Article 6 | Development Standards

Sections:

Sec. 6.1 General
Sec. 6.2 Residential Districts Development Standards
Sec. 6.3 Nonresidential Districts Development Standards
Sec. 6.4 Flexible Development Tools
Sec. 6.5 Measurement and Computation

Sec. 6.1 General

Paragraphs:

6.1.1 Purpose
6.1.2 Permitted Housing Types
6.1.3 Housing Types

6.1.1 Purpose

The Development standards of this Ordinance establish guidelines for all residential and nonresidential Development. These standards allow for variety in housing and building types while striving to maintain the overall character of neighborhoods and commercial areas of Nogales. Standards in this section are specific to each district and are above and beyond the general standards for all districts enumerated in Articles XX through XX. The standards promote:

A. Quality Site layout and energy-efficient Development;

B. Development intensities that match existing and proposed infrastructure investments;

C. Infill Development that is consistent in character and scale with established neighborhoods;

D. Development that is more sensitive to the environment and allows for the preservation of open and natural areas; and

E. Market-based Development decisions while protecting shared public interests.

6.1.2 Permitted Housing Types

Residential uses allowed pursuant to Sec. 5.1, Use Table, shall be limited to the housing types permitted in accordance with the following table.

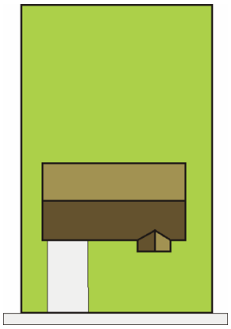
Housing Type	R1	R2	R3	MF	NC	C
Single-Family Detached	✔	✔	✔	✔	✔	✔
Zero Lot Line House		✔	✔	✔	✔	✔
Duplex			✔	✔	✔	✔
Townhouse			✔	✔	✔	✔
Multiplex				✔	✔	✔
Apartment				✔	✔	✔
Upper-Story Residential*				✔	✔	✔

*Vertical integration of uses (i.e. residential Development above commercial/office uses)

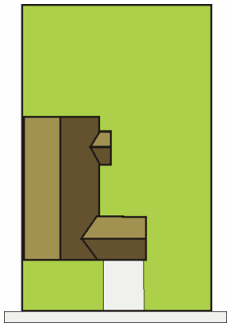
6.1.3 Housing Types

The below housing types are permitted in accordance with Table 6.1.2. Any development standards noted below shall apply within all Zoning Districts, unless otherwise noted.

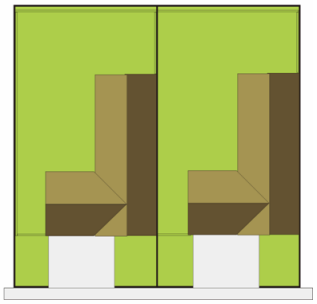
A. Single Family Detached - A single-family detached house is located on an individual lot with yards on all four sides of the house. Vehicular access can take place from the front, side, or rear of the lot.



B. Zero Lot Line - A zero lot line house is a single-family detached house positioned on one lot line without any setback from that lot line, with yards on the other three sides of the building including a wider side yard on one side.

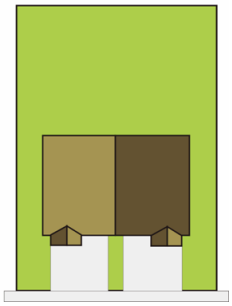


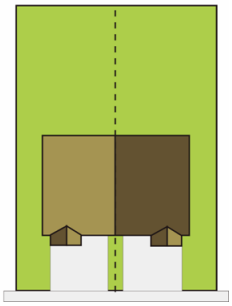
1. Zero lot line houses are only permitted in a subdivision that is designated a zero lot line subdivision on the plat at the time of approval.
2. Easement agreements shall be recorded to allow maintenance and access for that side of the dwelling adjacent to the property line.
3. On the property line that the structure is built to, a privacy fence or wall at least five feet high is required between lots, to the rear of the structure.
4. If the side wall of the house is located on or within three feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, shall be allowed.



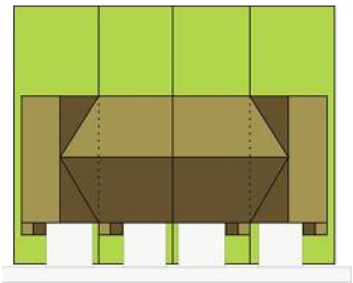
C. Duplex - A duplex is a two-family dwelling in a single structure on a single lot or split between two lots. Individual units can be located on separate floors or side-by-side.

