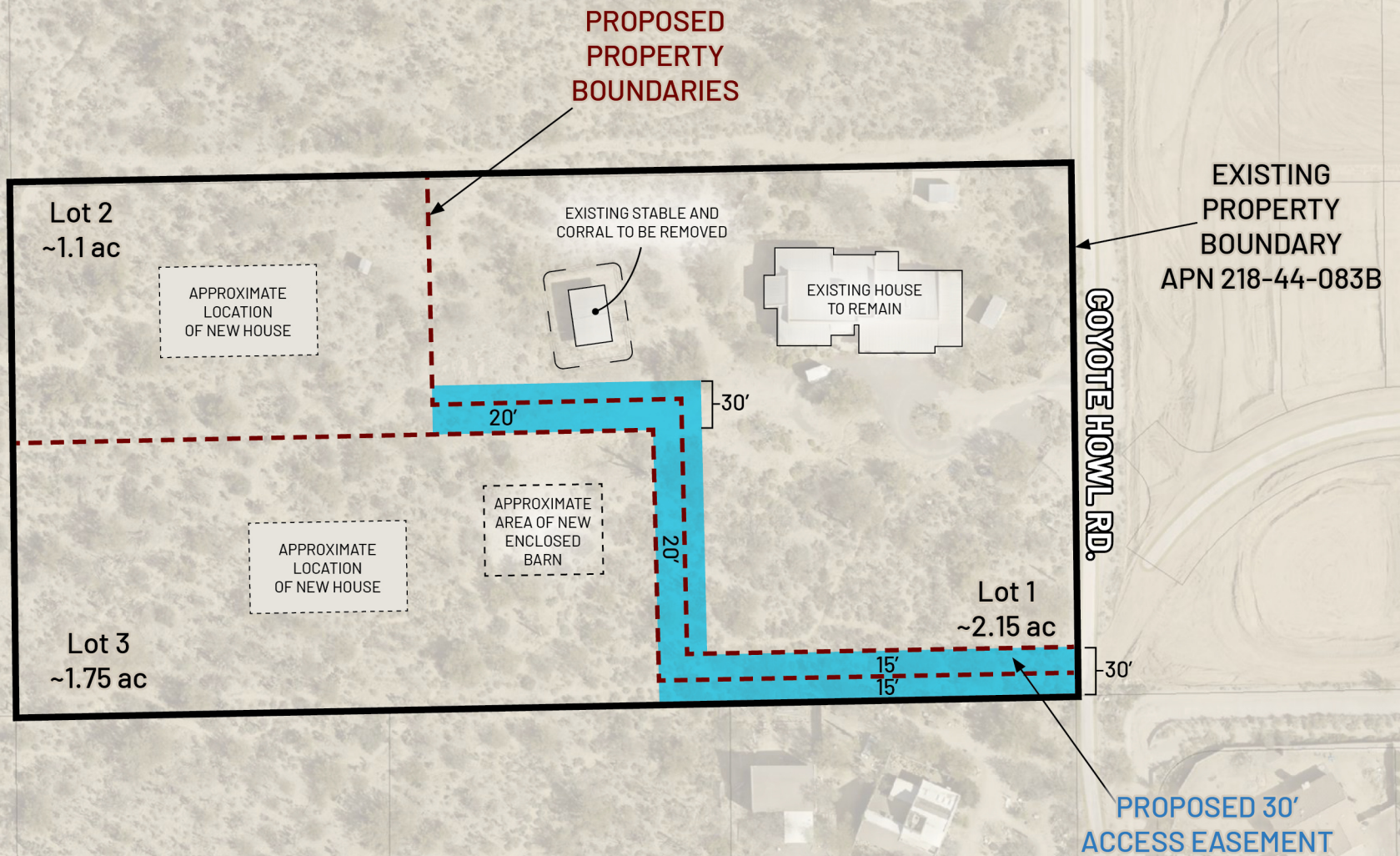
Enclosure A: Location & Zoning Map



DO NOT SCALE MAP - FOR REFERENCE ONLY

0 100 200 400 Feet





## Enclosure B: Coyote Howl Proposed Lot Configuration

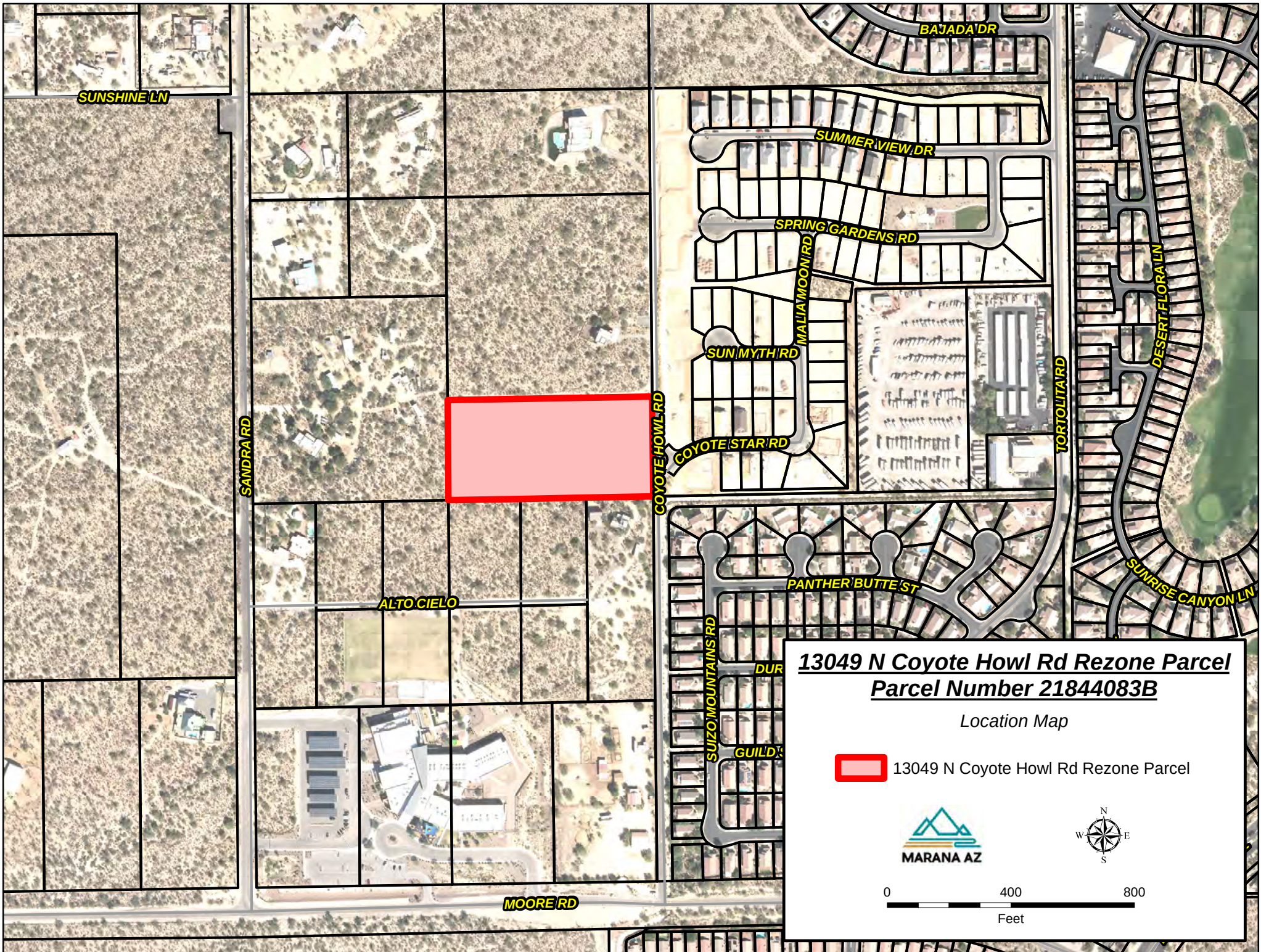
N WILD BURRO RD

Project  
Area

W MOORE RD

N DOVE MOUNTAIN BL





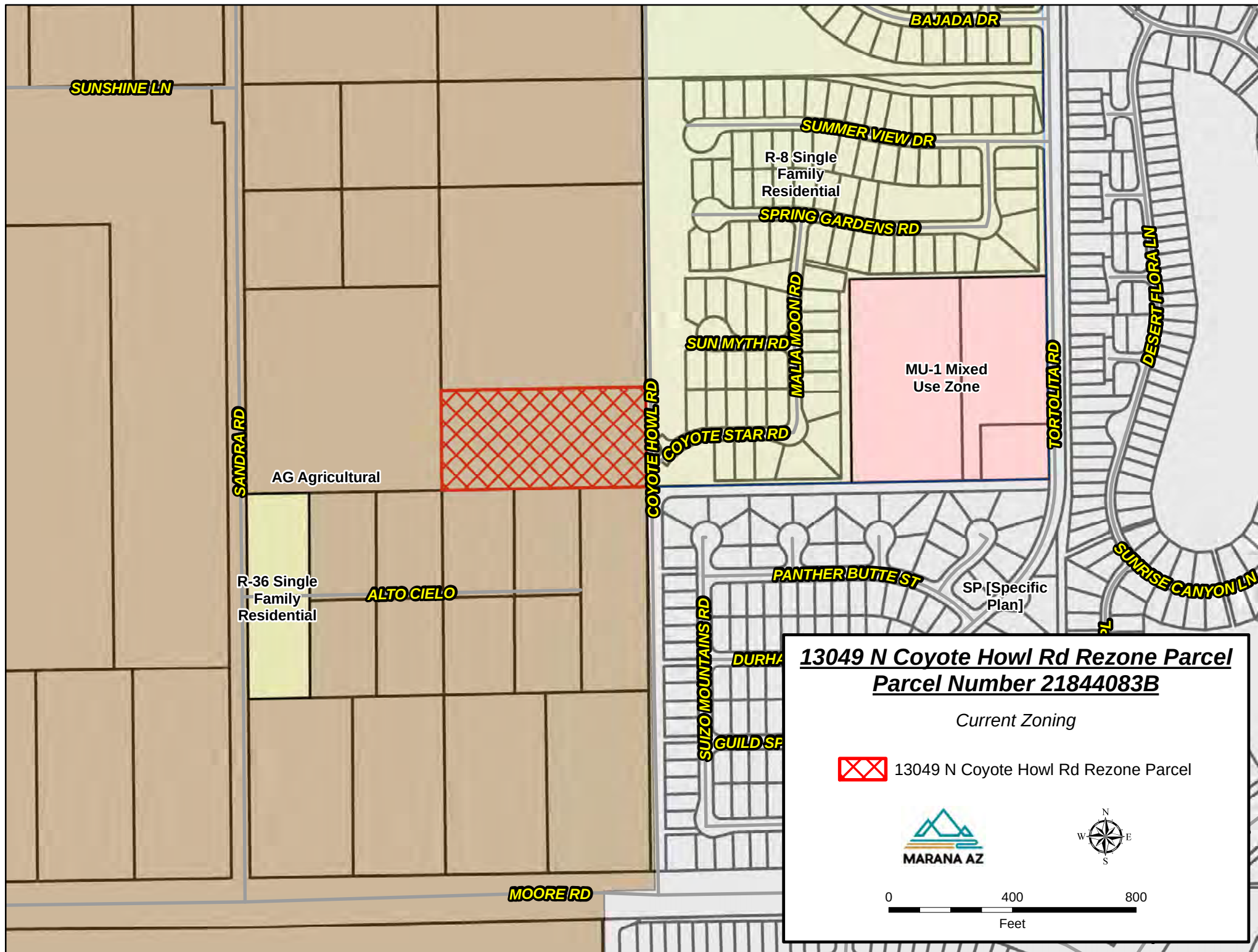
