

## **MARANA ORDINANCE NO. 2023.032**

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RELATING TO LAND DEVELOPMENT; ADOPTING REVISIONS TO MARANA TOWN CODE (MTC) TITLE 17 "LAND DEVELOPMENT"; REVISING MTC SECTION 17-1-6 (DEFINITIONS), TO REVISE DEFINITIONS FOR "SINGLE-FAMILY DWELLING" AND "TRANSITIONAL HOUSING"; REVISING MTC SECTION 17-4-2 (USE MATRIX) TO REVISE THE PERMISSIVENESS OF TRANSITIONAL HOUSING USES IN SEVERAL ZONING DISTRICTS FROM ALLOWED UPON APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOWED UPON MEETING SPECIFIED CONDITIONS; REVISING MTC SECTION 17-4-3 (USE CONDITIONS MATRIX) TO ADD CONDITIONS PER USE FOR TRANSITIONAL HOUSING IN THE ALLOWED ZONING DISTRICTS; REVISING MTC CHAPTER 17-6 "GENERAL AND MISCELLANEOUS DEVELOPMENT REGULATIONS" TO ADD NEW SECTION 17-6-12 (TRANSITIONAL HOUSING) ESTABLISHING DEVELOPMENT REGULATIONS FOR TRANSITIONAL HOUSING AND A REASONABLE ACCOMMODATION WAIVER PROCESS; PROVIDING THAT THE REVISIONS ADOPTED BY THIS ORDINANCE SHALL APPLY TO ALL SPECIFIC PLANS IN THE TOWN THAT HAVE MORE RESTRICTIVE ZONING REQUIREMENTS FOR TRANSITIONAL HOUSING; AND DESIGNATING AN EFFECTIVE DATE

WHEREAS A.R.S. §9-462.01 provides that the governing body of a municipality may adopt zoning regulations in order to conserve and promote the public health, safety and general welfare; and

WHEREAS the Mayor and Council of the Town of Marana have adopted Marana Town Code Title 17 (Land Development) to promote the health, safety, order, and general welfare of the present and future inhabitants of the Town; and

WHEREAS the Mayor and Council of the Town of Marana find that revising Marana Town Code Title 17 as set forth in this ordinance is in the best interests of the Town and its residents.

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

SECTION 1. The revisions to Title 17 "Land Development" of the Marana Town Code ("MTC"), including revising MTC Section 17-1-6 (Definitions), to revise definitions for "Single-family dwelling" and "Transitional housing"; revising MTC Section 17-4-2

(Use matrix) to revise the permissiveness of transitional housing uses in several zoning districts from allowed upon approval of a conditional use permit to allowed upon meeting specified conditions; revising MTC Section 17-4-3 (Use conditions matrix) to add conditions per use for transitional housing in the allowed zoning districts; revising MTC Chapter 17-6 "General and Miscellaneous Development Regulations" to add new section 17-6-12 (Transitional housing) establishing development regulations for transitional housing and a reasonable accommodation waiver process, one paper copy and one electronic copy of which are on file in the office of the Town Clerk, which were made a public record by and attached as Exhibit A to Resolution No. 2023-098 of the Town of Marana, Arizona, are hereby referred to, adopted and made a part of this ordinance as if fully set out here.

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

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

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

SECTION 5. The MTC revisions adopted by this ordinance shall apply to all specific plans in the Town that have more restrictive zoning requirements for transitional housing than those set forth in revisions adopted by this ordinance.

SECTION 6. This ordinance is effective on the 31<sup>st</sup> day after its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 19th day of September, 2023.