1. Where a developed vehicular alley is provided, all vehicular access shall occur from the alley.



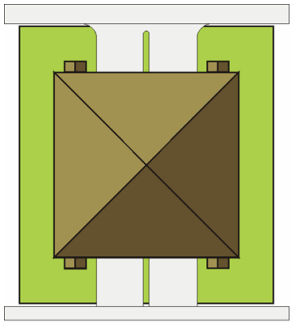


D. Townhouse - A townhouse is a building made up of three or more attached dwelling units, where each unit is on an individual lot and the units are lined up in a row and share side walls.



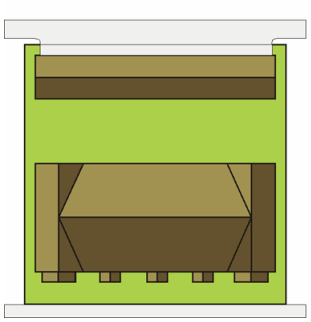
   1. In order to provide visual diversity, no more than four contiguous townhouse units shall be allowed with the same setback and the same façade treatment. Variations in setback shall be at least three feet.
   2. Where a developed vehicular alley is provided, all vehicular access shall occur from the alley.
   3. Townhouses shall have a front, side, or rear privacy yard having a minimum area of 100 square feet on each lot.

E. Multiplex - A multiplex is three or four individual units consolidated into a single structure using common walls on a single lot. Individual units can be located on separate floors or side-by-side. Parking is often shared in a single consolidated area, even when garages and carports are used.



   1. Where a developed vehicular alley is provided, all vehicular access shall occur from the alley.

F. Apartment - An apartment is a multifamily housing type on a single tract or parcel of land containing three or more units. Apartments can vary in height; the individual units can be located on separate floors or side-by-side. Parking is often shared in a consolidated area, even when garages and carports are used.



1. Common recreation areas, such as a clubhouse, swimming pool, and/or tennis, volleyball, or basketball courts, shall be oriented internally or along major roadways, and away from residential development on neighboring properties.

Sec. 6.2 Residential Districts Development Standards

Paragraphs:

6.2.1 Single-Family Residential Districts Development Standards
6.2.2 Multi-Family Residential (MF) District Development Standards
6.2.3 Manufactured Home Residential (MH) District Development Standards
6.2.4 General Residential Development Standards

6.2.1 Single-Family Residential Districts Development Standards

A. Dimensional Standards

All residential Development in the Single-Family Residential Districts shall meet the standards in the table below, except as provided in Sec. 6.2.4, General Residential Development Standards and Sec. 6.4, Flexible Development Tools.

Dimensional Standard	R1	R2	R3
Maximum Residential Density (units per acre)	1.8	3.6	10.9
Minimum Lot Area (square feet)	24,000	12,000	4,000
Minimum Lot Width (feet)	100	75	45
Minimum Front/Street Setback (feet)	35	25	20

Dimensional Standard	R1	R2	R3
Minimum Side Setback (feet) See also Sec. 6.2.1.B.	20	10	5
Minimum Rear Setback (feet)	35	25	15
Maximum Building Height (feet)	35	35	35
Minimum Distance Between Buildings	Per Building Code		

B. Setbacks

1. On Zero Lot Line Home Developments, one side Setback may be zero, as long as the combined total of side Setbacks on each lot is a minimum of 15 feet.
2. On a corner lot, the minimum street side Setback is 10 feet.

Sec. 6.2.2 Multi-Family Residential (MF) Development Standards

A. Dimensional Standards

All residential Development in the MF District shall meet the standards in the table below, except as provided in Sec. 6.2.4, General Residential Development Standards and Sec. 6.4, Flexible Development Tools.

Dimensional Standard	MF
Maximum Residential Density (units per acre) See also Sec. 6.2.2.B.	36
Minimum Site Area (square feet)	0
Minimum Lot/Site Width (feet)	75
Minimum Street Setback (feet)	25
Minimum Side Setback (feet)	15
Minimum Rear Setback (feet)	20
Maximum Height	48
Minimum Distance Between Buildings	Per Building Code

Sec. 6.2.3 Manufactured Home Residential (MH) Development Standards

A. Dimensional Standards

All residential Development in the MH District shall meet the standards in the table below, except as provided in Sec. 6.2.4, General Residential Development Standards and Sec. 6.4, Flexible Development Tools.

Dimensional Standard	MH
Maximum Residential Density (units per acre)	10
Minimum Site Area for Mobile Home Park (acres)	3
Minimum Area per Lot (square feet)	4,000
Minimum Lot Width (feet)	40
Minimum Lot Depth (feet)	60
Minimum Street Setback (feet)	15
Minimum Side Setback (feet)*	7
Minimum Rear Setback (feet)	8
Minimum Distance Between Homes (feet)	20
Maximum Height (feet)	25

*On a corner lot, the minimum street side Setback is 10 feet.