**13049 N Coyote Howl Rd Rezone Parcel**  
**Parcel Number 21844083B**

Location Map

 13049 N Coyote Howl Rd Rezone Parcel



0 400 800  
Feet



**13049 N Coyote Howl Rd Rezone Parcel**  
**Parcel Number 21844083B**

Current Zoning

 13049 N Coyote Howl Rd Rezone Parcel

 **MARANA AZ**



0 400 800  
Feet



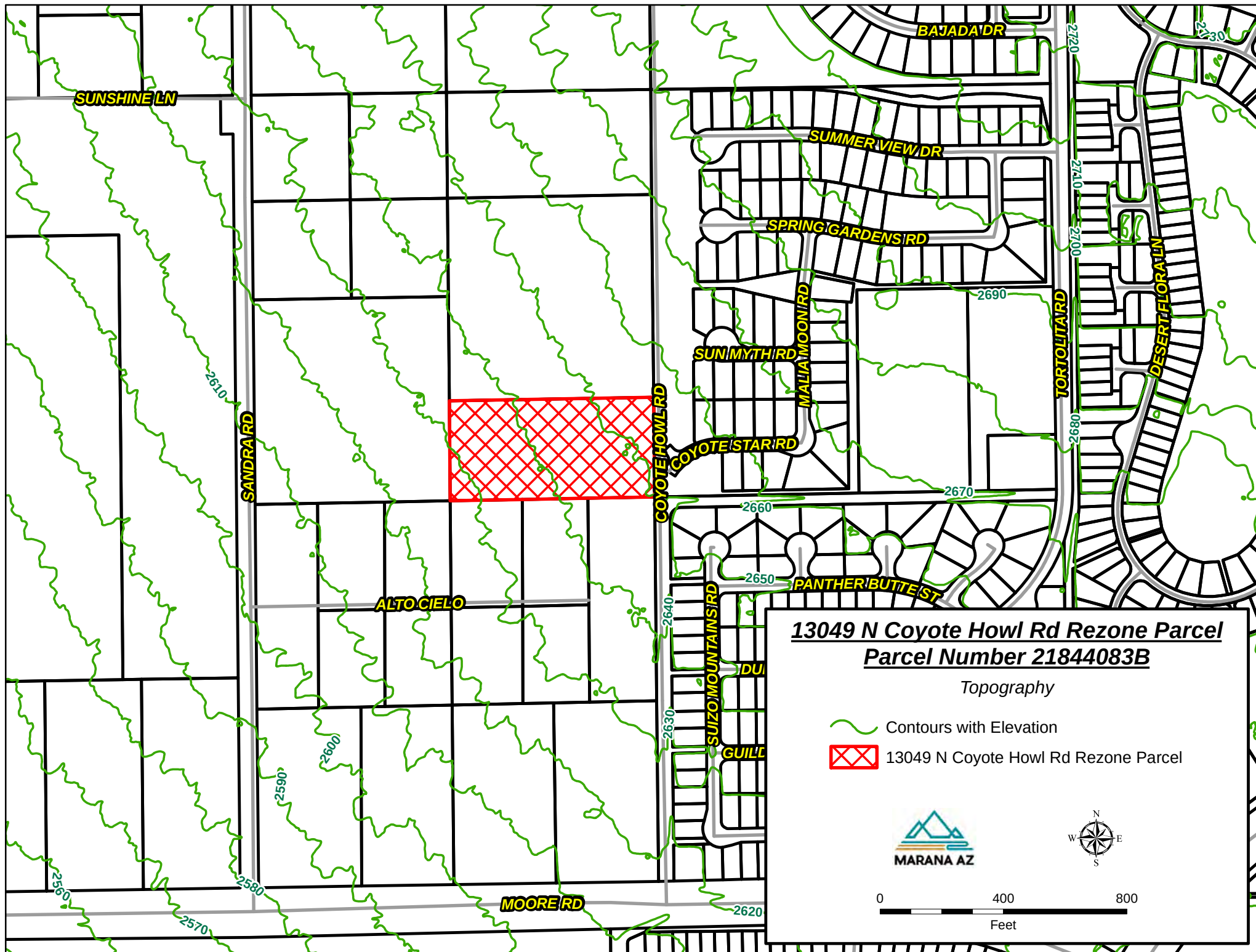
**13049 N Coyote Howl Rd Rezone Parcel**  
**Parcel Number 21844083B**

