

**Telephone: 520-299-8766**  
**Facsimile: 520-529-3137**

January 20, 2017

Email: smore@ci.sahuarita.az.us

Sarah S. More, FAICP  
Planning and Building Director  
Town of Sahuarita, Arizona  
375 W. Sahuarita Center Way  
Sahuarita, Arizona 85629

**Re: Request for Applicability of Section 18.79.240 of Sahuarita Ordinance Number 2016-115**

Dear Ms. More:

Interchange Opportunity Fund Limited Liability Limited Partnership, LLLP, an Arizona limited liability limited partnership, as sole beneficiary of Fidelity National Title Agency, Inc., Trust No. 30,007, Rancho Sahuarita XX, L.L.C., an Arizona limited liability company and Rancho Sahuarita Management Company L.L.C., an Arizona limited liability company, ask that the amendments to Section 18.79.240 (Electronic Message Sign) of the Sahuarita Town Code, which amendment is contained in Sahuarita Ordinance No. 2016-115, be applicable to the Property as defined in the Development Agreement with the Town of Sahuarita as recorded in Docket 10470, Page 670, Instrument No. 97012637 in the official records of Pima County, Arizona.

Consistent with Section 1.2.(ii) of the Development Agreement whereby the Developer may agree in writing to have land use regulations apply to the Property, this letter is a request by the Developer that such amendments outlined in Section 18.79.240 Electronic message sign, Sahuarita Ordinance No. 2016-115 be applicable to and govern the development of the Property.

The table below lists existing land use provisions applicable to the Property. The land use regulation noted in this letter has been added as Exhibit E and has been attached to this letter.

<b>Exhibit</b>	<b>Date</b>	<b>Ordinance</b>	<b>TOS Code Section</b>	<b>Topic</b>
A	11-Aug-11	2011-056	18.69.060.F 18.71.040.B	Review Procedures Review Procedures
B	19-Sep-12	2012-067	18.69.060	Review Procedures
C	12-Nov-12	2012-073	18.79	Sign Standards
D	11-Jan-16	2015-106	18.73.030 18.79.040	Landscape, Buffering, and Screening Sign Standards Prohibitions
E	24-Oct-16	2016-115	18.79.240	Electronic Message Sign



**With the consent and agreement of:**

Fidelity National Title Agency, Inc., an Arizona corporation, Trust No. 30,007, and not in its corporate capacity

By: Martha L Hill

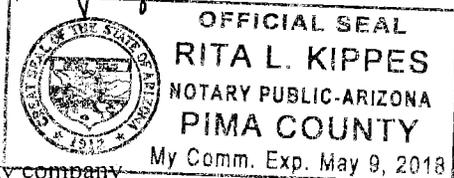
Its: TRUST OFFICER

STATE OF ARIZONA            )  
                                                  ) ss.  
COUNTY OF PIMA            )

The foregoing instrument was acknowledged before me this 9th day of FEBRUARY, 2017, by Martha L. Hill as Trustee of Fidelity National Title Agency, Inc., an Arizona corporation, Trust No. 30,007, and not in its corporate capacity.

Rita L. Kippes  
Notary Public

My Commission Expires:  
5-9-2018



Rancho Sahuarita Management Company, L.L.C., an Arizona limited liability company

By MKS Equitas Investment Group, Ltd., an Arizona corporation, Member

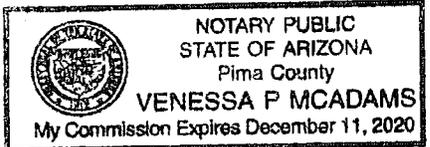
By: Fred Lewis  
Fred Lewis, President

STATE OF ARIZONA            )  
                                                  ) ss.  
COUNTY OF PIMA            )

The foregoing instrument was acknowledged before me this 20 day of January, 2017, by Fred Lewis as President of MKS Equitas Investment Group, Ltd., an Arizona corporation, Member, as the Member of Rancho Sahuarita Management Company, L.L.C., an Arizona limited liability company.

Venessa P. McAdams  
Notary Public

My Commission Expires:  
12-11-2020



**With the consent and agreement of:**

Fidelity National Title Agency, Inc., an Arizona corporation, Trust No. 30,007, and not in its corporate capacity

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF ARIZONA        )  
                                          ) ss.  
COUNTY OF PIMA        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by Martha L. Hill as Trustee of Fidelity National Title Agency, Inc., an Arizona corporation, Trust No. 30,007, and not in its corporate capacity.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

Rancho Sahuarita Management Company, L.L.C., an Arizona limited liability company

By MKS Equitas Investment Group, Ltd., an Arizona corporation, Member

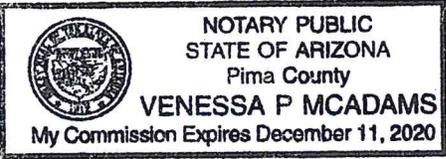
By: Fred Lewis  
Fred Lewis, President

STATE OF ARIZONA        )  
                                          ) ss.  
COUNTY OF PIMA        )

The foregoing instrument was acknowledged before me this 20 day of January, 2017, by Fred Lewis as President of MKS Equitas Investment Group, Ltd., an Arizona corporation, Member, as the Member of Rancho Sahuarita Management Company, L.L.C., an Arizona limited liability company.

Venessa P McAdams  
\_\_\_\_\_  
Notary Public

My Commission Expires:  
12-11-2020



**EXHIBIT E**

**TOS SECTION 18.79.240 / ORDINANCE NO. 2016-115**

## **SAHUARITA ORDINANCE NO. 2016-115**

AN ORDINANCE OF THE TOWN OF SAHUARITA, ARIZONA, AMENDING PORTIONS OF CHAPTER 18.79 (SIGN STANDARDS) OF THE SAHUARITA TOWN CODE BY AMENDING SECTION 18.79.030 (GENERAL DEVELOPMENT STANDARDS), SECTION 18.79.040 (PROHIBITIONS), SECTION 18.79.100 (PERMITTED SIGNS BY ZONE), AND SECTION 18.79.240 (ELECTRONIC MESSAGE SIGN) FOR THE PURPOSE OF PROVIDING FOR FLEXIBLE ZONING, PROVIDING FOR EXPANDED USE OF THE ELECTRONIC MESSAGE SIGN WHILE PROTECTING THE TOWN'S DARK SKIES; AND REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF SAHUARITA IN CONFLICT THEREWITH.

WHEREAS, the Sahuarita Town Code has been adopted by the Town Council, amended from time to time, and on February 13, 2006, pursuant to Ordinance No. 2006-02, the Sahuarita Town Code was codified and renumbered; and

WHEREAS, Title 18 of the Sahuarita Town Code sets forth the Zoning Code for the Town of Sahuarita and includes provisions for electronic signage within the Town; and

WHEREAS, the current provisions in Chapter 18.79 (Sign Standards) limit electronic message sign usage to gasoline price signs and time and temperature signs; and

WHEREAS, over the past few years the Town has received several requests from various entities in the Town regarding electronic message signs; and

WHEREAS, on September 10, 2015, the Planning and Zoning Commission held a public hearing at which time there were different opinions regarding this proposed amendment, the Commission tabled the amendment and staff subsequently met with stakeholders to develop a consensus amendment; and

WHEREAS, on May 2, 2016, the Planning and Zoning Commission held a second public hearing and did approve the proposed amendments and recommends to the Mayor and Council that the proposed amendments be adopted by the Mayor and Council; and

WHEREAS, on June 13, 2016, the Mayor and Council held a public hearing to consider the proposed amendments and tabled the Ordinance, directing staff to review the proposed code to eliminate detailed regulatory standards, address the issue of illumination levels, and address technical issues and concerns raised during the public hearing; and

WHEREAS, on October 3, the Planning and Zoning Commission held a third public hearing and did approve proposed amendments, as amended per the June 13, 2016 Council meeting; and

WHEREAS, the Mayor and Council find that it is in the best interest of the Town of Sahuarita and its residents to adopt such amendment.

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

**Section 1.** Section 18.79.030 (General development standards) of the Sahuarita Town Code is hereby amended as follows, with deleted language shown by ~~strikeout~~ and added language shown by underlined text.

**Section 18.79.030 General development standards**

...

**G. Illumination.**

1. A sign shall comply with the standards of the town lighting code.
2. The following types of sign illumination are permitted:
  - a. Internal illumination where only sign copy emits light;
  - b. Halo lighting;
  - c. Area lighting; and
  - d. Direct lighting only, with top-mounted, full cut-off fixtures.