Sec. 6.2.4 General Residential Development Standards

The following standards shall apply to Development in all residential districts:

A. When provided, common recreation areas, such as a clubhouse, swimming pool, and/or tennis, volleyball, or basketball courts, shall be oriented internally or along major roadways, and away from residential Development on neighboring properties.
B. The applicable street Setback of a multiple-frontage lot shall be applied to the frontage to which the address has been assigned.

Sec. 6.3 Nonresidential Districts Development Standards

Paragraphs:

6.3.1 Commercial Districts Development Standards

6.3.2 Industrial Districts Development Standards

6.3.3 Street Setback Alternatives in Nonresidential Districts

6.3.1 Commercial Districts Development Standards

A. Dimensional Standards

All Development in the Neighborhood Commercial and General Commercial Districts shall meet the standards in the table below, except as provided in Sec. 6.4, Flexible Development Tools.

Dimensional Standard	NC	C
Minimum Site Area (acres)	0	0
Minimum Street Setback (feet)	30	20
Minimum Side Setback (feet) See also Sec. 6.3.1.B.	15	15
Minimum Rear Setback (feet)	10	10
Minimum Distance Between Buildings (feet)	0	0
Maximum Building Height (feet)	35	50
Maximum Residential Density (units per acre)	15	36

B. Setbacks

Minimum side Setbacks may be reduced to zero (0) feet if adjacent to a nonresidential district or use.

6.3.2 Industrial Districts Development Standards

A. Dimensional Standards

All nonresidential Development in the Light Industrial and Heavy Industrial Districts shall comply with the standards in the table below.

Dimensional Standard	LI	HI
Minimum Site Area (square feet)	0	30,000
Minimum Street Setback (feet)	15	40
Minimum Side Setback (feet) See also Sec. 6.3.2.B.1	30	50
Minimum Rear Setback (feet) See also Sec. 6.3.2.B.2	25	40
Maximum Building Coverage (%)	65	65
Maximum Building Height (feet)	50	75

B. Setbacks

1. Side Setbacks may be reduced by 10 feet if adjacent to a nonresidential district or use.
2. Rear Setbacks may be reduced by 10 feet if adjacent to a nonresidential district or use and up to 50% if adjacent to a railroad right-of-way.

6.3.3 Street Setback Alternatives in Nonresidential Districts

A. A new structure or modifications to an existing structure shall not be required to conform to the street Setback requirements of the Zoning District in the following circumstances:

1. Where 50% or more of the structures on the same linear Block are developed with less than the required street Setback, the average Setback of those existing buildings shall be observed as the minimum Setback;
2. Where the proposed new or modified structure is between two adjacent existing structures with less than the required street Setback, the average Setback of the buildings of both adjacent lots shall be observed as the minimum street Setback;

B. The applicable street Setback of a multiple-frontage lot shall be applied to the frontage to which the address has been assigned.

6.4 Flexible Development Tools

Paragraphs:

6.4.1 Major Roadway Density Bonus Area
6.4.2 Affordable Housing Density Bonus
6.4.3 Lot Averaging
6.4.4 Cluster Subdivision
6.4.5 Townhouse Transitional Use
6.4.6 Vertical Integration of Uses
6.4.7 Infill Development in Residential Districts
6.4.8 Development Standard Modification Option

The district intensity standards set forth in this Section provide for flexible Development tools in each zone shown below.

Development Tool	R1	R2	R3	MF	NC	C
Major Roadway Density Bonus		✔	✔	✔	✔	✔
Affordable Housing Density Bonus		✔	✔	✔	✔	✔
Lot Averaging		✔	✔	✔		
Cluster Subdivision	✔	✔	✔			
Townhouse Transitional Use		✔	✔	✔	✔	✔
Vertical Integration of Uses				✔	✔	✔

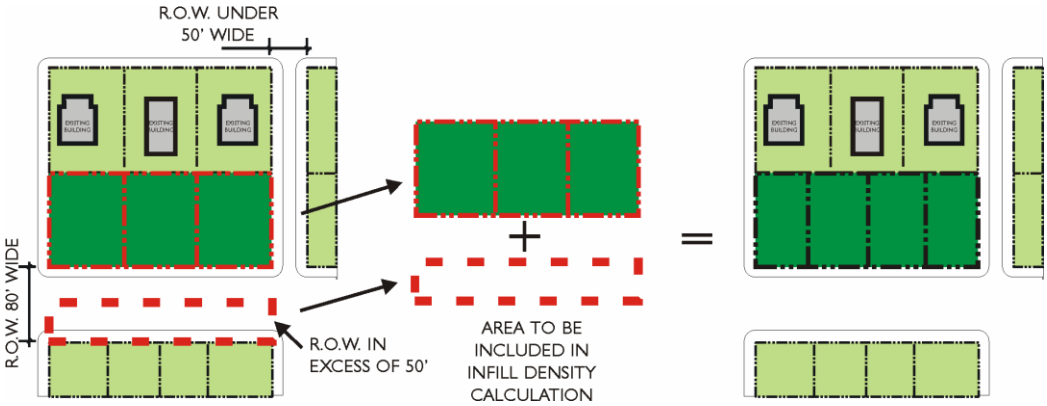
Development Tool	R1	R2	R3	MF	NC	C
Infill Development in Residential Districts	✔	✔	✔	✔	✔	✔
Development Standard Modification Option	✔	✔	✔	✔	✔	✔

6.4.1 Major Roadway Density Bonus Area

For Developments located adjacent to streets with a right-of-way over 50 feet in width, the area for the Development may be calculated to include that portion of right-of-way in excess of 50 feet for purposes of determining density.

