

Second Draft 6-15-19

Article 4 | Zoning Districts

Sections:

- Sec. 4.1 General**
- Sec. 4.2 Residential Districts**
- Sec. 4.3 Nonresidential Districts**
- Sec. 4.4 Planned Area Development Districts**
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Sec. 4.1 - General

Paragraphs:

- 4.1.1 Establishment of Districts**
- 4.1.2 Official Zoning Map**
- 4.1.3 Rules for Interpretation of District Boundaries**

4.1.1 Establishment of Districts

- A. The following zoning districts are hereby established and are intended to implement the City of Nogales General Plan.

SYMBOL	DISTRICT	FORMER DISTRICTS
Residential Districts		
R1	Single-Family Residential 1	SFR1+ SFR 32 SFR 24
R2	Single-Family Residential 2	SFR 18 SFR 15 SFR 12
R3	Single-Family Residential 3	SFR 9 SFR 7 SFR 4
MFR	Multi-Family Residential	MFR

MHR	Manufactured Home Residential	MHR
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SYMBOL	DISTRICT	FORMER DISTRICTS
Nonresidential Districts		
NC	Neighborhood Commercial	NC LC
C	General Commercial	OP GC
LI	Light Industrial	LI IP
HI	Heavy Industrial	HI
Planned District		
PAD	Planned Area Development	PAD
Overlay Districts		
AA-O	Airport Overlay	AA
MU-O	Mixed-Use Overlay	– NEW –
H-O	Historic Districts & Landmarks Overlay	– NEW –
X-O	OTHER Overlay	– NEW –

- B. All development plans approved as part of a rezoning action adopted prior to the Effective Date shall continue in force, except as may be modified in the future under the provisions of paragraph 3.5.12, Deviations from Approved Development Plans.

4.1.2 Official Zoning Map

- A. The location and boundaries of zoning districts shall be as established as they are shown on a map entitled "Official Zoning Map" and amendments thereto adopted after the Effective Date, which map and amendments are hereby declared to be a part of this ordinance.
- B. The Director, or designee, shall revise and publish the Official Zoning Map when amendments adopted by the governing body in accordance with Sec. 3.5, Zoning Map Change, become effective. The Zoning Map change shall occur within thirty (30) days of the change becoming effective.
- C. The Director, or designee, shall correct and publish errors in the map as they are discovered. No unauthorized person may alter or modify the Official Zoning Map.
- D. The Director, or designee, may authorize printed copies of the Official Zoning Map to be produced and shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.

4.1.3 Rules for Interpretation of District Boundaries

- A. The Director, or designee, may authorize periodic changes to the boundaries of the Official Zoning Map in conformance with this section. Interpretations of zone boundaries may be appealed to the Board of Adjustment.
- B. Boundaries That Follow Lot Lines
 - 1. A boundary shown on the Official Zoning Map as following a lot line or parcel boundary shall be construed as following the lot line or parcel boundary as it actually existed at the time the zoning boundary was established, as shown on maps submitted or used when the boundary was established.
 - 2. If, subsequent to the establishment of the zoning boundary, a property line adjustment is made based upon a court ruling, the zoning boundary shall be construed to move with the lot line or parcel boundary if the adjustment is less than 10 feet.
- C. Boundaries That Do Not Follow Lot Lines
 - 1. Where the ordinance establishing a zoning boundary identifies the boundary as following a particular natural feature, such as a ridgeline, contour line, a wash, stream, or other water course, or reflects a clear intent that the boundary follows the feature, the boundary shall be construed as following that feature as it actually exists. If, subsequent to the establishment of the boundary, such natural feature should move as a result of natural processes (slippage, subsidence, erosion, flooding, sedimentation, etc.), the boundary shall be construed as moving with the natural feature.
 - 2. A boundary shown on the Official Zoning Map as approximately following a street or railroad line shall be construed as following the centerline of the street or railroad right-of-way. If, subsequent to the establishment of the boundary, the centerline of the street or railroad right-of-way should be moved as a result of its widening or a minor realignment (such as at an intersection), the boundary shall be construed with moving with the centerline only if the centerline is moved no more than 25 feet.
 - 3. A boundary shown on the Official Zoning Map as approximately parallel to, or as an apparent extension of, a feature described above shall be construed as being actually parallel to, or an extension of, the feature.
 - 4. If a zoning boundary splits an existing lot or parcel, the metes and bounds description, if one was submitted at the time the zoning boundary was established, shall be used to establish the boundary.