~~3. An illuminated sign shall be turned off no later than 11:00 p.m. unless the business remains open. If the business remains open after 11:00 p.m. an illuminated sign must be turned off at the closing time until sunrise and shall reduce the lighting source by 50 percent output from 11:00 p.m. until sunrise, as may be achieved by programmable electronic controls, timers, etc. Residential entryway signs may remain illuminated during all dark hours.~~

3. An illuminated sign shall be turned off no later than 11:00 p.m., with the following exceptions:

a. If the business or other entity remains open after 11:00 p.m., an illuminated sign shall:

i. reduce the lighting source by 50 percent output from 11:00 p.m. until sunrise, as may be achieved by programmable electronic controls, timers, etc.;  
and

ii. be turned off when the business or other entity closes.

b. Residential entryway signs may remain illuminated during all dark hours.

~~4. No illumination of a sign is permitted in a rural or residential zone unless it is associated with a business or an office that remains open or is associated with a medical or public service, with the exception of incidental lighting of residential entryway signs.~~

~~5.4.~~ A light source of a sign shall not be visible from above, except as permitted in the town lighting code, or from an adjacent property or street.

~~6.5.~~ Any unused tenant space on an approved sign shall be blanked out with an opaque panel to minimize light output.

~~7.6.~~ When possible, corporate images or registered trademarks shall be altered to reduce light output to the extent possible.

...

Any portions of STC 18.79.030 not specifically amended by this Ordinance shall remain unchanged.

## Section 2.

Section 18.79.040 (Prohibitions) of the Sahuarita Town Code is hereby amended as follows, with deleted language shown by ~~strikeout~~ and added language shown by underlined text.

### Section 18.79.040 Prohibitions

#### A. Prohibited Signs.

1. Abandoned sign.

2. Cloth or paper sign attached to the exterior surface of a window or a building. This prohibition does not include a political sign, missing person/lost pet sign, a civic banner, or a special event banner.

~~3. Electronic message sign, except those specifically permitted.~~

4. 3. Fixed balloon sign.

5. 4. Flags or pennants, except as in STC 18.79.050(C) or 18.79.330.

6. 5. Bench sign in a residential zone; more than one bench sign per bus stop in a commercial or industrial zone.

7. 6. Future facility sign.

8. 7. Billboards and other off-site signs, except those specifically permitted.

9. 8. Portable sign, except those specifically permitted.

10. 9. Roof sign.

11. 10. Satellite dish greater than one meter in diameter containing sign copy.

12. 11. Searchlight.

13. 12. Statue used for advertising.

- 14. 13. Temporary sign, except those specifically permitted.
- 15. 14. A sign emitting visible matter or sound (except a menu board).
- 16. 15. A sign resembling an official traffic sign.
- 17. 16. Outline lighting of a building, excluding temporary decorative holiday lighting.
- 18. 17. Vehicle sign.
- 19. 18. Moving sign.
- 20. 19. A sign on a permanent storage tank, except signs necessary to warn of danger.
- 21. 20. Pole sign.
- 22. 21. Painted-on sign, except an awning sign or a window sign.

...

Any portions of STC 18.79.040 not specifically amended by this Ordinance shall remain unchanged.

**Section 3.** Section 18.79.100 (Permitted signs by zone) of the Sahuarita Town Code is hereby amended as follows, with deleted language shown by ~~strikeout~~ and added language shown by underlined text.

**Section 18.79.100 Permitted signs by zone.**

A. Scope. This section specifies the signs permitted in the various zones.

B. Key to Table Notations.

*	=	Permitted Sign Type
Blank	=	Not Permitted Sign Type
2	=	Reference is in Table Notes, subsection D of this section

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C. Table 1.

Zone	Sign Type	Awning	Changeable Copy	Civic Banner	Community Directory	Construction	Detached Canopy	Directional	Directory	Dwelling Unit Leases, Rent, Sale	Electronic Message Sign	Freestanding ID	Freeway Style	Human Sign	Incidental	Kiosk	Main Wall ID	Menu Board	Model Home Flag	On-Site Subdivision	Political	Projecting	Real Estate Property	Residential Entryway	Service Club	Special Event Banner	Suspended	Time and Temperature	Window		
RH, GR-1																															
SR, SR-2, SH, R-1, R-2, R-3, MH-1		*2	*	*	*	*	*	*	*	*10	*10	*3		*			*3		*	*	*	*4	*	*	*	*					
R-4, R-5, MH-2		*2	*	*	*	*	*	*	*	*10	*10	*5		*			*5		*	*	*		*	*	*	*					
TH, MR		*2	*	*	*	*	*	*	*	*10	*10	*7		*			*7		*	*	*		*	*	*	*					
NC		*2	*	*	*	*	*	*	*	*10	*10	*7		*			*7		*	*	*		*	*	*	*					
B-1, MX		*8	*	*	*	*	*	*	*	*10	*10	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
B-2		*8	*	*	*	*	*	*	*	*10	*10	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
CPI		*	*	*	*	*	*	*	*	*10	*10	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
I-1, I-2		*8	*	*	*	*	*	*	*	*10	*10	*3	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Golf Course																															

D. Table Notes to Table 1 in Subsection C of This Section.

...

10. Electronic message signs are permitted:

- a. As a component of a freestanding identification sign for gasoline price signs; and
- b. As a component of a freestanding or wall-mounted time and temperature sign.

c. Subject to the requirements of 18.79.240.

...

Any portions of STC 18.79.100 not specifically amended by this Ordinance shall remain unchanged.

**Section 4.** Section 18.79.240 (Electronic message sign) of the Sahuarita Town Code is hereby amended as follows, with deleted language shown by ~~strikeout~~ and added language shown by underlined text.

**Section 18.79.240 Electronic message sign.**

~~A. The display light output of electronic message signs shall be limited to a maximum of 50 nits between one hour after dark and sunrise.~~

~~B. The electronic message sign shall be controlled by one or more photocells which will automatically adjust the display light output at sunset and will further adjust the display light output to a maximum of 50 nits one hour after sunset.~~

~~C. Prior to the issuance of permits for the electronic message sign, the applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified in the stipulations above, and the intensity level is protected from end-user manipulation by password-protected software.~~

~~D. The total electronic messaging component of a sign shall not exceed:~~

~~1. Twelve square feet for gasoline price signs.~~

~~2. Six square feet for time and temperature signs.~~

~~E. Electronic messages may not change any more frequently than once per minute.~~

~~F. There may be no effects of movement, flashing, scintillation, or similar effects.~~

~~G. Electronic messages are limited to a single color on a dark background. [Ord. 2011-048 § 1; Ord. 2010-31 § 1.]~~

A. Electronic message signs are permitted as follows:

1. Electronic message signs are permitted in commercial and industrial zones.

2. Electronic message signs in residential zones may be conditionally permitted subject to a Type I CUP per Chapter 18.97.

B. Electronic message signs are permitted only as a component of a freestanding identification sign, except as allowed per section 18.79.440.

C. The electronic message sign shall be controlled by one or more photocells which will automatically adjust the display light output at sunset and will further adjust the display light output to 50% of the total allowed at 11 p.m.

D. Prior to the issuance of permits for the electronic message sign, the applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified in the stipulations above and in the Outdoor Lighting Code, and the intensity level is protected from end-user manipulation by password-protected software. Post installation commissioning may be required.

E. The total electronic messaging component of a sign shall not exceed fifty percent (50%) of the allowed sign size per Section 18.79.250.

F. Electronic messages may not change any more frequently than once every 30 seconds, with an immediate transition time.

G. There may be no effects of movement, flashing, scintillation, or similar effects.

H. Electronic messages must have a dark background.

...

Any portions of STC 18.79.240 not specifically amended by this Ordinance shall remain unchanged.

**Section 5.** The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance and sections of the Town Code.

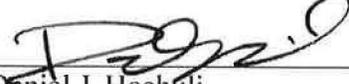
**Section 6.** All ordinances, resolutions or motions and parts of ordinances, resolutions or motions of the council in conflict with the provisions of this Ordinance are hereby repealed, effective as of the effective date of this Ordinance. All internal references within the Town Code to any affected provision are hereby updated.

**Section 7.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance 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.

PASSED AND ADOPTED by the Mayor and Council of the Town of Sahuarita, Arizona, this 24<sup>th</sup> day of October, 2016.