Sample Calculation: A Development includes a combination of three lots measuring 75 by 100 feet in R3 Zoning District and lies adjacent to a right-of-way measuring 80 feet in width.

- 75 x 100 = 7,500 SF x 3 existing lots = 17,500 SF (standard calculation)
- Frontage of 225 feet x 30 feet (in excess of 50-foot ROW) = 6,750 SF Bonus Area
- Density Allocation = 24,250 SF (.56 ac.) multiplied by 10.9 units per acre = 6.1 units (6 lots)



6.4.2 Affordable Housing Density Bonus

A. General

1. Only Developments with a minimum of 15 dwelling units, or Developments adding at least 15 dwelling units to an existing Development, shall be eligible for the Affordable Housing Density Bonus.
2. The maximum residential density shall be 48 units per acre.
3. In single-family and duplex Developments, required minimum lot area, lot width, and Setback requirements can be reduced up to 20% in order to incorporate the additional units.
4. The bonus can be utilized at the time of Site plan or subdivision approval for qualifying Developments.
5. All of the Affordable Housing Dwelling Units shall be located within a single Development.
6. Affordable Housing Dwelling Units shall be incorporated throughout the Development and shall not be distinguishable from market-rate units through location, grouping, or exterior design.
7. Developments utilizing the Affordable Housing Density Bonus shall not be exempt from a traffic impact analysis (TIA) if required pursuant to Sec. 3.3, Traffic Impact Analysis (TIA).
8. Any Affordable Housing Dwelling Unit Development shall only incorporate housing types permitted within the Zoning District.
9. The addition of Affordable Housing Dwelling Units shall not increase the amount of Open Space otherwise required for the Development.

10. The Development developer or manager shall provide an annual report to the Director verifying the units qualify as Affordable Housing Dwelling Units. The report shall identify the income of persons residing in the Affordable Housing Dwelling Units, and the housing costs including rents, mortgages, utilities, association fees being charged, and any other relevant information requested by the Director to verify the Development is being utilized for affordable housing.
11. Compliance measures can be required at the time of approval, including but not limited to contracts, restrictive covenants, deed restrictions, and stipulated penalties.
12. Except as otherwise noted, Developments using the Affordable Housing Density Bonus shall comply with the requirements of the Zoning District in which it is located.

B. Affordability Requirement

At least 15% of the total number of dwelling units in the Development shall be Affordable Housing Dwelling Units for households earning 60% of AMI or less.

Example: If 200 dwelling units are proposed, at least 30 of those units shall be affordable to households earning an average of 60% AMI or less.

6.4.3 Lot Averaging

Lot averaging provides flexibility in planning residential Developments/Subdivisions by allowing reductions in the size of individual lots if the average of all the Development's lots is equal to or exceeds the minimum lot size. Lot averaging is permitted in the design of single-family detached, and zero lot line subdivisions, provided that:

A. The maximum reduction allowed per individual lot is 20% of the minimum lot area;
B. The average area of all lots in the subdivision meets or exceeds the minimum lot area; and
C. The overall density of the subdivision does not exceed the maximum permitted residential density in the Zoning District.

Example: A single-family detached home subdivision with a minimum lot area of 10,000 SF may take advantage of the lot averaging tool. One or more lots in the subdivision may be reduced in area by up to 20% or 2,000 SF (10,000 SF x 20% = 2,000 SF). Due to Site constraints, one of the lots measures only 8,000 SF, which is the minimum lot size with the reduction (10,000 SF - 2,000 SF = 8,000 SF). One or more other lots must exceed the minimum lot size a total of 2,000 SF (e.g. one lot must be 12,000 SF or two lots must each measure 11,000 SF) so that the overall average lot area for the entire subdivision is 10,000 SF or greater.

6.4.4 Cluster Subdivision

The purpose of a Cluster Subdivision is to encourage innovation in residential subdivision design in order to protect unique natural features such as washes, hillsides and scenic areas. A Cluster Subdivision provides design flexibility and efficient layout of lots, streets, and utilities in exchange for the preservation of Open Space.