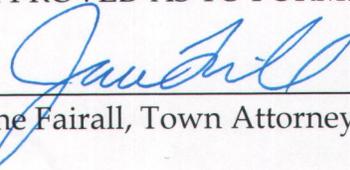
\_\_\_\_\_  
Mayor Ed Honea

ATTEST:



\_\_\_\_\_  
David L. Udall, Town Clerk

APPROVED AS TO FORM:



\_\_\_\_\_  
Jane Fairall, Town Attorney



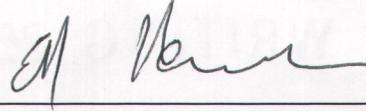
## MARANA RESOLUTION NO. 2023-098

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RELATING TO LAND DEVELOPMENT; DECLARING AS A PUBLIC RECORD FILED WITH THE TOWN CLERK THE AMENDMENTS ADOPTED BY ORDINANCE NO. 2023.032, REVISIONS TO MARANA TOWN CODE (MTC) TITLE 17 "LAND DEVELOPMENT"; REVISING MTC SECTION 17-1-6 (DEFINITIONS), TO REVISE DEFINITIONS FOR "SINGLE-FAMILY DWELLING" AND "TRANSITIONAL HOUSING"; REVISING MTC SECTION 17-4-2 (USE MATRIX) TO REVISE THE PERMISSIVENESS OF TRANSITIONAL HOUSING USES IN SEVERAL ZONING DISTRICTS FROM ALLOWED UPON APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOWED UPON MEETING SPECIFIED CONDITIONS; REVISING MTC SECTION 17-4-3 (USE CONDITIONS MATRIX) TO ADD CONDITIONS PER USE FOR TRANSITIONAL HOUSING IN THE ALLOWED ZONING DISTRICTS; REVISING MTC CHAPTER 17-6 "GENERAL AND MISCELLANEOUS DEVELOPMENT REGULATIONS" TO ADD NEW SECTION 17-6-12 (TRANSITIONAL HOUSING) ESTABLISHING DEVELOPMENT REGULATIONS FOR TRANSITIONAL HOUSING AND A REASONABLE ACCOMMODATION WAIVER PROCESS

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, that the revisions to Title 17 "Land Development" of the Marana Town Code (MTC), including revising MTC Section 17-1-6 (Definitions), to revise definitions for "Single-family dwelling" and "Transitional housing"; revising MTC Section 17-4-2 (Use matrix) to revise the permissiveness of transitional housing uses in several zoning districts from allowed upon approval of a conditional use permit to allowed upon meeting specified conditions; revising MTC Section 17-4-3 (Use conditions matrix) to add conditions per use for transitional housing in the allowed zoning districts; revising MTC Chapter 17-6 "General and Miscellaneous Development Regulations" to add new section 17-6-12 (Transitional housing) establishing development regulations for transitional housing and a reasonable accommodation waiver process, a copy of which is attached to and incorporated in this resolution as Exhibit A and one paper copy and one electronic copy of which are on file in the office of the Town Clerk, are hereby declared to be a public record and ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 19th day of September, 2023.



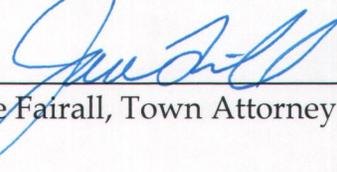
\_\_\_\_\_  
Mayor Ed Honea

ATTEST:



\_\_\_\_\_  
David L. Udall, Town Clerk

APPROVED AS TO FORM:



\_\_\_\_\_  
Jane Fairall, Town Attorney



*EXHIBIT A TO MARANA RESOLUTION NO. 2023-098*  
*Amendments to Marana Town Code, Title 17 "Land Development" pursuant to Marana*  
*Ordinance No. 2023.032*

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

**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 181]

182. Single-family dwelling: A dwelling unit with kitchen and sleeping facilities, de-signed for occupancy by and occupied by one family. Includes "adult developmental home," "child developmental certified home," "child developmental home," "group home," and "intermediate care facility for individuals with intellectual disabilities," each as defined in A.R.S. § 36-551; includes "residential facility" as defined in A.R.S. § 36-581; includes "adult foster care home" and "assisted living home" each as defined in A.R.S. § 36-401, and includes "child care group home" as defined in A.R.S. § 36-897.