  
\_\_\_\_\_  
Mayor Duane Blumberg

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Daniel J. Hochuli  
Town Attorney

ATTEST:

  
\_\_\_\_\_  
Lisa Cole, MMC  
Town Clerk



**INTERCHANGE OPPORTUNITY FUND  
LIMITED LIABILITY LIMITED PARTNERSHIP  
4549 East Fort Lowell Road  
Tucson, Arizona 85712**

**Telephone: 520-299-8766  
Facsimile: 520-529-3137**

April 28, 2016

Email: smore@ci.sahuarita.az.us

Sarah S. More, FAICP  
Planning and Building Director  
Town of Sahuarita, Arizona  
375 W. Sahuarita Center Way  
Sahuarita, Arizona 85629

**Re: Request for Applicability of Sahuarita Ordinance Number 2015-106  
Summary of Previous Sahuarita Ordinance Requests**

Dear Ms. More:

Interchange Opportunity Fund Limited Liability Limited Partnership is the Developer under its Development Agreement with the Town of Sahuarita as recorded in Docket 10470, Page 670, Instrument No. 97012637 in the official records of Pima County, Arizona. The Town Council recently approved certain amendments to Section 18.73.030 (Landscape, Buffering, and Screening Standards) and Section 18.79 (Sign Standards) of the Sahuarita Town Code, which amendments are outlined in Sahuarita Ordinance No. 2015-106.

Consistent with Section 1.2.(ii) of the Development Agreement whereby the Developer may agree in writing to have land use regulations apply to the Property, this letter is a request by the Developer that such amendments outlined in Sahuarita Ordinance No. 2015-106 be applicable to and govern the development of the Property (as defined in the Development Agreement).

Inclusive of the land use regulations noted in this letter, the Developer has agreed to have the following land use provisions apply to the Property and they have been attached by exhibit to this letter.

<b>Exhibit</b>	<b>Date</b>	<b>Ordinance</b>	<b>TOS Code Section</b>	<b>Topic</b>
A	11-Aug-11	2011-056	18.69.060.F 18.71.040.B	Review Procedures Review Procedures
B	19-Sep-12	2012-067	18.69.060	Review Procedures
C	12-Nov-12	2012-073	18.79	Sign Standards
D	11-Jan-16	2015-106	18.73.030 18.79.040	Landscape, Buffering, and Screening Sign Standards Prohibitions

Sincerely,

**OWNER:**

Interchange Opportunity Fund Limited Liability Limited Partnership, LLLP, an Arizona limited liability limited partnership

By Sharpe & Associates, Inc., an Arizona corporation, its General Partner

By: *Robert M. Sharpe*  
Robert M. Sharpe, President

Rancho Sahuarita XX, L.L.C., an Arizona limited liability company

By Interchange Opportunity Fund Limited Liability Limited Partnership, LLLP, an Arizona limited liability limited partnership, Member

By Sharpe & Associates, Inc., an Arizona corporation, its General Partner

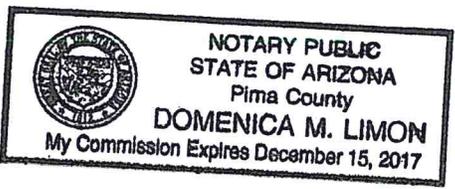
By: *Robert M. Sharpe*  
Robert M. Sharpe, President

STATE OF ARIZONA        )  
                                          ) ss.  
COUNTY OF PIMA        )

The foregoing instrument was acknowledged before me this *9th* day of *May*, 2016, by Robert M. Sharpe as President of Sharpe & Associates, Inc., an Arizona corporation, separately and as General Partner of Interchange Opportunity Fund Limited Liability Limited Partnership, LLLP, an Arizona limited liability partnership.

*Domenica M. Limon*  
Notary Public

My Commission Expires:  
*12/15/2017*



**With the consent and agreement of:**

Fidelity National Title Agency, Inc., an Arizona corporation, Trust No. 30,007, and not in its corporate capacity

By: Marta L Hill

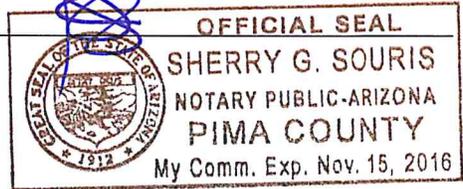
Its: Trust Officer

STATE OF ARIZONA       )  
                                          ) ss.  
COUNTY OF PIMA       )

The foregoing instrument was acknowledged before me this 10th day of MAY, 2016, by MARTHA L. HILL, as Trustee of Fidelity National Title Agency, Inc., an Arizona corporation, Trust No. 30,007, and not in its corporate capacity.

My Commission Expires: 11.15.2016

Notary Public



Rancho Sahuarita Management Company, L.L.C., an Arizona limited liability company

By MKS Equitas Investment Group, Ltd., an Arizona corporation, Member

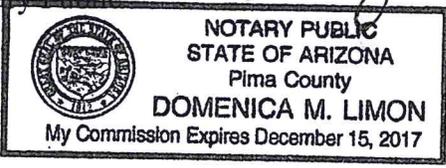
By: Fred Lewis  
Fred Lewis, President

STATE OF ARIZONA       )  
                                          ) ss.  
COUNTY OF PIMA       )

The foregoing instrument was acknowledged before me this 9th day of MAY, 2016, by Fred Lewis as President of MKS Equitas Investment Group, Ltd., an Arizona corporation, Member, as the Member of Rancho Sahuarita Management Company, L.L.C., an Arizona limited liability company.

My Commission Expires: 12/15/2017

Notary Public



**EXHIBIT A**

**TOS ORDINANCE NO. 2011-056**

**SAHUARITA ORDINANCE NO. 2011-056**

AN ORDINANCE OF THE TOWN OF SAHUARITA, ARIZONA, ADOPTING "THE SEPTEMBER 2011 AMENDMENTS TO CHAPTER 18.69 (SUBDIVISION STANDARDS) AND CHAPTER 18.71 (DEVELOPMENT PLAN STANDARDS) OF TITLE 18 (ZONING) OF THE SAHUARITA TOWN CODE" BY REFERENCE, EXTENDING THE VALIDITY PERIOD FOR TENTATIVE PLATS AND DEVELOPMENT PLANS; AND PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE THEREFOR.

WHEREAS, Title 18 of the Sahuarita Town Code contains the Zoning Code of the Town of Sahuarita;

WHEREAS, the Town Council has determined, upon the recommendation of the Planning Director, that it would be in the best interest of the Town of Sahuarita and its potential developers to amend certain chapters of Title 18 (Zoning) of the Sahuarita Town Code to allow a longer period of time during which tentative plats and development plans are valid to help the development community during the current economic downturn; and

WHEREAS, by adoption of the Town Code Amendment set forth in the public record entitled "The September 2011 Amendments to Chapter 18.69 (Subdivision Standards) and Chapter 18.71 (Development Plan Standards) of Title 18 (Zoning) of the Sahuarita Town Code," the validity period for tentative plats and approved development plans will be temporarily extended; and

WHEREAS, the Town Code Amendment will automatically expire on July 1, 2016; and

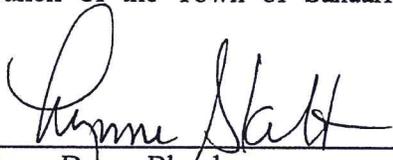
WHEREAS, the Town Council of the Town of Sahuarita has determined it to be in the best interests of the Town and its residents for the Town to amend the Sahuarita Town Code as provided in "The September 2011 Amendments to Chapter 18.69 (Subdivision Standards) and Chapter 18.71 (Development Plan Standards) of Title 18 (Zoning) of the Sahuarita Town Code."

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

**Section 1.** That certain document known as "The September 2011 Amendments to Chapter 18.69 (Subdivision Standards) and Chapter 18.71 (Development Plan Standards) of Title 18 (Zoning) of the Sahuarita Town Code," three copies of which are on file in the office of the Town Clerk of the Town of Sahuarita, Arizona, which document was made a public record by Sahuarita Resolution No. 2011-0269, is hereby referred to, adopted by reference pursuant to A.R.S. § 9-802, and made a part hereof as if fully set out in this ordinance.

- Section 2.** The Sahuarita Town Code is amended as set forth in the public record referenced above, effective July 1, 2011.
- Section 3.** All tables of contents shall be modified to reflect the changes set forth in this Ordinance.
- 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 and sections of the Town Code.
- Section 5.** All ordinances, resolutions, or motions and parts of ordinances, resolutions or motions of the council in conflict with the provisions of this Ordinance are hereby repealed, effective as of the date of this Ordinance. All internal reference within the town code to any affected provision are hereby updated.
- Section 6.** If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments to "The September 2011 Amendments to Chapter 18.69 (Subdivision Standards) and Chapter 18.71 (Development Plan Standards) of Title 18 (Zoning) of the Sahuarita Town 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.

