

Article 17 - Definitions

Sections:

- Sec. 17.1 S
- Sec. 17.2 A
- Sec. 17.3 Defined Terms

Sec. 17.1 - S

This

Sec. 17.2 - A

The

Sec. 17.3 – Defined Terms

A Definitions

Access Lane: The area within a Parking Area serving as a travel lane or the area providing access to a property. Unlike the Parking Area Access Lane, the Access Lane does not provide direct ingress and egress to individual Vehicle Parking Spaces.

Accessory Dwelling Unit: A dwelling that exists as part of a principal dwelling or on the same lot as the principal dwelling and is subordinate in size to the principal dwelling.

Accessory Use or Structure: A use or structure that exists on the same lot with the principal use or structure and is subordinate in size and purpose to the principal use.

Adjacent: Property abutting directly on the boundary of, touching, or sharing a common point.

Administrative Completeness Review:

Adult Establishment: classifies establishments or activities that provide entertainment and/or goods depicting, describing, or relating to Specified Sexual Activities or characterized by emphasis on depiction, description, or relation to Specified Anatomical Areas.

Affordable Housing Dwelling Unit: A dwelling unit committed for a minimum 30-year term as affordable, through covenants or restrictions, to households with incomes at 60% or less of the area median income for a family, as defined by the United States Department of Housing and Urban Development, for the jurisdiction; and where housing costs (rents, mortgages, utilities and condo, homeowners or other association fees) do not exceed 30% of a family's income as verified on an annual basis.

Airport: A place where aircraft can takeoff and land, be repaired, take on or discharge passengers or cargo, be stored or refueled.

Alley: A strip of land, either publicly or privately owned, that is set aside primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Alternative Parking Plan ("APP"): d

Applicant: A property owner or authorized representative of the property owner who submits a development application to the City.

Assurable Infrastructure: Subdivision improvements for which Assurances may be required include, but are not limited to, curbs, accessible ramps, pavement, driveway aprons, sidewalks, survey monuments, storm drainage, all weather access, flood control, erosion hazard control, utility infrastructure to the lot lines (water, sewer, electric, natural gas, communication cables), fire prevention systems, street signage, other private or public improvements and infrastructure in right-of-way or common areas required to be constructed, and other common elements as required by this code and other pertinent codes, or actions required to be completed by subdivider/developer, at no cost to the City.

Assurance: A legally binding and enforceable instrument ensuring the construction of all required Assurable Infrastructure by a subdivider. Assurances may be in the form of third-party land trusts, or monetary sureties such as performance bonds, escrow funds, letters of credit, or such other security as are acceptable to the City.

Antenna: Any apparatus designed for the transmitting and/or receiving of electromagnetic waves to include but is not limited to telephonic, radio or television communications. Types of elements include, but are not limited to: omni-directional (whip) antennas, sectorized (panel) antennas, multi or single bay (FM & TV), yagi, or parabolic (dish) antennas.

Antenna Array: A single or group of antenna(s) and their associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna, Combined: An antenna or an array of antennas designed and utilized to provide services for more than one wireless provider for the same or similar type of services.

Antenna-Supporting Structure: A vertical projection composed of metal or other substance with or without a foundation that is for the express purpose of accommodating antennas at a desired height above grade. Antenna-supporting structures do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than 20 feet. A wireless support structure is defined separately within this section.

Apiculture: The maintenance of honey bee colonies.

B Definitions

Bar: See “Nightclub”

Base Station: A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communication network. The term does not encompass a wireless support structure as defined in this section or any equipment associated with a tower.

Basement: The lowest level or story which has its floor sub-grade on at least three sides.

Bedrock: The solid, undisturbed rock in place either at the ground surface or beneath superficial deposits of gravel, sand, or soil.

Bed and Breakfast: A state-regulated facility for overnight accommodations as defined under NCGS § [130A-247](#).

Bicycle Parking, Long-Term: Bicycle parking that is not required to be publicly accessible, but provided for the use of residents, employees, and visitors to a site for long periods of time during a day or overnight.

Bicycle Parking, Short-Term: Bicycle parking that is publicly and readily accessible, and visible, with the intention to be used for short periods of time.

Block: A usually rectangular space enclosed by streets and occupied by or intended for buildings. Parcels on opposite sides of an alley shall be considered along the same Block frontage.

Block Face: One side of a street between two consecutive intersecting streets.

Boarding House: A building, other than a hotel, Rooming House, or bed and breakfast, containing at least four, but not more than nine guest rooms. At least one meal is provided to guests. Individual guest rooms shall not contain kitchens.

Boundary Adjustment: The Land Split process is used when the Lot line between two adjoining Parcels requires adjustment, regardless of the acreage.

Brewery: A brewery that produces 15,000 or more US beer barrels (460,000 US gallons) per year.

Broadcast Antennae, TV/HDTV/AM/FM Broadcast Facility: Broadcast antenna-supporting structures and/or towers, including replacements, which contain antennae/towers that transmit signals for television and radio communications.

Buffer: A portion of property designated to mitigate impacts between land uses or transportation routes, or to protect water features from pollutants.

Build-To Line: The line a set distance from the back of curb establishing the required building location. Build-to lines shall be measured from the predominant curblines (not including bulb outs) or future curblines where no curb currently exists.

Buildable Area: The area of a Lot or Parcel where a Building can be placed after Setbacks from Property Lines, Streets, Buildings, or any other point identified and areas identified or dedicated for non-building purposes, such as open space or driveways, are deducted.

Building: A structure having a roof supported by columns, posts, or walls and intended for the shelter, housing, or enclosure of any person, entity, animal, process, equipment, goods, or materials of any kind or nature.

Building Code:

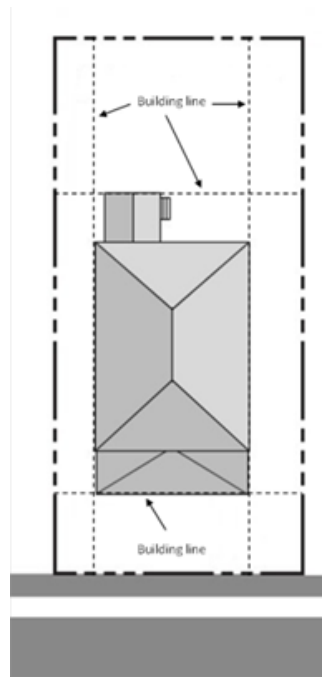
Building Elevation: One of the exterior vertical faces of a building.

