

SECTION 200 ZONING REGULATIONS

ESTABLISHMENT OF DISTRICTS. OFFICIAL ZONING MAP

SEC. 201 ESTABLISHMENT OF ZONING DISTRICTS

For the purposes of *these* zoning regulations the following types, and uses permitted, of zoning districts are hereby established:

In order to classify, regulate, restrict, and separate the uses of land, buildings, and structures, and to regulate and limit the type, height, and bulk of buildings and structures in the various districts; and to regulate the area of yards and other open areas abutting buildings and structures, and to regulate the density of population, the City of Nogales is hereby divided into the following zoning districts:

Residential Districts:

SFR, Single Family Residential

- 1. SFR One (1) acre or more
- 2. SFR 32+ (32,000 square feet or more) up to one (1) acre
- 3. SFR 24 (24,000 sq.ft. to 31,999 sq.ft.)
- 4. SFR 18 (18,000 sq.ft. to 23,999 sq.ft.)
- 5. SFR 13 (15,000 sq.ft. to 17,999 sq.ft.)
- 6. SFR 12 (12,000 sq.ft. to 14,999 sq.ft.)
- 7. SFR 9C 9,000 sq.ft. to 11,999 sq.ft.)
- 8. SFR 7C 7,000 sq.ft. to 8,999 sq.ft.)
- 9. SFR 4C 4,000 sq.ft. to 6,999 sq.ft.)
- 10. SFR 00 Reserved
- 11. SFR 000 Reserved

MFR, Multi-family Residential

NHR, Mobile Home Residential

Commercial Districts:

- NC, Neighborhood Convenience
- LC, Limited Commercial
- OP, Office Professional Park
- GC, General Commercial

Industrial Districts:

- IP, Industrial Park
- LI, Light Industrial
- MI, Medium Industrial (Reserved; w/HI)

HI, Heavy Industrial

Open Space:

OS, Open Space

SOSA, Significant Open Space Area (Floodplain)

Airport Airspace: (Reserved)

AA, Airport Airspace

Recreational Vehicle:

RV, Recreational Vehicle

Flood Hazard (floodplain):

(Floodplain, as determined by the Federal Emergency Management Agency)

FD, Flood Hazard (reserved, can be SOSA)

Section 201.1 Required Conformity to District Regulations

The regulations set forth by this Code within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure, or land, except as hereinafter provided:

- A. No building, structure, or land shall hereafter be used or occupied, erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered contrary to this Code thus:
 - 1. To exceed the height or bulk in each district as defined;
 - 2. To accommodate or house a greater number of families as defined;
 - 3. To occupy a greater percentage of lot area as defined;
 - 4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Code.
- C. No part of a yard, or other open space, or off-street parking or loading space required in connection with any building for the purpose of complying with this Code, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building, except as hereinafter provided.
- D. No yard or lot existing at the time of passage of this Code shall be reduced in dimension or area below the minimum re

requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements established by this Code.

Sec. 201.2 Classification of Annexed Areas

A.L1 territory which may hereafter be annexed to the City of Nogales shall, at the time of annexation, be assigned temporary City zoning equivalent to the county classifications as shown on the official zoning map of Santa Cruz County. This temporary zoning shall be in effect for six (6) months unless sooner rezoned by the City.

Six (6) months after the annexation is final, the City shall, after proper notice and public hearings as required by this Article and Code, officially zone all the annexed property with City zoning classifications.

Within the six month period, any owner of land included within the annexed area may apply for a rezoning of his/her property utilizing the procedures set forth in Article 1, Section 12, part 1202 of this Code.

Sec. 201.3 Classification of Vacated Streets

Whenever a public street or other public right-of-way is vacated by official action of the City, the zoning districts adjoining each side of such street, alley or right-of-way shall automatically be extended to the centerline thereof, and all land thus vacated shall then and henceforth be subject to all regulations of the extended districts.

Sec. 202 Official Zoning Na

Sec. 202.1 Establishment.

The areas and boundaries of zoning districts are hereby established as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Code.

Establishment of the official zoning map under this Article and classification of residential districts shall not result in any increase in the minimum lot areas of any lots or parcels established under zoning districts existing at the time of passage and adoption of this ordinance.

Sec. 202.2 Identification

The Official Zoning Map shall be identified by the signature of the Mayor and Director of Planning and Zoning, and attested by the City Clerk. Regardless of the existence of purported copies of the Official Zoning Nap which may, from time to time, be made

or published, the Official Zoning flap shall be located in the Office of the Planning and Zoning Director. The Official flap with signatures shall be the final authority as to the current and official zoning status of all land areas, buildings and other structures and formats in the City of Nogales.