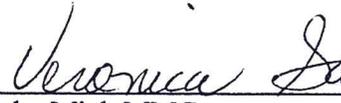
PASSED AND ADOPTED by the Mayor and Council of the Town of Sahuarita, Arizona, this 22<sup>nd</sup> day of August, 2011.

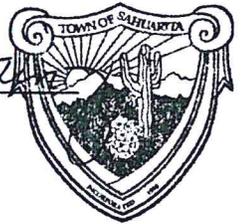
  
 For Mayor Duane Blumberg

APPROVED AS TO FORM:

  
 Daniel J. Hochuli  
 Town Attorney

ATTEST:

  
 FOR Vicky Miel, MMC  
 Town Clerk



**THE SEPTEMBER 2011 AMENDMENTS TO CHAPTER 18.69 (SUBDIVISION  
STANDARDS) AND CHAPTER 18.71 (DEVELOPMENT PLAN STANDARDS) OF TITLE  
18 (ZONING) OF THE SAHUARITA TOWN CODE**

**18.69.060 Review procedures.**

**A. Preliminary Review.**

1. Since agreement on the tentative plat is deemed a step of primary importance in these proceedings, the subdivider may and it is strongly recommended that the initial proposal for the subdivision be reviewed with the planning and zoning director prior to preparation of the required tentative plat while the plans for the proposed subdivision are still flexible, it being the purpose of this stage to make available general advice on the purpose and effect of this chapter, the master plan, zoning, and other town and county planning, engineering, drainage, sewerage, water system and similar standards, requirements and plans.

2. It is further recommended that the subdivider also consult with parties and agencies potentially interested in the proposed development, such as real estate, lending and mortgage insurance institutions, with a view to reaching, at any early state, firm conclusions regarding what part of the market should be served, suitability of the location, best plan for the purpose, protective covenants and other features of the proposed development.

**B. Tentative Plat Submittal.**

1. The subdivider shall submit a tentative plat of the proposed subdivision and other exhibits as required by the planning and zoning department together with application and fees.

2. Outline of Protective Covenants. A preliminary draft or outline of protective covenants proposed by the subdivider may be submitted as evidence of the proposed character of development.

3. The planning and zoning department shall accept or reject a submittal for completeness within 10 working days of submittal and shall provide the applicant notice.

**C. Departmental Review of Tentative Plat.**

1. The planning and zoning department shall cause to be transmitted copies of the tentative plat to other departments and agencies involved in the development review process, such as public works and utilities.

2. Comments and recommended conditions will be provided to the applicant within 20 working days of acceptance of the submittal.

3. The applicant will revise the submittal per the comments and recommendations provided.

4. Only when the plan has been approved for zoning compliance it is transmitted to the planning and zoning commission.

**D. Planning and Zoning Commission Review.**

1. The subdivider or agent, and engineer, shall be present at the meeting. The subdivider's engineer may act as agent.

2. The planning and zoning commission shall make due findings as to the conformity of the tentative plat with these regulations.

3. Where a tentative plat is found to conform to these regulations as presented or may be made to conform by making certain changes acceptable to the subdivider, the commission shall approve the same conditionally to such changes as being made, and shall return a copy of the tentative plat to the subdivider with such changes, if any, noted thereon.

4. Where the commission finds that the tentative plat does not conform to these regulations, and that changes to make it conform are not acceptable to the subdivider, the commission shall return a copy of the plat and report of such findings to the subdivider, or, if it appears there may be undue hardship, the commission may recommend to the town council a variance of the regulations, or the subdivider may signify an intention to appeal to the town council, as provided in subsection E of this section.

E. Town Council's Decision of Appeal.

1. Appeal shall be made in writing and filed with the planning and zoning commission, setting forth the particulars and the reasons for the appeal.

2. Hearing on such cases shall be at such times as may be set by the town council, and upon not less than 15 days' nor more than 30 days' notice to the appellant and officials concerned.

3. The town council shall hear and decide appeals where it is alleged by the appellant that there is any error in any order, requirements, decision, grant or refusal made by the commission or any official in the administration of this chapter.

~~F. Time Limits. Approval of the tentative plat shall be effective for one year, but may be extended upon reapplication and review by the planning and zoning commission.~~

**Editor's Note: Sahuarita Ordinance No. 2011-056, effective September 22, 2011, temporarily amended Section 18.69.060.F. The temporary amendment applies to all tentative plats that are valid on or approved by the Town after July 1, 2011, and automatically expires and is of no further force and effect on July 1, 2016. Section 18.69.060.F as temporarily amended by Ordinance No. 2011-056 provides as follows:**

F. Time Limits.

1. A final plat shall be recorded by the seventh anniversary of the date of tentative plat approval or July 1, 2018, whichever is sooner.

2. If the final plat has not been recorded within the period set forth in paragraph 1, a new tentative plat shall be submitted, including applicable fees.

**Editor's Note: Sahuarita Ordinance No. 2011-056, effective September 22, 2011, permanently amended Section 18.69.060.F and provides that the following language will go into force on July 1, 2016, unless it is superseded or amended by the adoption of another ordinance in the meantime.**

F. Time Limits.

1. Approval of the tentative plat shall be valid for a period of two years.

2. A one-time 12 month extension may be granted by the planning and zoning director provided:

a. The applicant files for the extension prior to the approval becoming void;  
and

b. In the opinion of the director, there is no change in regulation or in conditions within or adjoining the tentative plat area which would warrant a revision; and

c. The applicant shall pay a fee as set forth in STC 3.10.

3. In no case shall a tentative plat approval exceed a total of three years from the

original approval date.

4. If tentative plat approval expires prior to application for final plat approval, the plat shall be resubmitted as a new case and the subdivider shall be required to pay a new fee.

G. Initiation of Grading and Improvements. Upon approval of the tentative plat, the subdivider may proceed with grading or street and utility improvements in accordance with such approval of the tentative plat and approved plans for the grading or improvements.

H. Maintenance.

1. The subdivider, including contractors and any and all agents, shall be responsible for the keeping and maintenance, in a clean and sanitary manner, of all the described platted area.

2. Said maintenance shall include, but not be limited to, the removal from the premises of all debris, rubbish, weeds and dust-producing materials.

I. Final Plat Submittal.

1. Before the sale of any lots in a subdivision, the subdivider shall cause to be prepared a final plat in form for recording as provided in STC 18.69.050(B), and shall submit four copies to the planning and zoning department.

2. A copy of protective covenants in form for recording shall be submitted with the final plat when the same has been made a condition of the approval of the tentative plat.

J. Final Plat Review and Approval. Procedure for approval of the final plat shall be the same as for approval of the tentative plat; provided, that if the planning and zoning director finds that final plat conforms to the tentative plat as approved in accord with this chapter, the director shall so certify and transmit the final plat to the town council for final approval and recordation.

K. Assurances. As required by STC 18.69.070.

L. Final Plat Recordation and Transmittal.

1. Recordation. Upon final approval, the town clerk shall record the approved final plat in the office of the county recorder.

2. Transmittal. The clerk shall cause prints on cloth thereof to be transmitted to, at the expense of the subdivider and to be advanced by said subdivider or agent, the following:

- a. The county recorder,
- b. The county assessor,
- c. The public works department, and
- d. The planning and zoning director. [Ord. 2011-048 § 1; Ord. 1995-06 § 2.]

**Chapter 18.71**  
**DEVELOPMENT PLAN STANDARDS**

Sections:

- 18.71.010 Purpose and scope.
- 18.71.020 Definitions.
- 18.71.030 Development plan submittal requirements.
- 18.71.040 Review procedures.
- 18.71.~~060~~050 Requirements and procedures for RVC zoning.

**18.71.010 Purpose and scope.**

A. Purpose. To require submittal of sufficient information by the developer to assure that zoning code requirements and other applicable town ordinances, regulations, and policies are met.

B. Scope.

1. A development plan shall be submitted to the planning and zoning department for review and approval for any proposed development other than three residential units or less located on an individual lot.

2. This requirement shall also apply to substantial expansion of an existing development other than three residential units or less on an individual lot. Substantial expansion shall be defined as greater than 2,000 square feet of gross floor area or land use area.

3. Refer to STC 18.71.060 for development plan requirements and procedures for RVC zoning.

**18.71.020 Definitions.**

A. "Workday" means Monday through Friday except official holidays as specified by ARS 1-301.

B. "Gross floor area" means the total floor area within the walls of, or under the roof (excluding roof overhang) of, any building or structure.

