

SAHUARITA ORDINANCE NO. 2025-192

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, CHAPTER 18.09 GENERAL RESIDENTIAL AND RURAL ZONING PROVISIONS, AND SECTION 18.09.020 GENERAL REQUIREMENTS AND EXCEPTIONS” AS A PUBLIC RECORD; ADOPTING THE “TOWN OF SAHUARITA AMENDING TITLE 18 ZONING, CHAPTER 18.09 GENERAL RESIDENTIAL AND RURAL ZONING PROVISIONS, SECTION 18.09.020 GENERAL REQUIREMENTS AND EXCEPTIONS” BY REFERENCE; BY AMENDING TITLE 18 ZONING, CHAPTER 18.09 GENERAL RESIDENTIAL AND RURAL ZONING PROVISIONS, SECTION 18.09.020 GENERAL REQUIREMENTS AND EXCEPTIONS; 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 18.09 General Residential and Rural Zoning Provisions, Section 18.09.020 General Requirements and Exceptions; and

WHEREAS, that certain document attached hereto as Exhibit A, entitled “TOWN OF SAHUARITA AMENDING TITLE 18 ZONING, CHAPTER 18.09 GENERAL RESIDENTIAL AND RURAL ZONING PROVISIONS, SECTION 18.09.020 GENERAL REQUIREMENTS AND EXCEPTIONS”, 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 18.09 General Residential and Rural Zoning Provisions, Section 18.09.020 General Requirements and Exceptions to read as set forth in the

attached Exhibit A entitled “TOWN OF SAHUARITA AMENDING TITLE 18 ZONING, CHAPTER 18.09 GENERAL RESIDENTIAL AND RURAL ZONING PROVISIONS, SECTION 18.09.020 GENERAL REQUIREMENTS AND EXCEPTIONS”, 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 8th day of December 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. 2025-192, passed and adopted at a Voting Meeting of the Council of the Town of Sahuarita, Pima County, Arizona, held on the 8th day of December, 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 8th day of December.

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 AMENDING TITLE 18 ZONING,
CHAPTER 18.09 GENERAL RESIDENTIAL AND RURAL ZONING PROVISIONS,
SECTION 18.09.020 GENERAL REQUIREMENTS AND EXCEPTIONS**

The Town of Sahuarita Municipal Code Title 18 Zoning by amending Chapter 18.09 General Residential and Rural Zoning Provisions, Section 18.09.020 General Requirements and Exceptions is hereby amended to read as follows (new text in **ALL CAPS**):

**Chapter 18.09
GENERAL RESIDENTIAL AND RURAL ZONING PROVISIONS**

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18.09.020 General requirements and exceptions.

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C. Group Care Homes.

1. Homes of six or fewer persons receiving care on a 24-hour per day basis shall be permitted in the same manner as a single-family residence for the purpose of this title. The limitation of six or fewer persons does not include the operator or members of the operator's family or staff.
2. Group care homes as defined in STC 18.03.020 shall be permitted in all rural and residential zones subject to the following conditions:
 - a. If licensing is required by the state of Arizona for the use, proof of such licensure shall be provided to the planning and building department.
 - b. The number of residents excluding staff shall not exceed 10.
 - c. No group care home shall be located on a lot with a property line within 1,200 feet, measured in a straight line any direction, of the lot line of another such group home.
 - d. There shall be no exterior signage or other exterior indication that the property is being used as a group care home.
 - e. Large and/or multiple trash receptacles not usually found in a residential area shall be screened from public view.
 - f. The group care home must meet all applicable building and fire safety regulations.
 - g. The group care home must meet off-street parking requirements as established in STC 18.75.030.

3. TO ESTABLISH A GROUP CARE HOME FOR MORE THAN 10 INDIVIDUALS OR WHICH DOES NOT MEET THE REQUIRED MINIMUM SEPARATION OF 1,200

FEET, THE APPLICANT MAY APPLY FOR A WAIVER FOR REASONABLE ACCOMMODATION FOR A GROUP CARE HOME TO BE CONSIDERED AND ACTED UPON BY THE ZONING ADMINISTRATOR OR THEIR DESIGNEE. IN ALL CASES, THE ZONING ADMINISTRATOR SHALL MAKE FINDINGS OF FACT IN SUPPORT OF THE DETERMINATION AND SHALL RENDER THE DECISION IN WRITING WITHIN 20 WORKING DAYS OF APPLICATION. THE ZONING ADMINISTRATOR MAY REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT TO MAKE THE REQUIRED FINDINGS. TO GRANT A WAIVER FOR REASONABLE ACCOMMODATION, THE ZONING ADMINISTRATOR SHALL FIND AFFIRMATIVELY ALL THE FOLLOWING STANDARDS:

A. THE APPLICANT DEMONSTRATES THAT THE PROPOSED GROUP CARE HOME CAN AND WILL EMULATE A BIOLOGICAL FAMILY AND FUNCTION AS A RESIDENTIAL USE RATHER THAN AN INSTITUTIONAL OR OTHER NONRESIDENTIAL USE.

B. THE APPLICANT DEMONSTRATES THAT THE PROPOSED GROUP CARE HOME NEEDS TO HOUSE MORE THAN 10 RESIDENTS FOR FINANCIAL OR THERAPEUTIC REASONS.

C. THE APPLICANT DEMONSTRATES THAT THE PROPOSED GROUP CARE HOME WILL NOT INTERFERE WITH THE NORMALIZATION AND COMMUNITY INTEGRATION OF THE RESIDENTS OF ANY EXISTING GROUP CARE HOME AND THAT THE PRESENCE OF OTHER GROUP CARE HOMES WILL NOT INTERFERE WITH THE NORMALIZATION AND COMMUNITY INTEGRATION OF THE RESIDENCES OF THE PROPOSED GROUP CARE HOME.

D. THE APPLICANT DEMONSTRATES THAT IT WILL OPERATE THE HOME IN A MANNER SIMILAR TO THAT ORDINARILY REQUIRED BY STATE LICENSING TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE OCCUPANTS OF THE PROPOSED GROUP CARE HOME.

E. THE APPLICANT DEMONSTRATES THAT THE PROPOSED GROUP CARE HOME IN COMBINATION WITH ANY EXISTING GROUP CARE HOMES WILL NOT ALTER THE RESIDENTIAL CHARACTER OF THE SURROUNDING NEIGHBORHOOD BY CREATING AN INSTITUTIONAL ATMOSPHERE OR CREATING A DE FACTO SOCIAL SERVICES DISTRICT BY CONCENTRATING GROUP CARE HOMES ON A BLOCK OR IN A NEIGHBORHOOD.

F. AN APPLICANT MAY APPEAL THE DENIAL OF A WAIVER FOR REASONABLE ACCOMMODATION BY THE ZONING ADMINISTRATOR OR DESIGNEE PURSUANT TO STC 18.93.060.

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