5. If the specific location of the boundary cannot be determined from application of the above rules to the Official Zoning Map, it shall be determined by scaling the mapped boundary's distance from other features shown on the map.

Sec. 4.2 - Residential Districts

Paragraphs:

- 4.2.1 Purpose**
- 4.2.2 Applicability**

Sec. 4.2.1 - Purpose

The residential districts are designed to provide neighborhoods with a range of housing densities. The differences in these housing densities and regulations are intended to support the varying lifestyles of the City's residents. The districts provide for a range of residential habitation including rural-agricultural, single-family, multi-family, mobile home, and combinations thereof, together with home occupations, schools, parks, and public services necessary for neighborhood living.

Sec. 4.2.2 - Applicability

- A. Applicability. Residential zoning districts fall under three categories:
 1. Single-Family Residential
 - a. Single-Family Residential 1 (R1) – Area consisting of lower-density residential structures along with complimentary non-residential uses.
 - b. Single-Family Residential 2 (R2) - Area consisting of medium-density residential structures along with complimentary non-residential uses.
 - c. Single-Family Residential 3 (R3) - Area consisting of higher-density residential structures along with complimentary non-residential uses.
 2. Multi-Family Residential (MFR)
 3. Manufactured Home Residential (MHR)
- B. Applicability of Other Code Chapters. Uses permitted under this chapter shall conform to the development standards in Article 6 and the application procedures in Article 3, as applicable. Uses shall also conform to any overlay district requirements that are applicable.

Sec. 4.3 - Nonresidential Districts

Paragraphs:

- 4.3.1 Purpose**
- 4.3.2 Applicability**

Sec. 4.3.1 - Purpose

The nonresidential districts are established to provide a mixture of complementary land uses intended to create economic and social vitality and to provide employment and housing options.

Sec. 4.3.2 - Applicability

A. Applicability. Nonresidential zoning districts fall under four (4) categories:

1. Neighborhood Commercial (NC). The NC District is established to provide for modest-scale commercial centers in close proximity to residential areas that offer limited commercial uses to satisfy the needs of the surrounding neighborhood. Compatibility is facilitated through design standards and buffering that provide for walkable, pedestrian-oriented development that complements nearby residential neighborhoods. The district is not intended for use by major or large-scale commercial sales, service or automotive-oriented activities. The NC District is only appropriate in locations that have direct access to residential neighborhoods.
2. General Commercial (C). The C District is established to provide for a wide variety of commercial activities of varying scales that are designed to be served by major thoroughfares and other similar high-volume rights-of-way. It is the intent of this district to provide sufficient size and depth of property to meet business needs yet maintain safe traffic flows. Businesses in this district should be sited convenient to automotive traffic.
3. Light Industrial (LI). The LI District is established to provide for a wide range of light manufacturing, warehousing and wholesaling activities, as well as offices and some support services, all subject to minimum design standards intended to ensure such development is compatible with high-visibility areas. Standards of this district are designed to minimize impacts on the environment and to ensure compatibility with the surrounding area. It is the intent of this district to offer sites for those industries whose operations, exposure, location or traffic have minimal impact on adjacent properties.
4. Heavy Industrial (HI). The HI District is established in order to provide sites for activities which involve industrial and manufacturing facilities that have a greater impact on the surrounding area than industries found in the LI District.

It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential development.

- B. Applicability of Other Code Chapters. Uses permitted under this chapter shall conform to the development standards in Article 6 and the application procedures in Article 3, as applicable. Uses shall also conform to any overlay district requirements that are applicable. Uses permitted with special standards or limitations ("L" type uses) shall comply with the standards in Section 5.3, Use-Specific Standards. Zoning Administrator opinions may also apply.