**18.71.030 Development plan submittal requirements.**

A. All development plans shall contain sufficient information to evidence compliance with all applicable town ordinances, regulations and policies. See checklist requirements in development services.

B. If the site is subject to special constraints or considerations, additional information and detail shall be submitted. Determination of whether site constraints and considerations are sufficient or require such additional submittal, and the type, detail and form of such additional information, shall be within the reasonable discretion of the development services administrator. Special constraints or considerations include but are not limited to flooding, traffic, slope, and soils conditions which may affect development of the site.

C. For every new development of residential apartments, or condominiums, or townhomes, a new residential recreation area shall be created. The new recreation area shall be illustrated on a proposed recreation area plan (RAP) submitted with the

proposed development plan and shall conform with requirements of the Parks and Recreation Area Design Standards Manual, including pedestrian routes and bicycle routes. The RAP must be approved by the parks and recreation department and planning and zoning departments as a condition of development plan approval.

D. Commercial and residential developments that encompass or abut trail corridors as listed on Figure 3 (Parks, Open Space, and Public Facilities) within the Town of Sahuarita General Plan, and/or other routes and trails maps and exhibits as shall be adopted by the Town of Sahuarita, shall provide space to accommodate the subject trail corridor and developer shall construct the segment of the trail consistent with the standards and requirements of the Parks and Recreation Area Design Standards Manual, including pedestrian routes and bicycle routes.

#### **18.71.040 Review procedures.**

A. Determination of Conformance with Rezoning Conditions. If the property was the subject of a rezoning case, the town of Sahuarita shall review the development plan for conformance with the preliminary development plan presented to the town council at time of conditional rezoning in accordance with Chapter 18.91 STC (Rezoning Procedures).

##### ~~B. Approval.~~

~~1. Approval of the development plan shall be valid for a period of two years. A development plan shall be considered permanently in effect if building permits and/or development permits have been issued and substantial construction has been started, i.e., slabs and foundations poured, and streets, curbs, and utilities installed. Determination of substantial construction shall be by the planning director.~~

~~2. A one-time 12-month extension of approval may be granted by the planning and zoning director if the applicant files for the extension prior to the approval becoming void. An applicant for an extension must pay a fee equivalent to 25 percent of the initial review fee and demonstrate that unforeseen circumstances beyond the applicant's control caused the applicant to need the extension. This fee shall be waived if the unforeseen circumstances are caused directly by an action of the town, such as a moratorium on new development.~~

~~3. No other extension shall be granted without the approval of the mayor and town council.~~

**Editor's Note: Sahuarita Ordinance No. 2011-056, effective September 22, 2011, temporarily amended Section 18.71.040.B. The temporary amendment applies to all development plans that are valid on or approved by the Town after July 1, 2011, and automatically expires and is of no further force and effect on July 1, 2016. Section 18.71.040.B as temporarily amended by Ordinance No. 2011-056 provides as follows:**

**B. Approval. Approval of the development plan shall be valid for a period of seven years or until July 1, 2018, whichever is sooner. A development plan shall be considered permanently in effect if building permits and/or development permits have been issued and substantial construction has been started, i.e. slabs and foundations**

poured, and streets, curbs, and utilities installed. Determination of substantial construction shall be by the planning director.

**Editor's Note: Sahuarita Ordinance No. 2011-056, effective September 22, 2011, provides that the following language, which is Section 18.71.040.B as it existed before the adoption of Ordinance No. 2011-056, will again go into force on July 1, 2016, unless it is superseded or amended by the adoption of another ordinance in the meantime.**

**B. Approval.**

**1. Approval of the development plan shall be valid for a period of two years. A development plan shall be considered permanently in effect if building permits and/or development permits have been issued and substantial construction has been started, i.e., slabs and foundations poured, and streets, curbs, and utilities installed. Determination of substantial construction shall be by the planning director.**

**2. A one-time 12-month extension of approval may be granted by the planning and zoning director if the applicant files for the extension prior to the approval becoming void. An applicant for an extension must pay a fee equivalent to 25 percent of the initial review fee and demonstrate that unforeseen circumstances beyond the applicant's control caused the applicant to need the extension. This fee shall be waived if the unforeseen circumstances are caused directly by an action of the town, such as a moratorium on new development.**

**3. No other extension shall be granted without the approval of the mayor and town council.**

**C. Tentative Plat Submittal.**

1. If a tentative plat is submitted as provided in STC 18.69.050(A) (Subdivision Standards), it may be acceptable in lieu of a development plan if it contains sufficient information to determine compliance with applicable regulations with respect to each individual lot or block which is required to submit a development plan.

2. Staff shall review submittals for completeness and reject or accept them within 10 working days and shall provide notice to the applicant.

D. Fees. Upon submittal of a development plan, fees are payable to the town of Sahuarita in accordance with the fees schedule adopted by the town of Sahuarita.

**18.71.060050 Requirements and procedures for RVC zoning.**

A. Scope. A development plan shall be submitted to the planning and zoning department for its review on each proposed village center.

B. Requirements. The plan shall consist of the requirements of STC 18.69.050(A) (Subdivision Standards) and also preliminary building site plans and elevations:

1. Site Plans.

a. Driveways showing access to and from and circulation within the proposed development and relation to planned geometric design of adjacent streets and thoroughfares;

b. Areas assigned for parking, off-street loading and unloading, curbs, islands, landscaping, pedestrian ways, malls, sidewalks, etc.;

c. Building floor plans and/or building sites, with sites numbered and described as to general purpose;

d. On-site improvements.

2. General Building and Site Plan Elevations. Typical building elevations keyed to the general grading and site plan.

#### C. Design Review.

1. Intent and Purpose. Each development, building, addition and alteration within this zone shall be subject to review with regard to the architectural design by the design review committee. The purpose of this review is to afford the applicant an opportunity to promote harmony with the scenic character of the area and among the buildings of the center.

2. Staff Review and Report. The planning and zoning department's report shall be submitted to the commission and the applicant prior to the commission's next regular meeting.

3. Review Considerations. The following shall be considered in review of plans:

a. Location on the lot;

b. Front and side elevation;

c. Location of mechanical equipment;

d. Signs;

e. Landscaping;

f. Conformity to overall design of the development to ensure that one architectural flavor is maintained for the entire center.

4. Commission Approval. The commission, in reviewing a development plan, may recommend additional features or recommend modifications in the plan to carry out the intent of Chapter 18.41 STC (RVC Rural Village Center Zone).

**EXHIBIT B**

**TOS ORDINANCE NO. 2012-067**

**SAHUARITA ORDINANCE NO. 2012-067**

AN ORDINANCE OF THE TOWN OF SAHUARITA, ARIZONA, AMENDING CHAPTER 18.69, SECTION 18.69.060 (REVIEW PROCEDURES) OF THE SAHUARITA TOWN CODE TO REDUCE THE AMOUNT OF TIME AND RELATED COSTS OF THE SUBDIVISION PLAT PROCESS.

WHEREAS, the Sahuarita Town Code has been adopted by the Town Council, amended from time to time, and on February 13, 2006, pursuant to Ordinance No. 2006-02, the Sahuarita Town Code was codified and renumbered; and

WHEREAS, Title 18 of the Sahuarita Town Code contains the Zoning Code of the Town of Sahuarita; and

WHEREAS, Chapter 18.69 of the Sahuarita Town Code provides for subdivision standards, generally, and Chapter 18.69.060 specifically provides for plat review procedures; and

WHEREAS, the Mayor and Council desire to update the Sahuarita Town Code by adoption of this Ordinance for the purpose of reducing the amount of time and related costs of the subdivision plat process by removing the requirement that the Planning and Zoning Commission review the documents and removing the requirement that the Town Clerk transmit "prints on cloth" of the approved subdivision; and

WHEREAS, the Mayor and Council of the Town of Sahuarita have determined that the adoption of said amendments will be in the best interests of the residents of the Town of Sahuarita.

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

**Section 1.** Section 18.60.060 (Review Procedures) of the Sahuarita Town Code shall be amended as follows, showing added language in UNDERLINED CAPITAL LETTERS and deleted language by ~~strikeout~~:

**18.69.060 Review procedures.**

**A. Preliminary Review.**

1. Since agreement on the tentative plat is deemed a step of primary importance in these proceedings, ~~the subdivider may and~~ it is strongly recommended that THE SUBDIVIDER REVIEW the initial proposal for the subdivision ~~be reviewed with the planning and zoning director~~ DRC IN A PRE-APPLICATION MEETING prior to preparation of the required tentative plat while the plans for the proposed subdivision are still flexible, it being the purpose

of this stage to make available general advice on the purpose and effect of this chapter, the master plan, zoning, and other town and county planning, engineering, drainage, sewerage, water system and similar standards, requirements and plans.

