

MARANA ORDINANCE NO. 2020.016

RELATING TO DEVELOPMENT; AMENDING ORDINANCE NO. 2018.023 WHICH REZONED APPROXIMATELY 17.3 ACRES OF LAND KNOWN AS TORTOLITA RIDGE GENERALLY LOCATED .75 MILES NORTH OF MOORE ROAD ON THE WEST SIDE OF TORTOLITA ROAD BY ELIMINATING THE REQUIREMENT FOR AN EMERGENCY ACCESS ROAD AND REPLACING IT WITH A REQUIREMENT FOR INSTALLATION OF AUTOMATIC FIRE SPRINKLER SYSTEMS

WHEREAS the Mayor and Council of the Town of Marana adopted Marana Ordinance No. 2018.023 on December 18, 2018, rezoning approximately 17.3 acres of land known as Tortolita Ridge (the “Rezoning Area”) from ‘R-80’ (Single-Family Residential) and Zone ‘C’ (Large Lot Zone) to ‘R-8’ (Single-Family Residential), and amending the 2010 Marana General Plan designation for the Rezoning Area from Rural Density Residential (RDR) to Low Density Residential (LDR); and

WHEREAS Section 3, condition 22 of Ordinance No. 2018.023 requires the property owners to construct a 20-foot-wide emergency access drive with a stabilized surface capable of supporting fire apparatus prior to the issuance of the 17th certificate of occupancy on the Rezoning Area; and

WHEREAS D.R. Horton, Inc., the current owner of the Rezoning Area (the “Property Owner”) has no legal means to provide the emergency access drive as required in the rezoning condition; and

WHEREAS the Marana Subdivision Street Standards, July 2016 Edition, Section 4.14.1.a.ii. provides that in areas where it is determined by the Town Engineer that the provision of a secondary access is not practicable based on topography or other access constraints, the Town Engineer, in conjunction with the Fire Marshall, may allow a single point of access provided that other mitigating requirements such as intermittent turn-around areas, fire sprinkler protection systems, or other similar measures are implemented; and

WHEREAS on October 12, 2020, the Town Engineer approved a Design Exception application for the Rezoning Area, approving a single point of access with the provision that all 32 lots in the Rezoning Area be equipped with automatic fire sprinklers; and

WHEREAS the Marana Town Council held a public hearing to consider this amendment to Ordinance No. 2018.023 on November 17, 2020, and determined that the amendment is in the best interest of the Town of Marana and the general public.

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

Section 1. Marana Ordinance No. 2018.023, Section 3, condition 22 is hereby amended as follows (with deletions shown with ~~striketrough~~ and additions shown with double underlining);

22. The Property Owners shall ~~construct a 20 foot wide emergency access drive with a stabilized surface capable of supporting fire apparatus prior to the issuance of the 17th certificate of occupancy on the Rezoning Area~~ install automatic fire sprinkler systems acceptable to the Northwest Fire District in each home in the Rezoning Area.

Section 2. All ordinances or parts of ordinances in conflict with the provision of this ordinance are repealed as of the effective date of this ordinance; provided, however that this repeal shall not affect the rights and duties that matured or penalties that were incurred and proceedings that were begun before the effective date of the repeal.

Section 3. If any section, subsection, sentence, clause, phrases 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 4. This ordinance is administrative and shall be effective immediately.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 17th day of November, 2020.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Cherry Lawson, Town Clerk

Jane Fairall, Interim Town Attorney