*Proposed Zoning*

 Proposed Zoning - R-36 SFR



0 400 800  
Feet



# Coyote Howl Rezoning

## Neighborhood Meeting Summary

**Project:** Cynthia Coleman and Roxanne Hampton (“Owners”) own the property at 13049 N. Coyote Howl Rd., Assessor’s Parcel Number 218-44-083B (the “Property”), located north of Moore Rd. and west of Dove Mountain in the Town of Marana (“Town”). The Property is approximately five acres in size and zoned Agricultural (“AG”). The majority of the Property is currently undeveloped, with the exception of the northeast corner, where a single-family home and several accessory structures are situated near Coyote Howl Rd. The Owners wish to split their Property into three separate parcels, retain the existing home and structures on one of the lots, and build two additional single-family homes on the remaining two lots. Both of the new homes will be owned by a separate family member (the “Project”). To accomplish this, the Owners are requesting a rezoning of the Property from AG to the Town’s R-36 zoning district to permit their desired lot sizes. These new homes will be approximately the same size as the existing home and will be accessible via a shared driveway on the Property.

**Date/Time:** Tuesday, October 15, 2024, 6:00 p.m.

**Location:** Virtual Meeting (via Microsoft Teams link in letter)

**Meeting Invitation:** The meeting invitation was sent to all property owners within 300 feet of the Property via First-class Mail using a Town-generated mailing list. See attached invite and labels.

**Attendance:** Other than the Project Team, there was one attendee: Susan Tobias (5600 W. Alto Cielo), the Owners’ adjacent neighbor to the south.

**Project Team:** The Project Team in attendance included:

- Cynthia Coleman, Roxanne Hampton, and Laura Coleman-McPhail (Rezoning Applicants)
- Rory Juneman & Jackson Cassidy, Lazarus & Silvyn (Planning/Zoning Consultants)

### **Meeting Synopsis:**

Mr. Juneman began the meeting at 6:05pm and introduced himself and Mr. Cassidy to Ms. Tobias. Mr. Juneman presented Property background, details of the Project, and described the Town’s rezoning process. The meeting slides are attached.

### **Q&A Topics:**

Ms. Tobias asked the following questions:

1. Can you clarify the driveway location, appearance, and whether it will be public or private?

*Mr. Juneman explained that the driveway will be private, likely a dust-controlled dirt path with utilities buried underneath, and generally located along a portion of the Property’s southern boundary which will track the shape of the new parcel boundary.*

*Ms. Coleman mentioned that they may try to initially continue using the current driveway to allow her family to access the future parcels, and later to establish the access easement for future use. Our team will follow up with Town staff to determine the Coleman's ability to do this.*

2. Does the Town desire uniform-sized lots and do they support this lot split?

*Mr. Juneman explained the Town does not necessarily desire one lot size over the other but does provide different zoning districts for different uses and impacts. For example, the Project's proposed R-36 zone requires minimum lot sizes of 36,000 square feet. Mr. Juneman explained that this rezoning represented good planning practice, as the Property's slight increase in density would provide a suitable transition between the rural and urban/developed areas around the Property. Mr. Juneman also mentioned Town staff appears generally supportive of this rezoning and does not have major concerns with it.*

3. Can Ms. Tobias' husband contact Mr. Juneman if he has additional questions?

*Mr. Juneman confirmed he would be available to answer any questions Ms. Tobias' husband may have and that his contact information was included in this meeting's notice letter.*

4. Do you usually have good results on rezonings?

*Mr. Juneman replied that results of rezonings he works on are generally positive, and that they often work with neighbors and stakeholders to make projects better.*

The meeting ended at approximately 6:20 p.m.

Outside of the meeting, our team received an email from the Owners' adjacent neighbor to the north, Judy Marro (13081 N. Coyote Howl Rd.). Ms. Marro had concerns about the location of the horse stable and an older work truck located on the Property. The Owners have since contacted Ms. Marro and let her know that the old horse stable will be removed and replaced by a new barn built to the south, further from Ms. Marro's property. The Owners also moved the truck out of sight from Ms. Marro's property.

| <u>Parcel ID</u> | <u>NAME</u>                                   | <u>ATTN</u>                  | <u>ADDRESS</u>             | <u>CITY-STATE</u>   | <u>ZIP Code</u> |
|------------------|-----------------------------------------------|------------------------------|----------------------------|---------------------|-----------------|
| 218440720        | SMITH DONNA L SOLE AND SEPARATE REVOC TR      | ATTN: AVRAHAM CUTLER         | 810 7TH AVE STE 405        | NEW YORK, NY        | 10019           |
| 21844075A        | RITA LAND CORP 85% & REDHAWK MARANA LLC 15%   |                              | 3561 E SUNRISE DR STE 201  | TUCSON, AZ          | 85718           |
| 21844076A        | RITA LAND CORP 85% & REDHAWK MARANA LLC 15%   |                              | 3567 E SUNRISE DR STE 219  | TUCSON, AZ          | 85718           |
| 218440800        | TOBIAS ROBERT PAUL & SUSAN K JT/RS            |                              | 5600 W ALTO CIELO          | MARANA, AZ          | 85658           |
| 21844081A        | RITA LAND CORP 85% & REDHAWK MARANA LLC 15%   |                              | 3561 E SUNRISE DR STE 201  | TUCSON, AZ          | 85718           |
| 21844082A        | RITA LAND CORP 85% & REDHAWK MARANA LLC 15%   |                              | 3561 E SUNRISE DR STE 201  | TUCSON, AZ          | 85718           |
| 21844083B        | HAMPTON ROXANE & COLEMAN CYNTHIA ANN JT/RS    |                              | 5624 W MOORE RD            | MARANA, AZ          | 85658           |
| 21844083G        | MARRO JUDITH C LIVING TR                      |                              | 13081 N COYOTE HOWL RD     | MARANA, AZ          | 85658           |
| 218441110        | HICKS RICHARD A & MARY C CP/RS                |                              | 12958 N SUIZO MOUNTAINS RD | MARANA, AZ          | 85658           |
| 218441120        | SHREVE MELISSA JOY                            |                              | 12966 N SUIZO MOUNTAINS RD | MARANA, AZ          | 85658           |
| 218441130        | ALDER ERIC R                                  |                              | 5713 JUSTIN ROBERT ST      | NORTH LAS VEGAS, NV | 89031           |
| 218441140        | DEZESE DANIEL H                               |                              | 12975 N SUIZO MOUNTAINS RD | MARANA, AZ          | 85658           |
| 218441150        | SMITH JASON & MARLO CP/RS                     |                              | 12967 N SUIZO MOUNTAINS RD | MARANA, AZ          | 85658           |
| 218441160        | IRWIN DEBORAH A                               |                              | 12959 N SUIZO MOUNTAINS RD | MARANA, AZ          | 85658           |
| 218441170        | CULLEN JUSTIN GRAHAM & GOMEZ NORA JUANA JT/RS |                              | 12951 N SUIZO MOUNTAINS RD | MARANA, AZ          | 85658           |
| 218442420        | TOWN OF MARANA                                |                              | .                          | .                   | 00000           |
| 218560470        | VAN NORMAN JEFFREY ALBERT                     |                              | 9603 E MCKELLIPS RD        | MESA, AZ            | 85207           |
| 218560480        | SHELLY ESTEVEN & LIZETH Z CP/RS               |                              | 5574 W SUN MYTH RD         | MARANA, AZ          | 85658           |
| 218560490        | GRIJALVA FRANCISCA N                          |                              | 5573 W SUN MYTH RD         | MARANA, AZ          | 85658           |
| 218560500        | TRUITT JILL RUTH                              |                              | 3432 BEDFORDSHIRE PL       | LAS VEGAS, NV       | 89129           |
| 218560510        | LUNDY DERYL & LESLEY REVOC TR                 |                              | 5553 W SUN MYTH RD         | MARANA, AZ          | 85658           |
| 218560560        | ESLAVA ADRIAN & SEVILLEJA KRISHNA CP/RS       |                              | 5552 W COYOTE STAR RD      | MARANA, AZ          | 85658           |
|                  | SEGUEL PATRICIA MAGDALENA MOREIRA & MARSH     |                              |                            |                     |                 |
| 218560570        | CHRISTOPHER LYNCH II CP/RS                    |                              | 5562 W COYOTE STAR RD      | MARANA, AZ          | 85658           |
| 218560580        | MELENDEZ ERIC CARLOS                          |                              | 5572 W COYOTE STAR RD      | MARANA, AZ          | 85658           |
| 218560590        | HANSEN FAMILY REVOC TR                        | ATTN: DONNA JEANNE HANSEN TR | 5551 W COYOTE STAR RD      | MARANA, AZ          | 85658           |
| 218560600        | AHMED AREFIN & TOLY FARZANA YASMIN            |                              | 5541 W COYOTE STAR RD      | MARANA, AZ          | 85658           |
| 218560840        | TITLE SECURITY AGENCY LLC TR 201434-T         | ATTN: TRUST DEPARTMENT       | 6390 E TANQUE VERDE RD     | TUCSON, AZ          | 85715           |