Building Envelope: The area between all required setbacks within which a structure can be located.

Building Front: The side of the building closest to and most nearly parallel with the street which provides access to the lot. In the case of a corner lot or through lot, either side abutting a street may be considered to be the front.

Building Inspector: See Chief Building Inspector.

Building Line: The primary edge of a building closest to the street, side, and rear property lines, and extending from the physical edge of the building.



Building Permit: A permit issued by the City in conformance with the adopted Building Code.

Building Separation: The required separation between any two buildings located on the same lot or parcel of land.

Bulk Storage: Storage material in containers or tanks for sale to retail dealers, distributors, or outlets or for storage prior to disposal.

C Definitions

Canopy: A roof-like cover extending over an outdoor area for the purpose of sheltering individuals or equipment from the weather.

Canopy Tree: A woody plant, other than a palm tree, with a mature crown diameter of at least 15 feet and having a trunk that, at maturity, is kept clear of leaves and branches at least six feet above grade.

Cemetery: A place used or to be used and dedicated or designated for interment of human remains or pet animal remains.

Certificate of Compliance: A statement signed by the Director after all Rezoning conditions have been satisfied and before issuance of any building permits.

Chemical Storage Facility: means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Chief Building Inspector: The Chief Building Inspector of the City of Nogales.

City: Nogales, Arizona.

City Engineer: The City Engineer of the City of Nogales.

Clerestory Window: A window set in a roof structure or high in a wall (above eye-level), typically used for daylighting.

Clinic: Establishments where humans receive treatment of illnesses or pregnancy, or examinations by a doctor, dentist, optician, psychologist, or other similar medical professional on an out-patient basis.

Club or Lodge: A building or site used by a non-profit membership organization for recreational or social purposes.

Cluster Subdivision: A residential subdivision that concentrates development on a portion of a site, leaving the remainder in open space. Cluster developments achieve the land use intensity objectives by virtue of limits to overall density rather than minimum lot sizes.

Code: Refers to the Nogales Development Code. See also Ordinance.

Collocation: The placement or installation of wireless facilities on existing structures including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.

Columbarium: A structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person or animal.

Condominium: A form of property ownership whereby the owner gains ownership of an interior space within a building. The building structure, the land under the building, and all of the surrounding land is commonly owned by all the inhabitants on a proportional basis.

Conformance: Generally, to comply or act in accordance or harmony with. In the context of conformance and consistency with the General Plan, a rezoning or other ordinance shall be in general compliance, or basic harmony with the General Plan.

Conservation Easement: An easement delineating an area that will be kept in its natural state in perpetuity.

Context Area:

Street Setbacks: The Context Area for the required street Setback of a subject lot shall be the existing street Setbacks along the same Block frontage. Vacant lots shall be included in the Context Area if the primary structure was demolished after the Effective Date of this Ordinance. GIS maps, demolition documents and any available surveys shall be used to determine the street Setback of the demolished building.

Building: The Context Area for measurement of standards in this section shall be based on any principal building located on lots within 150 feet of the property line of the proposed Development. Where an intervening street exists within this 150-foot distance, the street shall be considered the furthest extent of the Context Area (no measurements are required on neighboring Blocks).

Contractors: Individuals or firms engaged in the construction of buildings, either residences or commercial structures, as well as activities such as paving, highway construction, and utility construction.

Convenience Store: A retail store with a floor area of less than 5,000 square feet that sells groceries and may also sell gasoline but not including vehicle service stations (limited or full).

Cooking Facility: An area containing facilities for the storage, cooking, or preparation of food, is accessory to a principal use, and may be located in an enclosed or unenclosed area. An example of a Cooking Facility is an outdoor cooking station that includes a barbeque grill and refrigerator.

Correctional Facilities: Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

Cul-de-sac: A short street having only one end open to traffic and the other being permanently terminated with a vehicular turn-around provided.

D Definitions

Day Care Facility: A place that provides for the care of children or adults. Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendant adults, and for which care a payment, fee, or grant is made. A daycare home, preschools integrated into the curriculum of a public or private school or not regulated by the State as a daycare facility, and retail drop-in/short-term childcare centers shall not be considered daycare facilities.

Day Care Home: A dwelling in which a permanent occupant provides for the care of no more than five preschool children (including the caregiver's children) and/or three school-aged children (not including the caregiver's children) or adults. Those receiving care are not all related to the occupant or to each other by blood or marriage and are not the legal wards or foster children of the attendant adults. Those receiving care and not dependents of the occupant, do not reside on the site. For the purpose of this Ordinance, such activities shall meet all requirements for home occupations.

Day Treatment Facility: A licensed facility that provides supplemental therapeutic or clinical services coordinated with academic and/or vocational services for adults, children, or adolescents with mental health or substance abuse treatment needs, and their families. No overnight accommodations are provided.

Dedication: The transfer without payment of ownership or other interest in real property from a private entity to a public agency.

Density: The number of residential units per acre.

Design Grade: An elevation or series of elevations that provide the minimum modification of natural or Existing Grade that allows safe and appropriate access, drainage, and Buildable Areas.

Developer:

- A. The person, firm, corporation or legal entity that has financial or operational control over the land-disturbing activity; or
- B. The person, firm, corporation or legal entity in possession or control of the land when he/she directly or indirectly allowed the land-disturbing activity, has benefited from it, or has failed to comply with any provision of this Ordinance.

Development: Any human caused change to improved or unimproved real estate that requires a permit or approval from any agency of the City, including but not limited to, constructing or changing buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations and storage of equipment or materials.

Development Plan: A type of plan that becomes part of the zoning of a property that establishes the level of development allowed absent further zoning action except as otherwise allowed or required under this ordinance.