Sec. 4.4 – Planned Area Development Districts

Paragraphs:

- 4.4.1 Purpose and Applicability**
- 4.4.2 General Regulations**

Sec. 4.4.1 - Purpose and Applicability

- A. Purpose. The purpose of Planned Area Development Districts ("PAD") is to accommodate, encourage and promote innovatively designed and comprehensively planned development. The PAD is an alternative zoning district meant to support development flexibility not otherwise attainable under conventional zoning districts and allow for adjustments to changing community and market conditions.
- B. Applicability. The PAD is a zoning classification that provides for the establishment of zoning districts with distinct standards. Each PAD must be in compliance with the General Plan.

Sec. 4.4.2 - General Regulations.

- A. Development Standards. A PAD District may have unique development standards that shall be appropriate to the location and context for the site for which the project is proposed. The Standards created through the PAD process should also assist in the fulfillment of the goals, objectives and policies in the General Plan.
 - 1. A PAD may have land use regulations different from the zoning regulations in the Development Code, any other PAD District, or other zoning districts.
 - 2. When a provision in a PAD varies from the Code, the provisions in the PAD shall govern. When a PAD is silent on an issue or standard, the provision of the Code shall apply.
- B. Implementation. PADs are processed as a change in zoning boundary, in accordance with Sec. 3.5, Zoning Map Change. PADs may establish additional

implementation procedures, provided such methods are not in conflict with Code-required procedures and are fully described by the PAD document.

- C. Amendment to an Adopted PAD. PAD amendments must be in substantial conformance with the objectives of the PAD. Changes to conditions and terms of a PAD that affect the overall density, intensity and classifications of land uses must be processed as a new change of zoning.
1. The Director shall determine if the amendment would result in a major change in the PAD. A major change is one which:
 - a. Allows uses not otherwise permitted in the PAD or a section of the PAD;
 - b. Varies or changes a PAD policy;
 - c. Increases the number of proposed residences per acre by more than 10% or exceeds the maximum number of dwelling units permitted within the adopted PAD;
 - d. Changes designated buffers or perimeter landscaping, as delineated in the PAD, which was established to adapt the PAD to specific site characteristics or mitigate development impacts on the site and surrounding area;
 - e. Varies the building height, lot coverage, or building setbacks by more than 10% of that delineated in the adopted PAD;
 - f. As a consequence of more than one non-substantial change submitted concurrently, cumulatively results in a significant change in the objectives or goals of the PAD; or,
 - g. Results in a significant change in pedestrian or traffic circulation within the PAD or in the surrounding area.
 2. Significant changes to a PAD are processed in accordance with Sec. 3.5.12. A significant change will require an application for a Zoning Map Change pursuant to Sec. 3.5.
 3. The Director may approve changes determined to be minor or administrative.

Sec. 4.5 - Overlay Districts

Paragraphs:

- 4.5.1 Airport Airspace Overlay**
- 4.5.2 Mixed-Use Overlay**
- 4.5.3 Historic Districts & Landmarks Overlay**

Sec. 4.5.1 -Airport Airspace Overlay

- A. Purpose. The purpose of the Airport Airspace Overlay (“AA-O”) is to establish guidelines for development to ensure the safe operation of airports, to facilitate orderly development around airports, and to control and minimize impacts on surrounding activities. It is also the intent of this overlay to encourage land use patterns which are appropriate for the airport vicinity and public safety by avoiding concentrations of population. Standards are provided to ensure an attractive entrance to the area in order to encourage trade and commerce and thereby maintain economic vitality.
- B. Applicability. The AA-O District may be applied to any zoning district in the City of Nogales.
- C. Establishment of Zones and Height Limitations. Airport Zones. In order to carry out the provisions of this article, there are hereby established certain zones which include all of the area under the approach, transitional, horizontal, and conical surfaces defined hereinafter and shown on the Official Zoning Map. An area located in more than one (1) of the following zones with the more restrictive height limitation. The various zones are defined as follows:
 - 1. Utility Runway Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of one thousand, two hundred fifty (1,250) feet to a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline of the runway.
 - 2. Utility Runway Non-precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of two thousand (2,000) feet at a horizontal distance five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the runway.
 - 3. Runway Other Than Utility Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a

width of one thousand, five hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the runway.

