

SAHUARITA ORDINANCE NO. 2025-186

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF SAHUARITA, PIMA COUNTY, ARIZONA, DECLARING THE DOCUMENT ENTITLED “TOWN OF SAHUARITA AMENDING TITLE 18 ZONING, AMENDING CHAPTER 18.07 GENERAL REGULATIONS AND EXCEPTIONS, SECTION 18.07.030 LAND USE REGULATIONS AND ADDING A NEW SECTION 18.07.070 CLASS I TEMPORARY USE PERMIT, AND AMENDING CHAPTER 18.93 BOARD OF ADJUSTMENT VARIANCES, TEMPORARY USE PERMITS AND INTERPRETATIONS” AS A PUBLIC RECORD; ADOPTING THE “TOWN OF SAHUARITA AMENDING TITLE 18 ZONING, AMENDING CHAPTER 18.07 GENERAL REGULATIONS AND EXCEPTIONS, SECTION 18.07.030 LAND USE REGULATIONS AND ADDING A NEW SECTION 18.07.070 CLASS I TEMPORARY USE PERMIT, AND AMENDING CHAPTER 18.93 BOARD OF ADJUSTMENT VARIANCES, TEMPORARY USE PERMITS AND INTERPRETATIONS” BY REFERENCE; AMENDING TITLE 18 ZONING BY AMENDING CHAPTER 18.07 GENERAL REGULATIONS AND EXCEPTIONS, SECTION 18.07.030 LAND USE REGULATIONS AND ADDING A NEW SECTION 18.07.070 CLASS I TEMPORARY USE PERMIT AND AMENDING CHAPTER 18.93 BOARD OF ADJUSTMENT VARIANCES, TEMPORARY USE PERMITS AND INTERPRETATIONS, SECTIONS 18.93.010 PURPOSE, 18.93.020 ESTABLISHMENT OF THE BOARD OF ADJUSTMENT; 18.93.040 TEMPORARY USE PERMITS; AND 18.93.050 TIME LIMIT FOR VARIANCES AND TEMPORARY USE PERMITS; 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 by amending Chapter 18.07 General Regulations and Exceptions, Section 18.07.030 Land Use Regulations, and by adding a new Section 18.07.070 Class I Temporary Use Permit, and amending Chapter 18.93 Board of Adjustment Variances, Temporary Use Permits and Interpretations, Sections 18.93.010 Purpose, 18.93.020 Establishment of the Board of Adjustment; 18.93.040 Temporary Use Permits; And 18.93.050 Time Limit for Variances and Temporary Use Permits; and

WHEREAS, that certain document attached hereto as Exhibit A, entitled “TOWN OF SAHUARITA AMENDING TITLE 18 ZONING, AMENDING CHAPTER 18.07 GENERAL REGULATIONS AND EXCEPTIONS, SECTION 18.07.030 LAND USE REGULATIONS AND ADDING A NEW SECTION 18.07.070 CLASS I TEMPORARY USE PERMIT, AND AMENDING CHAPTER 18.93 BOARD OF ADJUSTMENT VARIANCES, TEMPORARY USE PERMITS AND INTERPRETATIONS”, at least three paper copies, or one paper copy and one electronic copy are on file, in the office of the Town Clerk for the Town of Sahuarita in

compliance with A.R.S. §9-802, is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk.

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.

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, by amending Chapter 18.07 General Regulations and Exceptions, Section 18.07.030 Land Use Regulations, and by adding a new Section 18.07.070 Class I Temporary Use Permit, and amending Chapter 18.93 Board of Adjustment Variances, Temporary Use Permits and Interpretations, Sections 18.93.010 Purpose, 18.93.020 Establishment of the Board of Adjustment; 18.93.040 Temporary Use Permits; and 18.93.050 Time Limit for Variances and Temporary Use Permits to read as set forth in the attached Exhibit A entitled “TOWN OF SAHUARITA AMENDING TITLE 18 ZONING, AMENDING SECTION 18.07.030 AND ADDING A NEW SECTION 18.07.070, AND AMENDING CHAPTER 18.93 BOARD OF ADJUSTMENT VARIANCES, TEMPORARY USE PERMITS AND INTERPRETATIONS”, 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.

PASSED AND ADOPTED by the Mayor and Council of the Town of Sahuarita, Arizona, this 18th day of August, 2025.