Director: The City's Planning and Development Services Director.

Drainage Analysis:

Drive-Through Facility: An establishment that dispenses products or services to patrons who remain in vehicles. Fuel sales are not included.

Driveway: A private roadway located on a parcel or lot used for vehicle access.

Duplex: A two-family dwelling in a single structure on a single lot. Individual units can be located on separate floors or side-by-side.

Dwelling Unit: A Building or portion of a Building that is designed, occupied, or intended for occupancy as living quarters exclusively for a single Household, which includes one or more rooms, with sleeping and sanitary facilities and one enclosed kitchen. One accessory Cooking Facility per dwelling unit is permitted.

E Definitions

Earth Material: Any rock, natural soil, fill, or any combination thereof.

Easement: A grant by a property owner for use by the public, a corporation or persons of an area of land for specific purposes.

Effective Date: The date of full adoption the Code.

Erosion: The wearing away of land surface by the action of wind, water, gravity or any combination thereof.

Excavation: Any act by which earth, sand, gravel, rock, or other earthen material is cut into, dug, uncovered, displaced or relocated, and shall include the conditions resulting therefrom.

Existing Conditions: Conditions that exist at time of plan or plat submittal.

Existing Grade: The grade or elevation of the existing ground surface prior to excavating or filling.

Extended Stay Residence: An establishment containing 10 or more guest rooms that contain kitchen facilities or other home-like amenities not ordinarily provided in hotels or motels, for overnight guests staying five or more consecutive nights, and providing on-site registration and management.

F Definitions

Family: One or more individuals residing in a dwelling unit, living as a single housekeeping unit.

Farmers' Market: A market open to the public where all products sold are farm products, farm-related products, or a food or beverage product, and where the booths are operated by producers or their employees.

Fenestration: The design and arrangement of windows and other exterior glazed openings of a building.

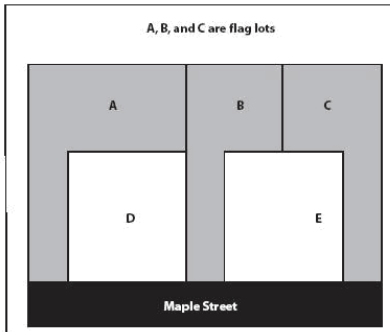
Fill: Deposits of soil, rock, or other materials placed in a location by people.

Final Plat: A final plat is a survey document suitable for recordation of all or part of a subdivision substantially conforming to an approved tentative plat, if a tentative plat is required, prepared in accordance with the subdivision provisions of Article 13, any other local applicable regulations, and state statute.

Finish Grade: The final grade or elevation of the ground surface after grading is completed.

Firing Range: A property prepared, equipped and delineated for the purpose of shooting at targets by rifles [excluding air rifles], pistols, shot guns or archery.

Flag Lot: a land parcel that includes a long, slender strip of land that typically serves as a driveway connecting the other portion of the parcel to a public right-of-way; the strip resembles a flag pole and the remainder of the lot resembles a flag.



Floodplain Administrator: The Floodplain Administrator for the City of Nogales. [Check with Frank]

Floor Area, Gross (GFA): The total floor area in a building (including basements, mezzanines, interior balconies, and upper stories or levels in a multistory building) unless otherwise stipulated; e.g., “ground” floor area.

Freeway: A multi-lane, controlled access major road connecting this region, major activity centers or major roads with other regions, major activity centers or major roads. It is designed to accommodate large traffic volumes at high speeds. Such facilities may be part of the Interstate, Federal, or State primary highway system.

Frontage: The dimension of a property that is adjacent to a street.

G Definitions

Glazing: The portion of the building façade or external materials which are composed of glass or similar material. Glazing calculations include the glass used in the doors and windows of the building.

Golf Course: An area laid out for playing golf, which can include some or all of the following accessory facilities: clubhouses, putting greens, swimming and tennis facilities, concessions for food and supplies. Driving ranges can also be included, unless specifically excluded by provisions of this Ordinance. This definition does not include Par 3 or miniature golf.

Grading: Any excavating or filling or combination thereof and shall include the conditions resulting from any excavation or fill including the natural drainage pattern.

Ground Cover: Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

Ground Floor: Also referred to as “ground level” or “street level,” the floor of a building whose finished floor elevation (FFE) is closest to the grade of the adjacent street, allowing for articulation to accommodate changes in grade.

Gross Floor Area: see Floor Area, Gross.

Group Home: A dwelling that provides room and board for more than six, but less than 10 individuals, who as a result of age, illness, handicap or some specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort.

Grubbing: The removal of any vegetation from the existing grade of the land for purposes of land development. (Inventory and boxing of native vegetation shall not constitute grubbing.)

Guest Room: A room or suite used as living accommodations for one or more paying visitors.

Guyed: A style of antenna-supporting structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of guy wires that are connected to anchors placed in the ground or on a building.

H Definitions

Handoff Candidate: A wireless facility that receives call transference from another particular wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

Hazardous Material: Materials, or mixtures containing those materials, which pose a physical, environmental or health hazard by virtue of their carcinogenic, corrosive, highly toxic, irritant, sensitizing or toxic properties as defined in [29 CFR 1910.1200](#). Included in this definition are materials included in EPA's most recent Priority Pollutants List and substances which are regulated, or caused to be regulated, under provisions of the Resource Conservation and Recovery Act (RCRA); the Comprehensive Emergency Response, Compensation and Liability Act (CERCLA); the Superfund Amendments and Reauthorization Act (SARA); or any subsequent amendments of these Acts. Hazardous materials shall include hazardous wastes, which are the

byproducts resulting from the use of hazardous materials, materials which have been used to clean up spills of hazardous materials, and hazardous materials which have reached their shelf-life or have been used or contaminated. Also included in this definition are hazardous wastes regulated, or caused to be regulated by the Resource Conservation and Recovery Act ([40 CFR 261](#), Subpart C and Subpart B).

Hazardous Waste Facility: means, as defined in insert, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Heavy Equipment: Vehicles such as buses, tow trucks, furniture trucks, fuel trucks, refrigerated trucks, dump trucks, cement mixers, or similar vehicles; vehicles with a Class of 7 or above that would typically have a Gross Vehicle Weight (GVW) of at least 13 tons; or any construction or commercial farm equipment.