2. It is further recommended that the subdivider also consult with parties and OTHER agencies, UTILITIES, AND PIMA COUNTY REGARDING SITE CONDITIONS AND REQUIREMENTS FOR DEVELOPMENT. ~~potentially interested in the proposed development, such as real estate, lending and mortgage insurance institutions, with a view to reaching, at any early state, firm conclusions regarding what part of the market should be served, suitability of the location, best plan for the purpose, protective covenants and other features of the proposed development.~~

B. Tentative Plat Submittal.

1. The subdivider shall submit a tentative plat of the proposed subdivision and other exhibits as required by the planning and zoning department together with application and fees.

2. Outline of Protective Covenants. A preliminary draft or outline of protective covenants proposed by the subdivider may be submitted as evidence of the proposed character of development.

3. The planning and zoning department shall accept or reject a submittal for completeness within ~~10~~ 5 working days of submittal and shall provide the applicant notice.

C. Departmental Review of Tentative Plat.

1. The planning and zoning department shall cause to be transmitted copies of the tentative plat to other departments and agencies involved in the development review process, such as public works and utilities.

2. Comments and recommended conditions will be provided to the applicant within 20 working days of acceptance of the submittal.

3. The applicant will revise the submittal per the comments and recommendations provided.

4. Only when the plan has been approved for zoning compliance WITH TOWN STANDARDS AND OTHER AGENCY REQUIREMENTS IS IT DEEMED APPROVED. ~~it is transmitted to the planning and zoning commission.~~

~~D. Planning and Zoning Commission Review.~~

~~1. The subdivider or agent, and engineer, shall be present at the meeting. The subdivider's engineer may act as agent.~~

~~2. The planning and zoning commission shall make due findings as to the conformity of the tentative plat with these regulations.~~

~~3. Where a tentative plat is found to conform to these regulations as presented or may be made to conform by making certain changes acceptable to the subdivider, the commission shall approve the same conditionally to such changes as being made, and shall return a copy of the tentative plat to the subdivider with such changes, if any, noted thereon.~~

~~4. Where the commission finds that the tentative plat does not conform to these regulations, and that changes to make it conform are not acceptable to the subdivider, the commission shall return a copy of the plat and report of such findings to the subdivider, or, if it appears there may be undue hardship, the~~

~~commission may recommend to the town council a variance of the regulations, or the subdivider may signify an intention to appeal to the town council, as provided in subsection E of this section.~~

~~E. Town Council's Decision of Appeal.~~

~~1. Appeal shall be made in writing and filed with the planning and zoning commission, setting forth the particulars and the reasons for the appeal.~~

~~2. Hearing on such cases shall be at such times as may be set by the town council, and upon not less than 15 days' nor more than 30 days' notice to the appellant and officials concerned.~~

~~3. The town council shall hear and decide appeals where it is alleged by the appellant that there is any error in any order, requirements, decision, grant or refusal made by the commission or any official in the administration of this chapter.~~

FD. Time Limits.<sup>1</sup>

1. A final plat shall be recorded by the seventh anniversary of the date of tentative plat approval or July 1, 2018, whichever is sooner.

2. If the final plat has not been recorded within the period set forth in subsection (~~FD~~)(1) of this section, a new tentative plat shall be submitted, including applicable fees.

~~GE. Initiation of Grading and Improvements.~~ Upon approval of the tentative plat, the subdivider may proceed with grading or street and utility improvements in accordance with such approval of the tentative plat and approved plans for the grading or improvements.

HF. Maintenance.

1. The subdivider, including contractors and any and all agents, shall be responsible for the keeping and maintenance, in a clean and sanitary manner, of all the described platted area.

2. Said maintenance shall include, but not be limited to, the removal from the premises of all debris, rubbish, weeds and dust-producing materials.

IG. Final Plat Submittal.

1. Before the sale of any lots in a subdivision, the subdivider shall cause to be prepared a final plat in form for recording as provided in STC 18.69.050(B), and shall submit four copies to the planning and zoning department.

2. A copy of protective covenants in form for recording shall be submitted with the final plat when the same has been made a condition of the approval of the tentative plat.

J.H. Final Plat Review and Approval. Procedure for approval of the final plat shall be the same as for approval of the tentative plat; provided, that if the planning and zoning director finds that final plat conforms to the tentative plat as approved in accord with this chapter, the director shall so certify and transmit the final plat to the town council for final approval and recordation.

K.I. Assurances. As required by STC 18.69.070.

LJ. Final Plat Recordation and Transmittal.

1. Recordation. Upon final approval, the town clerk shall record the approved final plat in the office of the county recorder.

2. Transmittal. The clerk shall PROVIDE A RECORD OF THE TOWN COUNCIL ACTION TO ~~cause prints on cloth thereof to be transmitted to, at the~~

~~expense of the subdivider and to be advanced by said subdivider or agent, the following:~~

- a. ~~The county recorder~~ SUBDIVIDER,
- b. ~~The county assessor~~ SUBDIVIDER'S ENGINEER,
- c. ~~The public works department~~ TOWN ENGINEER, and
- d. The planning and zoning director.

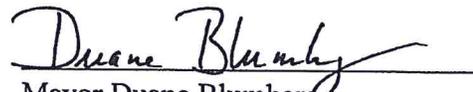
**Section 2.** All tables of contents shall be modified to reflect the changes set forth in this Ordinance.

**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 and sections of the Town Code.

**Section 4.** All ordinances, resolutions, or motions and parts of ordinances, resolutions or motions of the council in conflict with the provisions of this Ordinance are hereby repealed, effective as of the date of this Ordinance. All internal references within the town code to any affected provision are hereby updated.

**Section 5.** If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments to the Town Code 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.

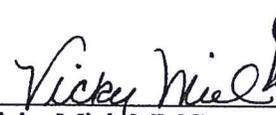
PASSED AND ADOPTED by the Mayor and Council of the Town of Sahuarita, Arizona, this 25<sup>th</sup> day of June, 2012.

  
Mayor Duane Blumberg

APPROVED AS TO FORM:

ATTEST:

  
Daniel J. Hochuli  
Town Attorney

  
Vicky Miel, MMC  
Town Clerk



**EXHIBIT C**

**TOS ORDINANCE NO. 2012-073**

**SAHUARITA ORDINANCE NO. 2012-073**

AN ORDINANCE OF THE TOWN OF SAHUARITA, ARIZONA, AMENDING CHAPTER 18.79 (SIGN STANDARDS) OF THE SAHUARITA TOWN CODE TO ALLOW EXPANDED BUSINESS SIGNAGE AND INTERNAL SUBDIVISION SIGNAGE WITHIN THE TOWN.

WHEREAS, the Sahuarita Town Code has been adopted by the Town Council, amended from time to time, and on February 13, 2006, pursuant to Ordinance No. 2006-02, the Sahuarita Town Code was codified and renumbered; and

WHEREAS, Title 18 of the Sahuarita Town Code contains the Zoning Code of the Town of Sahuarita; and

WHEREAS, Chapter 18.79 of the Sahuarita Town Code provides for sign standards within the Town; and

WHEREAS, the Mayor and Council desire to update the Sahuarita Town Code by adoption of this Ordinance for the purpose of modifying standards for signs to allow for increased business signage and internal subdivision signage; and

WHEREAS, the Mayor and Council of the Town of Sahuarita have determined that the adoption of said amendments will be in the best interests of the residents of the Town of Sahuarita.

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

**Section 1.** Chapter 18.79 (Sign Standards) of the Sahuarita Town Code, shall be amended as follows, showing added language in UNDERLINED CAPITAL LETTERS or numbers, and deleted language by ~~strikeout~~:

**STC Section 18.79.020 Definitions.**

...

3. An "A-frame ~~or portable~~ sign" is a nonilluminated ~~temporary~~ PORTABLE sign made of a durable, rigid material such as, but not limited to, wood, plastic or metal.

...

12. "Community directory sign" means a sign structure with two sides or less, upon which off-site subdivision, tract, ~~or apartment~~, OR BUSINESS signs may be mounted.

...

68. "Special event ~~banner~~ SIGN" means an on-site or off-site temporary sign OR BANNER advertising the establishment, expansion, closing, relocation, or change of ownership of a commercial enterprise, a community event or approved holiday outdoor sales.

...

**STC Section 18.79.030 General development standards.**

...

