

**TITLE 19
STANDARDS FOR GRADING AND RELATED SITE WORK**

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HILLSIDE DEVELOPMENT

19.010 Purpose and Interpretation

A. Purpose

1. The purpose of this Title is to protect the public health, safety, general welfare, and aesthetics by regulating grading and related site work (including initial clearing, brushing or grubbing, subsequent excavating or filling, and related site work) on private and public land, including land owned by the Town of Marana.
2. It establishes standards designed to:
 - a. Regulate the development of potentially hazardous terrain;
 - b. Conserve the general visual character of sites and settings;
 - c. Enhance the value of new development; and
 - d. Conserve the value of existing affected properties.
3. The guidelines and standards of this Title have been prepared in the context of Town of Marana specific desert environment. They are intended to complement the applicable provisions of development code and other Town ordinances.
4. Granting of a permit for grading and related site work shall not relieve the applicant of responsibilities to other jurisdictions.

B. Interpretation.

1. This section shall be used as a guide whenever a conflict arises in the interpretation or enforcement of this Title. The design, implementation, and mitigation of grading and related site work regulated by this Title (19) shall be reviewed by the Town of Marana staff prior to the issuance of any permit to ensure compliance with the guidelines of this Title and the specific standards and requirements of this Title.

2. The design and implementation of all grading and related site work shall;
 - a. Minimize scars and other adverse visual impacts resulting from cut and fill;
 - b. Blend with the natural contours of the land;
 - c. Conserve the natural scenic beauty and vegetation of the site, and;
 - d. Restrict the area and volumes to the minimum necessary to implement the planned development.
3. In all projects, measures shall be taken to:
 - a. Ensure that graded hillside, slopes, or other areas subject to erosion are stabilized;
 - b. Reduce the erosion effects of stormwater discharge, preserve the floodway-carrying capacity of natural or constructed waterways by limiting soil loss, and protect drainways from siltation;
 - c. Minimize dust pollution and surface water drainage from graded areas during grading and development; and
 - d. Ensure that development activity is designated and implemented to minimize adverse impacts and include appropriate restorative measures.

19.020 Applicability and Exemptions.

A. Scope

1. All development projects shall require either a Type 1 or a Type 2 grading permit, except as exempted in subsection D of this section.
2. Town development projects shall abide by the requirements of this Title. The Town Council may grant a special exception at a public hearing to a requirement of this Title for a Town development project.

B. Type 1 permit applicability: A Type 1 permit is required for:

1. Residential development on a single lot, with a development envelope not exceeding the following:

<u>Lot Area</u>	<u>Development Envelope</u>
0.5 to 5.0 acres (21,780 to 217,800 sq.ft.)	12.000 sq. ft. plus 9.5% lot area
5.0 acres and more	15.0% lot area

2. Residential development on a single lot of less than one-half acre, with a development envelope of more than twelve thousand square feet.
3. Non-residential development on less than 1.0 acre, or which does not require a subdivision plat or development plan.
4. The clearing, brushing, or grubbing of an area within the limits given in (B) (1) above.

5. Temporary off-site stockpiling of between one hundred cubic yards and ten thousand cubic yards of fill.
 6. Grading -- except when reviewed during a golf course review, a floodplain review, or a Type 2 grading permit review process -- which requires a permanent cut or fill slope greater than five feet in height and steeper than a 3:1 slope.
 7. New pavement of three thousand to five thousand square feet.
- C. Type 2 permit applicability: A Type 2 permit is required for:
1. residential development on a single lot with a development envelope exceeding the following:

<u>Lot Area</u>	<u>Development Envelope</u>
0.5 to 5.0 acres (21,780 to 217,800 sq. ft.)	12,00 sq. ft. plus 9.5% lot area
5.0 acres and more	15% lot area
 2. Residential development which requires a subdivision plat or development plan.
 3. Non-residential development on one or more acres, or which requires a subdivision plat or development plan
 4. The clearing, brushing, or grubbing of an area exceeding the standards of subsection (C)(1) above.
 5. Temporary off-site stockpiling of more than ten thousand cubic yards of fill.
 6. New pavement of more than five thousand square feet.
- D. Exemptions: The following activities are exempted from this Title.
1. Residential development on a single lot, with a development envelope of less than fourteen thousand square feet.
 2. One subsequent expansion, by not more than twenty-five percent, of an exempted or approved Type 1 graded area.
 3. The clearing, brushing, or grubbing of an area of less than fourteen thousand square feet.
 4. Temporary off-site stockpiling of less than one hundred cubic yards of fill.
 5. Resurfacing or maintenance of an existing paved surface.
 6. New pavement of less than three thousand square feet.
 7. Single-home sewage disposal system with a County Health Department permit.
 8. Excavation below finished grade for a basement, foundation, wall or swimming pool authorized by a building permit.
 9. Cemetery graves.
 10. Refuse disposal site controlled by other regulations.