Heliport: An area of land, water, or structural surface designed, used, or intended to be used for landing or takeoff of passengers or cargo from or by helicopters, plus accessory buildings and uses.

Helistop: An area of land, water, or structural surface designed, used, or intended to be used for landing or takeoff of passengers or cargo from or by helicopters, without any appurtenant area, facility, structure or building designed, used, or intended for use in the operation or maintenance of the helistop or in the service or maintenance of helicopters.

Home Occupation: Any occupation conducted by a Dwelling Unit's inhabitants, which is secondary to the main use as a Dwelling Unit and causes no change in the exterior of the Dwelling Unit.

Household: A family living together in a Dwelling Unit, with common access to, and use of, all living, eating, Kitchen, and storage areas within the Dwelling Unit.

Hospital: An institution providing human health services primarily for in-patient medical and surgical care for the physically or mentally sick and injured and including related support facilities such as laboratories, out-patient departments, staff offices, food services, and gift shop.

Hotel or Motel: An establishment containing 10 or more guest rooms, for short term guests, and containing registration facilities, on-site management, cleaning services and combined utilities, except for an Extended Stay Residence or Facility.

I Definitions

Independent Living Facility: A facility consisting of a single building or group of buildings with one ownership and management in which the residents are persons at least 55 years of age, their spouses, and/or their surviving spouses, and with or without an on-site resident manager. Residents live in their own dwelling units. The facility maintains a common dining room and typically provides personal services such as transportation, banking, and/or a barber shop/hair salon; recreational activities and amenities; concierge services; and housekeeping for residents and their guests. Health maintenance services and/or treatment are not provided.

Intermodulation Distortion: The preventable and avoidable results of the mixture of two certain and specific radio frequencies (3rd Order); or more certain or specific radio frequencies (5th Order), that creates at least one other unwanted, undesirable, and interfering radio frequency (3rd Order), or multiple other unwanted, undesirable, and interfering radio frequency signals (5th Order).

J Definitions

Junk Vehicle: A vehicle which does not lawfully display a current license plate and which is partially dismantled or wrecked, or cannot operate under its own power.

Junk Yard: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, or waste, or for operation and maintenance of a place of business for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor parts.

K Definitions

Kennel: An establishment engaged in boarding, breeding, buying, selling, grooming or training of pet animals.

Kitchen: A room within a Building containing facilities for the storage, cooking, and preparation of food, specifically a sink, refrigerator, stove, and an oven.

L Definitions

Laboratory: A place where scientific studies are conducted, including testing, research, or analysis of a medical, chemical, physical, biological, mechanical, or electronic nature.

Land Area:

Land Split: The division of improved or unimproved land whose area is 2.5 acres or less into either no more than two lots, tracts or parcels the boundaries of which have been fixed by a recorded plat; or two or three lots, tracts or parcels located within unplatted properties for the purpose of sale or lease.

Land Use: The purpose for which a building, structure, or area of land may be arranged or occupied or the activity conducted or proposed in a building, structure, or on an area of land, including the principal use and accessory uses.

Landfill: A facility where waste material and refuse is placed in the ground in layers and covered with earth or some other suitable material each work day.

Landscape Border: An area along a Site's boundary containing landscape materials, screening, and/or open space, the purpose of which is to enhance the visual appearance of the Site from the streetscape or adjacent property.

Landscape Plan:

Landscaping Extension: Written approval by the Director or designee allowing a Site's landscaping to be installed at a date more conducive to planting, and done for the sole purpose of increasing the chances of landscaping survival after planting.

Lattice: A tapered style of antenna-supporting structure that consists of vertical and horizontal supports with multiple legs and cross-bracing, and metal crossed strips or bars to support antennas.

Legal Nonconforming: A Use, Structure, or Lot that was legally in compliance before the Ordinance's adoption, but which would be prohibited, regulated, or restricted differently under this Ordinance or future amendments to the Ordinance or Zoning Map.

Linear Block: That property abutting one side of a street between the two nearest intersecting or intercepting streets, natural barrier, or between such cross-street and the end of a dead end street or cul-de-sac. Where a street curves so that any two adjacent 100 foot chords thereof form an angle of 120 degrees or less, measured on the lot side, such curve shall be construed as an intersecting street.

Loading Area: A space used to transfer goods and material between vehicles and a building or lot.

Local Streets: See Streets, Local.

Lot: A tract of land bounded on all sides by property lines, of sufficient size to meet minimum zoning standards, with legal access to a public street.

Lot, Corner: A lot abutting two or more streets at their intersection.

Lot, Double-Frontage: A lot, other than a corner lot, with frontage on more than one street.

Lot, Flag:

- A. A lot with two distinct parts:
 - 1. The flag, which is the only building site; meets the lot width requirement of the zoning district; and is located behind another lot; and
 - 2. The pole, which connects the flag to the street; provides the only street frontage and access for the lot; and at any point is less than the minimum lot width for the zone.
- B. A lot when, as a result of an approved and recorded street closing or withdrawal, the only street frontage and access to the lot is less than the minimum lot width, in which case the “pole” shall be considered the width of frontage along the street.

Lot Area: The total area within the lot lines of a platted lot.

Lot of Record: Also called “lot” or “parcel”, a parcel of land described by metes and bounds, or otherwise delineated by property boundary dimensions, on a plat recorded in the Santa Cruz County Recorder.

Lot Coverage: The area of a lot covered by buildings, storage areas, and vehicular use areas.

Lot Width: The distance between the side lot lines, measured along a straight line parallel to the front property line or parallel to the chord of the front property line at the street yard setback line or at the building line on flag lots or gore shape lots.

Lot Size: The area contained within a lot, including all easements on private property.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

M Definitions

Mailed Notice: Either surface mail or e-mail, unless one is explicitly directed.

Major Street: See Streets, Major.

Manufactured Home:

Manufactured Home Park:

Market Value: The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value can be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

Mass Grading: The grading of four acres or more at one time to prepare one or more lot(s) for construction.