4. Runway Other Than Utility with a Visibility Minimum Greater Than Three-Fourths Mile Non-Precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of three thousand, five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
5. Runway Other Than Utility with a Visibility Minimum as Low as Three-Fourths Mile Non-Precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide, the approach zone expands outward uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
6. Precision Instruments Runway ApPro3ch Zone and Military Runway Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
7. Heliport Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface. The approach zone expands outward uniformly to a width of five hundred (500) feet at a horizontal distance of four thousand (4,000) feet from the primary surface.
8. Transitional Zones. The transitional zones are the area beneath the transitional surface.
9. Heliport Transitional Zones. These zones extend outward from the sides of the primary surface and the heliport approach zones a horizontal distance of two hundred fifty (250) feet from the primary surface centerline and the heliport approach zone centerline.
10. Horizontal Zone. The horizontal zone is established by swinging arcs of five thousand (5,000) feet radii for all runways designated utility or visual, or arcs of ten thousand (10,000) feet radii for all other runways from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The radius of the arcs shall be the same for

each end of the runway and shall be the longest determined for either end. The horizontal zone does not include the approach and transitional zones.

11. Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward a horizontal distance of four thousand (4,000) feet.

D. Height Limitations. Except as otherwise provided in this article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this article to a height in excess of the applicable height limit herein established for such zone. The height limitations for each zone are as follows:

1. Utility Runway Visual Approach Zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five (5,000) feet along the extended runway centerline.
2. Utility Runway Non-Precision Instrument Approach Zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.
3. Runway Other Than Utility Visual Approach Zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.
4. Runway Other Than Utility with a Visibility Minimum Greater Than Three-Fourths Mile Non-Precision Instrument Approach Zone. Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.
5. Runway Larger Than Utility with a Visibility Minimum as Low as Three-Fourths Non-Precision Instrument Approach Zone. Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.
6. Precision Instrument Runway Approach Zone and Military Runway Approach Zone. Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline; then slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty thousand (40,000) feet along the extended runway centerline.

7. Heliport Approach Zone. Slopes eight (8) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a distance of four thousand (4,000) feet along the heliport approach zone centerline.
 8. Transitional Zones. Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of one hundred fifty (150) feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevations the approach surface and extending a horizontal distance of five thousand (5,000) feet measured at ninety (90) degree angles to the extended runway center 1 inch.
 9. Heliport Transitional Zones. Slope two (2) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the heliport approach zones and extending a distance of two hundred fifty (250) feet measured horizontally from and at ninety (90) degree angles to the primary surface centerline and heliport approach zones centerline.
 10. Horizontal Zone. Established at one hundred fifty (150) feet above the airport elevation.
 11. Conical Zone. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.
- E. Use Regulations. The provisions and regulations of the zoning district over which Airport Airspace (AA) Districts are superimposed, if more restrictive, shall prevail. No use shall be made of land underlying the surface boundaries of any zone created by this article in such a manner as to:
1. Create electrical interference with radio communication of the airport or aircraft;
 2. Make it difficult for flyers to distinguish between airport lights and others;
 3. Result in glare in the eyes of the flyers using the airport, or
 4. Impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

- F. Hazard Marking. Any use permit that is granted for property underlying the surface boundaries of any zone created by this article, may be so conditioned as to require the owner of the property for which said permit is desired, at the owner’s expense, to install, operate, and maintain such markings and lights as may be necessary to indicate to flyers the presence of an airport hazard, where such action is deemed advisable due to the presence of such hazard in order to effectuate the intent of this article.

(See exhibits)

Sec. 4.5.2 - Mixed-Use Overlay

Paragraphs:

- 4.5.2.A Purpose.**
- 4.5.2.B Applicability.**
- 4.5.2.C Permitted Uses.**
- 4.5.2.D Development Process.**
- 4.5.2.E Development Standards.**

- A. Purpose. The Mixed-Use (“MU”) optional zoning overlay district allows for a combination of uses including residential, commercial, and office uses within one structure or a group of structures. This overlay district is intended to satisfy the day to day needs and functions of vibrant neighborhoods and walkable communities with current or future transit connectivity.