11. Exploratory excavation under the direction of a soil engineer or engineering geologist, provided all excavation is properly backfilled in accordance with Town of Marana standards.
12. Qualified archaeological exploration of a registered archaeological site.
13. Removal of no more than 25 percent of the individual plants for storage and replanting on the same property. This provision shall not exempt clearing, brushing, or grubbing.
14. Underground utility installations under a paved roadway surface or a continuously-maintained unpaved roadway surface and which provide no disturbance of the surface.
15. Grading for the maintenance of an existing private access, road or driveway, provided that it either existed prior to adoption of, or was established in conformance with, this Title. Proof of such may be required by the Town of Marana.
16. Grading for an appurtenant access or utility easement.
17. Grading for normal agricultural practices on or within existing areas of agricultural use.
18. Excavations for specific building foundations which are permitted by issuance of a building permit.
19. Projects in the floodplain which are authorized under a specific floodplain permit.

19.030 Definitions.

- A. General usage: The definition and usage of terms in this Title are as contained within this code, except that the definition and usage of terms describing drainage are as contained within the Marana Floodplain Management Ordinance.
- B. Definitions: For purposes of this Title only, the following words and terms shall mean:
 1. Access road: A road within one mile of the grading site, designed on the approved grading plan, and used, during grading, for the transport of grading equipment, hauling of fill and other equivalent vehicular traffic to and from the grading site.
 2. Approval: Written notice by the Town of Marana staff approving the design, progress or completion of work. A copy of which will be filed in the office of the Planning and Zoning Administrator.
 3. Approved plan: The most current grading plan which bears the authorized signature of approval of the Town of Marana staff.
 4. Approved testing agency: A facility which is equipped to perform and certify the tests required by this Title and whose testing operations are controlled and monitored by a Registered Civil Engineer.
 5. Borrow: Earth material acquired from an off-site location for use in grading a site.

6. Brushing: The selective removal of vegetation.
7. Building height contour line: A contour elevation line set at the existing grade elevation, plus the maximum building height permitted by site rezoning conditions of this code and fifty percent of the additional height added by permitted fill. Refer to illustration (19.100A.1).
8. Clearing: The substantial removal of vegetation.
9. Development Project: Any manmade change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, and excavating.
10. Envelope, building:
 - a. A dwelling unit and all attached roofed structures, including carports or patio ramadas;
 - b. For non-residential development, the building envelope shall be the main building and all attached roofed structures.
11. Envelope, development: The total area encompassed by a continuous line drawn a minimum distance of five (5) feet outside any and all work shown on the approved plan and any other surfaces which will be disturbed (as access roads). There shall be no more than one envelope per permit unless such envelopes are separated by an undisturbed distance of at least 100 feet.
12. Erosion: The wearing away of the ground surface as a result of the movement of wind, water or ice.
13. Excavation: The artificial (e.g. mechanical, manual, blasting, etc.) removal of earth materials.
14. Final inspection: Field inspection conducted by the Town of Marana prior to project acceptance or release of assurances (if required).
15. Grade: The vertical location of the ground surface.
16. Grade, existing: The actual, current ground surface as of the date of adoption of the ordinance adopting this Title.
17. Grade, finished: The final grade conforming to the approved grading plan.
18. Grade, rough: The stage at which grading substantially conforms with the approved grading plan.
19. Grading: The initial clearing, brushing, or grubbing, and subsequent excavating or filling, of a site.
20. Grading permit: An official document issued by the Town of Marana staff authorizing the grading and related site work activity specified by the permit conditions.
21. Grubbing: The removal of trees and other large plants by their roots.
22. Inspector: A person authorized by the Town of Marana to perform inspection on grading or related site work.

23. Permit conditions: The specifications and requirements of the approved grading plan, grading statement, soils report, or other documents necessary for permit approval.
24. Related site-work: Work other than general, or mass grading which involves (1) below-the-surface operations (such as trenching for utilities or landscaping); (2) placing of pavement and its substructure; (3) curbs, gutters, and sidewalk; (4) grading of drainage channels; and (5) constructing minor slope protection facilities and retaining walls.
25. Retaining wall: A wall designed to withstand lateral and hydrostatic pressures and built to keep earth from sliding, and which is two feet or greater in height from the lowest point of earth at the foundation to the top of the wall.
26. Revegetation: Placement of living plant material on sites or cut and fill slopes where the natural vegetation has been removed.
27. Site: Any lot or parcel of land, or contiguous combination of lots and parcels under the same ownership, or unified control, where grading or related site work is to be performed.
28. Slope: An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.
29. Soil: Naturally occurring deposits overlying bedrock.
30. Stabilized slope: A slope treated with revegetation or other mitigation measures approved by the Town of Marana that contribute to resistance to erosion of siltation or to structural strength of the slope.
31. Temporary stock-piling: The storing of a quantity of material for not more than 90 days. A revised period may be accepted by the Town Engineer, at his discretion when the permit is issued, and shall determine the expiration date.

