

MARANA ORDINANCE NO. 2026.XXX

RELATING TO DEVELOPMENT; AMENDING MARANA TOWN CODE TITLE 17 (LAND DEVELOPMENT); REVISING SECTION 17-1-6 (DEFINITIONS), TO ADD DEFINITIONS FOR “ENTERPRISE” AND “ENTERPRISE DENSITY”; REVISING SECTION 17-4-16 (LEGACY ZONES) TO CLARIFY WHEN A REZONING IS REQUIRED IN ZONES A THROUGH E; MAKING CONFORMING CHANGES TO SECTIONS 17-4-17 (ZONE A - SMALL LOT ZONE), 17-4-18 (ZONE B - MEDIUM LOT ZONE), 17-4-19 (ZONE C - LARGE LOT ZONE) AND 17-4-21 (ZONE E - TRANSPORTATION CORRIDOR ZONE); AND DESIGNATING AN EFFECTIVE DATE

WHEREAS A.R.S. §9-462.01 provides that the governing body of a municipality may adopt zoning regulations to conserve and promote 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, Arizona, as follows:

SECTION 1. Marana Town Code Title 17 (Land Development), Section 17-1-6 (Definitions) is hereby amended as follows (with additions shown with double underlining):

Section 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 70]

71. Enterprise: An individual or organization engaged in a single type of business, industry, or governmental activity as classified and defined by the three-digit subsector number of the most recently published North American Industry Classification System (NAICS) as established by the United States Census Bureau.

72. Enterprise density: A measure of the intensity of an enterprise on a parcel of property; for example:

- a. The square footage of building space for retail, transient lodging, or office uses.
- b. The number of occupants for occupancy-based enterprises, such as group homes, day care, and kennels.
- c. The square footage of land area used for an industrial use.

[No revisions to existing subparagraphs 71 through 223, which are hereby renumbered as subparagraphs 73 through 225]

SECTION 2. Marana Town Code Title 17 (Land Development), Chapter 17-4 (Zoning), section 17-4-16 (Legacy zone) is hereby amended as follows (with additions shown with double underlining):

Section 17-4-16 Legacy zones

[No revisions to paragraphs A, B, and C]

D. Except as otherwise allowed within sections 17-4-17 through 17-4-21, any change in land use or densities in zones A-E must be adopted through the rezoning process set forth in section 17-3-1 if the change will result in any of the following:

- 1. More than double the number of residential units, or more than double the enterprise density, of the land in question measured against the greater of what currently exists on the property, or what is currently allowed or has previously been approved on the property; or
- 2. Change the nature of the activity on the land from residential (including renter-occupied housing) to non-residential; or
- 3. Change the nature of any commercial, industrial, or quasi-public use of the land (including agricultural use) to any use that would fall in a different three-digit subsector number of the most recently published North American Industry Classification System (NAICS) as established by the United States Census Bureau; or
- 4. Be reasonably expected to equal or exceed the capacity or structural integrity of nearby streets or other public facilities.

SECTION 3. Marana Town Code Title 17 (Land Development), Chapter 17-4 (Zoning), section 17-4-17 (Zone A - small lot zone) is hereby amended as follows (with additions shown with double underlining and deletions shown with ~~strikeouts~~):

Section 17-4-17 Zone A - small lot zone

A. Permitted uses. Within zone A, any change in land use is subject to the requirements of section 17-4-16(D). In all other instances, residential, commercial, industrial, and quasi-public land uses shall be permitted so long as each such land use is conducted on a lot no larger than 2.5 acres. Agricultural uses, as listed in section 17-4-2, table 2 (Use matrix), shall be permitted in zone A in the same circumstances as they are permitted in the AG zone per section 17-4-2, table 2,

and subject to the same conditions per use as in the AG zone per section 17-4-3, table 3 (Conditions per use). Rezoning is not required to establish a use permitted in the neighborhood commercial (NC) zone, within an existing building or suite in a designated commercial area if the use can be accommodated within the existing building or suite without requiring a new retail commercial building permit. This is not, however, to be construed to permit any land use that may be specifically prohibited within the town by this or any other ordinance of the town or by state or federal law.

