

## MARANA ORDINANCE NO. 2014.015

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 117 ACRES OF LAND LOCATED SOUTH OF TANGERINE ROAD AND WEST OF CAMINO DE OESTE FROM 'R-36' (RESIDENTIAL) TO 'F' (SPECIFIC PLAN) FOR THE PURPOSE OF CREATING THE TANGERINE RIDGE SPECIFIC PLAN AND APPROVING A MINOR AMENDMENT TO THE GENERAL PLAN

WHEREAS Sharpe and Associates (the "Property Owners") own approximately 117 acres of property located south of Tangerine Road and west of Camino de Oeste within a portion of Section 1, Township 12 South, Range 12 East, described and depicted on Exhibit "A" attached to and incorporated in this Ordinance by this reference (the "Rezoning Area"); and

WHEREAS the Property Owners have submitted an application to rezone the 117 acres from 'R-36' to 'F' (Specific Plan) ("this Rezoning"); and

WHEREAS the Marana Planning Commission held a public hearing on April 30, 2014 and voted 6-0 to recommend that the Town Council approve this Rezoning with an amendment to restrict lots 1 through 7, 28 through 35, and 69 and 70 to single-story residences not to exceed 25 feet in height; and

WHEREAS the Marana Mayor and Town Council held a public hearing on May 20, 2014 and determined that this Rezoning should be approved, with the single-story restrictions recommended by the Marana Planning Commission and additional single-story restrictions added by Council.

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

**Section 1.** The zoning of the Rezoning Area is hereby changed from 'R-36' (Residential) to 'F' (Specific Plan) creating the Tangerine Ridge Specific Plan.

**Section 2.** A minor amendment to the Town of Marana General Plan is hereby approved, changing the General Plan designation of the Rezoning Area from Low Density Residential (LDR) to Master Planning Area (MPA).

**Section 3.** This Rezoning is subject to the following conditions, the violation of which shall be treated in the same manner as a violation of the Town of Marana Land Development Code (but which shall not cause a reversion of this Rezoning), and which shall be binding on the Property Owners and their successors in interest (all of whom are collectively included in the term "Property Owners" in the following conditions):

1. Compliance with all provisions of the Town's codes, ordinances and policies of the General Plan as current at the time of any subsequent development, including, but not limited to, requirements for public improvements.

2. No new lots or parcels shall be created in the Rezoning Area unless they are created by a Town-approved subdivision plat or minor land division map.
3. The Property Owners shall process subdivision plats, development plans, landscape plans, Native Plant Permits, and all associated improvement plans through the Town of Marana.
4. The Property Owners shall submit final covenants, conditions, and restrictions for the Rezoning Area for Town review and approval prior to Town Council consideration of the final plat.
5. The Property Owners shall dedicate to the Town of Marana 100 feet of additional right-of-way for Tangerine Road along the entire northerly property line of the Rezoning Area adjacent to Tangerine Road.
6. The Property Owners shall build Angel Drive as a modified Town commercial/industrial street (within a 60 foot wide right-of-way) from a point immediately east of the Tangerine Ridge project's driveway onto Angel Drive westerly to the western border of the Rezoning Area, with a five foot wide sidewalk abutting the back of vertical curb on the street's north side, and a ten foot wide asphalt path abutting the vertical curb along the south side of the street. From the western border of the Rezoning Area westerly to Twin Peaks Road and within the existing 30 foot wide Angel Drive public right-of-way, the Property Owners shall build Angel Drive with a 20 foot wide paved section, vertical curbs on both sides of the street, and a five foot wide sidewalk abutting the curb on the north side.
7. The Property Owners will be responsible for the cost of having an eastbound right-turn lane designed and built on Tangerine Road at Miggity Lane as part of the Town's Tangerine Road construction project.
8. A drainage report must be submitted by the Property Owners and accepted by the Town Engineer prior to Town approval of the preliminary plat.
9. The preliminary plat shall be in substantial conformance with the Land Use Concept Plan of the Tangerine Ridge Specific Plan.
10. A maximum of 225 residential units shall be constructed on the Rezoning Area.
11. Lots 1 through 7, 28 through 35, and 68 through 71 as depicted in "Land Use Concept Plan" attached as Exhibit III.E.1 to the Tangerine Ridge Specific Plan document as presented to Council and included in the Council's May 20, 2014 agenda materials shall be limited to single-story residences not to exceed 25 feet in height.
12. The Property Owners agree to enter a financial contract establishing their contribution for schools. The Property Owners shall provide written documentation that an agreement with the Marana Unified School District is completed prior to the issuance of the first single-family-residential building permit for the Rezoning Area. A receipt of payment shall be provided with each individual residential building permit.
13. 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. Appropriate experts should be retained and appropriate federal and state agencies should be consulted to determine any action necessary to assure compliance with applicable laws and regulations.

14. Development within the Rezoning Area shall conform to and comply with Design Guidelines outlined in the Twin Peaks Corridor Study.
15. If federal permits shall be required for the project, 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.
16. A 100% desert tortoise survey shall be completed by a qualified biologist at the Property Owners' expense and approved by the Town prior to the issuance of any grading permits in the Rezoning Area. Any Sonoran Desert tortoises found on the Rezoning Area shall be relocated at the Property Owners' expense.
17. Prior to the approval of water plans for the development of the Rezoning Area, the Property Owners shall obtain master water plan approval from the Utilities Department and, if requested by the Utilities Director, shall enter into a water service agreement for the Rezoning Area.
18. The Property Owners shall submit an annual report within 30 days of the anniversary of the Town Council's approval of the Tangerine Ridge Specific Plan in accordance with the requirements defined in the Land Development Code.
19. Upon adoption of this ordinance by the Mayor and Council approving the Tangerine Ridge Specific Plan, the Property Owners shall provide the Planning Department with one non-bound original, twelve bound copies, and ten electronic copies of the Tangerine Ridge Specific Plan booklet on CD in PDF format.

