

SAHUARITA ORDINANCE NO. 2022-160

AN ORDINANCE OF THE TOWN OF SAHUARITA, ARIZONA, RELATING TO TITLE 18 OF THE SAHUARITA TOWN CODE (ZONING), ADOPTING A ZONING CODE TEXT AMENDMENT TO CHAPTER 18.69.070 (ASSURANCE REQUIREMENTS) OF THE SAHUARITA TOWN CODE REGARDING PROCESS OF ASSURANCES FOR COMPLETION OF SUBDIVISION IMPROVEMENTS, 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 10, 2006, pursuant to Ordinance No. 2006-02, the Sahuarita Town Code was codified and renumbered; and

WHEREAS, Title 18 of the Sahuarita Town Code currently sets forth the Zoning Code for the Town of Sahuarita; and

WHEREAS, Chapter 18.69.070 (Assurance Requirements) of the Sahuarita Town Code outlines the process for the posting of assurances for the timely completion of subdivision improvements, including the process of requesting full and partial release of assurances; and

WHEREAS, although effective, the above process is time consuming as it requires the review and approval of several department heads, including the Planning & Building Director, Town Engineer, Town Attorney, and the Town Manager; and

WHEREAS, the proposed amendment to Chapter 18.69.070 (Assurance Requirements) of the Sahuarita Town Code would streamline the process by removing the required signature of the Town Manager and removing the 10-day review period for Town staff to provide department comments to the Town Manager; and

WHEREAS, the Town of Sahuarita Planning & Zoning Commission duly noticed and held a public hearing related to the proposed Zoning Code Text Amendment on December 6, 2021, and following this public hearing, voted to recommend that the Town Council approve the Zoning Code Text Amendment; and

WHEREAS, the Town Council of the Town of Sahuarita duly noticed and held a public hearing on the proposed Zoning Code Text Amendment on January 24, 2022, in order to obtain public input on said amendment, and heard from staff and members of the public, and has determined that the proposed Zoning Code Text Amendment should be approved; 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 Zoning Code Text Amendment to Chapter 18.69.070 (Assurance Requirements) 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.** Chapter 18.69.070 (Assurance Requirements), Title 18 (Zoning), of the Sahuarita Town Code, is hereby amended as provided on Exhibit "A" attached hereto and incorporated herein, with deleted language shown by ~~strikeout~~ and added language shown by underlined text.
- Section 2.** The requested amendment to Chapter 18.69.070 (Assurance Requirements), Title 18 (Zoning), of the Sahuarita Town Code, is found to be compatible with A.R.S. § 9-462.01(I).
- Section 3.** Any portion of the Sahuarita Town Code not specifically amended by this ordinance shall remain unchanged.
- Section 4.** All tables of contents shall be modified to reflect the changes set forth in this ordinance, and all internal references within the Town Code to any affected provision are hereby updated.
- 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 part of ordinances, resolutions, or motions of the Town Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.
- 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 24th day of January 2022.



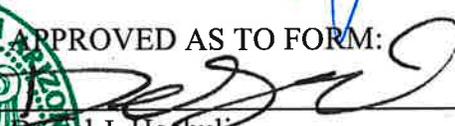
Mayor Tom Murphy

ATTEST:



Lisa Cole, MMC
Town Clerk



APPROVED AS TO FORM:


Daniel J. Hochuli
Town Attorney

EXHIBIT A

TOWN CODE AMENDMENT

Title 18 Zoning

Sahuarita Town Code is hereby amended as follows, with deleted language shown by ~~strikeout~~ and added language shown by underlined text:

Chapter 18.69 SUBDIVISION STANDARDS

Section:

18.69.070 Assurance requirements

18.69.070 Assurance requirements.

A. Scope. An agreement, which shall be recorded by the town, for appropriate improvement assurances shall be provided by the developer to assure the installation of all subdivision improvements prior to the recordation of any plat.

B. Term. Assurances shall specify the date by which the improvements shall be completed.

C. Beneficiary. The town of Sahuarita shall be named as beneficiary of the assurance.

D. Exceptions.

1. No assurances shall be required for subdivisions which have had all required improvements completed in accordance with this chapter.

2. The subdivision plat shall have an assurances waiver block indicating that no assurances are required.

E. Posting of Assurances. The approved forms of assurances are as follows:

1. Cash or certified check;

2. Surety (performance) bonds executed by a company authorized and licensed to do business in the state of Arizona, ensuring the performance of the principal (developer or owner) as required by this chapter;

3. Certificate of deposit, United States Treasury bills, or any security guaranteed by the United States Government, state of Arizona, or any political subdivision thereof;

4. A deposit of money or negotiable bonds, of the kind approved for securing deposits of public monies, with a responsible escrow agent or trust company authorized and licensed to do business in the state of Arizona;

5. An irrevocable letter of credit in favor of the town of Sahuarita from a third-party financial institution authorized and licensed to do business in the state of Arizona;

6. The placement of the title to the subdivision in trust with a third-party escrow agency or trust company authorized and licensed to do business in the state of Arizona along with an agreement between the trustee and the town of Sahuarita that title to any lot or parcel within the subdivision shall not be transferred until all improvements required by these regulations have been installed, accepted by the town of Sahuarita, and written approval for release has been granted by the town of Sahuarita to the escrow agency or trust company holding the property in trust. The agreement shall contain a condition authorizing the town of Sahuarita to abandon the subdivision and resubdivide the property should the required improvements fail to be installed in compliance with the town of Sahuarita's standard specifications;

7. A trust account in the name of the town of Sahuarita in a bank or trust company authorized and licensed to do business in the state of Arizona. Periodic withdrawals may be made from the trust account for a progressive payment of installation costs by a trustee selected or approved by the town. The amount of such withdrawals shall be based upon progress work estimates and shall be approved by the town engineer and the trustee.

F. Town Council's Approval. The approval of the town council shall be endorsed in writing on the plat and shall include specific identification of an approval of the assurances required by these regulations.

G. Substitute Assurances ~~and Time Extensions.~~

~~1. Requests for~~ The town engineer is authorized to execute substitute assurances in a form approved by the town attorney, if the town engineer and planning and building director are satisfied that the substitute assurances protect the town to an extent equal or greater than the original assurances. ~~or assurance agreement time extensions shall be submitted in writing to the planning and building director for review by the planning and building and public works departments.~~

~~2. These departments shall provide written recommendations within 10 working days to the planning and building director, who shall forward them to the town manager for a final decision.~~

H. Release of Assurances.

1. Requests to release subdivision assurances shall be submitted in writing to the planning and building director Town of Sahuarita for review by the planning and building and public works departments;

2. The full release of assurances shall be processed once improvements have been completed and accepted by the town engineer and the planning and building director after Town staff have completed a field inspection. ~~These departments shall provide written recommendations within 10 working days to the planning and building director, who shall forward them to the town manager for final decision.~~