Sec. 202.3 Changes

If, in accordance with the provisions of this Code, changes are made in district boundaries or in other matters portrayed on the Official Zoning Map, such changes shall be made by the Planning and Zoning Director on said map(s) promptly after the amendment has been approved by the City Council, together with an entry signed by the City Clerk certifying to the accuracy and date. No changes of any nature shall be made to the Official Zoning Map or any other Official flap or matter shown thereon except in conformity with the provisions of this Code. Any unauthorized change of whatever kind by any person(s) shall be considered a violation of this Code and punishable as hereinafter provided in Article 12.

Sec. 202.4 Replacement

In the event that the Official Zoning Map or other official map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions or other causes, the City Council may, by ordinance, adopt a new Official Zoning flap or other map which shall supercede the prior map(s). The new Official Zoning flap or others may correct drafting or other errors or omissions in the prior map, but no such correction shall have the effect of amending the original applicable ordinance or any subsequent amendment thereof. The new Official Zoning Map or others shall be identified by the signature of the Mayor and Director of Planning and Zoning, and be attested by the City Clerk, under the following words: "This is to certify that this is an official copy of the Official Zoning flap (or other) as adopted this _____ day of _____ and is part of Ordinance Number _____ of the City of Nogales Arizona."

Sec. 202.5 Interpretation

Where, due to scale, lack of detail, illegibility or other problematic concern of the Official Zoning flap (or other), there is an uncertainty, contradiction or conflict as to the intended location of such boundary thereof, the exact location of such boundary shall be determined by the Planning and Zoning Commission and shall be submitted to the City Council for approval.

In reaching such determination the following standards shall be applied:

1. Zoning district boundary lines are intended to follow lot lines or be parallel or perpendicular thereto, or along the

centerlines of alleys, rivers, washes, rights-of-ways, rear lot lines and the like, unless otherwise fixed by dimensions shown on the Official Zoning Map.

2. In subdivided property or where a zoning district boundary divides a lot, the exact location of such boundary, unless the same is indicated by dimensions shown on the Official Zoning Map, shall be determined by use of the map scale shown thereon.
3. If, after the application of the foregoing principles, uncertainty still exists as to the exact location of a zoning district boundary, the Planning and Zoning Director with the written concurrence of the City Attorney following City Attorney's determination of the issue, shall determine and fix the location of said line in accordance with the purposes and intent of this Code.
4. If a question still exists as to exact location, the Planning and Zoning Commission shall determine based on available evidence the location of the boundary and shall recommend to Mayor and Board of Aldermen that the boundary be fixed accordingly by official action of the Board of Aldermen.

SECTION 203

DISTRICT REGULATIONS

SEC. 203.1 Location and Boundaries

The location and boundaries of the various zoning districts are established as shown on the "Official Zoning District Map" of the City of Nogales, dated 1 July, 1988 and amendments thereto, signed by the Mayor and City Clerk, which map and amendments are hereby declared to be a part of this Ordinance, and said official map shall be located in the office of the Director of Planning and Zoning and in his care.

Where uncertainty exists as to the boundaries of any of the aforesaid district on said map, the following rules shall apply. Where more than one of the following rules are applicable in any given situation, the first enumerated applicable rule shall prevail:

1. Where a district boundary line is shown by a specific dimension, such specific dimension shall control.

2. Where a district boundary line is located within or along a street, alley, right of way or channelized waterway, the district boundary line shall be deemed to be such street alley, right of way or channelized waterway or extensions thereof or there from.

3. Where a district boundary line is shown as approximately following platted lot lines, the district boundary line shall be deemed to coincide with such platted lot lines.

4. Any further discrepancy or uncertainty shall be determined by the Planning and Zoning Commission and approved by Mayor and Board of Aldermen according to procedures set forth in this Article.

SEC. 203.2 Future Width Lines

1. Future width lines are hereby established and shall apply to those streets designated and shown on the minimum right of way regulations for streets in Article 8, this Ordinance. The future width lines shall be established so that one-half the distance shown on the minimum right of ways shall be on each side of the centerline of the original right of way.

2. From and after the establishment of any -future -width -line as provided herein, all yards required by this Ordinance shall be measured from said future width line in lieu of the front or side line of the lot as otherwise required, and where no yard is required under the terms of this ordinance, no buildings shall be erected or moved nearer to the front or side line of any lot than said future width line.

SEC. 203.3 General Provisions

The districts, regulations, and the uses that are permitted in these zoning districts are hereby established. Any use that is not specifically permitted or analogous to those specifically permitted is hereby declared to be a prohibited use and unlawful. A use that is not permitted in any district shall not be considered an accessory use in that district. Notwithstanding any specific regulations enumerated below for each district, the following general regulations, where applicable, shall apply.

1. Corner Lots. In no case shall any structure, fence, or wall over three (3) feet in height be located on a corner lot so as to obstruct line of Bight vision at intersections for traffic.

2. On a corner lot in any residential district a side yard of not less than ten (10) feet shall be maintained on the street side of such corner lot.