The MU overlay district is established to achieve the following purposes:

1. To allow for the combination of residential and non-residential uses suitable for mixed use projects as contemplated by and in conformance with the General Plan.
 2. To allow for higher density and floor area ratios than single use zoning districts.
 3. To create vibrant neighborhoods with less vehicle dependence and more pedestrian friendly development.
 4. To allow for the establishment of other appropriate uses which are determined to be compatible with the intent of the district.
 5. To encourage creation of neighborhood centers with shops, restaurants, offices and a wide range of residential uses.
- B. Applicability. The MU overlay district development standards are minimum requirements and shall not be construed to prevent the Director from imposing, as

part of a project approval, specific conditions which may be more restrictive, in order to meet the intent of these regulations.

1. The standards established by this chapter apply to Site Plan Review applications and approvals that are subject to the Ordinance and are applicable to new construction, to site improvements, and to the modification of existing structures.
2. A property owner may choose the standards established by the MU overlay district, which shall then supersede the standards of the underlying zoning district.
3. In order to develop a site using the MU overlay district standards, a property owner shall submit a Site Plan Review application for review and approval. Prior to approval of a Site Plan Review application the MU overlay district standards shall not apply to the site.
4. This overlay district may be applied to commercially zoned properties (C or NC Zoning Districts) in the Centro Cultural and Centro Commercial Planning Areas on the General Plan Planning Area Map, as these areas encourage mixed-use development.
5. Upon approval of the MU overlay district for a property, that property's Zoning District shall be amended with the MU prefix (e.g., a C Zoning District shall become MU-C).

C. Permitted Uses.

1. Permitted uses in the underlying commercial zoning districts are allowed in the MU overlay district.
2. In addition to the underlying commercial uses, the following are permitted uses in the MU overlay district:
 - a. Multifamily; and
 - b. Duplex or townhouse.

D. Development Standards.

1. Mix of Uses
 - a. Developments within the MU overlay district shall contain a minimum of two (2) different types of uses, one of which shall be residential.
 - b. There must be one primary use and one or more secondary uses on site. At least twenty-five percent (25%) of the gross ground floor area of all buildings on the site, excluding parking structures and accessory structures, shall be non-residential uses. The Director may reduce this

percentage to ten percent (10%) provided the development includes integrated pedestrian and vehicular access to a use on an abutting property that provides the missing residential or non-residential secondary use to make up the fifteen percent (15%) difference.

- c. Either the primary or secondary use must be a non-residential use. Two different types of residential uses do not qualify to meet the required mix of uses.
- d. Mixed use buildings with two or more uses in the same structure are encouraged in this designation, but single use residential, retail, or office buildings are also allowed as part of a unified mixed-use project.

2. Density

- a. Residential density in the MU overlay district shall be between a minimum of five (5) and maximum of forty (40) dwelling units per acre.
- b. For purposes of the minimum and maximum residential density, the gross developable area shall include both land used for residential and non-residential uses.

3. Parking

- a. One (1) off-street parking space per residential unit shall be provided.
- b. One (1) off-street parking space per 300 square feet of non-residential gross floor area shall be provided.
- c. On-street parking on streets internal to the project boundaries shall count toward meeting parking requirements.
- d. Bicycle Parking shall be required in parking lots following the requirements of Section 7.3.

4. Pedestrian Paths and Sidewalks - All MU projects with multiple buildings shall contain a separated path and sidewalk system to ensure sufficient pedestrian and bicycle connections within the project. Sidewalk systems adjacent to non-residential mixed-use buildings may be required to contain areas a minimum of ten (10) feet wide to allow for outdoor seating for future restaurant or other uses. This system shall also connect to existing City sidewalks adjacent retail and services, and other public pedestrian trails and paths.

5. Development Standards – Unless otherwise required herein, a Project developed under the MU zoning overlay district shall comply with the underlying zoning district standards.

Sec. 4.5.3 - Historic Districts & Landmarks Overlay

- A. Purpose. The purpose of the Historic Districts & Landmarks Overlay (“H-O”) is to protect and preserve areas and landmarks with special significance in terms of prehistorical, historical, architectural or cultural importance, and possesses integrity of design, setting, materials, feeling and association.
- B. Applicability. The H-O District may be applied to any zoning district in the City of Nogales.

NEED TO DISCUSS THIS FURTHER WITH FRANK TO DETERMINE OBJECTIVES