

SAHUARITA ORDINANCE NO. 2024-178

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF SAHUARITA, PIMA COUNTY, ARIZONA, AMENDING TITLE 18 ZONING BY AMENDING CHAPTER 18.90 SPECIFIC PLANS, SECTION 18.90.070 TOWN COUNCIL REVIEW AND CHAPTER 18.91 REZONING PROCEDURES, SECTION 18.91.030 APPLICATION; SECTION 18.91.040 ACCEPTANCE OF REZONING REQUESTS; SECTION 18.91.070 PLANNING AND ZONING COMMISSION REVIEW; AND SECTION 18.91.080 TOWN COUNCIL REVIEW; 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 18.90 Specific Plans, Section 18.90.070 Town Council Review; and Chapter 18.91 Rezoning Procedures, Section 18.91.030 Application; Section 18.91.040 Acceptance of Rezoning Requests; Section 18.91.070 Planning and Zoning Commission Review; and Section 18.91.080 Town Council Review; and

WHEREAS, that certain document known as the "The Town of Sahuarita Zoning Code Amendments – Chapters 18.90 and 18.91 (2024)," of which at least three (3) paper copies or one (1) paper copy and one (1) electronic copy are on file with the Town Clerk for the Town of Sahuarita in compliance with A.R.S. § 9-802, as amended, is hereby declared a public record and at all times shall be kept available for public use and inspection; 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 above recitals as hereby incorporated as if fully set forth herein.

Section 2. The Town of Sahuarita Municipal Code is hereby amended by amending Title 18 Zoning, Chapter 18.90 Specific Plans, Section 18.90.070 Town Council Review, to read as set forth in that certain document entitled, "The Town of Sahuarita Zoning Code Amendments – Chapters 18.90 and 18.91 (2024)," which document is hereby adopted and incorporated by reference as set forth in Exhibit A.

Section 3. The Town of Sahuarita Municipal Code is hereby amended by amending Title 18 Zoning, Chapter 18.91 Rezoning Procedures, Section 18.91.030 Application, Section 18.91.040 Acceptance of Rezoning Requests, Section 18.91.070 Planning and Zoning Commission Review; and Section 18.91.080 Town Council Review to read as set forth in that certain document entitled, “The Town of Sahuarita Zoning Code Amendments – Chapters 18.90 and 18.91 (2024),” which document is hereby adopted and incorporated by reference as set forth in Exhibit A.

Section 4. The various Town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

Section 5. 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 6. 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 7. 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 8. 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.

APPROVED:



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. 2024-178, 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, MMC
Town Clerk

APPROVED AS TO FORM:



Jon Paladini, Town Attorney

Exhibit A on File at Town Clerk's Office
375 West Sahuarita Center Way, Sahuarita, Arizona 85629