Mausoleum: A building with places for entombment of the dead above ground.

Medical Marijuana: all parts of any plant of the genus cannabis whether growing or not, and the seeds of such plant to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

Medical Marijuana Cultivation Facility: an entity that cultivates or manufactures marijuana by the means of cooking, blending, or incorporating into consumable/edible goods or other means for a Medical Marijuana Dispensary.

Medical Marijuana Dispensary: a not-for-profit entity that acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies to cardholders.

Microbrewery: A brewery that produces less than 15,000 US barrels (460,000 US gallons) per year.

Micro-distillery: A distillery that produces no more than 50,000 US gallons per year. Other typical names include, but are not limited to, "craft distillery," "small batch distillery," and "artisan distillery."

Minor Subdivision: A subdivision with 10 or fewer lots, as allowed pursuant to Article 13.

Mitigation (for wireless communications facilities): A modification to increase the height of an existing antenna support structure, or to improve the structural integrity of an existing support structure, or to replace or remove one or more antenna support structure(s) located in close

proximity to a proposed new antenna support structure in order to encourage compliance with the Ordinance or improve aesthetics or functionality of the overall wireless network.

Mixed Use: A development that includes both residential and nonresidential uses as principal uses on the same development site.

Modular Building, House or Unit: A factory-fabricated, pre-engineered, transportable Building or dwelling in compliance with the Building Code that is designed to be used by itself or to be incorporated with other units into a Structure that will be a finished Building on a permanent location on a permanent foundation. A Modular Building is subject to all City zoning and building codes and approvals. A Modular structure shall not be considered a Manufactured Home for purposes of this Ordinance.

Monopole: A style of wireless support structure (tower) for a freestanding, wireless communication facility that is composed of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices, with a foundation that rests on or in the ground. Antennas and associated cables are not typically concealed within the shaft of the structure.

Multifamily: A residential use consisting of at least three dwelling units. Housing types include townhouse, multiplex or apartment.

Multiplex: 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.

Museums: Establishments for the display of art or historic or science objects.

N Definitions

Natural Open Space: Any area of land, essentially unimproved and not occupied by structures or man-made impervious surfaces, except as permitted herein, that is set aside, dedicated, or reserved in perpetuity for public or private enjoyment as a preservation or conservation area. A pedestrian or non-motorized recreational trail may be located in a natural open space. Rights-of-way (including alleys) and utilities are allowed to cross when the impact of the crossing on the natural open space is minimized.

Natural Undisturbed Open Space: An area of land that is unimproved and not occupied by structures or man-made impervious surfaces and includes environmentally significant features, culturally significant features, or designated floodplains (except where channelized).

Night Club: An establishment that stays open after 10:00 p.m. on weekends or on more than an occasional basis that offers food and beverages or entertainment or amusements. This definition includes but is not limited to establishments that serve beverages to persons aged 21 and older, dance halls, discotheques, and similar establishments.

O Definitions

Office: A room, group of rooms, or building whose primary use is the conduct of a business, professional service, or governmental activity of a non-retail nature; including administration, record keeping, clerical work, and similar functions. This definition is not meant to include manufacturing, processing, repair, or storage of materials or products.

Opacity: The surface area of a fence, wall or buffer that is impenetrable to light when viewed perpendicularly to the plane of the fence, wall or buffer.

Open Space: Areas of a development that allow for light, air, wildlife habitat, and for scenic and recreational use. Also included are areas designed to enhance the privacy or general appearance of a development. Private open space is open space that is owned by a corporation, individual, or homeowners' association. Public open space is open space owned by a governmental jurisdiction. Open Space is the aggregate of "natural undisturbed open space (NUOS)," "natural open space" and "functional open space."

On-site Retention: The retention of storm water volume that falls on the site for a given design frequency storm, said site being exclusive of public streets, alleys or other land dedicated for public use.

On-site Parking: Parking that occurs within the boundaries of Site, as required by this Code.

Ordinance: Refers to the Nogales Development Code. See also Code.

Original Zoning:

Outfall: Of a Lot is the lowest point of the Lot (when final grading and improvements are complete) that will provide for continuity of drain water disposal to the street, alley, or drainage channel or easement.

Outparcel: Individual retail sites in a retail center that, when combined, are less than the square footage of the attached retail spaces which form the majority of the square footage of the center.

Owner: Any person having charge of any real property according to the records of the Santa Cruz County Recorder.

P Definitions

Parcel: See Lot.

Parking Area: Any area of a Site or Structure used for the movement or parking of motor vehicles. The Parking Area includes Access Lanes, Parking Area Access Lane, refuse collection locations, loading spaces, and any landscaping and screening within ten feet of these areas. (Make sure Vehicular Use Area is not used).

Parking Aisles: The area within a parking lot serving as a travel lane or lanes, other than those in a street, that provides direct ingress and egress from individual parking spaces. Typical examples include shopping center parking lots, apartment developments using common parking, and other places in which the primary or sole purpose is to provide access to a parking area, as opposed to providing access directly to property.

Party of Record:

Passive Recreation: Recreational activities that do not require a developed site. This includes such activities as trails for walking, hiking, and horseback riding; and areas for picnicking.

Pedestrian Mall: A public or private, improved area intended for public pedestrian and non-motor use that is permanently preserved for such use through limited easements or rights of enforcement granted to the City, or other similar legal techniques.

Perimeter Landscape Border: An area along the interior side of a Property Line(s) of a Site containing landscape materials, screening, and open space that serves as a buffer between land uses of different intensities.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

Personal Wireless Service: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996.

Philanthropic Institution: An organization distributing or supported by funds set aside for humanitarian purposes.

Place of Worship: A building primarily used by a non-profit organization for organized religious services and supporting uses.

Planning Division Project Review Timelines:

Plat: A map, chart or plan of a tract or parcel of land which is to be or which has been, subdivided. See Final Plat and Tentative Plat.

Playground: A constructed area designated for play and recreation typically for children, surfaced with material recommended by the most current safety handbook published by the U.S. Consumer Product Safety Commission, and consisting of play structures and equipment, including but not limited to, slides, swings, rockers, and climbing apparatus.