A. Development Standards

1. The minimum acreage required for a cluster subdivision shall be three acres.
2. Minimum Setbacks, Lot area, and Lot widths may be reduced up to 50% of that required by the Zoning District. Additional reductions of Setbacks, lot area and lot widths may be approved by the Director upon a showing that the additional reduction is necessary to protect a natural feature such as a wash or hillside.
3. A Development's total maximum density shall not exceed the maximum density permitted in the Zoning District. Maximum density shall be calculated by dividing the total Development area by the Zoning District's Minimum Lot Area (i.e., Open Space is not factored into the maximum density calculation).

   For example: A five-acre R-1 Development requires at least 65,340 sq. ft. of Open Space (217,800 sq. ft. x 30% = 65,340). The Development's maximum density does not factor in the Open Space, and is calculated by dividing the Development's total area by the R-1 Minimum Lot Area (217,800 sq. ft. / 24,000 sq. ft. = 9 units). Each of the nine unit's Lots may have reduced Setbacks, Lot area and Lot widths.
4. Except for Setback, lot area and lot widths, a Development must meet all other requirements of the Zoning District.
5. A Cluster Subdivision shall include minimum designated common Open Space as follows:

District	Open Space
R1 District	30%
R2 District	25%
R3 District	20%

6. Utilities and sewers shall be located within the developed portion of the site wherever possible to reduce the future impact of maintenance and repair activities on Open Space.

7. Phased Developments shall provide Open Space for each phase, such that each phase may stand alone in conformance with this Section.

B. Open Space Requirements

The Open Space within a Cluster Subdivision shall be established as follows.

1. Open Space shall be an integral part of the Development's design and shall be within the boundaries of the cluster Development it serves.
2. In R2 and R3 Districts, at least one-third of the required Open Space shall consist of Recreational Open Space.
3. Streets, driveways, vehicular use areas and Setback areas shall not be counted toward the Open Space requirement.
4. Land set aside as Open Space shall be held in common ownership or dedicated to the public rather than be platted as part of individual private lots.
5. The Open Space shall be protected in perpetuity by a binding legal instrument recorded with the deed that includes clear restrictions on the use of the Open Space. The instrument shall be one of the following:
   a. Conservation easement in favor of a land trust, conservation-oriented non-profit organization or government entity;
   b. Permanent restrictive covenant for conservation purposes;
   c. Dedication of land to an established homeowners' association with legal standing in the property;
   d. Any other equivalent legal instrument that provides permanent protection and enforcement of restrictions, if approved by the City Attorney.
6. Open Space and common area required by this Section shall be reflected on the Subdivision plat.

6.4.5 Townhouse Transitional Use

Sites located immediately between and adjacent to nonresidential and single-family residential uses can develop as townhouses to serve as a transitional use. Developments utilizing this option shall meet all the requirements in Sec. 6.4.7, Infill Development.

6.4.6 Vertical Integration of Uses

Residential density may be increased if a Development provides for vertical integration of uses with at least 65% of the total floor area allocated to residential uses and at least 75% of the ground floor allocated for nonresidential uses.

Developments which meet this requirement may increase their residential density by up to 50%.

6.4.7 Infill Development in Residential Districts

Sustainable infill Development and redevelopment in residential and commercial Zoning Districts are encouraged. It is important that new construction complement existing construction and respect existing design elements.

A. Applicability

This Section shall apply to a lot or combination of lots within a Block frontage where at least 50% of the Block frontage has been developed or a vacant lot that has been previously developed. Unless otherwise specified, this Section applies to all residential and commercial Zoning Districts.

B. Lot Width

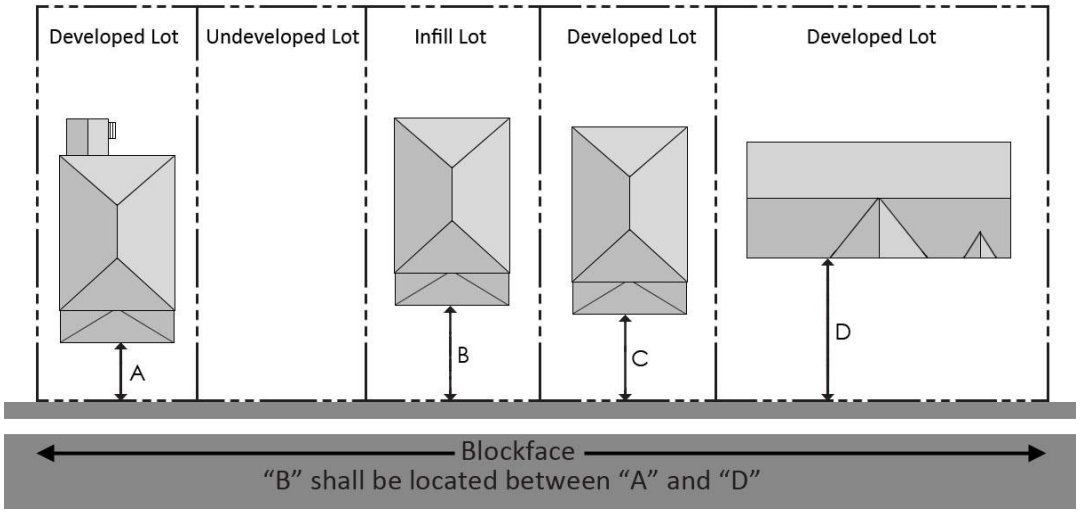
1. This Section does not apply to commercial Development.
2. Notwithstanding the lot width requirements in Sec. 6.2, the minimum width of a lot shall be the smaller of:
   a. The average width of the adjacent lots fronting on the same linear Block; or
   b. The median of the widths for all other lots fronting on the same linear Block.
3. The Zoning District lot widths may be used for lots developed for Affordable Housing Dwelling Units.