B. Density requirements. There shall be no maximum density of land use per se, except that any change in density is subject to the requirements of section 17-4-16(D). In all other instances, density of land use on any parcel of land within zone A shall be determined ~~in part by prior density of land use and by~~ setback requirements defined in this and other titles of this code or as may be determined by other applicable federal, state and local regulations.

[No revisions to paragraphs C through E]

SECTION 4. Marana Town Code Title 17 (Land Development), Chapter 17-4 (Zoning), section 17-4-18 (Zone B - medium lot zone) is hereby amended as follows (with additions shown with double underlining and deletions shown with ~~strikeouts~~):

Section 17-4-18 Zone B - medium lot zone

A. Permitted uses. Within zone B, any change in land use is subject to the requirements of section 17-4-16(D). In all other instances, any residential, commercial, industrial, or quasi-public land use is permitted so long as each separate land use is conducted on a lot larger than 2.5 acres but no larger than 25 acres. Agricultural uses, as listed in section 17-4-2, table 2 (Use matrix), shall be permitted in zone B in the same circumstances as they are permitted in the AG zone per section 17-4-2, table 2, and subject to the same conditions per use as in the AG zone per section 17-4-3, table 3 (Conditions per use). This is not to be construed, however, to permit any land use that may be expressly prohibited within the town by other ordinances of the town, by other provisions of this code, or by state or federal law.

B. Density requirements. There shall be no maximum density of land use per se in this zone, except that any change in density is subject to the requirements of section 17-4-16(D). In all other instances, density is as may be dictated by prior ~~density of land use and by~~ setback requirements defined elsewhere in this code.

[No revisions to paragraphs C and D]

SECTION 5. Marana Town Code Title 17 (Land Development), Chapter 17-4 (Zoning), section 17-4-19 (Zone C - large lot zone) is hereby amended as follows (with additions shown with double underlining):

Section 17-4-19 Zone C - large lot zone

A. Permitted uses. Within zone C, any change in land use is subject to the requirements of section 17-4-16(D). In all other instances, any residential, commercial, industrial, or quasi-public land use shall be permitted, so long as each

separate activity is conducted on a lot no smaller than 25 acres. Agricultural uses, as listed in section 17-4-2, table 2 (Use matrix), shall be permitted in zone C in the same circumstances as they are permitted in the AG zone per section 17-4-2, table 2, and subject to the same conditions per use as in the AG zone per section 17-4-3, table 3 (Conditions per use). This is not to be construed, however, to permit any land use that may be expressly prohibited within the town by other sections of this code, other ordinances of the town, or state or federal law.

B. Density requirements. The maximum density allowed shall be one dwelling unit or one commercial, industrial, or quasi-public establishment per 25 acres. Any change in density is subject to the requirements of section 17-4-16(D).

[No revisions to paragraphs C through E]

SECTION 6. Marana Town Code Title 17 (Land Development), Chapter 17-4 (Zoning), section 17-4-21 (Zone E – transportation corridor zone) is hereby amended as follows (with additions shown with double underlining and deletions shown with ~~strikeouts~~):

Section 17-4-21 Zone E – transportation corridor zone

A. Permitted uses. Within zone E, any change in land use is subject to the requirements of section 17-4-16(D). ~~no~~ residential land use shall be permitted except one single-family residence. In all other instances, ~~Any~~ commercial, industrial, or quasi-public land use shall be permitted which is consistent in its location with the land use element of the town's general plan. This is not to be construed, however, to permit any land use that may be expressly prohibited within the town by other sections of this code, by other ordinances of the town, or by state or federal law.

B. Density requirements. There shall be no maximum or minimum density requirements in zone E, except that any change in density is subject to the requirements of section 17-4-16(D). In all other instances, density is dictated as ~~may be required~~ by the setback requirements of this code or by other applicable federal, state and local regulations.

[No revisions to paragraph C]

SECTION 7. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 8. 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 9. 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 10. This ordinance is effective on the 31st day after its adoption.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this _____ day of _____, 2026.

Mayor Jon Post

ATTEST:

APPROVED AS TO FORM:

Jill McCleary, Town Clerk

Jane Fairall, Town Attorney