19.040 General Grading and Related Site Work Performance Standards.

- A. Scope: The performance standards of this section are general grading and related site work performance requirements. Illustrations (see 19.100) elaborate on minimum performance standards referenced by this section and may include non-regulatory guidelines for superior grading performance.
- B. Site revegetation and stabilization: All graded areas that have not been revegetated, stabilized, or constructed upon at expiration of the permit shall be subject to an additional fee and an amended permit and shall be revegetated or stabilized within 60 days of the expiration date of the original permit.
- C. Slopes: All exposed cut or fill slopes shall be revegetated or stabilized in accordance with the approved grading plan.
- D. Terracing: Terracing to control surface drainage and debris on cut or fill slopes may be required.
- E. Fill: Fill shall be compacted and soil-tested in accordance with Town of Marana standards.

- F. Setbacks: The following minimum setbacks shall be increased by the Town staff if considered necessary for safety or stability, or to prevent possible damage from water, soil or debris:
1. Terraces: The width of a terrace shall be a minimum of six feet.
 2. Buildings: Buildings shall be set back from the toe and crest of a slopes in accordance with this Title, the Town of Marana building code, or the approved soils reports, whichever is greatest.
 3. Rights-of-way: The required setback of a slope toe adjacent to a public right-of-way may be reduced with the approval of the Town of Marana staff, if there will be no adverse effect and:
 - a. Easements are not required; or
 - b. Retaining walls are used.
- G. Building height: The finished grade and building pad shall be established so that the maximum building height shall not exceed the building height contour lines.
- H. Drainage control systems:
1. Permanent control systems:
 - a. Erosion control shall be constructed and maintained to prevent erosion of slopes, and cleared, brushed, grubbed, or graded areas, in accordance with the approved grading plan and Town of Marana standards.
 - b. Where cut slopes are not subject to erosion due to the erosion resistant character of the native materials, erosion control may be omitted upon approval by the Town of Marana.
 - c. Erosion control devices to prevent erosion or sediment deposition on off-site property may be required,
 - d. The shoulders of a paved public or private roadway shall be protected against erosion whenever curbing or constructed spillways are not provided.
 - e. Surface drainage:
 - (1) Cut and fill slopes shall be provided with approved surface drainage for stability and erosion protection of affected properties.
 - (2) Approved surface drainage interceptors shall be provided at the top of cut and fill slopes where there is surface runoff and erosion potential.
 - (3) Approved drainage slopes to protect foundations shall be provided.
 - f. Subsurface drainage: Subsurface drainage for stability and protection of affected properties from ground water seepage may be required by the Town of Marana staff.

2. Interim systems: Approved interim drainage control systems shall be provided.
- I. Import and export of earth and materials:
 1. Loading of earth material shall occur only within the time limits of subsection J of this section, and dust palliatives shall be applied as may be required by the Town of Marana staff.
 2. The transportation of earth material on public right-of-way shall be in a manner that minimizes blowing soil and other hazards.
 - J. Hours of construction:
 1. Construction equipment operation within one-half mile of an occupied structure shall not be conducted between sunset and seven a.m.
 2. Normal equipment maintenance involving lights, motors or generators, and occurring within six hundred feet of an occupied structure, shall not be conducted between nine p.m. and seven a.m.
 3. Town of Marana staff may allow equipment operation or maintenance during other hours if such operations are not detrimental to the health, safety, or welfare of the inhabitants of the structure.
 4. Permitted hours of operation or maintenance may be shortened by written notice, if the Town staff finds a substantial adverse effect on the health, safety, or welfare of the surrounding community.
 - K. Restrictions of vehicles:
 1. No vehicles shall be driven over "natural open space areas", as designated on the approved grading plan.
 2. Points-of-entry to the site during construction shall be only as designated on the approved grading plan.
 3. For Type 2 permits, access roads to the site during construction shall be only as designated on the approved grading plan.
 - L. Additional requirements:
 1. During construction, and until revegetation or stabilization has taken place, dust shall be minimized through application of approved dust controls as may be required be Town of Marana staff.
 2. Public rights-of-way, sidewalks, and other improvements shall be maintained during construction in a neat and clean condition, free of loose soil, construction debris, and trash.
 3. Debris, fill, or equipment shall not be stored within a public right-of-way without the written approval of the Town of Marana.
 4. Cut or fill material in excess of that allowed by the permit shall be disposed of in an approved manner.
 - M. Removal of native vegetation. In order to minimize erosion and sedimentation in the run off from the Tortolita mountains, native vegetation shall not be removed from that part of the Town of Marana East of I-10 except where the Town Engineer

has approved the methods to control erosion, sedimentation, flow and related factors and their implementation is assured by a mutual consent agreement between the Town and the applicant signed and guaranteed by cash or a bond acceptable to the Town Attorney in an amount set by the Town Manager to guarantee performance of the provisions of the mutual consent agreement (Ord. 91.19, 1991).

