

SAHUARITA ORDINANCE NO. 2023-171

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF SAHUARITA, PIMA COUNTY, ARIZONA, AMENDING TITLE 18 ZONING BY AMENDING CHAPTER 18.42 BUSINESS ZONES, SECTION 18.42.020 TABLE OF PERMITTED USES; BY AMENDING TABLE 18.42-1 – TABLE OF PERMITTED USES; AND BY AMENDING SECTION 18.42.030 PERFORMANCE STANDARDS; TO INCLUDE IN THE MX ZONE A TYPE 2 CONDITIONAL USE PERMIT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Sahuarita has determined it is in the Town’s best interest to revise the Town Code Title 18 Zoning, Chapter 18.42 Business Zones, Section 18.42.020 Table of Permitted Uses and Section 18.42.030 Performance Standards to include in the MX Zone a Type 2 Conditional Use Permit for large scale commercial recreation facilities; 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 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, Chapter 18.42 Business Zones, Section 18.42.020 Table of Permitted Uses, Table 18.42-1 Table of Permitted Uses, to read follows (new text in ALL CAPS; deletions in ~~strikethrough~~):

* * *

<i>Commercial Recreation</i>					
a. Small-scale	–	P	P	P	
b. Large-scale	–	PS 16	PS 16	– PS 16	

* * *

Section 2. The Town of Sahuarita Municipal Code is hereby amended by amending Title 18 Zoning, Chapter 18.42 Business Zones, Section 18.42.030 Performance Standards to read follows (new text in ALL CAPS; deletions in ~~strikethrough~~):

* * *

18.42.030 Performance standards.

* * *

16. All of the following standards apply:

a. In the B-1 Zone, a Type 3 conditional use permit shall be required with a 500-foot notification area.

b. In the B-2 Zone, a Type 2 conditional use permit shall be required with a 500-foot notification area.

C. IN THE MX ZONE, A TYPE 2 CONDITIONAL USE PERMIT SHALL BE REQUIRED WITH A 500-FOOT NOTIFICATION AREA.

ed. For racetracks or sports stadiums, the following additional performance standards apply:

(1) Any racetrack conducted for profit must be licensed by the State Racing Commission if applicable.

(2) No portion of any tracks, stables, or grandstand shall be within 200 feet of any existing or conditionally approved rural or residential zone.

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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 Penalties and remedies, as follows:

A. Penalties.

1. Penalties are determined by ruling of the town magistrate.
2. Each day's continuance of a zoning violation shall be deemed a separate offense.
3. The maximum penalty for each offense shall be:
 - a. Seven hundred fifty dollars for an individual; or
 - b. Ten thousand dollars for any corporation, association, labor union or other legal entity.

B. Remedies.

1. All remedies provided in this code shall be cumulative and not exclusive.
2. The imposition of penalties on any person under this code shall not relieve such person from the responsibility of correcting prohibited conditions or removing prohibited structures or improvements and shall not prevent the enforced correction or removal of such violations.
3. If any structure is erected, constructed, reconstructed, altered, maintained, or used, or any land is used, in violation of this code, the town council, the town attorney, the zoning administrator or any adjacent or neighboring property owner who is specially damaged by the violation may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, abate or remove the violation.

Section 7. Pursuant to A.R.S. § 19-142, this Ordinance shall become operative 30 days after its passage.

[SEE NEXT PAGE FOR SIGNATURES]

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PASSED AND ADOPTED by the Mayor and Council of the Town of Sahuarita, Arizona, this 13th day of November 2023.

Tom Murphy

Mayor Tom Murphy

CERTIFICATION OF RECORDING OFFICER

State of Arizona)
County of Pima) ss.

I, the undersigned, Lisa Cole, MMC, being the duly appointed, qualified Town Clerk of the Town of Sahuarita, Pima County, Arizona, certify that the foregoing Ordinance is a true, correct, and accurate copy of Ordinance No. 2023-171, passed and adopted at a Voting Meeting of the Council of the Town of Sahuarita, Pima County, Arizona, held on the 13 day of November 2023, at which a quorum was present and by a 7-0 vote, all voted in favor of the said ordinance.

Given under my hand and sealed this 13th day of November 2023.

SEAL:



Lisa Cole

Lisa Cole, MMC
Town Clerk

APPROVED AS TO FORM:

Jon M. Paladini

Jon Paladini, Town Attorney