October 1, 2024

Dear Neighbor:

Our firm represents Cynthia Coleman and Roxanne Hampton (“Owners”), who own the property at 13049 N. Coyote Howl Road, Assessor’s Parcel Number 218-44-083B (the “Property”) located north of Moore Road and west of Dove Mountain in the Town of Marana (“Town”). The Property is approximately five acres in size and zoned Agricultural (“AG”). The majority of the Property is currently undeveloped, with the exception of the northeast corner, where a single-family home and several accessory structures are situated near Coyote Howl Road.

The Owners desire to split their Property into three separate parcels, retain the existing home and structures on one of the lots, and build two additional single-family homes on the remaining two lots. Both of the new homes will be owned by a separate family member (the “Project”). To accomplish this, the Owners must rezone their Property from AG to the Town’s R-36 zoning district. These new parcels are each expected to be over one acre in size and will be accessible via a shared driveway on the Property. The new homes have not yet been designed but will be approximately the same size as the existing home.

Because you are a neighboring property owner, we are reaching out to let you know about the proposed rezoning request. We invite you to attend an online neighborhood meeting to discuss the rezoning proposal. The virtual meeting will be held on:

**Tuesday, October 15<sup>th</sup> at 6:00 pm**

**via MS Teams**

**(See reverse for online meeting information.)**

During the meeting we will provide an overview of the rezoning proposal and information regarding the Town’s rezoning process. There will be plenty of time to ask questions and provide comments.

We look forward to having you join us. If you have any questions before the meeting, or if you cannot attend and would like to discuss the Project, please contact Rory Juneman or Robin Large at **(520) 207-4464** or via email at **RJuneman@LSLawAZ.com** or **RLarge@LSLawAZ.com**.

Sincerely,

Rory Juneman & Robin Large  
Lazarus & Silvyn, P.C.

The meeting will be held virtually using the **Microsoft Teams** platform. To access, please use the following meeting information:

**Tuesday, October 15<sup>th</sup> at 6:00 pm**

Join on your computer, mobile app or room device:

[www.microsoft.com/en-us/microsoft-teams/join-a-meeting](https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting)

