

## SAHUARITA ORDINANCE NO. 2023-164

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AN ORDINANCE OF THE TOWN OF SAHUARITA, ARIZONA, APPROVING THE REZONING OF APPROXIMATELY 14.85 ACRES OF LAND GENERALLY LOCATED ON THE NORTHEAST CORNER OF LA CANADA DRIVE AND DUVAL MINE ROAD IN SAHUARITA, ARIZONA, APN 303-33-5600, FROM RURAL RESIDENTIAL (GR-1) TO LOCAL BUSINESS (B-1).

WHEREAS, the Town of Sahuarita (the “Town”) has received an application for rezoning of property generally located on the northeast corner of La Canada Drive and Duval Mine Road in Sahuarita, Arizona (the “Property”); and

WHEREAS, said rezoning application was reviewed by staff and recommended by the Planning and Zoning Commission to the Town Council for approval; and

WHEREAS, the Town Council reviewed the rezoning application and held a public hearing on the rezoning application on March 27, 2023;

WHEREAS, the Mayor and Council find that it is in the best interest of the Town of Sahuarita and its residents to amend the zoning of the Property from GR-1 to B-1; and

WHEREAS, in accordance with Article II, Sections 1 and 2, Constitution of Arizona, and the laws of the State of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town and the probable impact of the proposed ordinance on the cost to construct housing for sale or rent before adopting this ordinance.

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

- Section 1.** The recitals above are hereby incorporated as if fully set forth herein.
- Section 2.** That the property described and depicted in the attached Exhibit A is hereby zoned Local Business (B-1) under the Town of Sahuarita Zoning Ordinance, subject to conformance to all the requirements set forth in this Ordinance, including the conditions of approval attached hereto as Exhibit B, and all other applicable Town zoning and subdivision ordinance provisions.
- Section 3.** Any preliminary and final plat or site plan submitted to the Town on the Property shall be in conformance with this Ordinance and all applicable Sahuarita subdivision and site plan requirements, including all Town infrastructure requirements related to the development of the Property.
- Section 4.** The Town Manager is directed, upon the effective date of this Ordinance, to cause

the amendment of the Town's zoning map to reflect the new zoning of the property.

**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 Town 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 7.** If any section, subsection, sentence, clause, phrase or portion of this ordinance, or any part of this amendment 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 27th day of March 2023.



Mayor Tom Murphy

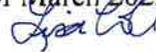
**CERTIFICATION OF RECORDING OFFICER**

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. 2023-164, passed and adopted at a Voting Meeting of the Council of the Town of Sahuarita, Pima County, Arizona, held on the 27th day of March 2023, at which a quorum was present, and by a 6-1 vote, six voted in favor of said ordinance. Vice Mayor Egbert dissented.

Given under my hand and sealed this 27th day of March 2023.

SEAL:



Lisa Cole, MMC  
Town Clerk

APPROVED AS TO FORM:



Jon Paladini, Town Attorney

**EXHIBIT A**  
**DESCRIPTION OF PROPERTY**

**LEGAL DESCRIPTION OF THE PROPERTY**

**Tax Parcel No. 303-33-5600**

**The West half of the Northwest Quarter of the Southwest Quarter of Section 35, Township 17 South, Range 13 East, Gila and Salt River Base and Meridian, Pima County, Arizona.**

**EXCEPT any portion lying within La Canada Road, as it now exist.**

**EXCEPT all coal and other minerals.**

**EXCEPT the East 100 feet of the West half of the Northwest Quarter of the Southwest Quarter of Section 35, Township 17 South, Range 13 East, Gila and Salt River Base and Meridian, Pima County, Arizona.**

**EXHIBIT B**  
**CONDITIONS OF APPROVAL**

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- Site design shall be in substantial conformance with one of the preliminary development plans presented at the rezoning public hearings.
- Portions of buildings within 80 feet of the eastern property line shall be limited to two stories.
- Should additional traffic improvements to Duval Mine Rd. be required as a result of this development, the proportional share of those improvements shall be paid by the developer.