19.050 Submittal and Procedures: Type 1

- A. Scope: An application for a Type 1 permit requires a completed permit application, grading plan, and grading statement. A survey sealed by a registered land surveyor is not required.
- B. Grading plan requirements:
 - 1. The existing and proposed finished grade of the area to be graded, based on spot elevations or one-foot contour interval maps;
 - 2. The extent of graded areas, shaded and labeled "graded area", and, where structures are to be constructed:
 - a. The existing grade at the primary building corners and proposed finished floor elevations; and
 - b. The proposed building heights, shown to be within the building height contour line;
 - 3. The location of proposed mitigative measures, such as revegetation or retaining walls;
 - 4. The exterior boundaries of the site;
 - 5. Access roads and points-of-entry to the construction site;
 - 6. The grading envelope.
- C. Grading statement: A written grading statement shall be submitted with an application for a permit. The Statement shall include, where applicable:
 - 1. A description of stabilization, erosion, and drainage control measures;
 - 2. The off-site disposal location and estimated quantity of earth material and vegetation to be removed from the site during construction;
 - 3. Estimated starting and completion dates;
 - 4. A description of the dust control method to be used during construction and until revegetation or stabilization has been completed.
- D. Documents preparation:
 - 1. Documents shall be prepared in accordance with the requirements of this Title and other Town of Marana standards.
 - 2. Information shall conform to the specific plan, rezoning conditions (where applicable), and other applicable regulations.

- E. Application:
1. The permit application, grading plan, and other required materials shall be submitted for review to the Town of Marana.
 2. The permit application shall be completed and signed by the owner or authorized representative.
 3. Fees are payable to the Town of Marana in accordance with the fees schedule adopted by the Town of Marana.
- F. Application review:
1. The grading plan and statement shall be reviewed for consistency with applicable regulations and standards, and if approved, a permit shall be issued within five working days of application.
 2. If determined inadequate, the application shall be returned within five working days and the owner may resubmit, without additional fees, an amended grading plan or statement.
 3. If a second additional submitted is required, it shall be accompanied by a fee equal to one-half of the initial fee.
 4. The Town of Marana shall require that plans and specifications be modified to make them consistent with this code or other applicable regulations. A permit may be issued with additional conditions.
- G. Permit issuance and expiration:
1. Issuance: Permits are issued by the Town of Marana. A copy of the permit and approved grading plan shall be kept in an easily accessible location on the site.
 2. Expiration: A permit shall be null and void if the authorized work has not been completed within six months of permit issuance.
- H. Permit extension and reapplication:
1. Extensions: Upon written request by the permit holder, the Town of Marana may approve a single time extension of a permit for up to 90 days.
 2. Reapplication: Reapplication for a permit may be made in accordance with this Title.
- I. Changes to permit:
1. Hazardous conditions: If drainage problems, flood hazards, or other potential hazards become known that were not considered at the time the permit was issued, the Town of Marana may require that engineering modifications be submitted in a report and that the designed be modified.
 2. Nonhazardous conditions: If unanticipated nonhazardous conditions are encountered during construction and are beyond the scope of the permit, the permit holder may submit the necessary engineering modifications in a report to be reviewed and approved by the Town of Marana.

19.060 Submittals and Procedures: Type 2

- A. Scope: An application for a Type 2 permit requires a completed permit application, grading plan, grading statement, and soils report. Where applicable and not otherwise submitted, drainage improvement plans shall be required also.
- B. Grading plan requirements:
1. The existing and proposed finished grade contours (except as amended in subdivision 2 of this subsection) of the area to be graded, at a minimum of two-foot contour intervals for slopes up to fifteen percent. Slopes over fifteen percent shall be identified clearly and labeled.
 2. The development envelope, showing the extent of graded area, shaded and labeled "graded area", and, where structures are to be constructed:
 - a. Spot elevations may be shown for the finished grade within the building envelope;
 - b. All building pads, showing the existing grade at the primary building corner and proposed finished floor elevations; and
 - c. The proposed building height, shown to be within the building height contour line.
 3. The general topography for one hundred feet, or as specified by the Town of Marana, outward from sites greater than five acres: The Town may determine that such information is necessary for smaller sites.
 4. A description of the mitigation methods, specifying elevations, dimensions, qualities and locations, to be used during grading and until revegetation or stabilization has been completed.
 5. The exterior boundaries of the site, the bases of bearing and a benchmark to establish the vertical datum.
 6. The extent and manner of preserving, relocating, clearing and disposing of vegetation.
 7. The final ground cover, revegetation (if any), erosion control and proposed methods for cut or fill stabilization, based upon the soils report (refer to subsection C of this section).
 8. Access roads, haul routes, and points-of-entry to the construction site.
 9. Where drainage improvement plans have not been submitted separately or where interim drainage conditions exist because of project phasing, plans for:
 - a. Drainage or other protective devices to be constructed as part of the grading;
 - b. The drainage area and estimated runoff of the area served by drains.
 10. A general description of potential paleontological, archaeological or historical resources, and proposed mitigation measures; or a clearance letter from a qualified archaeologist or archaeological institute.