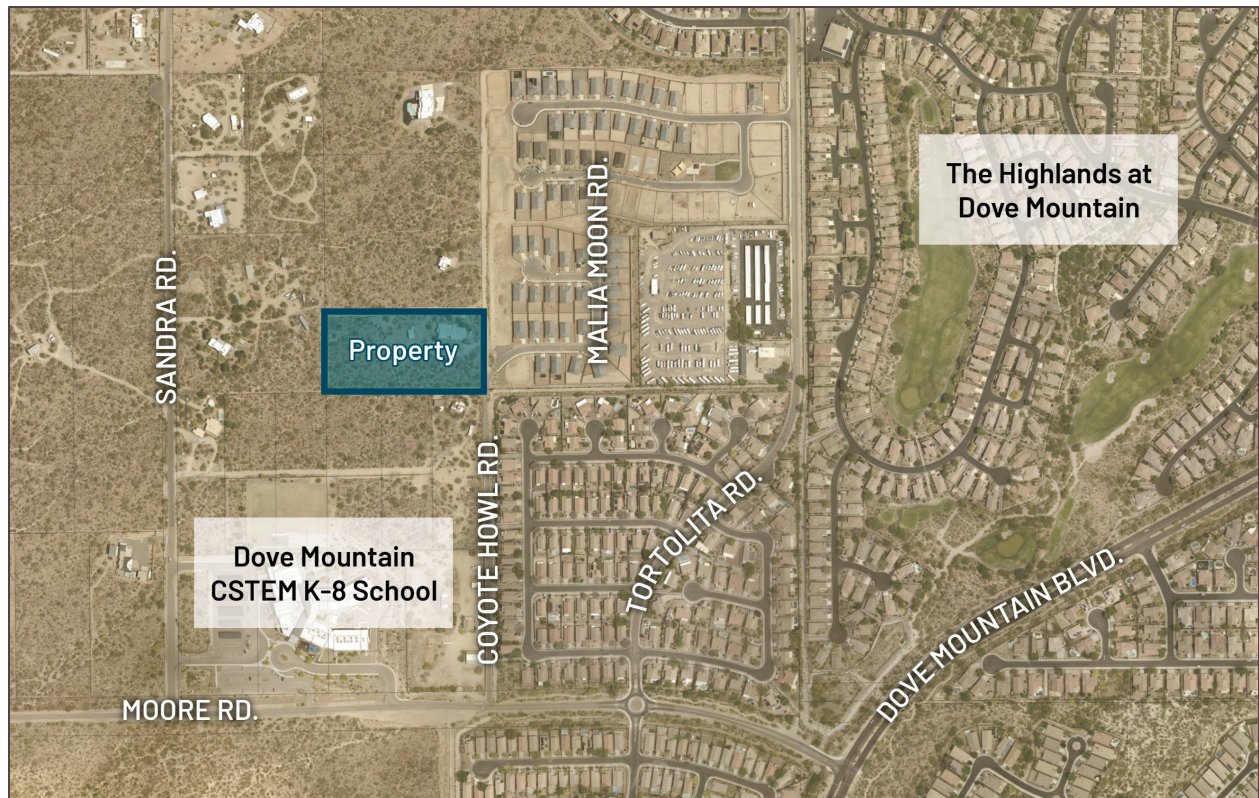
Meeting ID: 247 066 567 527

Passcode: nLBrT5

To access via phone, call: **1 (646) 838-1582**

Phone Conference ID: **523 944 625#**

**Property Location:**



# 13049 N. Coyote Howl Rd.

REZONING

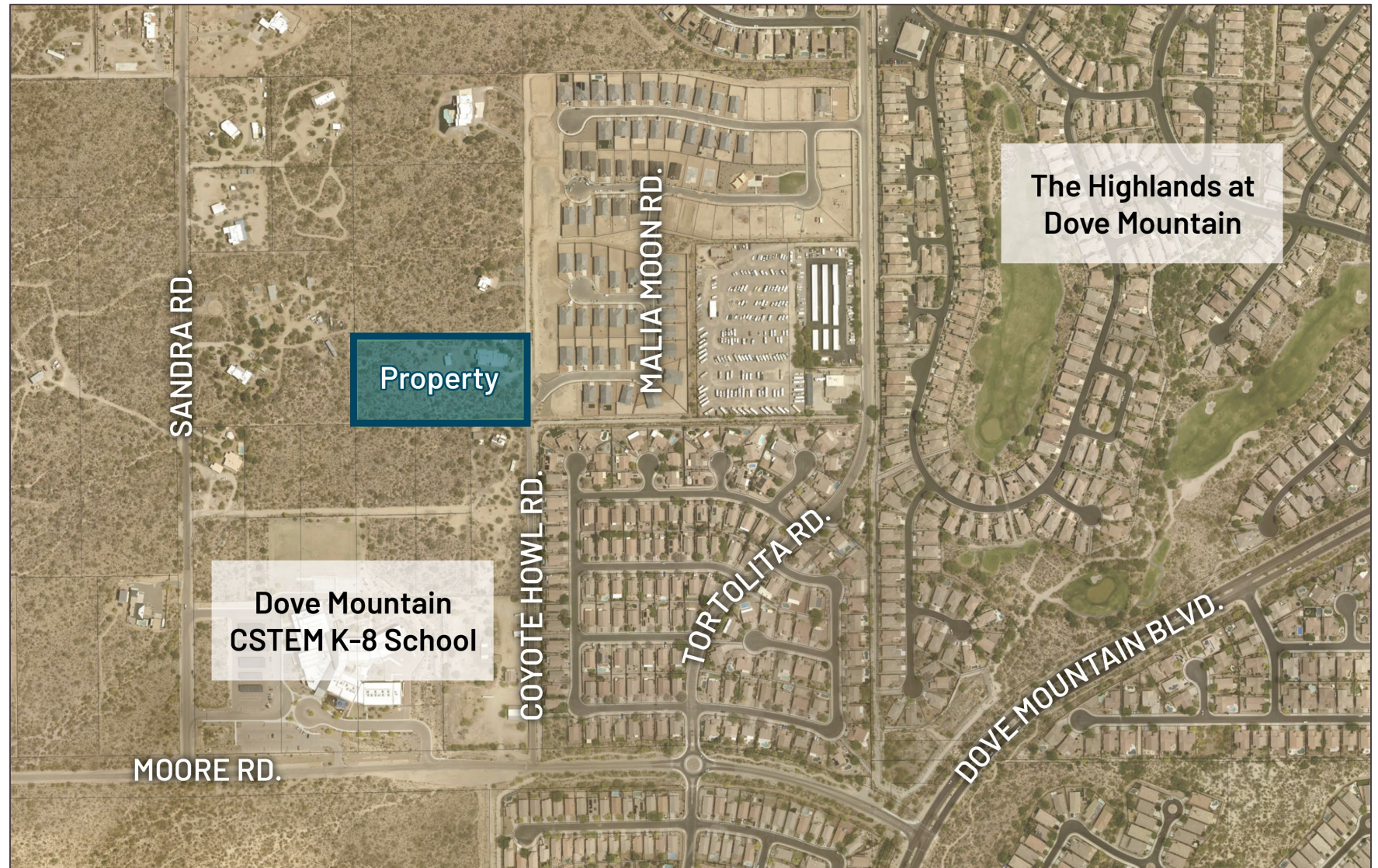
Neighborhood Meeting

October 15, 2024

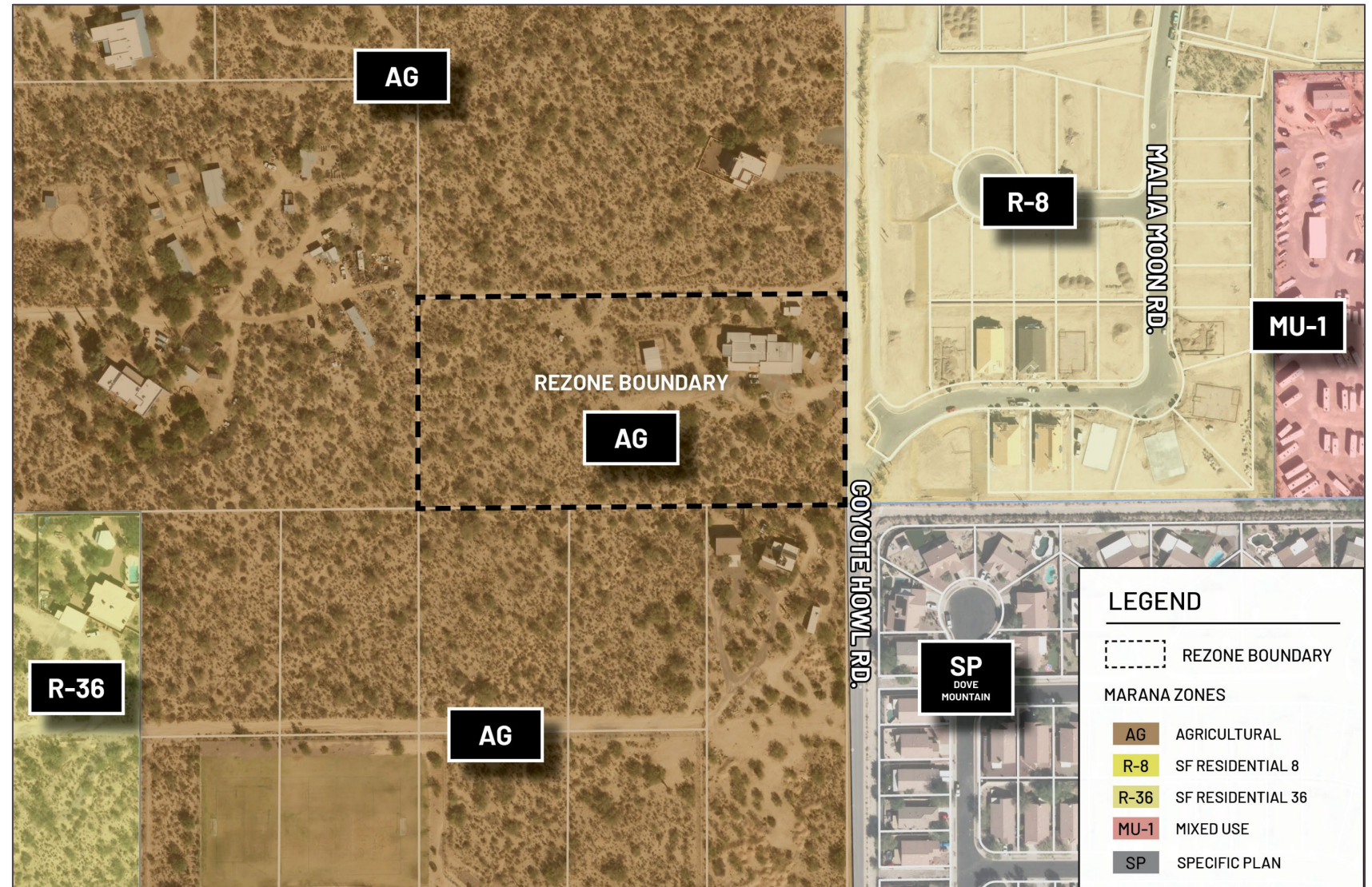


Law Offices of  
Lazarus & Silvyn, P.C.