[No revisions to subparagraphs a and b]

[No revisions to subparagraphs 183 through 208]

209. Transitional housing: A dwelling shared as a primary residence by adult persons with disabilities, as that term is defined under federal law for purposes of the fair housing act, who live together in an environment that may provide self-support or resident staff persons providing care, education, or activities for the residents. Transitional housing's primary purpose is to provide shelter in a residential family-like environment. ~~A single family dwelling where supervised, residential living is provided to not more than ten individuals who do not require institutional treatment and who have common needs for alternatives to incarceration or homelessness or who need treatment or rehabilitation for substance abuse, and where appropriate transitional living services are provided, including but not limited to substance abuse treatment or rehabilitation, or life skills assistance.~~ Examples of transitional housing include but are not limited to halfway houses, homeless shelters, sober living homes as defined in A.R.S. § 36-2061, and adult behavioral health therapeutic homes as defined in A.R.S. § 36-401.

[No revisions to subparagraphs 210-222]

[No revisions to paragraphs B and C]

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Amendments to Marana Town Code, Title 17 "Land Development" pursuant to Marana  
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SECTION 2. Chapter 17-4 "Zoning" of the Marana Town Code is hereby revised as follows (with additions shown with double underlining and deletions shown with ~~strikeouts~~):

[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]

**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
<b>Residential</b>											
Assisted living home	P	P	P	€	€	€	€	€	€	X	X
Adult foster care home	P	P	P	€	€	€	€	€	€	X	X
Transitional housing	<u>UC</u>	<u>UC</u>	<u>UC</u>	<u>UC</u>	<u>UC</u>	C	C	<u>UC</u>	<u>UC</u>	X	X

**17-4-3 Use conditions matrix**

The following table lists the conditions that apply to uses marked with a "U" in Table 2 (Use matrix). Where a zoning group is listed in the "zone(s)" column, the conditions apply to all zoning districts in that zoning group.

**Table 3. Conditions per use** (only amendments to Table 3 are shown; the remainder of Table 3 is unchanged)

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USE	ZONE(S)	CONDITION(S)
<b>Residential</b>		
<u>Transitional housing</u>	<u>AG, RA, ER, NR, GR</u>	<u>Must comply with all development standards for transitional housing, as set forth in section 17-6-12</u>
	<u>NC, VC</u>	<u>Must comply with all development standards for transitional housing, as set forth in section 17-6-12</u> <u>Must comply with the development standards for R-3 zone as set forth in section 17-4-5(B)(7) Table 4 (Development standards per residential zone)</u>

[No revisions to section 17-4-4 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 17-6-12 (Transitional housing) as follows:

**17-6-12 Transitional housing**

- A. The purpose of these regulations is to permit persons with disabilities to reside in single-family residential neighborhoods in compliance with the fair housing act, while preserving the residential character of the neighborhood.
- B. All transitional housing locations shall obtain and maintain a town business license in compliance with chapter 9-2 of this code.
- C. All transitional housing locations shall comply with the following standards:
  1. The number of residents at a transitional housing location, excluding staff, shall not exceed five.
  2. No transitional housing location shall house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others.
  3. A transitional housing location shall not be located on a lot that is within 1,200 feet, measured by a straight line in any direction, from the lot line of another transitional housing location.
  4. Transitional housing locations shall have no identification from a public street by signage, graphics, display, or other visual means.
  5. Transitional housing locations shall be in compliance with all applicable town codes, including building codes, fire safety regulations, zoning, and subdivision codes. If a transitional housing location has one or more non-ambulatory residents, building code requirements in addition to those applicable to locations with no non-ambulatory residents shall apply.

