

SAHUARITA ORDINANCE NO. 2024-177

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF SAHUARITA, PIMA COUNTY, ARIZONA, AMENDING TITLE 18 ZONING BY AMENDING CHAPTER 18.12 RURAL AND RESIDENTIAL ZONES, SECTION 18.12.030 TABLE OF PERMITTED USES AND SECTION 18.12.030 USE-SPECIFIC STANDARDS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Sahuarita has determined it is in the Town’s best interest to revise the Town Code Title 18 Zoning, Chapter 18.12 Rural and Residential Zones, by amending Section 18.12.020 Table of Permitted Uses and Section 18.12.030 Table of Permitted Uses; and

WHEREAS, in accordance with Article II, Sections 1 and 2, Constitution of Arizona, and the laws of the State of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town and the probable impact of the proposed ordinance on the cost to construct housing for sale or rent before adopting this ordinance.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Sahuarita, Arizona, as follows:

Section 1. The Town of Sahuarita Municipal Code is hereby amended by amending Title 18 Zoning, Chapter 18.12 Rural and Residential Zones, Section 18.12.020 Table of Permitted Uses, Table 18.12-1 Table of Uses, to read as follows (new text in **ALL CAPS**; deletions in strikethrough):

* * *

Accessory Uses										
Uses Accessory to a Residential Use Classification										
Land Use	Rural Zones			Residential Zones						Additional Use Regulations
	RH	GR-1	SR	R-1	R-2	R-3	R-4	R-5	MH	
Home-Based Business	P	P	P	P	P	P	P	P	P	STC 18.09.030

Poultry and Small Animals	P	P	P	P	P	P	P	P	P	STC 18.12.030 (M)
Farm Animals	P	P	P	P	-	-	-	-	-	STC 18.12.030 (O)
Hog Raising	P	P	P	-	-	-	-	-	-	STC 18.12.030 (A)
Beekeeping	P	P	P	P	P	P	P	P	P	STC 18.07.030 (E)
Farm Products Stand	P	P	P	-	-	-	-	-	-	STC 18.12.030 (D)

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Section 2. The Town of Sahuarita Municipal Code is hereby amended by amending Title 18 Zoning, Chapter 18.12 Rural and Residential Zones, Section 18.12.030 Use-Specific Standards to read as follows (new text in **ALL CAPS**; deletions in strikethrough):

18.12.030 Use-specific standards.

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M. Poultry and Small Animals. All of the following apply:

1. The keeping of small animals such as rabbits and chickens, not for commercial purposes, is permitted as an accessory use to a home.
2. **ROOSTERS** ~~Cockerels~~ shall only be permitted in RH and GR-1 zones.
3. The number of poultry or small **animals** in GR-1 is limited to no more than 40 per acre, while R-1 through R-5 are limited to no more than 24 ~~total~~ **PER LOT. IN THE MH ZONE, THE NUMBER OF POULTRY OR SMALL ANIMALS IS LIMITED TO 6 PER LOT.**
4. ~~A sStructureS~~ used to house poultry or small **animals** shall be set back a ~~minimum of 25 feet from any property line~~ **REQUIRED IN R1 THROUGH R-5 ZONES AS WELL AS IN THE MH ZONE. THIS STRUCTURE SHALL BE:**
 - a. **LOCATED IN THE REAR OR SIDE YARD OF THE LOT**
 - b. **SET BACK A MINIMUM OF 20 FEET FROM ANY PROPERTY LINE.**
 - b. **A MAXIMUM AREA OF TWO HUNDRED SQUARE FEET WITH A MAXIMUM HEIGHT OF EIGHT FEET, PROVIDED THAT ANY**

ENCLOSURE ON A LOT LESS THAN ONE ACRE IN SIZE IS SHORTER THAN THE FENCE LINE OF THE PROPERTY.

d. BE FENCED TO PREVENT THE ANIMALS FROM RUNNING AT LARGE.

5. ANY MANURE OR ANIMAL WASTE SHALL BE PICKED UP AND DISPOSED OF OR COMPOSTED AT LEAST TWICE WEEKLY. ANY COMPOSTED MANURE SHALL BE KEPT IN A WAY THAT PREVENTS MIGRATION OF INSECTS.

6. ANIMAL FEED SHALL BE STORED IN INSECT PROOF AND RODENT-PROOF CONTAINERS.

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Section 3. The various Town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the Code adopted herein by reference 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 thereof.

Section 6. As stated in Chapter 18.95, Section 18.95.040 Penalties and remedies, as follows:

A. Penalties.

1. Penalties are determined by ruling of the town magistrate.
2. Each day's continuance of a zoning violation shall be deemed a separate offense.
3. The maximum penalty for each offense shall be:
 - a. Seven hundred fifty dollars for an individual; or
 - b. Ten thousand dollars for any corporation, association, labor union or other legal entity.

B. Remedies.

1. All remedies provided in this code shall be cumulative and not exclusive.

2. The imposition of penalties on any person under this code shall not relieve such person from the responsibility of correcting prohibited conditions or removing prohibited structures or improvements and shall not prevent the enforced correction or removal of such violations.

3. If any structure is erected, constructed, reconstructed, altered, maintained, or used, or any land is used, in violation of this code, the town council, the town attorney, the zoning administrator or any adjacent or neighboring property owner who is specially damaged by the violation may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, abate or remove the violation.

Section 7. Pursuant to A.R.S. § 19-142, this Ordinance shall become operative 30 days after its passage.

PASSED AND ADOPTED by the Mayor and Council of the Town of Sahuarita, Arizona, this 9th day of December 2024.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED:

Tom Murphy

Mayor Tom Murphy

CERTIFICATION OF RECORDING OFFICER

State of Arizona)
County of Pima) ss.

I, the undersigned, Lisa Cole, MMC, being the duly appointed, qualified Town Clerk of the Town of Sahuarita, Pima County, Arizona, certify that the foregoing Ordinance is a true, correct, and accurate copy of Ordinance No. 2024-177, passed and adopted at a Voting Meeting of the Council of the Town of Sahuarita, Pima County, Arizona, held on the 9th day of December 2024, at which a quorum was present and by 7-0 vote, all voted in favor of the said ordinance.

Given under my hand and sealed this 9th day of December 2024.

SEAL:



Lisa Cole

Lisa Cole, MMC
Town Clerk

APPROVED AS TO FORM:

Jon M. Paladini

Jon Paladini, Town Attorney