# PROJECT LOCATION



# EXISTING ZONING



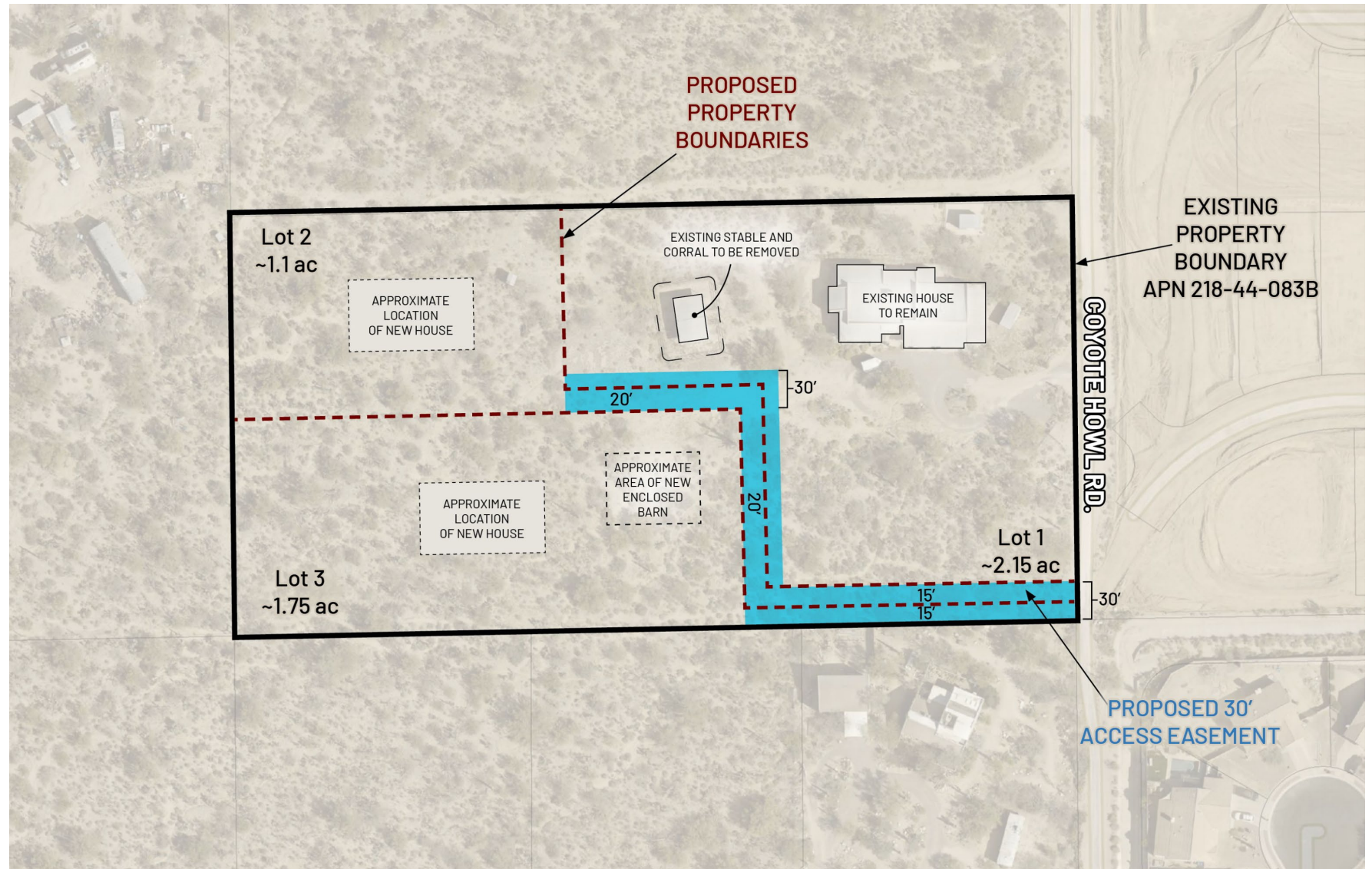
*Rezone from AG to R-36*

# PROJECT LOCATION



*13049 N. Coyote Howl Rd.*

# PRELIMINARY DEVELOPMENT PLAN



# REZONING PROCESS



Rezoning Submittal (late August)



Neighborhood Meeting (October 15, 2024)



Planning & Zoning Commission (estimated Nov/Dec 2024)



Mayor & Council Public Meeting (estimated January 2025)

# Questions?

**Rory Juneman** | Lazarus & Silvyn, P.C.

[RJuneman@LSLawAZ.com](mailto:RJuneman@LSLawAZ.com) | 520.207.4464

**Robin Large** | Lazarus & Silvyn, P.C.

[RLarge@LSLawAZ.com](mailto:RLarge@LSLawAZ.com) | 520.207.4464



Law Offices of  
**Lazarus & Silvyn, P.C.**

**PROJECT APPLICATION****APPLICATION TYPE**

- |                                        |                                              |                                                      |                                                 |
|----------------------------------------|----------------------------------------------|------------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Annexation    | <input type="checkbox"/> Development Plan    | <input type="checkbox"/> Development Plan Package    | <input type="checkbox"/> General Plan Amendment |
| <input type="checkbox"/> Rezone        | <input type="checkbox"/> Minor Land Division | <input type="checkbox"/> Translational Rezone        | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Specific Plan | <input type="checkbox"/> Landscape Plan      | <input type="checkbox"/> Native Plant Plan/Exception | <input type="checkbox"/> SWPP                   |
| <input type="checkbox"/> Variance      | <input type="checkbox"/> Hydraulic Model     | <input type="checkbox"/> Sewer Capacity Assurance    | <input type="checkbox"/> Sign Program           |
| <input type="checkbox"/> Plat          | <input type="checkbox"/> Improvement Plan    | <input type="checkbox"/> Report (Type): _____        | <input type="checkbox"/> Other: _____           |

**PROJECT INFORMATION**

Project Name:

Description of Project:

Number of Lots:

Parcel No.(s):

Gross Area (Acres):

Project Address:

Ref. Project No.:

**CONTACT INFORMATION****Owner:**

Contact Name:

Address:

City:

State:

Zip:

Email:

Phone No.:

**Applicant:**

Contact Name:

Address:

City:

State:

Zip:

Email:

Phone No.:

**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](http://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](#))

Applicant Name (PRINT)

Signature

Date

**FOR OFFICIAL USE ONLY**

Revision Date 05/16/2023

Project No. \_\_\_\_\_

Date Received \_\_\_\_\_

## **Planning Commission Regular Meeting**

**Meeting Date:** 12/11/2024

**To:** Planning Commission

**From:** Jane Fairall, Town Attorney

**Date:** December 11, 2024

### **Strategic Plan Focus Area:**

Not Applicable

### **Subject: Backyard Fowl Regulation Land Development Code Text**

**Amendment;** Recommendation to the Town Council regarding revisions to Marana Town Code Title 17 (Land Development), amending Sections 17-4-2 (Use matrix) and 17-4-3 (Use conditions matrix) to allow up to 6 chickens to be kept on a single-family detached residential lot that is one-half acre or less in size and prescribing development regulations related to the keeping of chickens; amending Section 17-6-7 (Animal-keeping) to add additional animal-keeping requirements for chickens; making other conforming changes (Jane Fairall)

---

### **Discussion:**

#### **Request**

Town staff proposes to revise the Land Development Code text to allow backyard fowl on single-family residential lots, subject to certain development regulations.

#### **Background**

The Arizona Legislature adopted Laws 2024, Chapter 192 (House Bill (HB) 2325), signed by Governor Katie Hobbs on May 21, 2024, and effective on September 14, 2024, prohibiting a municipality from adopting any law, ordinance, or other regulation that prohibits a resident of a single-family detached residence on a lot one-half acre or less in size from keeping up to six fowl in the backyard of the property. House Bill 2325 is now codified in the Arizona Revised Statutes at A.R.S. § 9-462.10. Paragraph D of A.R.S. § 9-462.10 provides that any local laws, ordinances, and charter provisions to the contrary of A.R.S. § 9-462.10 are preempted. A copy of HB 2325 is included in the agenda materials.