Podium: The initial level(s) of a building, beginning at ground level, above which the building steps back to greater height. Building podiums can vary from one story to several stories in height.

Porte Cochere: A roofed structure extending from the entrance of a building over an adjacent driveway and sheltering those getting in or out of vehicles.

Primary or Main Entrance: An ingress/egress of a building designed to accommodate a predominant amount of foot traffic for the building.

Primary Use: The main use of land or buildings as opposed to a secondary or accessory use.

Principal Use: See Primary Use.

Property Line: The Lot line that defines the legal exterior limits of a Lot.

Property Owner or Owner: The owner of a parcel of land as shown on the Santa Cruz County Assessor's records.

Protected Development Right: As provided in A.R.S. §9-1201, a protected development right is the right to undertake and complete the development and use of property under the terms and conditions of a protected development right plan, without compliance with subsequent changes in zoning regulations and development standards, except as provided by A.R.S. §9-1204.

Public Antenna-Supporting Structure: An antenna-supporting structure, appurtenances, equipment enclosures, and all associated ancillary structures used by a public body or public utility for the purposes of transmission and/or reception of wireless communication signals associated with but not limited to: public education, parks and recreation, fire and police protection, public works, and general government.

Public Art: A work of art in any medium that has been planned and executed with the specific intention of being sited or staged in the physical public domain, usually outdoors and publicly accessible.

Public Facility: A building or area owned or used by any department or branch of the city.

Public Park or Playground: A park or playground available to the general public.

Public Parking: Parking spaces or areas controlled by, or under contract with, a governmental entity to allow for general public use of the parking spaces and not dedicated to a specific user.

Public Utility: A business or service that provides the public with electricity, gas, water and sewer service, telephone or cable television service.

Q Definitions

R Definitions

Radio Frequency Emissions: Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, antenna-supporting structure, building, or other vertical projection.

Recreational Open Space:

Recreational Vehicle: A vehicle, which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle (RV) Park: Land used or intended to be used, let, or rented for occupancy by vacationing transient campers traveling by automobile or otherwise, or for occupancy by tents, or other movable or temporary sleeping quarters of any kind, together with automobile parking spaces and incidental utility structures and facilities required and provided in connection with the use. This definition shall not include trailer sales lots where unoccupied trailers are parked for inspection and sale.

Recycling Center: A building or an area where the primary activity is the separation of materials prior to shipment for remanufacture into new materials. This shall not include junkyards or wrecking yards.

Recycling Drop-Off Site: A site providing containers for the collection of recyclable materials, typically an accessory use. Recyclable materials are transported from the drop off site to another location for processing.

Recycling Facility: A building or an area where the primary activity is the separation of materials prior to shipment for remanufacture into new materials. This shall not include junkyards or wrecking yards.

Repair Shop: A structure or area where the principal activity is the repair of equipment, and which is conducted in a totally enclosed building. This does not include vehicle repair.

Responsible Party: Any person, firm, entity or corporation who owns and/or is in possession of any Property or Site that is the subject of a zoning violation under this Article.

Retail Stores and Shops: Establishments selling goods to the public for consumption but not for resale, usually in small quantities, as well as services incidental to the sale of these goods including the leasing or repairing of merchandise for public consumption.

Restaurant: An establishment where food and drink are served as a principal activity, including the dispensing of food or drink to patrons who remain in vehicles.

Rezoning Conditions: Requirements created in Rezoning approval that must be satisfied prior to the issuance of any Site Plan and/or Building Permit.

Right-of-Way: A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, trail, or public utility.

Roadside Stand: A structure (generally an open air structure) used for display and sale of products grown or produced on-site and the incidental sale of products from off-site. Sales are conducted on a temporary or seasonal basis.

Rooming House: A building other than a motel, hotel, bed and breakfast or Boarding House, containing at least four, but not more than nine guest rooms. A rooming house shall not contain kitchen facilities within the guest rooms, and no meals are served to guests.

Rough Grade: An approximate elevation of the ground surface conforming to the proposed design.

S Definitions

Salvage Yard: Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

Satellite Dish Antenna(s) (Satellite Earth Stations): A single or group of satellite parabolic (or dish) antennas. These dishes are mounted to a supporting device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment enclosures necessary for the transmission or reception of wireless communications signals with satellites.

School, Trade or Business: An institution offering instruction beyond high school level with a course of study in vocational, technical or other special subjects;

Screening: The use of plant materials and other landscape or architectural elements used separately or in combination to obscure views.

Screens: An opaque barrier designed and constructed to conceal areas used for storage, refuse, mechanical equipment, parking, or delivery service loading bays from street and public view or to buffer adjacent Land Uses.

Setback: The minimum distance between a property line and a building or structure. Unless specifically noted in the text, ground level parking and security gatehouses can be located within the Setback Area.

Setback Area: the land area between a property line and a required Setback line.

Shopping Center: A group of retail businesses developed under a uniform development scheme and served by common off-street parking facilities.

Single-Family: A residential use consisting of one dwelling unit per lot of record. Housing types include single-family detached house, zero lot line house and patio house. Not to include manufactured housing.

Single Family Detached House: A dwelling 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.

Site: The land area consisting of a portion of a Lot, an entire Lot, or contiguous Lots, not including dedicated public property, designated for development as a single unified Development, which may have one or multiple Property Owners. Includes area where grading is performed and permitted.

Site Area: The minimum area required for a particular type of development on a Site. The Site may be divided into smaller Lots.

Site Plan: An accurately scaled development plan that shows existing conditions on a site as well as depicting details of proposed development.

Skilled Nursing Facility: A facility that provides nursing services and custodial care on a 24 hour basis for three or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age require such services.

Soil: all earth material of whatever origin that overlies bedrock.

Special Event: A temporary event that meets the definition and requirements of Sec. 5.5.2.J.

Specified Anatomical Areas: Either the less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breasts below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities - Include the following:

- Human genitals in a state of sexual stimulation or arousal;
- Acts of human masturbation, sexual intercourse, or sodomy; or,
- Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.