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6. Any parking for a transitional housing location shall be maintained on-site and comply with requirements set forth chapter 17-9 of this code.
  7. Transitional housing locations shall comply with any applicable licensing requirements.
    - a. If a transitional housing location is required by Arizona law to obtain and maintain a state license, the transitional housing location shall provide a copy of that license and all renewals to the town for record-keeping purposes within ten days of receipt by the operator of the transitional housing location.
    - b. If a transitional housing location is not required by Arizona law to obtain and maintain a state license, the transitional housing location shall obtain and maintain either a certification by the Arizona recovery housing association or a permanent Oxford House charter, and shall provide a copy of the certification or charter to the town for record-keeping purposes within ten days of receipt by the operator of the transitional housing location.
    - c. If a required state license, Arizona recovery housing association certification, or Oxford House charter is suspended or revoked, the operator of the transitional housing location shall notify the town's license inspector within five business days of the suspension or revocation.
  8. The exterior of the dwelling and yards shall be kept in a condition that is consistent with requirements set forth in title 18 of this code.
  9. All administrative activities, including staffing, counseling, and other visitations, shall serve only the residents of the transitional housing. No group staff training with staff from other locations is permitted.
  10. Large or multiple trash receptacles not usually found in the residential area where the transitional housing is located shall be blocked from public view.
  11. If a transitional housing location ceases operation, the operator shall notify the development services department within 30 calendar days of the cessation.
  12. Any applicable requirements or provisions of state law, including but not limited to any applicable requirements set forth in title 36 of the Arizona revised statutes, shall apply in addition to the provisions set forth in this section. To the extent that applicable state law conflicts with the provisions of this section, state laws shall preempt any conflicting provision, but shall not affect the remaining provisions of this section.
- D. Reasonable Accommodation Waiver
1. The purpose of this paragraph is to establish a procedure for persons with a disability to make a request for reasonable accommodation in the application of the town's zoning rules, policies, practices and procedures pursuant to section 3604(f)(3)(b) of title 42 of the fair housing act, as it may be amended, which prohibits local government from refusing to make reasonable accommodations when these accommodations are necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling.

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2. A request for a reasonable accommodation waiver must be in writing and filed with the zoning administrator. In all cases, the zoning administrator, or designee, shall make findings of fact in support of his or her determination and shall render a decision in writing.
3. The zoning administrator shall engage in an interactive process in considering the reasonable accommodation waiver request. The zoning administrator may meet with the person making the request for additional information, to discuss possible alternative accommodations, or to ascertain or clarify information sufficiently to make the required findings.
4. To grant a reasonable accommodation waiver, the zoning administrator must affirmatively find all of the following:
  - a. The requesting party or future occupants of the housing for which the reasonable accommodation has been made are protected under the fair housing act and the Americans with disabilities act;
  - b. The requested accommodation is reasonable and necessary to afford an individual with a disability an equal opportunity to use and enjoy a dwelling;
  - c. The requested accommodation will be in compliance with all applicable building and fire codes;
  - d. The requested accommodation will allow for the maintenance and preservation of the residential characteristics of the neighborhood and will not create a substantial detriment to neighboring properties by creating traffic impacts, parking impacts, impacts on water or sewer system, or other similar adverse impacts; and
  - e. The requested accommodation will not impose an undue financial or administrative burden on the town, as "undue financial or administrative burden" is defined in federal or Arizona fair housing laws and interpretive case law.
5. Profitability or financial hardship of the owner/operator of a facility shall not be considered by the zoning administrator in determining whether to grant a reasonable accommodation waiver.
6. A person requesting a reasonable accommodation waiver may request review of the decision of the zoning administrator by submitting a written request for review to the zoning administrator within ten calendar days of receipt of the zoning administrator's determination.
  - a. A review hearing shall be scheduled within 30 calendar days of the zoning administrator's receipt of the request.
  - b. A hearing officer appointed by the town manager shall conduct the hearing.
  - c. The hearing shall be conducted in an informal manner and the rules of evidence shall not apply.
  - d. The decision of the hearing officer is final and not subject to any further administrative review.