



**Subject: Co9-13-08**

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**FOR APRIL 7, 2015 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS  
**FROM:** Arlan M. Colton, Planning Director  
Public Works-Development Services Department-Planning Division  
**DATE:** March 25, 2015

**ORDINANCE FOR ADOPTION**

**Co9-13-08** **SANCHEZ / MARIN – N. SHANNON ROAD REZONING**  
Owner: Claude Marin  
(District 3)

**If approved, adopt ORDINANCE NO. 2015 - \_\_\_\_\_**

**OWNERS:** Claude Marin  
663 W. Lavery Lane  
Tucson, AZ 85704-3926

**AGENT:** Southwest Planning  
375 S. Stone Ave.  
Tucson, AZ 85701

**DISTRICT:** 3

**STAFF CONTACT:** Artemio Hoyos

CP/AH/ar  
Attachments

cc: Chris Poirier, Assistant Planning Director  
Co9-13-08 File

ORDINANCE 2015-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA RELATING TO ZONING; REZONING APPROXIMATELY 0.8 ACRES OF PROPERTY, LOCATED ON THE WEST SIDE OF N. SHANNON ROAD APPROXIMATELY 570 FEET SOUTH OF W. DIAMOND STREET, FROM THE SH (SUBURBAN HOMESTEAD) ZONE TO THE CI-2 (GENERAL INDUSTRIAL) ZONE, IN CASE Co9-13-08 SANCHEZ / MARIN – N. SHANNON ROAD REZONING, AND AMENDING PIMA COUNTY ZONING MAP NO. 45.

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. The 0.8 acres located on the west side of N. Shannon Road, approximately five hundred seventy feet south of W. Diamond Street and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 45, is rezoned from the SH (Suburban Homestead) zone to the CI-2 (General Industrial) zone subject to the conditions in this ordinance.

Section 2. Rezoning Conditions.

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation condition:  
The property owner(s) shall dedicate 20 feet of right-of-away for Shannon Road along the eastern property boundary, resulting in 20 feet of right-of-away for the entire frontage of the development site.

8. Regional Wastewater Reclamation conditions:
- A. The owner / developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner / developer to that effect.
  - B. The owner / developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner / developer shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
  - C. The owner / developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
  - D. The owner / developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
  - E. The owner / developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
  - F. The owner / developer shall complete the construction of all necessary public and / or private sewage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
9. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and / or claims pursuant to A.R.S. § 12-1134(1)."

Section 3. Time limits of conditions. Conditions 1 through 9 of Section 2 shall be completed no later than March 11, 2019.

Section 4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Section 5. The effective date of this Ordinance is the date the Chair of the Board of Supervisors signs this Ordinance.


Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Chair, Pima County Board of Supervisors


ATTEST:

\_\_\_\_\_  
Clerk, Board of Supervisors

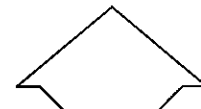
Approved As To Form:

 2/23/15  
\_\_\_\_\_  
Deputy County Attorney  
Lesley M. Lukach

Approved:

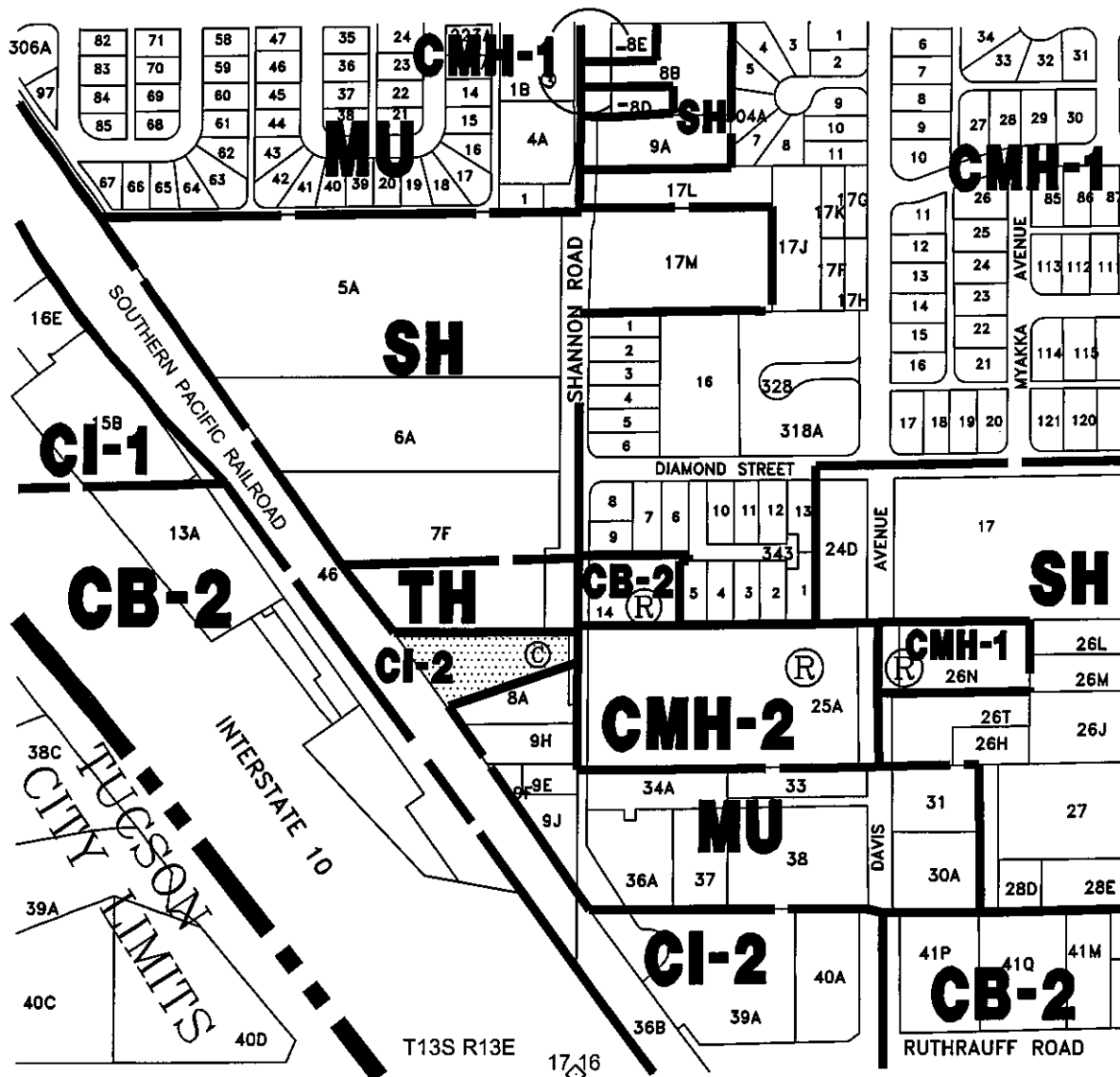
  
\_\_\_\_\_  
Executive Secretary,  
Planning and Zoning Commission

AMENDMENT NO. \_\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_  
TO PIMA COUNTY ZONING MAP NO. 45 TUCSON, AZ.  
PORTION OF PARCEL 8A LOCATED WITHIN THE SE 1/4 OF THE  
SE 1/4 OF SEC. 17, T13S R13E.



0 400'

ADOPTED \_\_\_\_\_ EFFECTIVE \_\_\_\_\_



© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM SH 0.8 ac±  
ds-FEBRUARY 11, 2015

C09-13-08  
101-20-008A (ptn)