

SAHUARITA ORDINANCE NO. 2025-180

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF SAHUARITA, PIMA COUNTY, ARIZONA, DECLARING THE DOCUMENT ENTITLED “TOWN OF SAHUARITA AMENDMENTS TO TITLE 18 ZONING, CHAPTER 18.73 LANDSCAPING, BUFFERING AND SCREENING STANDARDS” AS A PUBLIC RECORD; ADOPTING THE “TOWN OF SAHUARITA AMENDMENTS TO TITLE 18 ZONING, CHAPTER 18.73 LANDSCAPING, BUFFERING AND SCREENING STANDARDS BY REFERENCE, AMENDING TITLE 18 ZONING BY AMENDING CHAPTER 18.73 LANDSCAPING, BUFFERING AND SCREENING STANDARDS, SECTION 18.73.040 SCREENING AND BUFFERYARD REQUIREMENTS, SECTION 18.73.060 LANDSCAPE PLAN REQUIREMENTS, AND SECTION 18.73.070 LANDSCAPE PLAN; 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 18.73 Landscaping, Buffering and Screening Standards, Section 18.73.040 Screening and Bufferyard Requirements, Section 18.73.060 Landscape Plan Requirements, and Section 18.73.070 Landscape Plan; 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 before adopting this ordinance.

WHEREAS, that certain document attached hereto as Exhibit A, entitled “TOWN OF SAHUARITA AMENDMENTS TO TITLE 18 ZONING, CHAPTER 18.73 LANDSCAPING, BUFFERING AND SCREENING STANDARDS”, one paper copy and one electronic copy of which is on file in the office of the Town Clerk, is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk.

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

Section 1. The Code of Sahuarita, Arizona, is hereby amended by amending Title 18 Zoning, Chapter 18.73 Landscaping, Buffering and Screening Standards to read as set forth in the attached Exhibit A entitled “TOWN OF SAHUARITA AMENDMENTS TO TITLE 18 ZONING, CHAPTER 18.73 LANDSCAPING, BUFFERING AND SCREENING STANDARDS”, which document is hereby adopted and incorporated by reference.

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 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 4. 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 5. 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 6. Pursuant to A.R.S. § 19-142, this Ordinance shall become operative 30 days after its passage.

[SIGNATURES ON FOLLOWING PAGE.]

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PASSED AND ADOPTED by the Mayor and Council of the Town of Sahuarita, Arizona, this 24th day of February, 2025.

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. 2025-180, passed and adopted at a Voting Meeting of the Council of the Town of Sahuarita, Pima County, Arizona, held on the 24th day of February, 2025, at which a quorum was present and by 6-0 vote, all voted in favor of the said ordinance.

Given under my hand and sealed this 24th day of February, 2025.

SEAL:



Lisa Cole

Lisa Cole, MMC
Town Clerk

APPROVED AS TO FORM:

Jon M. Paladini

Jon Paladini, Town Attorney

[Exhibit on File at Town of Sahuarita,

Town Clerk's Office, 375 West Sahuarita Center Way, Sahuarita, Arizona 85269]

EXHIBIT A

TOWN OF SAHUARITA AMENDMENTS TO TITLE 18 ZONING, CHAPTER 18.73 LANDSCAPING, BUFFERING AND SCREENING STANDARDS”

The Town of Sahuarita Municipal Code Title 18 Zoning, Chapter 18.73 Landscaping, Buffering and Screening Standards, is hereby amended to read as follows (new text in **ALL CAPS**; deletions in ~~strikethrough~~):

18.73.040 Screening and bufferyard requirements.

* * *

[ORDINANCE CONTINUES ON FOLLOWING PAGES – REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

Table 1: Minimum Bufferyard Required

Zoning of Proposed Development	Zoning of Adjacent Property					Street Bufferyards	
	RH, SR, SR-2, SH, GR-1, R-1	R-2, R-3, R-4, R-5	MH-1, MH-2, TH, MR, NC	B-1, B-2, MX, CPI	I-1, I-2	Front/Side Yard	Rear Yard
RH, SR, SR-2, SH, GR-1, R-1	See table note 1	See table note 1	See table note 1	No buffer required	No buffer required	A	A
R-2, R-3, R-4, R-5	A	See table note 1	See table note 1	No buffer required	No buffer required	A	A

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Zoning of Proposed Development	Zoning of Adjacent Property					Street Bufferyards	
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MH-1, MH-2, TH, MR, NC	B	B	See table note 1	No buffer required	No buffer required	A	B
B-1, B-2, MX, CPI	B	B	B	No buffer required	No buffer required	A	B
I-1, I-2	B	B	B	B	No buffer required	B	B

1. ~~No buffer required if proposed use is residential or if adjacent use is non-residential. Use bufferyard B if the proposed use is non-residential adjacent to a residential use of zone~~ UNLESS PROPOSED USE IS NON-RESIDENTIAL ADJACENT TO EITHER: (1) A RESIDENTIAL USE OR (2) A VACANT RURAL OR RESIDENTIALLY ZONED PROPERTY.

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18.73.060 Landscape plan requirements AND REVIEW PROCESS.

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C. SUBMITTAL.

1. PRIOR TO THE SUBMITTAL OF A LANDSCAPE PLAN, THE APPLICANT SHOULD CONSULT WITH PLANNING AND BUILDING STAFF CONCERNING SPECIFIC SUBMITTAL REQUIREMENTS.
2. LANDSCAPE PLANS SHALL BE SUBMITTED TO PLANNING AND BUILDING FOR FURTHER PROCESSING PER THE PROCESS AND

REQUIREMENTS ESTABLISHED IN THE TOWN'S LANDSCAPE PLAN CHECKLIST.

