

MARANA ORDINANCE NO. 2021.023

RELATING TO DEVELOPMENT; APPROVING AN AMENDMENT TO MARANA ORDINANCE NO. 2005.02, WHICH REZONED APPROXIMATELY 2.2 ACRES OF LAND GENERALLY LOCATED IN THE 8300 BLOCK OF N. SILVERBELL ROAD, SOUTH OF SOMERTON DRIVE, FROM ZONE 'C' (LARGE LOT ZONE) TO ZONE 'CO' (COMMERCIAL OFFICE), TO REMOVE A REZONING CONDITION THAT RESTRICTED THE USE OF THE PARCEL TO A VETERINARY CLINIC AND STORAGE UNLESS OTHERWISE APPROVED BY THE PLANNING COMMISSION AND TOWN COUNCIL

WHEREAS the Mayor and Council of the Town of Marana adopted Ordinance No. 2005.02 on April 19, 2005, approving a rezoning of approximately 2.2 acres of land generally located in the 8300 block of N. Silverbell Road from Zone "C" (Large Lot Zone) to Zone "CO" (Commercial Office); and

WHEREAS the stated purpose of the rezoning was to allow the use of the rezoned parcel as a veterinary clinic; and

WHEREAS approval of the rezoning was subject to conditions, including condition 1 which provides that any use of the rezoned parcel for other than the veterinary clinic and storage must be approved by the Planning Commission and the Town Council; and

WHEREAS the current owner of the approximately 1.6-acre southern portion of the rezoned parcel (the "Property") has submitted an application to remove the condition restricting use of the Property to a veterinary clinic and storage, while the owner of the remaining portion of the rezoned property has submitted an application in a separate rezoning process to rezone the remaining portion of the rezoned parcel to "NC" (Neighborhood Commercial); and

WHEREAS the Marana Planning Commission held a public hearing on October 27, 2021, and voted 6-0 to recommend that the Town Council approve the requested modification, with one additional recommended condition requiring a vegetative buffer along the eastern perimeter of the Property; and

WHEREAS the Marana Town Council held a public hearing on this request to modify rezoning conditions on November 16, 2021, and determined that the modifications should be approved.

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

Section 1. Marana Ordinance No. 2005.02, Section 2 is hereby amended as follows (with deletions shown with ~~strikethroughs~~ and additions shown with double underlining):

Section 2. The purpose of this rezoning is to allow the use of the ~~rezoned parcel~~ Property as a ~~Veterinary Clinic~~ professional offices and limited commercial facilities as allowed in the CO zone, 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 ordinance):

1. ~~Any use of the parcel in addition to the Clinic and storage must be approved by Planning Commission and Town Council; however, n~~No residential use shall be approved.
2. Building height ~~of the Clinic~~ shall be restricted to single-story construction.
3. The property owners and their successors in interest shall provide, and show on the Development Plan Package site plan, a vegetative buffer along the eastern perimeter of the Property, as accepted by the Development Services Planning Manager and included in the Silverbell Road Corridor Overlay District Development Plan review application for review and approval by the Planning Commission.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed as of the effective date of this ordinance; provided, however, that this repeal shall not affect the rights and duties that matured or penalties that were incurred and proceedings that were begun before the effective date of the repeal.

Section 3. 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.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 16th day of November, 2021.



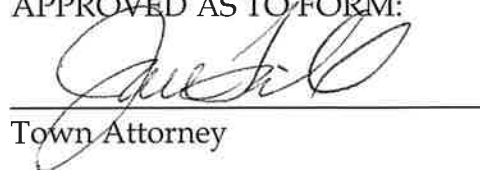
Mayor Ed Honea

ATTEST:



Town Clerk

APPROVED AS TO FORM:



Town Attorney