3. Any parcel of land having an area or average width less than that required by the district regulations for a lot in the district in which such parcel is situated and which parcel was legally established at the time it came under the provisions of this Ordinance, shall be deemed to be a lot and may be used as a building site, provided, however, that all other regulations for the district shall be complied with.

4. Projections:

A. In any district, an awning, open porch, open carport, or open balcony may project into any required front yard not more than five (5) feet for awnings, balconies and open carports, and not more than ten (10) feet for porches.

B. An attached open porch, open carport, or open balcony may project into any side yard other than the side yard on the street side of a corner lot, if it does not come nearer to the side lot line than three (3) feet.

C. For any lot wherein a ten (10) foot or greater side yard is required, no such projection shall be within an area ten (10) feet wide and ten (10) feet high, measured from finished grade, lying within that side yard.

D. No more than one such clear area, as stipulated in 1 above, -- need be maintained-on-a lot.

E. An attached open porch, open carport, or open balcony may project into a rear yard, provided it does not come nearer to a common rear lot line than three (3) feet. Where a rear alley exists this projection may extend to the rear lot line or to within eight (8) or ten (10) feet of what would be the centerline of a full sixteen (16) or twenty

(20) foot wide alley where only a one-half (1/2) or partial alley exists.

F. Open fire balconies, and fire escape stairs may project not more than five (5) feet over any required yard provided they come no closer than two (2) feet from a property line.

G. Awnings, cornices, roof overhangs, and eaves may project more than three (3) feet over any required yard providing they come no closer than two (2) feet from a property line.

H. Sills, leaders, belt courses, and similar ornamental features may project not more than six (6) inches over any required yard.

I. An entrance awning may project into any required front yard in any residential district.

5. Closed projections:

A. A bay window, oriel, entrance, or vestibule, ten (10) feet or less in width, may project not more than three (3) feet into any front or rear yard.

B. A chimney may project not more than three (3) feet into any required yard, if it is not more than six (6) feet long, measured in a direction parallel to the nearest property line so long as it is not closer than two (2) feet from a property line.

C. The main building in a residential district may project five feet into the required front yard for no more than one-half of the maximum width of the structure.

6. No lot shall be divided in such a way that any division of such a lot shall contain more dwelling units than are permitted by the zoning regulations of the district in which such lot is situated.

7. If, after dividing the area of a lot by the zoning requirements for the district in which the lot is situated, there is a remainder which is less than that required for a unit but not more than seventy-five (75%) percent of that amount, then one additional dwelling unit may be built on such a lot.

8. Where future width lines have been established, all required yards shall be measured from such future width lines.

9. In any district no automobile service station pump shall be located closer than twelve (12) feet to a street property line or a future width line, whichever is applicable.

10. Every occupied recreational vehicle shall be located in a recreational vehicle park or designated area of a mobile

home district, and every mobile home occupied for sleeping or living purposes shall be located in a mobile home development as set forth in the Mobile Home district regulations, except as provided for watchman's purposes, or as may be approved for living purposes during the construction of a permanent home on the premises, or in a commercial/industrial district as approved, along with the issuance of a building permit, and such living quarters shall be removed within thirty (30) days after said building(s) have been approved for occupancy or use, or not to exceed one (1) year.

11. Any use permitted subject to a Use Permit shall continue to be subject to said permit in any less restrictive district unless such use shall specifically appear as a permitted use.
12. It is the purpose of this Section to establish regulations which recognize that development of land in hilly or mountainous areas involves special considerations and unique situations which result from the slope of the land. These special considerations and unique situations include but are not limited to increased hazards to development from rock falls, storm water runoff, geologic hazards, increased limitations on vehicular travel, and increased difficulties in providing public services. In addition, steeply sloped lands introduce design limitations to roadways, cuts and fills, and building sites. In general, the more steeply the land slopes, the greater potential hazard and development limitation. Additionally, since hilly or mountainous areas within the city offer a desirable setting, visible to the entire city, they are a unique natural asset. It is intended through these regulations to preserve the visual integrity and character of hillside areas, while allowing reasonable development which is both safe and functional.
 - A. In all zoning districts, wherever the natural terrain of any lot or parcel or any portion thereof has a slope of ten (10) percent or greater, that lot or parcel or that portion of the lot or parcel shall be considered to be a hillside development area. The hillside development area shall commence at the midpoint of the one hundred (100) foot horizontal dimensions used to determine the slope.