11. The off-site disposal location and estimated quantity of earth material to be moved from the site during construction.
 12. Estimated starting and completion dates for each construction phase. For superior project design and construction performance, it is encouraged that the project designer prepare for project design use an existing site inventory, identifying and quantifying vegetation, soils, on-and-off site view shed constraints, slope analysis, and drainage.
- C. Soil report:
1. The report shall contain all geotechnical engineering information and recommendations applicable to the project, and shall be sealed by the Soils Engineer prior to submittal.
 2. The Civil Engineer responsible for preparing the grading plan shall incorporate all report recommendations into the plan and statement.
 3. Approved report recommendations shall become conditions of the permit.
- D. Documents preparation:
1. Documents shall be prepared in accordance with the provisions of this Title and standards of the Town of Marana.
 2. Information shall conform with rezoning conditions and other applicable regulations.
 3. Grading plan preparation: The plan shall be prepared by, or under the direction of, a Registered Civil Engineer.
- E. Application:
1. The permit application, grading plan, and other required materials shall be submitted to the Town of Marana for distribution to the applicable Town of Marana review agencies.
 2. When desired, a letter of request to exercise the inspection certification option (refer to Section 19.070B) shall be submitted with the application.
 3. The permit application shall be completed and signed by the owner or authorized representative.
 4. Fees are payable to the Town of Marana in accordance with the fees schedule adopted by the Town.
 5. At the discretion of the Town of Marana, assurances may be required in accordance with Section 19.070E (Subdivision Standards).
- F. Application review:
1. Grading and related site work plans and related submittals shall be review concurrent with the tentative plat or development plan review process for the project.
 2. Plans and reports shall be reviewed for consistency with applicable regulations and standards, and with the approved rezoning site analysis (if required). If determined inadequate, they shall be returned within ten working days.

3. Written review comments shall be provided to the applicant within twenty working days of each submittal or resubmittal. Two submittals are covered by the initial fee. An added fee of 50% is required with third submittal.
- G. Preliminary grading:
1. Preliminary grading approval: A preliminary grading permit for clearing, brushing, grubbing, preliminary excavation, or filling may be issued in special circumstances at the discretion of the Town of Marana while the grading plan is being reviewed, provided:
 - a. The Town of Marana finds that the proposed grading is consistent with this Title and code, the submitted grading plan, and the approved tentative plat or reviewed development plan;
 - b. The Town of Marana finds that the proposed grading will not have an adverse effect on the grading project and surrounding area;
 - c. Preliminary grading shall occur no less than twenty feet from the boundaries of the development envelope, exclusive of approved points-of-entry; and
 - d. Preliminary grading assurances have been provided in accordance with subdivision 2 of this subsection.
 2. Preliminary grading assurances;
 - a. When approval has been granted for preliminary grading, grading assurances shall be posted in an amount not to exceed the approved preliminary grading cost estimate made by a Registered Civil Engineer.
 - b. The assurances shall be applied only to:
 - c. Eliminate potential hazardous conditions; or
 - (1) Mitigate the effects of dust, drainage, erosion, visual scars or hazardous conditions, in accordance with the approved designed.
 - (2) The assurances shall be released by the Town of Marana when the preliminary grading has been inspected and received the written approval of the Town of Marana. Final approval of a permit shall not require the release of the assurances in the event of preliminary grading noncompliance.
- H. Permit issuance and expiration:
1. Issuance: Permits shall be issued by the Town of Marana no earlier than at the time of Town of Marana written staff approval of the tentative subdivision plat or development plan. A copy of the approved permit with plan shall be kept in an easily accessible location on the site.
 2. Expiration: A permit shall be null and void if the authorized work has not been completed within one year of permit issuance.

- I. Permit extension and reapplication:
 - 1. Extensions: Upon written request by the permit holder, the Town of Marana may approve a single extension of a permit for up to 180 days.
 - 2. Reapplication: Reapplication for a permit may be made in accordance with this Title.
- J. Changes to permit:
 - 1. Hazardous conditions: If drainage problems, flood hazards, or other potential hazards became known that were not considered at the time the permit was issued, the Town of Marana may require that engineering modifications be submitted in a report and that the grading design be modified.
 - 2. Nonhazardous conditions: If unanticipated nonhazardous conditions are encountered during constructions and are beyond the scope of the permit, the permit holder may submit the necessary engineering modifications in a report to be reviewed and approved by the Town of Marana.