C. Setbacks

1. Street Setbacks

Notwithstanding the street Setback requirements in Sec. 6.2, the required street Setback for Infill Development shall be any distance between the smallest and largest street Setbacks within the Context Area. However, in no instance shall the smallest street Setback be less than five feet.

Example: The subject infill lot (B) and four other lots with residential zoning make up the Block frontage. One lot is undeveloped prior to Effective Date, and thus shall not be considered. The street Setbacks along the Block frontage of the three other lots are 10 feet (A), 15 feet (C), and 20 feet (D). Therefore, the required street Setback for the subject lot (B) can be anywhere between 10 feet (the smallest) and 20 feet (the largest).



2. Side Setbacks
   a. This subsection does not apply to commercial Development.
   b. If the side wall of an existing structure is located on or within three feet of the property line, windows or other openings in the new structure that would allow for visibility into the side yard of the adjacent lot shall not be allowed unless a minimum 10-foot building separation is provided. Windows that do not allow visibility into the side yard of the adjacent lot, such as clerestory windows or translucent windows, shall be allowed.
   c. Porte cocheres can extend into the side Setback when incorporated into the design and construction of the primary structure, but in no case shall they be permitted to be closer than three feet from the property line.

3. Landscaping

Infill Development shall continue the pattern of street trees that has been established on all lots within 150 feet of the property unless an intervening street exists prior to that distance, in which case the street location shall define the terminating point of the required street tree pattern. When new trees are planted, they shall be a variety that, at maturity, will be similar in height, width, and form to existing trees in the Context Area.

D. Buildings

1. Building Width

New construction shall not exceed the average building width for existing residential structures in the Context Area by more than 25%, unless a building articulation of at least six feet in depth at a point that mimics the average building width in the Context Area is provided on the street façade.

2. Building Height

The maximum height shall not exceed the height of the greater of either of the following:

a. The maximum height permitted by the Zoning District; or
b. More than 12 feet taller than the height of any adjacent structure.

3. Main Entrance

Except for single-family and two-family residential structures, every principal structure shall have a main entrance on a street other than an alley. On corner lots, the main entrance may face either street or may be oriented toward the corner. For buildings that have more than one main entrance, only one main entrance shall be required to face a street.

4. Garages, Access and Parking

a. Where an alley access is provided and developed, all vehicular access shall be from the alley.
b. When a garage entrance faces a street other than an alley, a single garage entrance shall be no more than 22 feet in width.
c. The construction material of the garage shall match that of the primary structure. This shall not apply if the primary structure is a single-family or two-family structure.

E. Vehicular Use Areas

1. Residential

Infill residential uses shall locate on-site parking to conform to the predominant location of parking in the Context Area or to the rear of the structure.

2. Nonresidential

   d. On-site parking facilities shall not be located in any required street Setback.
   e. If parking facilities are located to the rear of the subject structure, a rear entrance to the structure shall be provided.

6.4.8 Development Standard Modification Option

The Development Standard Modification Option ("DSMO") provides for the modification of specific Development and dimensional standards through an administrative approval process. The DSMO encourages flexible design solutions that present efficient and high-quality use of the land that are contextually compatible with and do not create undue adverse impacts on adjacent properties.

A. Findings Necessary for Approval

   The Director may approve a DSMO request upon a determination that the request meets all the following findings:

   1. The subject Development is of a high standard and quality such that the community as a whole and surrounding vicinity will benefit from its realization.
   2. The modification narrowly relates to physical circumstances or conditions of the property, such as irregular shape, narrowness of lot, exceptional topographic conditions or location and is essential to allow the requested Development to proceed.
   3. The modification is broadly consistent with existing Development in the immediate area.
   4. The modification does not create undue detrimental impacts to adjacent parcels such as causing pollution, objectionable noise, odors, trespass lighting or similar issues.
   5. Is not for a previously denied variance request;
   6. Does not modify a condition of approval from a rezoning, variance or Special Use Permit;
   7. Does not modify a requirement of an overlay zone;
   8. Does not result in deletion of a Development Standards Code requirement;
   9. Does not create a safety or health hazard.