E. Landscaping.

...

4. A sign placed in a bufferyard required by STC 18.73.040 (Landscaping Buffering and Screening Standards) shall be approved by the ~~design review committee~~ PLANNING AND ZONING as compatible in materials and size with the landscaped area.

...

**STC Section 18.79.040 Prohibitions.**

A. Prohibited signs.

...

18. Vehicle sign, ~~or a vehicle utilized solely as a sign.~~

...

20. A sign on a permanent storage tank, ~~(except signs necessary to warn of danger).~~

...

22. Painted-on sign, ~~(except an awning sign or a window sign).~~

...

**STC Section 18.79.050 Exceptions.**

...

O. SIGNS INTERNAL TO A RECORDED SUBDIVISION, PROVIDED:

1. SIGNS MAY BE USED TO ADVERTISE:

A. HOMEBUILDERS WITH LOTS OR HOMES FOR SALE WITHIN THE SUBDIVISION, OR INFORMATION REGARDING SUCH HOMES OR LOTS FOR SALE.

B. ACTIVITIES AND/OR EVENTS SPONSORED BY THE SUBDIVISION'S HOMEOWNERS' ASSOCIATION, OR SIMILAR ORGANIZATIONS.

C. SAFETY, ENVIRONMENTAL, OR CONSTRUCTION-RELATED INFORMATION PERTAINING TO THE BUILDING OF HOMES OR INFRASTRUCTURE WITHIN THE SUBDIVISION.

2. MAXIMUM HEIGHT: 6 FEET

3. MAXIMUM AREA: 24 SQUARE FEET.

4. LOCATION:

A. SUCH SIGNS SHALL BE SITUATED TO BE READ BY PERSONS ALREADY WITHIN THE BOUNDARIES OF THE RECORDED

SUBDIVISION, AND NOT TO DRAW PERSONS FROM OUTSIDE OF THE SUBDIVISION.

B. SUCH SIGNS SHALL BE SET BACK A MINIMUM OF 15 FEET FROM THE BOUNDARIES OF THE RECORDED SUBDIVISION.

C. SUCH SIGNS SHALL BE LOCATED ON PRIVATE PROPERTY AND NOT IN THE PUBLIC RIGHT-OF-WAY.

5. ILLUMINATION IS PROHIBITED.

6. ANY SIGNS INTERNAL TO A SUBDIVISION THAT DO NOT MEET THESE STANDARDS SHALL BE SUBJECT TO APPLICATION, FEE, AND PERMITTING REQUIREMENTS.

**STC Section 18.79.090 Enforcement.**

A. In addition to the general manner of enforcement provided in STC Chapter 18.95 STC (Compliance and Enforcement), the following provisions shall apply:

...

4. A sign seized by the zoning administrator may be redeemed by the owner of the sign upon payment of ~~all costs incurred by the town for removal and storage of the sign~~ A \$25.00 RECOVERY FEE FOR THE FIRST SIGN, AND \$10 FOR EACH ADDITIONAL SIGN. If not redeemed within ~~30~~14 days of seizure, a sign shall become town property and may be sold or otherwise disposed of as provided by law.

...

**STC Section 18.79.110 Development standards by sign.**

A. Scope. This section provides development standards for sign type.

B. Key to Table Notations.

P/T	=	Permanent/Temporary
Y/N	=	Yes/No – None
*	=	Reference is in STC 18.79.120 through 18.79.440 <u>450</u>

...

**STC Section 18.79.120 Additional requirements by sign type and zone.**

Additional requirements by sign type and zone can be found in STC 18.79.130 through 18.79.440450.

**STC Section 18.79.180 Community directory sign.**

A community directory sign is capable of containing subdivision, tract, or apartment, OR BUSINESS directional signs. All off-site subdivision, tract, or apartment, OR BUSINESS SIGNS shall be governed by the following sign program:

...

D. The contracting entity shall provide signs in an approved community directory sign to any subdivider, builder, tract developer, or apartment owner, OR BUSINESS OWNER who maintains a valid Sahuarita business license and who requests such signs, consistent with town approval of the appropriate community directory sign.

...

G. Additional Requirements.

...

3. The town shall contract with one or more independent contractors who will coordinate an off-site subdivision, tract, and apartment, AND BUSINESS sign program within the town limits.

...

f. the contracting entity shall be responsible for all administrative costs, including marketing of these services to subdividers, and developers, AND BUSINESS OWNERS, as well as the collection of fees.

...

**STC Section 18.79.210 Directional sign.**

...

C. If visible from a public street, shall be located a minimum of 26 feet from any other freestanding style ~~directional~~ sign and only at an access point of a development.

**STC Section 18.79.310 Main wall identification sign.**

A. Maximum area

...

5. If a business has no separate freestanding identification:

a. The total sign area for two building walls may be increased by 10 percent for each wall but may not exceed the maximum allowable wall sign area for that zone.

b. A third and fourth building wall may each contain a main wall identification sign not exceeding 30 square feet in area and 16 square feet in area for signs regulated under subsection BE of this section.

...

**STC Section 18.79.360 PORTABLE BUSINESS SIGN.**

BUSINESSES OR NON-PROFIT ORGANIZATIONS LOCATED IN ANY MULTIPLE USE (MU), RURAL VILLAGE CENTER (RVC), COMMERCIAL,

OR INDUSTRIAL ZONE WITHIN THE TOWN MAY DISPLAY PORTABLE SIGNS SUBJECT TO THE FOLLOWING RESTRICTIONS:

A. MAXIMUM AREA: 6 SQUARE FEET.

B. SIGNS SHALL BE A MINIMUM OF 28" AND A MAXIMUM OF 36" IN HEIGHT.

C. MAXIMUM NUMBER: 1 PER BUSINESS, NON-PROFIT ORGANIZATION, OR TENANT

D. MAXIMUM NUMBER OF FACES PER SIGN: 2

E. SIGN COPY SHALL BE LIMITED TO THE BUSINESS NAME, LOGO, AND DIRECTIONAL ARROW, EXCEPT FOR SIGNS LOCATED WITHIN 20 FEET OF THE BUSINESS ENTRY.

F. ALL PORTABLE BUSINESS SIGNS MUST BE REMOVED AT THE END OF THE BUSINESS DAY. SIGNS MAY BE DISPLAYED DURING THE POSTED HOURS THE BUSINESS IS OPEN ONLY.

G. LOCATION.

1. SIGNS SHALL BE LOCATED ON-SITE, ON PRIVATE PROPERTY.

2. SIGNS PLACEMENT MUST ALLOW FOR A MINIMUM 4-FOOT WIDE CLEAR PEDESTRIAN PATHWAY.

3. SIGNS SHALL COMPLY WITH THE RESTRICTIONS OF STC 18.79.040(B).

4. SIGNS SHALL NOT BE PLACED WITHIN A SIGHT VISIBILITY TRIANGLE.

5. SIGNS SHALL BE LOCATED AT GRADE LEVEL.

H. SETBACKS:

1. SIGNS SHALL BE SET BACK A MINIMUM OF 10 FEET FROM THE EDGE OF THE STREET PAVEMENT OR THE NEAREST TRAVEL LANE.

2. SIGNS SHALL NOT BE LOCATED WITHIN 20 FEET OF ANY OTHER PORTABLE BUSINESS SIGN.

I. PORTABLE BUSINESS SIGN STRUCTURES AND SIGN COPY MUST BE MADE AND CONSTRUCTED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

1. SIGN STRUCTURES SHALL BE PROFESSIONALLY MANUFACTURED.

2. SIGNS MUST BE OF SUFFICIENT WEIGHT AND DURABILITY TO WITHSTAND WIND GUSTS AND STORMS SO AS NOT TO BE BLOWN OVER OR BECOME WINDBORNE.

3. SIGNS MUST BE MAINTAINED IN A MANNER FREE FROM CHIPPING PAINT, VISIBLE CRACKS OR GOUGES, LOSS OF LETTERS, OR GENERAL DETERIORATION.

J. NO ATTACHMENTS, ILLUMINATION, BANNERS, RIBBONS, FLAGS, BALLOONS, OR MOVING OR FLASHING PARTS ARE ALLOWED WITH THE SIGN.

**STC Section 18.79.360 370 Projecting sign.**

...

STC Section 18.79.370 ~~380~~ 380 Real estate property sign.

...

STC Section 18.380 ~~390~~ 390 Residential entryway sign.

...

STC Section 18.79.390 ~~400~~ 400 Service club sign.

...

STC Section 18.79.400 ~~410~~ 410 Special event ~~banner~~ SIGN.