19.070 Inspection and Performance Defaults.

- A. General Inspections:
 - 1. All construction which requires a permit shall be inspected by the Town of Marana in accordance with the permit:
 - a. The inspection schedule shall be prepared in advance and approved by the Town of Marana. Fees shall be based on the inspection schedule and payable to the Town of Marana. Fees shall be based on the Town of Marana in accordance with the fees schedule adopted by the Town.
 - b. The permit holder shall request inspection at least two full working days prior to the anticipated need.
 - 2. If the Town of Marana finds site conditions are not as stated in the approved permit conditions, the Town of Marana may order work authorized by the permit to stop until a revised grading plan has been approved.
 - 3. Whenever grading work requiring Town of Marana inspection is concealed by additional work without first having been inspected, the Town of Marana may require, by written notice, that such work be:
 - a. Exposed, for inspection by the Town of Marana, or, at the option of the Town of Marana,
 - b. Certified by the project Registered Civil Engineer as being in conformance with applicable regulations.
- B. Inspection certification option:
 - 1. Upon approval by the Town of Marana, the owner may retain a Civil Engineer, registered to practice in the State of Arizona, to:
 - a. Perform the required construction inspection.

Town of Marana shall make a post-construction inspection within six months of permit expiration or as required by the permit.

- E. Maintenance of revegetation:
1. Maintenance of approved landscaping and revegetated graded areas shall consist of regular watering , pruning, fertilizing, clearing of debris and weeds, the removal and replacement of dead plants, and the repair and replacement of irrigation systems and architectural features.
 2. Maintenance assurances: The final approval of any subdivision plat or development plan that includes an approved final landscaping plan shall require covenants or assurances which:
 - a. Ensure the continued maintenance of required landscaping, buffering and associated irrigation systems; and
 - b. Assign the responsibility of maintenance to the property owner of agent, a homeowners' association or other liable entity.
- F. Compliance: Town personnel, qualified in landscape architectural review will periodically spot-inspect landscape installations for compliance with this Title and approved landscape plans.

19.080 Enforcement and Penalties.

- A. Permit enforcement:
1. The enforcement of this Title and conditions of the permit shall be in accordance with this section.
 2. When the Town of Marana staff determines a non-compliance with the conditions of the permit, the Town of Marana shall issue a stop-work order and hold in abeyance, by written notice, the Town of Marana review of other submittals related to the development project and the issuance of Town of Marana permits for any aspect of the development project until remedial actions have received the written approval of the Town of Marana staff.
- B. Stop-work order:
1. Whenever the Town of Marana determines that grading does not comply with this Title of the permit conditions, or that the soil or other conditions are not as stated on the permit, the Town of Marana may order the work stopped by written notice served on any person engaged in doing or causing such work to be done.
 2. Any such person shall immediately stop such work until authorized by the Town of Marana to proceed with the work.
- C. Penalties:
1. Failure to obtain permit: Unless exempted by this Title (refer to Section 19.020D), failure to obtain a permit prior to commencement of grading shall be a violation of this code. However, the Town of Marana may issue an exception permit if the Town of Marana finds that an emergency existed which made it impossible first to obtain a permit.

2. Violations: A violation may result in issuance of a stop-work order, and penalties may be assessed in accordance with the Town of Marana Development Code. A violation of this Title shall also constitute a Class 1 misdemeanor. Payment of any fines or penalties shall not relieve any person from otherwise complying with the requirements of this Title. Each and every day that a violation of this Title exists shall be deemed to be a separate offense.

19.090 Waivers and Interpretation Review.

A. Waivers:

1. Scope: A waiver from a provision of this Title may be granted by the Town of Marana staff when the strict application of the provision would require work by the permit holder detrimental to the purposes of this Title and cause an unnecessary hardship to the property owner.
2. Standards: A waiver shall not be granted unless:
 - a. The waiver is the minimum necessary to afford relief;
 - b. The waiver will not be materially detrimental to the rights of owners and residents of other affected properties; and
 - c. The waiver is in harmony with the intent, the purposes, and the provisions of this Title from which the waiver is requested.
3. Conditions: Conditions may be imposed on a waiver that will:
 - a. Secure the intent, the purposes, and the provisions of this Title from which the waiver is granted; and
 - b. Provide adequately for the protection of surrounding property owners and residents.
4. Application: The request for a waiver shall be made on a form provided by the Town of Marana staff and shall be heard within thirty days. Fees shall be paid in accordance with the fees schedule adopted by the Town of Marana.
5. Notice and Review: Notice of the application and the hearing shall be mailed to all property owners within 300 feet of the site and shall be posted at the Town's official notice positions. The Town Manager shall hold a hearing on the waiver request and render a decision within five (5) working days thereafter.
6. Appeal: Within fifteen (15) days of receipt of a notice of decision from the Town of Marana, the applicant may file an appeal for a hearing by the Town Council.