**Section 4.** All ordinances, resolutions and motions and parts of ordinances, resolutions, and motions of the Marana Town Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

**Section 5.** 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, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 20th day of May, 2014.



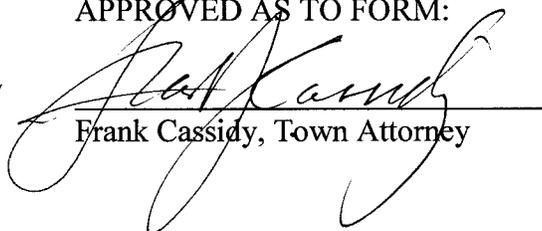
Mayor Ed Honea

ATTEST:



Jocelyn C. Bronson, Town Clerk

APPROVED AS TO FORM:



Frank Cassidy, Town Attorney



**EXHIBIT "A"**

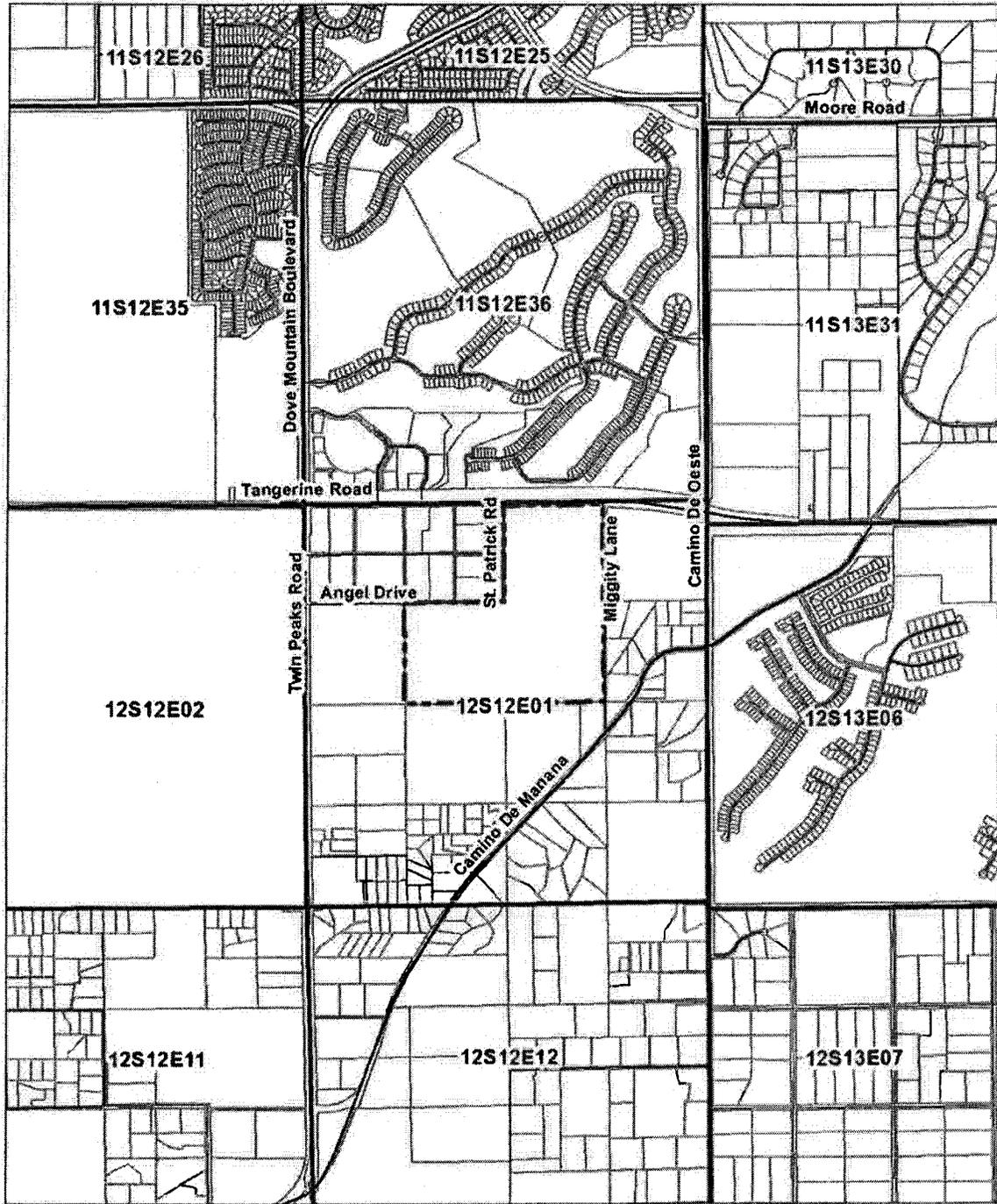
**Lot 2, EXCEPT the East 30 feet thereof, and except all that portion thereof within the right of way of Tangerine Road; AND**

**The Southwest Quarter of the Northeast Quarter, EXCEPT the East 30 feet thereof, AND**

**The Southeast Quarter of the Northwest Quarter, all in Section 1, Township 12 South, Range 12 East, Gila and Salt River Base and Meridian, Pima County, Arizona.**

**(JV Arb 4, 122)**

Exhibit II.B.1: Site Location

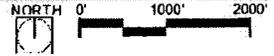


**LEGEND**

 Specific Plan Boundary

**Notes:**

Site Acreage: 117  
Parcel ID: 206-01-004A



FILE NAME location\_6x8.mxd  
SOURCE Pima County GIS, 2013