...

C. Front and side setback for freestanding special event ~~banners~~ SIGNS: 10 feet.

D. Maximum number: Two per tenant or community event, and no more than one per tenant or community event on each strong frontage or side of a building. Off-site community event ~~banners~~ SIGNS are limited to a maximum of six.

...

G. Special event ~~banners~~ SIGNS advertising approved holiday outdoor sales may be displayed only for the duration of the sale.

STC Section 18.79.410 ~~420~~ 420 Subdivision directional sign.

...

B. Up to five individual off-site directional A-frame signs may be placed in the right-of-way on nearby streets, subject to STC 18.79.040(B)(4), for each active model home complex.

...

STC Section 18.79.420 ~~430~~ 430 Suspended sign.

...

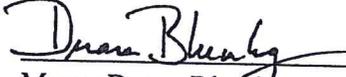
STC Section 18.79.430 ~~440~~ 440 Time and temperature sign.

...

STC Section 18.79.440 ~~450~~ 450 Window sign.

- Section 2.** All tables of contents shall be modified to reflect the changes set forth in this Ordinance.
- 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 and sections of the Town Code.
- Section 4.** All ordinances, resolutions, or motions and parts of ordinances, resolutions or motions of the council in conflict with the provisions of this Ordinance are hereby repealed, effective as of the date of this Ordinance. All internal references within the town code to any affected provision are hereby updated.
- Section 5.** If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments to the Town Code 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.

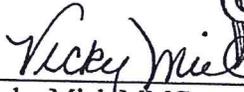
PASSED AND ADOPTED by the Mayor and Council of the Town of Sahuarita, Arizona,  
this 25<sup>th</sup> day of June, 2012.

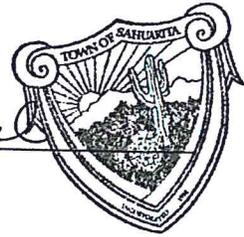
  
\_\_\_\_\_  
Mayor Duane Blumberg

APPROVED AS TO FORM:

ATTEST:

  
\_\_\_\_\_  
Daniel J. Hochuk  
Town Attorney

  
\_\_\_\_\_  
Vicky Miel, MMC  
Town Clerk



**EXHIBIT D**

**TOS ORDINANCE NO. 2015-106**

## SAHUARITA ORDINANCE NO. 2015-106

AN ORDINANCE OF THE TOWN OF SAHUARITA, ARIZONA, AMENDING TITLE 18 (ZONING), BY AMENDING SECTION 18.73.030 (PERFORMANCE STANDARDS) AND SECTION 18.79.040 (PROHIBITIONS) OF THE SAHUARITA TOWN CODE FOR THE PURPOSE OF PROVIDING MORE FLEXIBILITY REGARDING SIGHT VISIBILITY TRIANGLES AND STANDARDIZING THE TOWN CODE REQUIREMENTS AND PRACTICE, AND REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF SAHUARITA IN CONFLICT THEREWITH.

WHEREAS, the Sahuarita Town Code has been adopted by the Town Council, amended from time to time, and on February 13, 2006, pursuant to Ordinance No. 2006-02, the Sahuarita Town Code was codified and renumbered; and

WHEREAS, Title 18 of the Sahuarita Town Code sets forth regulations pertaining to zoning within the Town of Sahuarita; and

WHEREAS, Chapter 18.73 (Landscaping, Buffering and Screening Standards), Section 18.73.030 (Performance Standards) provides landscaping requirements and performance standards for development within the Town and addresses landscaping requirements within sight visibility triangles; and

WHEREAS, Chapter 18.79 (Sign Standards), Section 18.79.040 (Prohibitions) provides requirements for type and placement of signage within the Town and within sight visibility triangles; and

WHEREAS, the proposed amendments will provide more flexibility in the Town Code and will standardize the code requirements and practice; and

WHEREAS, the Mayor and Council find that it is in the best interest of the Town of Sahuarita and its residents to adopt such amendments.

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

**Section 1.** Section 18.73.030 (Performance Standards) of Chapter 18.73 (Landscaping, Buffering and Screening Standards), of the Sahuarita Town Code is hereby amended as follows, with deleted language shown by ~~strikeout~~ and added language shown by underlined text.

**18.73.030 Performance standards.**

...

F. Trees and Shrubs.

1. Trees shall be at least 15 gallons in size, or of comparable height if bare-rooted, at planting time. If the applicant uses 24-inch box trees or transplanted trees of two-inch caliper or larger for all of the required trees, a reduction of one required tree per 100 linear feet will be allowed;

2. Shrubs shall be at least one gallon in size or at least 30-inch tall pots at planting time;

3. Trees and shrubs shall be planted so that at maturity they do not interfere with service lines, traffic sight lines and the property rights of adjacent property owners; and

4. Any tree placed in the sight visibility triangle must be of a box size large enough to be pruned up to a seventy-two (72) inch height immediately for clear sight visibility. All other trees shall be placed so that severe pruning is not required to keep the sight visibility triangle clear.

5. Trees located within sight visibility triangles shall not exceed one foot in its greatest cross-sectional dimension at maturity and shall not be planted in a line that could result in a solid wall effect when viewed at an angle.

4.6. Trees planted within 10 feet of public sidewalks or curbs shall be provided with suitable root diverters to minimize heaving of those improvements.

...

K. Safety Design Standards.

~~1. Walls, fences, signs, landscaping and other potential obstructions to view in excess of two feet in height shall be placed in accordance with the requirements of STC 18.77.020 (Roadway Frontage Standards) and shall not be placed in a sight visibility triangle.~~

1. Clear lines of sight shall be maintained along streets and driveways to provide for the safety of motorists, pedestrians and bicyclists.

2. Sight visibility triangles shall be depicted to scale on all plats, development plans, plot plans and landscape plans.

3. No improvements between thirty (30) and seventy-two (72) inches in height relative to the adjacent roadways that might interfere with sight visibility shall be placed and/or maintained within the sight visibility triangle in accordance with Town of Sahuarita Technical Standards.

...

Any portions of STC Chapter 18.73 not specifically amended by this Ordinance shall remain unchanged.

**Section 2.** Section 18.79.040 (Prohibitions) of Chapter 18.79 (Sign Standards), of the Sahuarita Town Code is hereby amended as follows, with deleted language shown by strikeout and added language shown by underlined text.

**18.79.040 Prohibitions.**

...

B. A sign shall not be located:

1. Within a right-of-way or on public property, except those specifically permitted, subject to the following regulations:

a. Signs shall not be placed so as to create a traffic hazard, as determined by town staff;

~~b. Signs shall not be placed in ADOT right-of-way, traffic medians, public sidewalks, or bicycle paths;~~ Temporary signs shall not be placed in traffic medians, public sidewalks or bicycle paths;

c. Signs shall not be attached to any trees, fences, utility poles, street signs, or any other public facility located within the right-of-way;

d. Temporary signs are not permitted in construction zones;

e. Signs in the right-of-way must be approved by the town engineer through the right-of-way use permit process;

f. Signs located within sight visibility triangles shall be placed and/or maintained in accordance with Town of Sahuarita Technical Standards.

~~2. Within a sight visibility triangle as defined herein or as previously established in accordance with adopted subdivision standards, whichever is less restrictive.~~

3.2. Signs shall not be attached to or obstruct in any way any traffic control device or traffic signal control equipment.

4.3. Signs shall not interfere with the requirements of the Americans with Disabilities Act.

Any portions of STC Chapter 18.79 not specifically amended by this Ordinance shall remain unchanged.

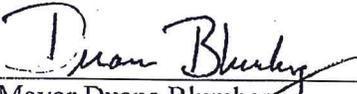
**Section 3.** The various town officers and employees are authorized and directed to perform

all acts necessary or desirable to give effect to this Ordinance and sections of the Town Code.

**Section 4.** All ordinances, resolutions or motions and parts of ordinances, resolutions or motions of the council in conflict with the provisions of this Ordinance are hereby repealed, effective as of the effective date of this Ordinance. All internal references within the Town Code to any affected provision are hereby updated.

**Section 5.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance 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.

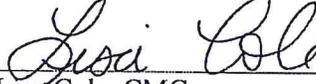
PASSED AND ADOPTED by the Mayor and Council of the Town of Sahuarita, Arizona, this 14<sup>th</sup> day of December, 2015.

  
\_\_\_\_\_  
Mayor Duane Blumberg

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Daniel J. Hochuli  
Town Attorney

ATTEST:

  
\_\_\_\_\_  
Lisa Cole, CMC  
Town Clerk