Street: Any permanent public or private Right-of-Way, other than an Alley, Access Lane, or Parking Area Access Lane, set aside to accommodate vehicular travel lanes, parking lanes, bike lanes, pedestrian facilities, utility areas, and other such design features, whether designated as a Street, drive, highway, thoroughfare, road, boulevard, avenue, lane, or place.

Streets, Local: A street that primarily serves as access to a residence or other abutting property.

Streets, Major: The City's Major Streets are as follows:

- N. Grande Ave.
- W. Mariposa Rd.
- N. Mariposa Rd.
- E. Patagonia Hwy.
- N. Arroyo Blvd.
- N. Morley Ave.
- N. Western Ave.
- W. Target Range Rd.

Storefront Window System: An architectural wall assembly of large glass panes framed in relatively thin metal members and typically used at the ground level of commercial buildings.

Story: The horizontal division of a building made up of the space between two successive floors, or a floor and the roof.

Street Frontage: The boundary of a property adjacent to one side of a street.

Street, Private: An area intended for local vehicular traffic, owned and maintained by a private corporation, individual, or group of individuals.

Street Width: The horizontal distance between the side lines of a street, measured at right angles to the side lines.

Streetscape: The appearance or view of an entire street or street network in general, including sidewalks, utilities, landscaping, street furniture, and the structures that make up the street wall.

Strip Commercial: Intense commercial development extending along a roadway at a shallow depth along that roadway. It is typically characterized by multiple curb-cuts, unconnected vehicular use areas and a proliferation of signs.

Structure: A walled and roofed building that is principally above ground; a manufactured home; vertical projections meeting the definition of antenna-supporting or wireless support structures.

Subdivision - Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into:

1. Four or more lots, tracts or parcels of land; or,
2. If a new street is involved, any such property which is divided into two or more lots, tracts, or parcels of land; or,
3. Any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two parts.

"Subdivision" also includes any condominium, cooperative, community apartment, townhouse, or similar project containing four or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located within the subdivision, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided. Subdivision does not include the following:

1. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
2. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
3. The leasing of apartments, offices, stores, or similar space within a building or trailer park, nor to mineral, oil, or gas leases.

Subdivision Abandonment: the process by which subdivided lands may be returned to large blocks or areas of non-divided lands, pursuant to Article 13. Subdivision Abandonment has the same meaning as reversion to acreage in state statute.

Substantial Change: In regards to wireless communication facilities, a modification that substantially changes the physical dimensions of an existing tower or base station if it meets any of the criteria detailed in the FCC Report and Order FCC14-153, or as amended.

Substantive Review:

Supervising Engineer: The engineer who is licensed by the State of Arizona and who has been employed to design or oversee work regulated in this Section.

T Definitions

Telecommuting: A work arrangement in which an employee uses technology to perform assigned duties at home or at another site away from the traditional work site during some or all of regularly scheduled work hours, reducing or eliminating the employee's commute or travel to and from the traditional work site.

Theater: A building or structure which contains an assembly hall for the performing arts and/or for the showing of motion pictures.

Temporary Use: A use of limited duration as defined in Sec. 5.5.

Tentative Plat: A tentative plat is a graphic representation of a proposed subdivision, including supporting data, designed and prepared in accordance with the subdivision provisions of Article 13, any other local applicable regulation, and state statute. A tentative plat is the same as a preliminary plat as defined in state statute.

Tool Repair Shop: A structure or area where the principal activity is the repair of equipment, and which is conducted in a totally enclosed building. Vehicle repairs are a separate definition.

Towers for Transmitting and Receiving Electronic Signals: Structures whose principal function is to support communication antenna(s).

Townhouse: A building made up of three or more attached dwellings units when each unit is on an individual lot and the units are lined up in a row and share side walls.

Traffic Impact Analysis:

Transfer Station: A facility where waste materials from residences, commercial and industrial establishments are transferred to vehicles which will take the materials to a landfill or other disposal site.

Turf-related Facilities: Any facility, including cemeteries, golf courses, parks, schools, or residential-development common areas, with a water-intensive landscaped area of 10 or more acres.

Turf: An area of grass ground cover grown together in a thick mat

U Definitions

Unipole: A freestanding, wireless communication facility where the wireless support structure (tower) is composed of a single shaft usually made up of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices and the foundation rests on or in the ground. All antennas and associated components mounted onto the structure are completely concealed within the shaft of the structure.

Use: See Land Use.

V Definitions

Variance: A grant of relief to a person from the requirements of this Ordinance which permits construction or use in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

Vehicle Parking Space: An area permanently reserved and maintained for the parking of one motor vehicle.

Vehicle Repair Shops: Buildings and premises where mechanical work, servicing, and repair of motor vehicles is conducted as the primary activity. Excluded from this definition are dwellings where not more than two vehicles owned by the lawful residents of the dwelling are repaired on-site.

Vehicle Service, Major: Buildings and premises for uses such as alignment shops, auto body shops, auto paint facilities, auto upholstery shops, and towing service.

Vehicle Service, Minor: Buildings and premises for uses such as auto detailing, auto repair, battery sales and installation, fuel sales (other than with a convenience store), quick lubrication facilities, and tire sales and mounting.

Vehicle Storage Yard: A bulk and non-public holding facility for fleet vehicles or heavy equipment, vehicles held for sale or repair, or the storage of operable or inoperable vehicles awaiting adjustment or settlement of insurance claims or motor vehicles that have been impounded by the police. No dismantling of vehicles is permitted.

Vehicles: All motorized vehicles including but not limited to automobiles, trucks, all-terrain vehicles (ATVs), and motorcycles. This definition shall not include “Heavy Equipment” as defined elsewhere.

Violation: The establishment, creation, expansion, alteration, occupation or maintenance of any use, land development activity, or structure, including but not limited to signs and buildings, that is inconsistent with any provision of this Ordinance or any order, approval, or authorization issued pursuant to this Ordinance.

W Definitions

Wireless Communications: Any personal wireless service, which includes but is not limited to, cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), unlicensed spectrum services utilizing Part 15 devices (i.e. wireless internet services) and paging.