B. Setbacks and Wall Height

   1. Setbacks may be reduced, as long as a minimum one-foot Setback is maintained from the property line.
   2. The height of accessory walls and fences may be increased up to 2 feet above the maximum height permitted in that Zoning District.

3. In addition to the findings listed in Sec. 6.4.8.A, the Director may approve a DSMO request for Setbacks and wall height upon determination that the request meets all the following criteria:
    a. Does not create a situation where proposed Development will obstruct significant views of dramatic land forms, unusual stands of vegetation, or parks from nearby properties substantially more than would occur if the Development were built without the modification;
    b. Provides design alternatives to better integrate the Development into the design character of the immediate neighborhood; and,
    c. The modification is not for an increase in height of more than two feet to an accessory wall or fence, except that an increase of up to four feet may be considered for entry features on walls and fences.

C. Parking Modifications - Parking requirements defined in Article 7, Parking, maybe modified using the DSMO process in this Section. The criteria for DSMO parking modification requests is found at Sec. 7.4.1.

D. Landscaping - Landscaping standards may be modified when proposed modification does not result in a net decrease of required area in square footage of landscaping.

E. Notice Requirements

1. The DSMO request, including a descriptive diagram, shall be mailed by Planning staff to the owners of all parcels located within 50 feet, excluding rights-of-way, of the subject property.
2. The notice shall inform the owners that if they object to the proposed modification, they must contact Planning staff in writing within 30 days of the notice.
3. If more than one objection is received, then the Director shall assign the matter to an outside Development Professional for a report and recommendation, with the cost of such report paid for by applicant. The Development Professional shall make personal contact with any person submitting an objection.
4. The Development Professional's recommendation shall be delivered to the Director within 30 days of the decision to refer to the Development Professional.
5. The Director will make the final decision, which may or may not reflect the Development Professional's recommendation.
6. The Director's written decision shall be mailed to any person filing an objection to the request, together with the objector's right to appeal the decision pursuant to Sec. 6.4.8.F, below.

F. Appeals

A Party of Record may appeal the Director's decision on DSMO applications. Appeals are considered by the Board of Adjustment in accordance with Sec. 3.7, Appeal of

Administrative Decision. Appeals must be filed within five days of the effective date of the decision. The complete appeals material must be filed within 30 days of the effective date of the decision. An appeal under this section shall be based upon an error in the Director's decision finding compliance or noncompliance with the applicable findings. The Board of Adjustment shall apply the applicable findings as provided in Sec. 6.4.8.A, Findings Necessary for Approval, when rendering its decision.

G. Expiration of Approval

Any DSMO approval granted by the Director shall be null and void if building permits are not issued implementing the DSMO or compliance with conditions of approval does not occur within 180 days from the date of approval. One extension of up to 180 days may be granted by the Director for good cause.

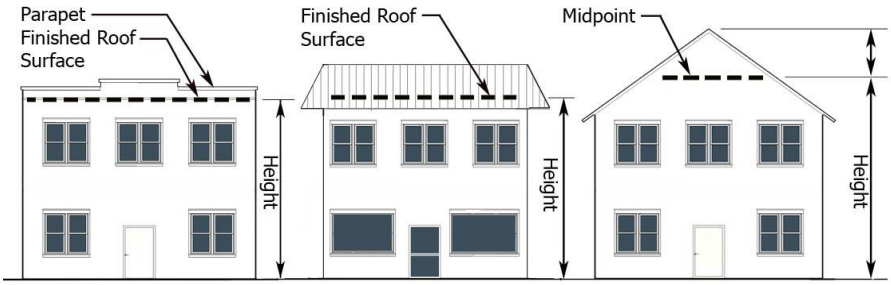
Sec. 6.5 Measurement and Computation

Paragraphs:

6.5.1 Height
6.5.2 Width
6.5.3 Setbacks
6.5.4 Density
6.5.5 Flag Lots

6.5.1 Height

A. Height shall be calculated based on the vertical distance from the average of the finished grade to the finished roof surface of a flat roof or the point at the average height of a roof having a pitch; except for mansard roofs, which shall be measured to the highest finished surface. For buildings with more than one façade along the street, each building façade shall be measured independently.