B. Interpretation review:

1. Scope: Upon request by an affected person who believes there has been a misinterpretation, the Manager of the Town of Marana shall review an interpretation of a provision of this Title made by a Town official.
2. The request for review shall cite:

- a. The disputed interpretation made by the Town official; and
 - b. The words alleged to have been misinterpreted.
3. Application: The request shall be made in writing and shall be heard within thirty (30) days. Fees shall be paid in accordance with the fees schedule adopted by the Town of Marana.
 4. Notice and Review: Notice of the application and the hearing shall be mailed to all property owners within 300 feet of the site and shall be posted at the Town's official notice positions. The Town Manager shall hold a hearing on the request and render a decision within five (5) working days thereafter.
 5. Appeal: A decision of the Town Manager may be appealed to the Town Council within fifteen days of the decision.

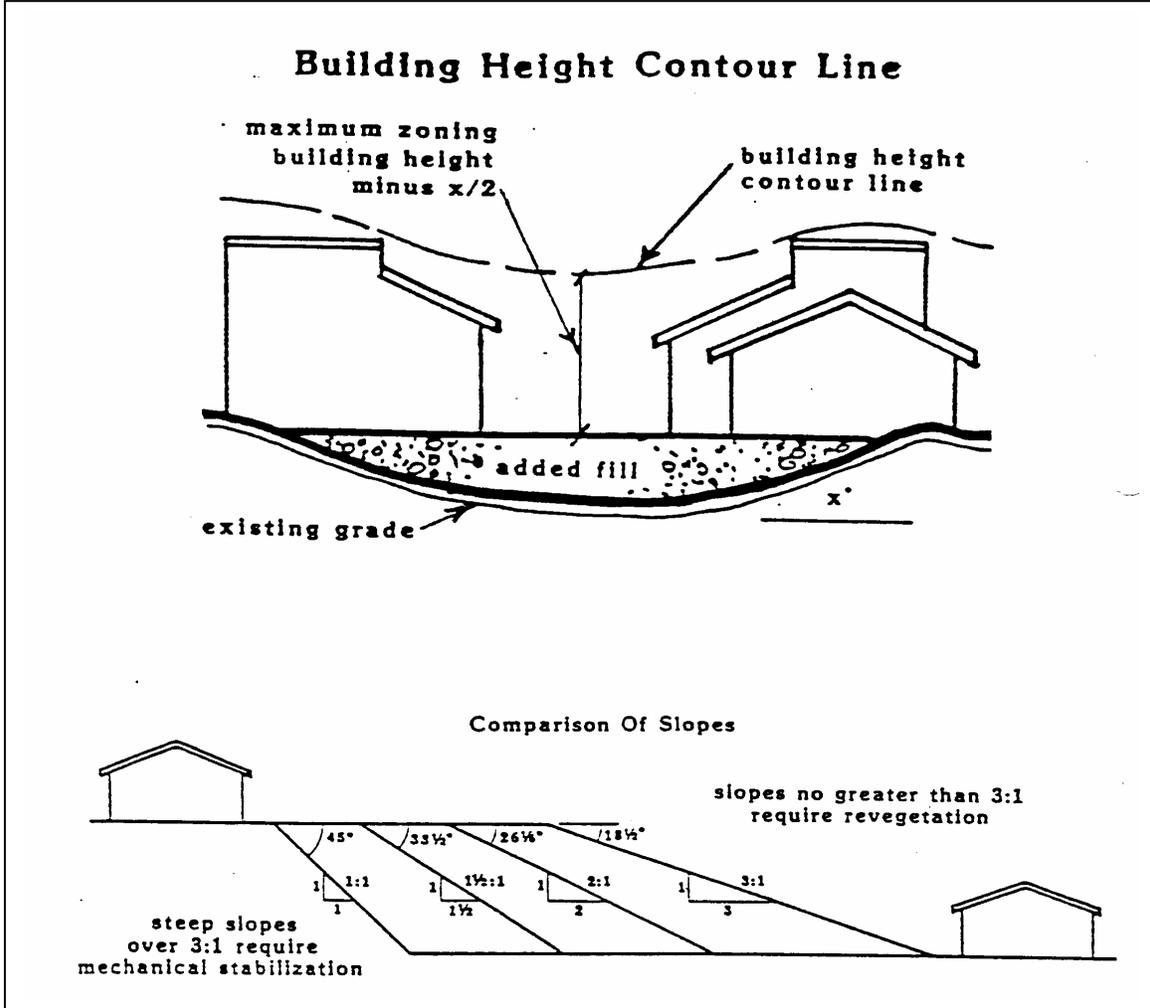
19.091 Severability

If any provisions of this Title or its application to any person or circumstance is held invalid or unconstitutional, the invalidity or unconstitutionality does not effect other provisions or applications of this Title which can be given effect without the invalid provision or application, and to this extent the provisions of this Title are severable.