Development of land in any zoning district within a hillside development area shall be subject to the following special conditions:

 - a. Special yard, height, area coverage, and density requirements. for single family residential development in the hillside development area in any zoning district shall be as follows:
 - (1) The maximum number of lots into which hillside development area land may be subdivided shall be the sum of the number of lots allowed by the zoning district or the sum of the number of lots allowed in each category of land as

shown by the following table, whichever is the lesser number:

<u>Slope of Land</u>	<u>Maximum # of Lots per Gross Acre</u>
10% to 14.9%	1.8
15% to 19.9%	1.10
20% to 24.9%	0.70
25% to 29.9%	0.50
30% to 34.9%	0.30
35% and over	0.20

There shall be no more lots created than permitted by the slope category, except that lots not placed in a slope category may be placed in a lower slope category so long as the total number of lots in the hillside development area shall not exceed the sum of the lots permitted in each slope category.

To calculate the number of acres in each slope category:

- a. Determine those locations where slopes of ten percent, fifteen percent, twenty percent, twenty-five percent, thirty percent, and thirty-five percent begin by application of one hundred (100) foot straight lines.
- b. Connect the midpoints of each series of one hundred (100) foot lines of the same slope category to establish the limits of that slope category.
- c. Measure the areas resulting between each series of straight lines to determine the areas in each slope category.

The topographic map shall be at a scale of 100 feet or less to the inch and shall contain contours at two (2) foot intervals but may contain contours at five foot (5) intervals for grades of more than 15%.

Application for slope category determination shall be made to the Planning and Zoning Department. If the application meets the criteria of this Section, the City shall accept an applicant's slope category analysis. If the analysis is not acceptable, the applicant may accept either a slope category analysis by city staff, or he may add any number of additional 100 foot lines to the staff analysis for a more precise determination of the slope category lines.

(2) No lot containing hillside development area shall be hereafter subdivided to provide less than 18,000 square feet nor to have a width of less than one hundred twenty (120) feet, nor a depth of less than one hundred twenty (120) feet. Lot areas of more than 18,000 square feet may be required in order to provide a suitable building site

meeting the grading standards of Article 8. In no case shall residential lots contain an area less than the minimum area required by the zoning district in which such lots are located.

(3) Front and rear yards shall be as required by the zoning district.

(4) Side yards shall be as required by the zoning district of the lot or ten (10) feet, whichever is greater.

(5) The main building and all accessory buildings on a parcel shall not- occupy more than twenty-five percent (25%) of the land.

(6) No building shall exceed a height of two (2) stories or thirty-five (35) feet above the natural grade of the land at any section through the structure.

B. Special yard, height, area coverage, and density requirements for multi-family, sub-lot, dwelling group and PAD development in the hillside development area in any zoning district where permitted shall be as follows:

a. The maximum number of dwelling units permitted on any lot or parcel of land shall be the sum of the number of dwelling units allowed by the zoning district or the sum of the number of dwelling units allowed in each category of land as shown by the following table whichever is the lesser number:

<u>Slope of Land</u>	<u>Maximum number of units per Gross Acre</u>
10% to 14.9%	1.80
15% to 19.9%	1.10
20% to 24.9%	0.70
25% to 29.9%	0.50
30% to 34.9%	0.30
35% and over	0.20

(1) There shall be no more units constructed than permitted by the slope category, except that units not placed in a slope category may be built in a lower slope category so long as the total number of units in the hillside development area shall not exceed the sum of the units permitted in each slope category.

(2)- Calculation -of the number of -acres in each slope category shall be the same as 12, A, a, (1), a, above.

(3) There shall be a front and rear yard, each having a depth of not less than thirty (30) feet, measured from the exterior boundaries of -the total site. For buildings exceeding fifteen (15) feet in height, there shall be a distance from front and rear boundaries equal to the required yard plus one additional

foot for each foot of building height in excess of fifteen (15) feet.

b. There shall be two (2) side yards each having a width of not less than fifteen (15) feet, measured from the exterior boundaries of the total site. For buildings exceeding fifteen (15) feet in height, there shall be a distance from the side boundaries equal to the required yard plus one additional foot for each foot of building height in excess of fifteen (15) feet.

c. The total ground floor area of all buildings in the development shall not occupy more than twenty-five (25%) of the total site.

d. No building shall exceed a height of two stories or thirty-five feet above the natural grade of the land at any section through the structure.

(1) Special yard, height and area coverage requirements for the hillside development area in any zoning district, follow:

i. Yards shall be as provided by the district.

ii. The total ground floor area of all buildings in the development shall not occupy more than twenty-five (25%) of the total site, or as required by the zoning district, whichever is the lesser.

iii. No building shall exceed a height of two (2) stories or thirty five (35) feet above the natural grade of the land at any section through the structure.

C. Neither the Zoning Administrator nor the Planning and Zoning Director and Board of Aldermen shall have jurisdiction over the density requirements of this Section. The Board of Adjustment may grant waivers to the density provisions where such waivers would be in furtherance of the purposes of this Section and where there exist unusual conditions relating to the property such as drainage or flood hazards, peculiarity of the size or shape of the site, or geology, and where the approval of waivers would promote the general welfare of the neighborhood.