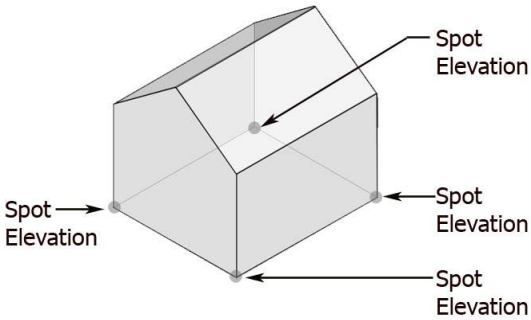


FLAT ROOF
Measured to the top of the finished roof surface

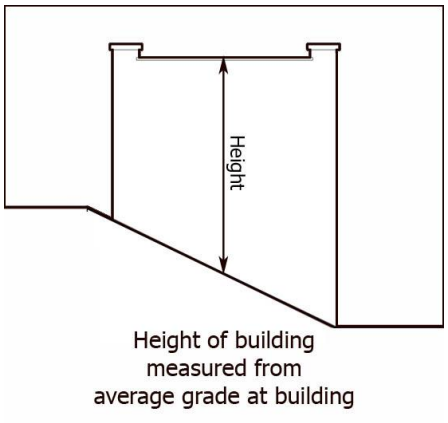
MANSARD ROOF
Measured to the top of the finished roof surface

GABLE, HIP OR GAMBREL ROOF
Measured to midpoint of pitched roof

1. The average finished grade shall be calculated by averaging the spot elevations for all building corners on a single structure. Multiple, unattached structures on the same site shall have independently calculated average grade for the purposes of measuring the height of each individual structure.



Average of spot elevations at all building corners determine average grade for each building.



2. The height for any building with multiple roof levels shall be determined by the highest roof level.

B. The height limitations shall not apply to steeples, decorative features including parapet walls less than four feet tall, air conditioning units, utility poles, mechanical features, penthouses for mechanical equipment or stairways, belfries, lightning rods, antennas other than those regulated in Article 5, Use Regulations, water towers, clock towers, or any other tower which is not used for transmitting and receiving electronic signals or is not a corner tower element regulated within Sec. 16.3, Building Design.

6.5.2 Width

A. Building Width

Building width shall be measured by the distance along the front plane of any building (as determined by the façade that faces a street or serves as the building's primary entrance).

B. Lot Width

Lot width shall be measured by the distance between the side lot line (generally running perpendicular to a street), measured at the point of the street Setback line along a straight line parallel to the front of the property line or to the chord of the front property line, or at the building line on flag lots or gore (triangular-shaped) lots.

6.5.3 Setback Area Requirements

A. General Standards for Setback Area.

1. Setback Areas shall be unobstructed by objects constructed or erected in a fixed location on the ground, buildings or structures, unless allowed by standards found elsewhere in this Ordinance.
2. Setback Areas may include ground-level parking and security gatehouses, except where specifically prohibited in this Ordinance.
3. Setback Area provided for one Lot or Building shall not be considered as providing Setback area for another building or lot.
4. Setback Area shall be calculated from the Lot's property line or street right-of-way. If the City officially adopts a new right-of-way width for a street, then the Setback requirement for new Buildings shall be measured from the future right-of-way line.

B. Encroachments into Setback Area

The following encroachment standards shall apply, so long as they do not extend into any validly recorded and restrictive easements:

5. Chimneys, pre-fabricated chimneys, flues, or smokestacks can extend into Setback spaces but shall not occupy more than 30 square feet of the Setback Area.
6. Fire escapes can project up to eight feet into any required Setback Area.
7. Cornices, eaves, ornamental features, and awnings can extend up to five feet into any required Setback Ara but shall remain at least two feet from the property line, except on zero lot line homes.
8. Pedestrian bridges, breezeways, and supports of these structures can extend into required Setback Area for transit access.
9. Security gates and guard stations can be located within any required Setback Area.

10. Decks, uncovered terraces, and at-grade patios can extend up to four feet into any required side Setback Area, or up to eight feet into any required street Setback, or within four feet of a rear property line.
11. Bay windows, entrances, balconies, and similar features that are less than ten feet wide can extend up to one and one-half feet into any required Setback Area but shall remain at least six feet from the property line.
12. Mechanical equipment for residential uses, such as HVAC units, can extend into any required side Setback Area but shall remain at least six feet from the property line.
13. Trellises and pergolas can be located within any required Setback Area.
14. Fences and walls pursuant to Sec. 9.9, Fences and Walls, can be located within any required Setback Area.
15. Mailboxes and mail kiosks can be located within any required Setback Area.

6.5.4 Density

Unless otherwise specified in this Ordinance, density calculations shall not include any public right-of-way. Right-of-way shall mean the ultimate right-of-way of a roadway, as established by the City of Nogales.

6.5.5 Flag Lots

A. Dimensions

The extension, pole, or panhandle area of a Flag Lots shall be a minimum of 20 feet in width.

B. Setbacks

The front Setback on any Flag Lot shall be the equivalent side Setback established in Sec. 6.2.1, Single-Family Residential Districts Dimensional Standards.