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. 2025-186, passed and adopted at a Voting Meeting of the Council of the Town of Sahuarita, Pima County, Arizona, held on the 18th day of August 2025, 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 18th day of August 2025.

SEAL:



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 AMENDING TITLE 18 ZONING,
AMENDING CHAPTER 18.07 GENERAL REGULATIONS AND EXCEPTIONS,
SECTION 18.07.030 LAND USE REGULATIONS AND
ADDING A NEW SECTION 18.07.070
AND
AMENDING CHAPTER 18.93 BOARD OF ADJUSTMENT VARIANCES,
TEMPORARY USE PERMITS AND INTERPRETATIONS

The Town of Sahuarita Municipal Code Title 18 Zoning, by amending Chapter 18.07 General Regulations and Exceptions, Section 18.07.030 Land Use Regulations is hereby amended to read as follows (new text in **ALL CAPS**; deletions in ~~strikethrough~~):

Chapter 18.07
GENERAL REGULATIONS AND EXCEPTIONS

Sections:

- 18.07.010 Purpose.**
- 18.07.020 Lots and parcels.**
- 18.07.030 Land use regulations.**
- 18.07.040 Land use exceptions.**
- 18.07.050 Development standards exceptions.**
- 18.07.060 Accessory buildings.**
- 18.07.070 ~~Reserved.~~ CLASS I TEMPORARY USE PERMIT.**
- 18.07.080 ~~Reserved.~~**

18.07.030 Land use regulations.

* * *

I. ~~Holiday Outdoor Sales.~~

- ~~1. Holiday outdoor sales of items such as pumpkins and Christmas trees are permitted in business and industrial zones subject to issuance of a temporary use permit by the zoning administrator.~~
- ~~2. The permit shall be valid for no more than 60 days from the date of issuance and shall be valid only for the uses as approved by the zoning administrator.~~

The Town of Sahuarita Municipal Code Title 18 Zoning, by amending Chapter 18.07 General Regulations and Exceptions, adding a new Section 18.07.070 Class I Temporary Use Permit is hereby amended to read as follows (new text in **ALL CAPS**; deletions in ~~strikethrough~~):

18.07.070 ~~Reserved~~ CLASS I TEMPORARY USE PERMIT.

- A. PURPOSE. THE PURPOSE OF THE CLASS I TEMPORARY USE PERMIT IS TO REGULATE USES WITH LIMITED DURATION THAT ARE NOT EXPRESSLY ALLOWED IN THE APPLICABLE ZONE AND/OR ARE NOT COMPLIANT WITH DEVELOPMENT OR DESIGN STANDARDS.
- B. USES SUBJECT TO A CLASS I TEMPORARY USE PERMIT. TEMPORARY USES LISTED BELOW MAY BE PERMITTED AS A CLASS I TEMPORARY USE IN ANY ZONE UNLESS OTHERWISE SPECIFIED. TEMPORARY USES THAT ARE NOT LISTED OR THAT DO NOT MEET THE STANDARDS LISTED BELOW MUST FOLLOW THE PROCEDURES AND REQUIREMENTS FOR A CLASS II TEMPORARY USE PERMIT (STC 18.93.040).
1. A TEMPORARY SECURITY TRAILER OR OFFICE ON ACTIVE CONSTRUCTION SITES WHERE THE OFFICE/TRAILER IS LOCATED AT THE BUILD OR PROJECT SITE WITH A VALID BUILDING OR CONSTRUCTION PERMIT. SITES ARE NO LONGER CONSIDERED ACTIVE IF CONSTRUCTION CEASES FOR 60 DAYS.
 2. A TEMPORARY MODEL HOME COMPLEX OR SALES OFFICE IN A SUBDIVISION WHILE THERE ARE LOTS OR HOMES ACTIVELY BEING SOLD. SHALL BE REMOVED WITHIN 60 DAYS OF THE COMPLETION OF ACTIVE SALES.
 3. HOLIDAY OUTDOOR SALES, NOT TO EXCEED 30 DAYS PER INDIVIDUAL HOLIDAY OR 40 CONSECUTIVE DAYS.
 4. FARMER'S MARKET, NOT TO EXCEED THREE (3) CONSECUTIVE DAYS OR SIX (6) DAYS PER MONTH.
 5. TEMPORARY CARGO CONTAINERS OR PORTABLE STORAGE CONTAINERS USED DURING CONSTRUCTION OR FOR STORAGE OF HOLIDAY SALE MERCHANDISE THAT MEETS THE FOLLOWING REQUIREMENTS:
 - A. MUST BE PLACED IN A LOCATION THAT:
 - I. IS SCREENED FROM VIEW OF ADJACENT PROPERTIES IF ADJACENT PROPERTY IS RESIDENTIAL; AND
 - II. DOES NOT CREATE TRAFFIC, PARKING, OR CIRCULATION ISSUES.
 - B. SHALL NOT EXCEED 60 DAYS.
 6. TEMPORARY OFF-SITE SIGN PLANS THAT MEET THE FOLLOWING REQUIREMENTS.