#### **Proposed Amendments**

Currently, the Town Code allows up to 40 chickens per acre in the AG and RA (80,000 square foot lots or larger) zones, and one chicken for every 1,000 square feet of lot area in the ER and NR zones (6,000 square foot lots or larger). However, the Code currently prohibits chicken keeping in the GR, MR, RR, NC and VC zones (lots that are 5,000 square feet or smaller), as well as in the industrial zones. The proposed ordinance will bring the Marana Town Code (MTC) into compliance with the new law by revising MTC sections 17-4-2 (Use matrix) and 17-4-3 (Use conditions matrix) to allow up to 6 chickens to be kept on a single-family detached residential lot in the GR, MR, RR, NC and VC zones.

Additionally, the proposed ordinance does the following:

- Revises Town Code definitions of "chicken" and "fowl" to be consistent with state law.
- Revises MTC section 17-4-3 (Use conditions matrix) to prescribe additional development regulations related to the keeping of chickens in the GR, MR, RR, NC and VC zones, including:
  - Chickens must be kept in an enclosure located in the rear or side yard.
  - Enclosures shall be set back at least 20 feet from any neighboring property line.

- Enclosures shall be a maximum of 200 square feet in size.
- Enclosures must be shorter than the fence line of the lot; in no event shall the height of an enclosure exceed eight feet.
- Requires that chicken-keeping structures on residential lots in the ER and NR zones must also be shorter than the fence line of the lot.
- Adds provisions to MTC section 17-6-7 (Animal-keeping) to add additional animal-keeping requirements for chickens kept on a single-family detached residential lot of one-half acre or smaller, including requiring the following:
  - Enclosures shall be maintained and manure picked up and disposed of or composted at least twice weekly.
  - Composted manure shall be kept in a way that prevents migration of insects.
  - Water sources shall have adequate overflow drainage.
  - Feed shall be stored in insect-proof and rodent-proof containers

### **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 backyard fowl 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 backyard fowl, as presented by town staff.

---

### **Attachments**

Ordinance  
HB 2325  
Housing Impact Statement

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*EXHIBIT A TO MARANA RESOLUTION NO. 2025-xxx*  
*Amendments to Marana Town Code, Title 17 “Land Development” pursuant to Marana*  
*Ordinance No. 2025.xx*

SECTION 1. Marana Town Code Title 17 (Land Development), Chapter 17-1 (Title, Intent, Purpose and Definitions), section 17-1-6 (Definitions) is hereby revised as follows (with deletions shown with ~~striketrough~~ and 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 35]

36. Chicken: A ~~female~~ cock or hen of the domestic chicken.

[No revisions to existing subparagraphs 37 through 80]

81. Fowl: A bird used to produce meat or eggs, including, but not limited to, ~~chickens,~~ ducks, turkeys, and peacocks.

[No revisions to paragraphs B and C]

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 (with deletions shown with ~~striketrough~~ and additions shown with double underlining) with all other existing table rows remaining unchanged:

| <b>Table 2. Use matrix</b> |           |           |           |           |           |           |           |           |           |           |           |
|----------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| <b>Uses</b>                | <b>AG</b> | <b>RA</b> | <b>ER</b> | <b>NR</b> | <b>GR</b> | <b>MR</b> | <b>RR</b> | <b>NC</b> | <b>VC</b> | <b>LI</b> | <b>HI</b> |
| Chickens                   | U         | U         | U         | U         | <u>UX</u> | <u>UX</u> | <u>UX</u> | <u>UX</u> | <u>UX</u> | X         | X         |

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 (with deletions shown with ~~striketrough~~ and additions shown with double underlining) with all other existing table rows remaining unchanged:

**Table 3. Conditions per use**

| <b>Use</b>                     | <b>Zone(s)</b> | <b>Condition(s)</b>                                                                                                                                                                                                                                                                                                    |
|--------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Chickens; roosters; other fowl | AG RA          | No more than 40 animals per acre<br><br>Structures shall be set back a minimum of 60 feet from any property whose zoning does not allow roosters or other fowl, and a minimum of 30 feet from any property line<br><br><u>Must comply with all applicable animal-keeping standards, as set forth in section 17-6-7</u> |

*EXHIBIT A TO MARANA RESOLUTION NO. 2025-xxx  
Amendments to Marana Town Code, Title 17 “Land Development” pursuant to Marana  
Ordinance No. 2025.xx*

| Use      | Zone(s) | Condition(s)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Chickens | ER NR   | <p>One chicken permitted for every 1,000 square feet of lot area</p> <p>Chickens and associated structures prohibited in the area extending the full width of the lot between the main building and the front street lot line</p> <p>Structures six feet or less in height and 16 square feet or less in area are not required to be set back from the side or rear property line, but must be behind the main building</p> <p>Structures more than six feet in height or larger than 16 square feet in area are subject to accessory building setback requirements</p> <p>All structures must be at least 20 feet from any offsite dwelling unit</p> <p>A setback is not required from property lines abutting alleys, rights-of-way, access easements, or nonresidential uses, or with the consent of the adjacent property owner</p> <p><u>Structures must be shorter than the fence line of the lot; in no event shall the <del>The maximum permitted</del> height of a structure is <del>exceed</del> 12 feet</u></p> <p><u>Must comply with all applicable animal-keeping standards, as set forth in section 17-6-7</u></p> |
|          | GR      | <p><u>Up to six chickens permitted per lot</u></p> <p><u>Chickens must be kept in an enclosure located in the rear or side yard</u></p> <p><u>Enclosures shall be set back at least 20 feet from any neighboring property line</u></p> <p><u>Enclosures shall be a maximum of 200 square feet in size</u></p> <p><u>Enclosures must be shorter than the fence line of the lot; in no event shall the height of an enclosure exceed eight feet</u></p> <p><u>Must comply with all applicable animal-keeping standards, as set forth in section 17-6-7</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

*EXHIBIT A TO MARANA RESOLUTION NO. 2025-xxx*  
*Amendments to Marana Town Code, Title 17 “Land Development” pursuant to Marana*  
*Ordinance No. 2025.xx*

| Use | Zone(s)      | Condition(s)                                                                                                                                                        |
|-----|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | <u>MR RR</u> | <u>When developed as single-family detached residential pursuant to a CUP, up to six chickens permitted per lot, with same conditions as listed for the GR zone</u> |
|     | <u>NC VC</u> | <u>When developed as single-family detached residential, up to six chickens permitted per lot, with same conditions as listed for the GR zone</u>                   |

SECTION 4. Marana Town Code Title 17 (Land Development), Chapter 17-6 (General and Miscellaneous Development Regulations), section 17-6-7 (Animal-keeping) is hereby amended as follows (with additions shown with double underlining):

**17-6-7 Animal-keeping**

[No revisions to paragraphs A through C]

D. When chickens are kept on a single-family detached residential lot of one-half acre or smaller, the following regulations shall apply:

1. Enclosures shall be maintained and manure picked up and disposed of or composted at least twice weekly.
2. Composted manure shall be kept in a way that prevents migration of insects.
3. Water sources shall have adequate overflow drainage.
4. Feed shall be stored in insect-proof and rodent-proof containers.

Conference Engrossed

backyard fowl; regulation; prohibition

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

**CHAPTER 192**

**HOUSE BILL 2325**

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 9-462.10; AMENDING TITLE 11, CHAPTER 6, ARTICLE 2, ARIZONA  
REVISED STATUTES, BY ADDING SECTION 11-820.04; RELATING TO MUNICIPAL AND  
COUNTY ZONING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 9, chapter 4, article 6.1, Arizona Revised  
3 Statutes, is amended by adding section 9-462.10, to read:

4 9-462.10. Backyard fowl regulation; prohibition; exceptions;  
5 state preemption; definition

6 A. A MUNICIPALITY MAY NOT ADOPT ANY LAW, ORDINANCE OR OTHER  
7 REGULATION THAT PROHIBITS A RESIDENT OF A SINGLE-FAMILY DETACHED RESIDENCE  
8 ON A LOT THAT IS ONE-HALF ACRE OR LESS IN SIZE FROM KEEPING UP TO SIX FOWL  
9 IN THE BACKYARD OF THE PROPERTY. A MUNICIPALITY MAY:

10 1. PROHIBIT A RESIDENT FROM KEEPING MALE FOWL, INCLUDING ROOSTERS.

