

## MARANA ORDINANCE NO. 2023.031

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RELATING TO LAND DEVELOPMENT; REVISING MARANA TOWN CODE TITLE 17 (LAND DEVELOPMENT), CHAPTER 17-4 (ZONING), SECTION 17-4-3 (USE CONDITIONS MATRIX) TO CLARIFY THAT FOR HOME OCCUPATIONS, THE USE OF AMENITIES CUSTOMARILY INCIDENTAL TO A RESIDENTIAL USE IS PERMITTED SUBJECT TO CONDITIONS; 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 Chapter 17-4 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. Marana Town Code Title 17 (Land Development), Chapter 17-4 (Zoning), Section 17-4-3 (Use conditions matrix) is hereby amended as follows (with additions shown with double underlining and deletions shown with ~~strikeouts~~):

### **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)

USE	ZONE(S)	CONDITION(S)
<b>Residential</b>		
Home occupation	AG RA ER NR GR MR RR NC VC	<p>Must be conducted by a full time occupant of the dwelling</p> <p>Shall not exceed 25% of the gross floor area of a dwelling</p> <p>Shall not employ more than one nonresident of the premises</p> <p>Exterior public display of stock-in-trade, external evidence of the home occupation, and outdoor storage of equipment or material associated with the home occupation are prohibited</p> <p>All parking shall be on site and shall not include commercial parking features such as wheel stops, parking lanes or striping</p> <p>Shall maintain the required residential off-street parking</p> <p>Shall not create more parking demand or vehicular or pedestrian traffic than a typical residential use</p> <p>No more than one vehicle shall be used in conjunction with the home occupation</p> <p>Shall not cause any sustained, unpleasant, or unusual noises or vibrations; noxious fumes or odors; or other nuisances in the immediate neighborhood</p> <p>Shall serve no more than five clients per day</p> <p>Shall serve no more than two clients at a time</p> <p>Any new structure or proposed changes to an existing structure used in conjunction with the home occupation must be consistent with the residential character of the dwelling</p> <p>Prohibited home occupations include auto repair and service; veterinarian service, kennels, and pet grooming; commercial food preparation; mortuary or embalming service; tattoo parlor; welding service; and any commercial use not customarily incidental to a residential use</p> <p><del>Does not include</del> <u>Additional conditions may apply for specific uses regulated by other provisions of this title</u></p> <p><u>May include customary use of amenities customarily incidental to a residential use, such as a swimming pool, playground equipment, and other similar amenities, in the backyard only, and only during the hours of 8:00 AM to 5:00 PM</u></p>

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.

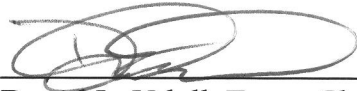
SECTION 5. This ordinance shall be effective on the 31<sup>st</sup> day after its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, Arizona, this 19<sup>th</sup> day of September 2023.



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Mayor Ed Honea

ATTEST:



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David L. Udall, Town Clerk

APPROVED AS TO FORM:



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Jane Fairall, Town Attorney