- A. SIGN DISPLAY SHALL NOT EXCEED 60 DAYS WITHIN A 365-DAY PERIOD; AND
- B. THE NUMBER OF DISPLAY PERIODS SHALL NOT EXCEED THREE (3) PER ANY 60-DAY PERIOD; AND
- C. SIGNAGE TOTAL SHALL NOT EXCEED 120 TOTAL SQUARE FEET OF SIGNAGE OR 12 SQUARE FEET PER INDIVIDUAL SIGN; AND
- D. THE NUMBER OF SIGNS SHALL NOT EXCEED 20 SIGNS TOTAL; AND
- E. THE APPLICATION MUST MEET THE REQUIREMENTS ESTABLISHED IN STC 18.79.060; AND
- F. IF THE SIGN APPLICATION EXCEEDS ANY OF THE STANDARDS LISTED IN PARAGRAPHS A THROUGH E ABOVE IT MUST FOLLOW THE TEMPORARY OFF-SITE SIGN PLAN GUIDELINES AND PROCESS AS ESTABLISHED IN STC 18.79.060.

7. OTHER USES SIMILAR IN NATURE TO USES 1 THROUGH 5 AS LISTED ABOVE AS DETERMINED BY THE PLANNING & BUILDING DIRECTOR.

C. STANDARDS.

1. A CLASS I TEMPORARY USE PERMIT MAY BE ISSUED ONLY AFTER FINDING THAT THE USE:

- A. IS OF A TRUE TEMPORARY NATURE; AND
- B. THE PROPOSED USE IS COMPATIBLE WITH THE NATURE, CHARACTER AND USE OF THE SURROUNDING AREA; AND
- C. THE OPERATION OF THE PROPOSED USE WILL NOT ADVERSELY IMPACT THE SURROUNDING NEIGHBORHOOD; AND
- D. THE PROPOSED USE IS NOT DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF THE COMMUNITY; AND
- E. DOES NOT VIOLATE STATE LAW OR OTHER PROVISIONS OF TOWN OF SAHUARITA ORDINANCES.

D. APPLICATION. THE PROPERTY OWNER MAY REQUEST A CLASS I TEMPORARY USE PERMIT APPLICATION BY SUBMITTING AN

APPLICATION ON A FORM PREPARED BY THE PLANNING & ZONING DIVISION. THE APPLICATION SHALL INCLUDE INFORMATION TO FACILITATE THE PLANNING & BUILDING DIRECTOR'S UNDERSTANDING OF THE TEMPORARY USE REQUEST AS FOLLOWS:

1. A LETTER OF AUTHORIZATION FOR ANY AGENT OF THE PROPERTY OWNER; AND
 2. A SITE PLAN SHOWING:
 - A. ALL PROPOSED STRUCTURES; AND
 - B. VEHICULAR CIRCULATION; AND
 - C. EMERGENCY INGRESS/EGRESS; AND
 - D. SETBACK DISTANCES TO THE FRONT, SIDE AND REAR PROPERTY LINES.
 3. A FLOOR PLAN DETAIL WHEN THE REQUEST PERTAINS TO INTERIOR ACCESS OR USE; AND
 4. A DESCRIPTION EXPLAINING THE REASON FOR THE REQUEST, INCLUDING TIMEFRAME NEEDED FOR THE TEMPORARY USE; AND
 5. FEES, IN ACCORDANCE WITH THE ADOPTED FEE SCHEDULE FOR A TYPE 1 CONDITIONAL USE PERMIT.
- E. TIME LIMIT. THE CLASS I TEMPORARY USE PERMIT SHALL NOT BE VALID FOR MORE THAN SIX (6) MONTHS UNLESS EXPRESSLY STATED ELSEWHERE IN THIS CODE.
- F. DECISION.
1. THE PLANNING & BUILDING DIRECTOR WILL ISSUE A DECISION IN WRITING ON THE CLASS I TEMPORARY USE PERMIT WITHIN 10 BUSINESS DAYS OF SUBMITTAL OF A COMPLETE APPLICATION.
 2. THE PLANNING & BUILDING DIRECTOR MAY IMPOSE CONDITIONS OF APPROVAL TO SAFEGUARD THE PUBLIC HEALTH, SAFETY, CONVENIENCE, AND GENERAL WELFARE.
- G. REVOCATION. THE VIOLATION OF ANY CONDITIONS IMPOSED BY THE DIRECTOR SHALL CONSTITUTE A VIOLATION OF THIS CODE, AND SUBJECT TO 24 HOURS' NOTICE, THE TEMPORARY USE PERMIT MAY BE REVOKED.