11 2. REQUIRE FOWL TO BE KEPT IN AN ENCLOSURE LOCATED IN THE REAR OR  
12 SIDE YARD OF THE PROPERTY AT LEAST TWENTY FEET FROM A NEIGHBORING PROPERTY  
13 AND RESTRICT THE SIZE OF THE ENCLOSURE TO A MAXIMUM OF TWO HUNDRED SQUARE  
14 FEET WITH A MAXIMUM HEIGHT OF EIGHT FEET.

15 3. REQUIRE THE ENCLOSURE TO BE MAINTAINED AND MANURE PICKED UP AND  
16 DISPOSED OF OR COMPOSTED AT LEAST TWICE WEEKLY.

17 4. REQUIRE THAT COMPOSTED MANURE BE KEPT IN A WAY THAT PREVENTS  
18 MIGRATION OF INSECTS.

19 5. REQUIRE WATER SOURCES WITH ADEQUATE OVERFLOW DRAINAGE.

20 6. REQUIRE THAT FEED BE STORED IN INSECT-PROOF AND RODENT-PROOF  
21 CONTAINERS.

22 7. PROHIBIT FOWL FROM RUNNING AT LARGE.

23 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A MUNICIPALITY  
24 SHALL ENACT AN ORDINANCE THAT REQUIRES AN ENCLOSURE LOCATED IN A  
25 RESIDENTIAL COMMUNITY ON A LOT LESS THAN ONE ACRE IN SIZE TO BE SHORTER  
26 THAN THE FENCE LINE OF THE PROPERTY.

27 C. AN ORDINANCE THAT IS ENACTED AFTER THE EFFECTIVE DATE OF THIS  
28 SECTION DOES NOT APPLY TO AN ENCLOSURE THAT WAS CONSTRUCTED ON OR BEFORE  
29 THE EFFECTIVE DATE OF THIS SECTION.

30 D. THE PROPERTY RIGHTS OF PROPERTY OWNERS IN THIS STATE OUTLINED IN  
31 THIS SECTION ARE OF STATEWIDE CONCERN. THIS SECTION PREEMPTS ALL LOCAL  
32 LAWS, ORDINANCES AND CHARTER PROVISIONS TO THE CONTRARY.

33 E. FOR THE PURPOSES OF THIS SECTION, "FOWL" MEANS A COCK OR HEN OF  
34 THE DOMESTIC CHICKEN.

35 Sec. 2. Title 11, chapter 6, article 2, Arizona Revised Statutes,  
36 is amended by adding section 11-820.04, to read:

37 11-820.04. Backyard fowl regulation; prohibition; exceptions;  
38 state preemption; definition

39 A. A COUNTY MAY NOT ADOPT ANY LAW, ORDINANCE OR OTHER REGULATION  
40 THAT PROHIBITS A RESIDENT OF A SINGLE-FAMILY DETACHED RESIDENCE ON A LOT  
41 THAT IS ONE-HALF ACRE OR LESS IN SIZE FROM KEEPING UP TO SIX FOWL IN THE  
42 BACKYARD OF THE PROPERTY. A COUNTY MAY:

43 1. PROHIBIT A RESIDENT FROM KEEPING MALE FOWL, INCLUDING ROOSTERS.

44 2. REQUIRE FOWL TO BE KEPT IN AN ENCLOSURE LOCATED IN THE REAR OR  
45 SIDE YARD OF THE PROPERTY AT LEAST TWENTY FEET FROM A NEIGHBORING PROPERTY

1 AND RESTRICT THE SIZE OF THE ENCLOSURE TO A MAXIMUM OF TWO HUNDRED SQUARE  
2 FEET WITH A MAXIMUM HEIGHT OF EIGHT FEET.

3 3. REQUIRE THE ENCLOSURE TO BE MAINTAINED AND MANURE PICKED UP AND  
4 DISPOSED OF OR COMPOSTED AT LEAST TWICE WEEKLY.

5 4. REQUIRE THAT COMPOSTED MANURE BE KEPT IN A WAY THAT PREVENTS  
6 MIGRATION OF INSECTS.

7 5. REQUIRE WATER SOURCES WITH ADEQUATE OVERFLOW DRAINAGE.

8 6. REQUIRE THAT FEED BE STORED IN INSECT-PROOF AND RODENT-PROOF  
9 CONTAINERS.

10 7. PROHIBIT FOWL FROM RUNNING AT LARGE.

11 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A COUNTY SHALL  
12 ENACT AN ORDINANCE THAT REQUIRES AN ENCLOSURE LOCATED IN A RESIDENTIAL  
13 COMMUNITY ON A LOT LESS THAN ONE ACRE IN SIZE TO BE SHORTER THAN THE FENCE  
14 LINE OF THE PROPERTY.

15 C. AN ORDINANCE THAT IS ENACTED AFTER THE EFFECTIVE DATE OF THIS  
16 SECTION DOES NOT APPLY TO AN ENCLOSURE THAT WAS CONSTRUCTED ON OR BEFORE  
17 THE EFFECTIVE DATE OF THIS SECTION.

18 D. THE PROPERTY RIGHTS OF PROPERTY OWNERS IN THIS STATE OUTLINED IN  
19 THIS SECTION ARE OF STATEWIDE CONCERN. THIS SECTION PREEMPTS ALL LOCAL  
20 LAWS AND ORDINANCES TO THE CONTRARY.

21 E. FOR THE PURPOSES OF THIS SECTION, "FOWL" MEANS A COCK OR HEN OF  
22 THE DOMESTIC CHICKEN.

APPROVED BY THE GOVERNOR MAY 21, 2024.

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



## INTEROFFICE MEMORANDUM

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**TO:** Mayor and Council  
**FROM:** Jane Fairall, Town Attorney *Jane Fairall*  
**SUBJECT:** Housing Impact Statement for Proposed Backyard Fowl Regulation Ordinance  
**DATE:** November 12, 2024

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This is the housing impact statement for the proposed Town of Marana zoning ordinance text amendment to accommodate backyard fowl (chickens) as mandated by Laws 2024, Chapter 192 (House Bill 2325), signed by Governor Katie Hobbs on May 21, 2024, and effective on September 14, 2024, now codified in the Arizona Revised Statutes at A.R.S. § 9-462.10.

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 up to 40 chickens per acre in the AG and RA (80,000 square foot lots or larger) zones, and one chicken for every 1,000 square feet of lot area in the ER and NR zones (6,000 square foot lots or larger). However, the Code currently prohibits chicken keeping in the GR, MR, RR, NC and VC zones (lots that are 5,000 square feet or smaller), as well as in the industrial zones. The

proposed ordinance will bring the Marana Town Code (MTC) into compliance with the new law by revising MTC sections 17-4-2 (Use matrix) and 17-4-3 (Use conditions matrix) to allow up to 6 chickens to be kept on a single-family detached residential lot in the GR, MR, RR, NC and VC zones.

The proposed ordinance is not anticipated to have any impact on the average cost to construct housing for sale or rent in the Town of Marana.

The proposed ordinance is based on the requirements of Laws 2024, Chapter 192 (House Bill 2325), now codified in the Arizona Revised Statutes at A.R.S. § 9-462.10.

There are no less costly alternative methods of achieving the purpose of the proposed ordinance. A less restrictive alternative would be to allow backyard fowl (chickens) in residential zones with no restrictions.