

## **SAHUARITA ORDINANCE NO. 2023-167**

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AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF SAHUARITA, PIMA COUNTY, ARIZONA, AMENDING TITLE 18 ZONING BY AMENDING CHAPTER 18.03 GENERAL DEFINITIONS, SECTION 18.03.020 DEFINITIONS; BY AMENDING CHAPTER 18.07 GENERAL REGULATIONS AND EXCEPTIONS, SECTIONS 18.07.030 LAND USE REGULATIONS AND 18.07.040 LAND USE EXCEPTIONS; BY AMENDING CHAPTER 18.09 GENERAL RESIDENTIAL AND RURAL ZONING PROVISIONS; AND BY REPEALING, IN ITS ENTIRETY, SECTIONS 18.11 TH TRAILER HOMESITE ZONE; 18.13 RH RURAL HOMESTEAD ZONE; 18.14 GR-1 RURAL RESIDENTIAL ZONE; 18.17 SR SUBURBAN RANCH ZONE; 18.18 SR-2 SUBURBAN RANCH ZONE; 18.19 SH SUBURBAN HOMESTEAD ZONE; 18.21 R-1 SINGLE RESIDENCE ZONE; 18.23 R-2 SINGLE RESIDENCE ZONE; 18.25 R-3 SINGLE RESIDENCE ZONE; 18.27 R-4 MIXED-DWELLING TYPE ZONE; 18.29 R-5 MULTIPLE RESIDENCE ZONE; 18.33 MH-1 TOWN MANUFACTURED AND MOBILE HOME-1 ZONE; and 18.35 MH-2 MANUFACTURED AND MOBILE HOME-2 ZONE; AND MARKING THE FOREGOING SECTIONS AS “RESERVED”; AND BY ADDING CHAPTER 18.12 RURAL AND RESIDENTIAL ZONES, SECTIONS 18.12.010 PURPOSE; 18.12.020 TABLE OF PERMITTED USES; 18.12.030 PERFORMANCE STANDARDS; AND 18.12.040 DEVELOPMENT STANDARDS, DECLARING THE DOCUMENT ENTITLED, “THE TOWN OF SAHUARITA TITLE 18 ZONING CODE AMENDMENTS DATED SEPTEMBER 2023” AS A PUBLIC RECORD; ADOPTING THE “THE TOWN OF SAHUARITA TITLE 18 ZONING CODE AMENDMENTS DATED SEPTEMBER 2023”, BY REFERENCE SAHUARITA RESOLUTION NO. 2023-0757, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Town Council has determined it is in the best interest of the Town to revise the Town Code regulations regarding planning and zoning in order to facilitate review of zoning issues within the City and streamline economic development opportunities while protecting public health, safety, and welfare; and

WHEREAS, that certain document known as the “The Town of Sahuarita Title 18 Zoning Code Amendments dated September 2023,” of which at least three paper copies or one paper copy and one electronic copy are on file with the Town Clerk for the Town of Sahuarita in compliance with A.R.S. § 9-802, having been made public record by Sahuarita Resolution No. 2023-0757, and at all times shall be kept available for public use and inspection.

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 Town Council of the Town of Sahuarita, Arizona, as follows:

**Section 1.** The Town of Sahuarita Municipal Code is hereby amended by amending Title 18 Zoning, by amending Chapter 18.03 General Definitions, Section 18.03.020 Definitions; by amending Chapter 18.07 General Regulations And Exceptions, Sections 18.07.030 Land Use Regulations and 18.07.040 Land Use Exceptions; by amending Chapter 18.09 General Residential And Rural Zoning Provisions; and by amending the Code of the Town of Sahuarita, Arizona, Title 18 Zoning by adding Chapter 18.12 Rural And Residential Zones, Sections 18.12.010 Purpose; 18.12.020 Table Of Permitted Uses; 18.12.030 Performance Standards; and 18.12.040 Development Standards, to read as set forth in that certain document entitled, “The Town of Sahuarita Title 18 Zoning Code Amendments dated September 2023,” which document was made public record by Sahuarita Resolution No. 2023-0757, 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 Town of Sahuarita Municipal Code is hereby amended by amending Title 18 Zoning, by repealing, in its entirety, Sections 18.11 TH Trailer Homesite Zone; 18.13 RH Rural Homestead Zone; 18.14 GR-1 Rural Residential Zone; 18.17 SR Suburban Ranch Zone; 18.18 SR-2 Suburban Ranch Zone; 18.19 SH Suburban Homestead Zone; 18.21 R-1 Single Residence Zone; 18.23 R-2 Single Residence Zone; 18.25 R-3 Single Residence Zone; 18.27 R-4 Mixed-Dwelling Type Zone; 18.29 R-5 Multiple Residence Zone; 18.33 MH-1 Town Manufactured And Mobile Home-1 Zone; And 18.35 MH-2 Manufactured And Mobile Home-2 Zone; and marking the foregoing Sections as “RESERVED”.

**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.

**Section 4.** 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 5.** 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 6.** As stated in Chapter 18.95, Section 18.95.040: 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.

[SEE NEXT PAGE FOR SIGNATURES]

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PASSED AND ADOPTED by the Mayor and Council of the Town of Sahuarita, Arizona, this 25th day of September 2023.

*Tom Murphy*

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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. 2023-167, passed and adopted at a Voting Meeting of the Council of the Town of Sahuarita, Pima County, Arizona, held on the 25th day of September 2023, 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 25th day of September 2023.

SEAL:



*Lisa Cole*

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Lisa Cole, MMC  
Town Clerk

APPROVED AS TO FORM:

*Jon M. Paladini*

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Jon Paladini, Town Attorney