19.092 Delay Effective Date With Respect To Existing Projects.

Any project or action or use which would be regulated under the provisions of these standards and which would require a permit, but which are in operation on the date that these standards are adopted by Ordinance of the Town Council, shall have a period of not more than 60 days from the date of adoption of these standards to comply with all of the requirements as set forth in these standards.

19.100 Illustrations.



**HILLSIDE DEVELOPMENT
(Outline 8/29/91)**

A. PURPOSE

The mountains and foothills in and around Marana are a valuable scenic resource which should be preserved. Dominant peaks and ridges should be protected and the intensity of development regulated according to the natural characteristics of hillside terrain such as slope, vegetation, landform, soil stability and drainage pattern.

B. REVIEW REQUIRED

All subdividing and development which occurs in any lot or parcel containing protected peak and ridge areas designated by the Council and in any lot or parcel containing slopes of fifteen (15) percent or greater, requires a review and compliance with this Code. Until approval of a plat or plan or permit is granted, no grubbing, grading excavation or construction is to occur. A non-refundable fee established by Town Council resolution shall accompany a review request.

C. STANDARDS

The following standards apply to lots and parcels affected by this section:

1. Any lot or parcel created must meet slope/size/density per table one (1). All development is subject to a 300 foot setback from each protected peak or ridge designated.

AVERAGE NATURAL CROSS SLOPE (%)	MINIMUM AREA (ACRE)	MAXIMUM DENSITY (Dwelling units/acre)
Less than 15	AS PERMITTED BY ZONING DISTRICT	
15-15.9	1.00	1.00
16-16.9	1.00	1.00
17-17.9	1.25	.80
18-18.9	1.37	.73
19-19.9	1.50	.67
20-20.9	2.00	.50
21-21.9	2.25	.44
22-22.9	2.50	.40
23-23.9	3.50	.29
24-24.9	4.50	.22
25-25.9	6.00	.17
26-26.9	7.00	.14
27-27.9	8.60	.12
28-28.9	10.40	.09
29-29.9	12.80	.08
30-30.9	16.00	.06
31-31.9	23.50	.04
32-32.9	31.00	.03
33- and greater	36.00	.027

- A. Tucson Development Standard (Latest Version) 9.04 shall be utilized.

1. Buildings are limited to a building height of twenty-four (24) feet. All exposed exterior walls and roofs of structures are recommended for earth tone colors to blend in with the predominant natural colors found on the lot or parcel.
2. All utilities and services shall be underground.
3. Roads and drives leading to lots shall be located to minimize scarring, be in low visibility view areas and maximize the retention of natural vegetation.

B. CERTIFICATION

The developer and/or property owner will be responsible for the following:

1. Submitting sloped area analysis certified by an Engineer, registered in the State of Arizona, for review and verification by the Town Engineer.
2. Submitting a grading plan prepared by an Engineer, registered in the State of Arizona, complying with the standards, for review by the Town Engineer.
3. Surveying, staking, and inspection of the lot or parcel by an Engineer, registered in the State of Arizona, to determine compliance with this Code and the conditions of approval.
4. On site enforcement by certifying to the Town Engineer, that the development complies with the Code during the period of construction.

C. DESIGNATION/AMENDMENT OF PROTECTED PEAKS OR RIDGES:

1. The Town Council designates a peak or ridge for protection by the established of a 300 foot setback from each peak or ridge. Peaks or ridges designated for protection must:
 - a. Have been designated by Pima County as a protected peak or ridge prior to annexation by the Town, or
 - b. Be significant in relationship to the surrounding property, or
 - c. Be highly visible from the lower elevations, or
 - d. Form a silhouette against the sky when viewed from a scenic route,

D. No designation or amendment shall be acted upon until a public hearing has been held.

1. The Planning Commission may notify the 300 foot setback from a protected peak or ridge if they find that the requests meet the following conditions:
 - a. The proposed development is for a single family residence.
 - b. The only area to graded within the protected peak and ridge setback area is for a building pad and access to the building.
 - c. Have the highest portion of the structure not higher than twenty (20) feet below the elevation of the peak or ridge.
 - d. Have no more than six (6) feet of the external portion of the structure exposed except at points of ingress and egress.

- e. All exposed exterior walls roofs and retaining walls are recommended earth tone color to blend in with the predominant natural colors and all glass surfaces shall be designated to not reflect beyond the lot or parcel boundaries.