* * *

The Town of Sahuarita Municipal Code Title 18 Zoning, Chapter 18.93 Board of Adjustment Variances, Temporary Use Permits and Interpretations, Sections 18.93.010 Purpose, 18.93.020 Establishment of the Board of Adjustment; 18.93.040 Temporary Use Permits; and 18.93.050 Time Limit for Variances and Temporary Use Permits is hereby amended to read as follows (new text in **ALL CAPS**; deletions in ~~strikethrough~~):

Chapter 18.93
BOARD OF ADJUSTMENT VARIANCES, TEMPORARY USE PERMITS AND
INTERPRETATIONS

Sections:

- 18.93.010 Purpose.**
- 18.93.020 Establishment of the board of adjustment.**
- 18.93.030 Variances.**
- 18.93.040 CLASS II Temporary use permits.**
- 18.93.050 Time limit for variances and temporary use permits.**
- 18.93.060 Interpretations.**
- 18.93.070 Appeal to superior court.**

18.93.010 Purpose.

This chapter establishes board of adjustment procedures for variances, CLASS II temporary use permits, and interpretations.

18.93.020 Establishment of the board of adjustment.

A.—Establishment. There is established a board of adjustment to hear and decide appeals for variances and interpretations of the code and to issue CLASS II temporary use permits in accordance with A.R.S. § 9-462.06 and STC 18.100.050 (Administrators).

* * *

18.93.040 CLASS II Temporary use permits.

- A. Scope. The board of adjustment may issue a CLASS II temporary use permit for a building or premises in any zone for a use not therein permitted by this code. The permit shall be for not more than one year and may be renewed for up to one additional year.
- B. Application. A CLASS II temporary use permit may be requested by the owner of the property by submitting an application in accordance with STC 18.93.030(C), except that the time period in STC 18.93.030(C)(2)(g) shall be 30 days.
- C. Standards. A CLASS II temporary use permit may be issued only after a finding by the board that the temporary use:
 - 1. Is of a true temporary nature;
 - 2. Does not involve the erection of a substantial building;

3. Will not cause injury to or adversely affect the rights of adjacent property owners or residents;
 4. Is in harmony with the general intent and purposes of this code; and
 5. Does not violate state law or other provisions of town of Sahuarita ordinances.
- D. Hearing. The temporary use permit shall be issued after a public hearing. Notice of the hearing shall be given in accordance with STC 18.93.030(E).
- E. Conditions. The board may impose such conditions as will safeguard the public health, safety, convenience and general welfare.

18.93.050 Time limit for variances and CLASS II temporary use permits.

- A. Time Limit. Application for necessary permits for use of the property and construction shall be made within one year of the granting of a variance and within 30 days of the issuance of a temporary use permit. The board of adjustment may grant a different time limit on variances approved for lots or parcels that are substandard in size because of circumstances beyond the control of the property owner.
- B. Revocation. Failure to apply for necessary permits within the time limit shall render the variance or temporary use permit null and void.
- C. Appeal. Appeal of a board action shall suspend the running of the time limit during the period of appeal.
- D. Time Extension.
1. A new application for variance or CLASS II temporary use permit shall be required after expiration of the time limit, unless an extension is granted by the board;
 2. A request for a single one-year time extension may be made by submitting a written request and applicable fees for a board of adjustment public hearing.

* * *