Wireless Communication Facility (WCF): Any manned or unmanned location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of one or more of the following components: a wireless facility, base station, equipment compound, and wireless support structure. Amateur wireless facilities, satellite dish antennas, and antenna-supporting structures, antennas and/or antenna arrays for TV/HDTV/AM/FM broadcasting transmission facilities shall be excluded from this definition.

Wireless Communication Facility, Attached: A wireless facility that is secured to an existing building with an accompanying pole or device which attaches it to the building and may be

located either on the roof, inside, or outside of the existing building. An attached WCF can also be placed on utility poles, light poles, transmission towers, and other similar site features. An attached wireless communications facility is considered to be an accessory use to the existing principal use on a site.

Wireless Communications Facility, Concealed: A wireless facility, wireless support structure, and WCF equipment compound that is designed to be camouflaged or hidden. A concealed facility is camouflaged if designed to appear as, for example but not limited to a church steeple, windmill, bell tower, clock tower, cupola, light standard, flagpole, or tree.

Wireless Communication Facility Equipment Compound: An area, surrounding or near the base of a wireless support structure, consisting of components of a wireless facility not mounted on a wireless support structure.

Wireless Communication Facility, Freestanding: A WCF that is composed of a wireless support structure (tower) and associated wireless facilities.

Wireless Facility: Also known as “transmission equipment,” it is the set of equipment and network components including antennas, transmitters, receivers, power supplies, cabling, and associated equipment necessary to provide wireless data and wireless telecommunications services; but exclusive of the underlying structure or tower, as described in the FCC Report and Order FCC14-153, as amended.

Wireless Support Structure: Also known as a “tower,” it is a structure that is solely designed and built for the primary purpose of supporting wireless facilities. A building or other fixed object not originally designed to support wireless facilities is not a wireless support structure.

X Definitions

Y Definitions

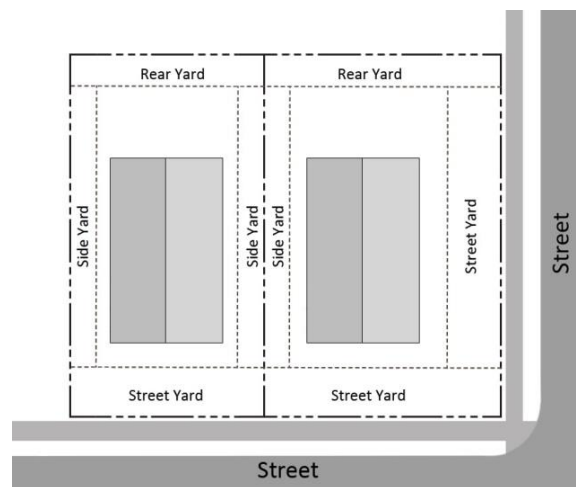
Yard: A space on the same lot with a building or group of buildings, which space lies between the building or group of buildings and the nearest lot line.

Yard, Rear: That portion of a yard between the required rear setback and the rear property line extending the full width of the lot between side lot lines. The rear yard width is measured perpendicular to the rear lot line. The rear yard shall be the yard on the opposing side of a street yard. No rear yard shall apply for triangular or pie-shaped lots where there is no rear property line.

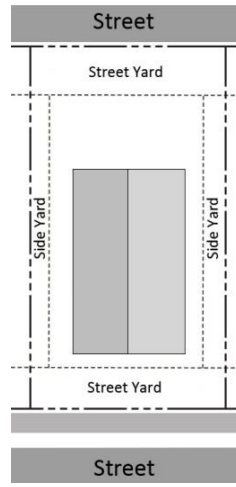
Yard, Side: That portion of a yard between the required side setback and the side lot line extending from the street yard to the rear yard. The side yard width is measured perpendicular to the side lot line.

Yard, Street: That portion of a yard extending between the edge of the street right-of-way (or easement, for private streets; or common access drive, for townhouses) and the required building placement; the portion of a lot adjoining a street as measured from the right-of-way. The street yard width is measured perpendicular to the street right-of-way. Corner lots and through lots shall be considered to have two street yards. A street yard does not exist adjacent to an alley.

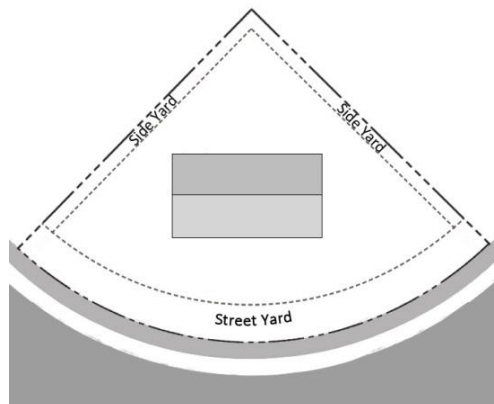
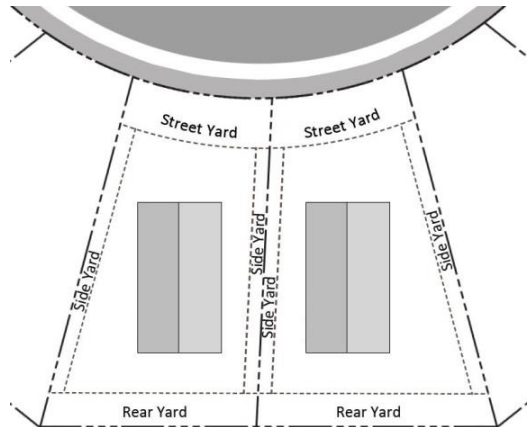
Interior and Corner Lot Diagram:



Double-Frontage Lot Diagram:



Irregular and Triangular Lot Diagrams:



Z Definitions

Zero Lot Line: A detached dwelling unit positioned on one property line without any setback.

Zoning Area: For purposes of Rezoning protests, Zoning Area has the same meaning as provided in A.R.S. § 9-462.04.

Zoning District: A specifically designated area within which uniform regulations govern the use, placement, spacing, and size of land and buildings.

Zoning Map Change: Rezoning