3. THE SUBMITTAL WILL BE CHECKED BY PLANNING AND BUILDING FOR COMPLETENESS. IF FOUND TO BE INCOMPLETE AS TO THE REQUIREMENTS SET FORTH IN THIS TITLE, THE SUBMITTAL WILL BE REJECTED AND THE APPLICANT NOTIFIED WITHIN FIVE WORKING DAYS OF THE DATE THE PLANS WERE RECEIVED.

D LANDSCAPE PLAN REVIEW.

1. PLANNING AND BUILDING SHALL REVIEW THE LANDSCAPE PLAN FOR COMPLIANCE WITH ALL CODE AND SPECIAL REQUIREMENTS.
2. THE APPLICANT SHALL RESUBMIT ANY REVISED PLANS FOR FINAL COMPLIANCE REVIEW.
3. ANY CHANGE TO THE UNDERLYING DEVELOPMENT PLAN OR SUBDIVISION PLAT MAY REQUIRE RESUBMITTAL OF A NEW OR REVISED LANDSCAPE PLAN AS DETERMINED BY THE PLANNING AND BUILDING DIRECTOR.

E. ALL LANDSCAPING SHALL BE COMPLETED PRIOR TO RECEIVING A FINAL CERTIFICATE OF OCCUPANCY. IF A PROJECT IS DEVELOPED IN PHASES, LANDSCAPING AND SCREENING REQUIREMENTS SHALL BE COMPLETED IN SEQUENCE WITH PHASED DEVELOPMENT. THE PLANNING AND BUILDING DIRECTOR MAY AUTHORIZE OR REQUIRE THE USE OF ASSURANCES IN ACCORDANCE WITH STC [18.69.070](#) FOR PHASED DEVELOPMENT AND DELAYED CONSTRUCTION PROJECTS.

18.73.070 Landscape plan review and appeal ADMINISTRATIVE MODIFICATIONS.

~~A. Submittal.~~

- ~~1. Prior to the submittal of a landscape plan, the applicant should consult with planning and building concerning specific submittal requirements.~~
- ~~2. Landscape plans shall be submitted to planning and building for further processing.~~
 - ~~a. Copies required:~~
 - ~~(1) Three for tentative plats, final plats or development plans;~~
 - ~~(2) One per each cluster option plan (reference STC [18.09.040](#));~~
 - ~~(3) As determined during preliminary consultation for all other plan submittals.~~
- ~~3. The submittal will be checked by planning and building for completeness. If found to be incomplete as to the requirements set forth in this title, the submittal will be rejected and the applicant notified within five working days of the date the plans were received.~~

~~B. Landscape Plan Review.~~

1. ~~Planning and building shall review the landscape plan for compliance with all code and special requirements.~~
2. ~~The applicant shall resubmit any revised plans for final compliance review.~~
3. ~~Any change to the underlying development plan or subdivision plat may require resubmittal of a new or revised landscape plan as determined by the planning and building director.~~

~~C. All landscaping shall be completed prior to receiving a certificate of occupancy. If a project is developed in phases, landscaping and screening requirements shall be completed in sequence with phased development. The planning and building director may authorize or require the use of assurances in accordance with STC [18.69.070](#) for phased development and delayed construction projects.~~

~~D. Appeals. Appeals to the decisions or requirements of planning and building may be directed, in writing by the petitioner or other affected individuals, to planning and building. The appeal must be made within 15 working days of the date of the departmental decision. Within 10 working days of receipt of the written appeal, the planning and building director may meet with the petitioner to discuss the appeal and request additional information deemed necessary. Once the petitioner has provided adequate information, a public hearing will be scheduled before the board of adjustment in accordance with Chapter [18.93](#) STC.~~

A. APPLICABILITY. ADMINISTRATIVE MODIFICATIONS MAY BE GRANTED FOR MINOR CHANGES TO THE LANDSCAPING, BUFFERING, AND SCREENING STANDARDS AND MUST BE CONSISTENT WITH THE PURPOSE OF THIS CHAPTER.

B. APPLICATION. APPLICATION SHALL BE MADE IN WRITING TO THE PLANNING AND BUILDING DEPARTMENT AND SHALL INCLUDE:

1. A DESCRIPTION OF THE MODIFICATION BEING REQUESTED;
2. A STATEMENT DESCRIBING HOW THE REQUESTED MODIFICATION COMPLIES WITH THE PURPOSE OF THIS CHAPTER;
3. THE REASON FOR THE REQUEST; AND
4. FEES AS PER STC 3.10.

C. STANDARDS THAT MAY BE MODIFIED INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:

1. RELOCATING REQUIRED PLANTINGS ON-SITE DUE TO UNFORESEEN SITE-SPECIFIC CONSTRAINTS OR TO ACCOMMODATE NECESSARY INFRASTRUCTURE.
2. ELIMINATING OR REDUCING PARKING LOT ISLAND TREES WHEN COVERED PARKING IS PROVIDED.
3. MINOR CHANGES TO SCREENING REQUIREMENTS.

D. REVIEW. WITHIN 20 WORKING DAYS OF RECEIPT OF THE WRITTEN REQUEST, THE PLANNING AND BUILDING DIRECTOR SHALL REVIEW ALL

THE SUBMITTED INFORMATION AND PROVIDE A WRITTEN RESPONSE. THE PLANNING AND BUILDING DIRECTOR MAY APPROVE, DENY OR REFER THE CASE TO THE BOARD OF ADJUSTMENT IN ACCORDANCE WITH STC 18.85.070(C).