

Second Draft 6-15-19

Article 1 | General

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Sec. 1.1 - Short Title

This ordinance shall be known as the "Nogales Development Code" and may be referred to as "the Code" or "this Ordinance."

Sec. 1.2 - Applicability

The provisions of this Ordinance shall apply to all properties within the jurisdictional boundaries of the City of Nogales, Arizona ("City"), and shall govern development and use of the land. No building shall be erected or structurally altered, nor shall any land development activity take place, unless it conforms to the provisions of this Ordinance. Property uses shall be governed by the provisions of this Ordinance.

Sec. 1.3 - Purpose

It is the purpose of this Ordinance to:

- A. Assure the health, safety and general welfare of the residents of Nogales, Arizona.;
- B. Implement the goals and policies of the City's General Plan, and use the General Plan to guide the City's physical development in a manner that progressively achieves those goals and policies;
- C. Promote orderly community growth and land use compatibility;
- D. Support economic growth, development, and job creation;
- E. Provide effective and efficient development review and land use administration; and

- F. Define the duties and powers of administrative bodies and officers responsible for implementation of this Ordinance.

Sec. 1.3 - Authority

The authority to adopt and enforce this Ordinance is granted by the Charter of the City of Nogales, Arizona; by the Arizona Revised Statutes, Chapter 4, Articles 6, 6.1, 6.2, 6.3 and 6.4; and any other applicable statutes of the State of Arizona.

Sec. 1.4 – Conformance to General Plan

This Ordinance shall be consistent with and conform to the General Plan as adopted by the City’s governing body and as may be amended over time. With regard to requests to modify the zoning classification of specific parcels of land, where there is a conflict between this Ordinance and the General Plan, the General Plan shall prevail.

Sec. 1.5 - Minimum Requirements

- A. The provisions of this Ordinance are intended to be minimum requirements. Where the provisions of this Ordinance impose greater restrictions than other City ordinances, the provisions of this Ordinance shall prevail. Where the provisions of another City ordinance impose greater restrictions, the other ordinance shall prevail.
- B. Unless otherwise stated within this Ordinance, references within this Ordinance to City manuals, guides, and other similar documents shall refer to the most recent edition or version of the referenced document that has been accepted or adopted for usage by the department or agency charged with responsibility for the referenced document.

Sec. 1.6 - Conflict of Laws

These regulations are not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other public laws, ordinances, or regulations, except as specified in Sec. 1.7, Effective Date. Where these regulations conflict with other provisions of public law and regulations, the more stringent requirements shall apply.

Sec. 1.7 - Effective Date

- A. This Ordinance is effective as of [INSERT DATE] (“Effective Date”). All ordinances in conflict are hereby repealed to the extent of their inconsistency. The ordinances repealed are:
 - 1. Ordinance No. 20-X creating the City of Nogales Development Standards Code; and
 - 2. All other ordinances or parts of ordinances that amended the above ordinance and Development Standards Code.
- B. Notwithstanding the above, the provisions of Sec. 1.9, Transitional Provisions, shall govern any development permit officially submitted and accepted by the City and in process on the

Effective Date. Legal nonconforming rights shall be determined in accordance with Article 14.

Sec. 1.8 - Severability

Should any section or provision of this Ordinance be declared invalid, the remaining sections or provisions shall remain valid.

Sec. 1.9 - Transitional Provisions

Upon the effective date of this Ordinance, the following requirements shall apply to all properties:

- A. Violations in Progress. The prosecution of violations that occurred under previous ordinances shall continue until resolved, pursuant to the previous ordinances.
- B. Continuing Violations. Any unprosecuted violation of previous zoning or subdivision ordinances that is also a violation of this Ordinance will be subject to penalties and enforcement under this Ordinance unless the use, development, or activity complies, in its entirety, with the provisions of this Ordinance.
- C. Prior Nonconformities. Any use, plan, building, or lot that was legal nonconforming under prior ordinances shall be considered a legal nonconformity under this Ordinance except as may be otherwise provided under Article 14, Legal Nonconformities. Uses, plans, buildings, or lots that were previously legal nonconforming that become conforming because of adoption of this Ordinance shall no longer be considered legal nonconforming provided that all aspects of the use, plan, building, or lot complies with this Ordinance.
- D. Effect of this Ordinance on Approved Plans or Completed Applications.
 1. Approved Plans. Completion of any development permit, including but not limited to a development plan, plat, conditional use permit, or building permit shall be governed by the ordinance under which the approval was granted.
 2. Complete Applications. An application for any development permit, including but not limited to a development plan, plat, conditional use permit, or building permit that is administratively determined to be substantially complete as of the Effective Date, shall be governed by the ordinance in effect at the time of submission if it complied with such ordinance at that time. The expiration and continuing validity of any such development permit shall be governed by the previous ordinance. The continuing validity of any such development plan shall be governed by paragraph 1.9.D.3 below and paragraph [ADD SECTION], Deviations from Approved Development Plans.
 3. Approved Development Plan. For property with a development plan approved under an ordinance in effect prior to adoption of this Ordinance, an application for any development permit, including but not limited to a site plan, plat, conditional use permit, or building permit that is substantially complete as of the Effective Date or

within two years of the date of development plan approval, whichever is later, shall conform to the approved development plan.

4. **Timely Submission of Information.** Applicants who have substantially complete applications as provided above shall comply with all requests for further information and submit all necessary revisions of submitted plans in a timely manner. A delay of more than 90 days in submission of the requested information or revisions shall constitute effective withdrawal of the application, with loss of all fees paid. Any new application shall then conform with the provisions of this Ordinance.

Sec. 1.10 - Zoning District Conversions

The zoning district names in effect prior to the effective date of this Ordinance are hereby converted or deleted, as shown on the following table. Zoning districts that are added or deleted *after* the original adoption of this Ordinance are not reflected in the following table.

PREVIOUS DISTRICT		NEW DISTRICT	
Residential Districts			
SFR 4	Single Family Residential (4000 sq. ft. lot)	R1	Residential High Density
SFR 7	Single Family Residential (7000 sq. ft. lot)		
SFR 9	Single Family Residential (9000 sq. ft. lot)		
SFR 12	Single Family Residential (12,000 sq. ft. lot)	R2	Residential Medium Density
SFR 15	Single Family Residential (15,000 sq. ft. lot)		
SFR 18	Single Family Residential (18,000 sq. ft. lot)		
SFR 32	Single Family Residential (32,000 sq. ft. lot)	R3	Residential Low Density
SFR 24	Single Family Residential (24,000 sq. ft. lot)		
SFR +1	Single Family Residential (one acre or more)		
MFR	Multifamily Residence	MFR	Multifamily Residential
MHR	Mobile Home Residential	MHR	Mobile Home Residential
Nonresidential Districts			

PREVIOUS DISTRICT		NEW DISTRICT	
LC	Limited Commercial	NC	Neighborhood Commercial
NC	Neighborhood Convenience		
GC	General Commercial	CG	Commercial General
OP	Office Professional Park		
LI	Light Industrial	LI	Light Industrial
IP	Industrial Park		
HI	Medium to Heavy Industrial	HI	Heavy Industrial
OS	Open Space	--	--
Planned Districts			
PAD	Planned Area Development	PAD	Planned Area Development
Overlay Districts			
AA	Airport Airspace	AA-__	Airport Airspace
--	NEW	M-__	Mixed-use
--	NEW	H-__	Historic Districts & Landmarks Overlay