

SEC. 312 USES NOT PERMITTED WITHIN THE CORPORATE LIMITS

Regardless of the interpretation of the above uses, the following uses are, unless specifically authorized by the City Council specifically prohibited in the City of Nogales, and will, not be permitted a business, license nor permitted to construct facilities nor to operate within the City corporate limits:

1. Coking Ovens
2. Dynamite, fireworks, blasting powder and ammunition plants, either manufacturing or storage.
3. Manufacture of sulphuric acid, phosphoric acid, phosphates, coal tar products, cyanide, nitroglycerine. or other explosives and/or derivatives and any other primary chemicals.
4. Incineration and/or reduction of garbage, sewage, offal and dead animals, excepting governmental control offices for that purpose under regulatory provisions of the State of Arizona, and excepting a mechanical process for the biological decomposition of garbage.
5. Match factories
6. Oil refineries
7. Smelters and reduction of metals from their ores by heat.
8. Steel plants including rolling mills, sheets and plate mills, wire, and tube mills.
9. Biological/viral testing/storage, or manufacture.
10. Radiological/isotopic testing or storage, or manufacture.
11. Storage of radioactive materials of any sort including power plant waste.
12. Radioactive materials manufacture of any kind, including plutonium power pellet manufacture and breeder reactors.
13. The manufacture of bullets, projectiles, missiles, bombs or any other related type of weapon that requires explosive materials for construction, including petroleum based chemicals such as napalm, and to include such related materials such as dioxins, defoilants and other material. hazardous to human and environmental life, nor their storage.

SEC. 312.1 LEGISLATED ACCESSORY USES

There shall be permitted, in addition to the uses enumerated in the several use districts, certain additional uses subject to the requirements of this section:

1. A special permit may be granted by the Council upon recommendation of the Commission to establish the following uses in all districts which such use is not otherwise allowed:
 - a. Cemetary. A crematorium, columbarium, mausoleum and mortuary may be permitted as an accessory use provided there is no direct access from these accessory uses to a public street.
 - b. Country Club, golf course, tennis club or other health or athletic club, provided, however, that this use shall not be construed to authorize a driving range, miniature golf course or similar use.

- c. Microwave antenna on a tower structure higher than 25 feet; commercial radio, television or telephone microwave relay facility; commercial radio or television tower or broadcast antenna; and two-way mobile communications antenna. The location and height of the tower shall be indicated on the application for a special permit.
- d. Religious retreat, governmental, business, philosophical, University/college or other retreat.
- e. Public horse riding stable or riding academy when located on a site of not less than ten (10) acres, provided that every structure for the sheltering of animals shall be set back at least 100 feet from every lot line.
- f. Zoological, botanical gardens, aviary, arboretum.
- g. Group Home, such as developmental disability, sheltered home for battered women, runaways and other profit/non-profit organized and administered homes provided same is licensed by the State of Arizona for the intended purpose, and that-no more than two (2) persons shall occupy each bedroom, and there are restroom facilities sufficient according to State health laws.
- h. Golf, baseball driving ranges.

The above requirements as to the size of site and building set-backs may be varied by the Council where special circumstances exist as to topography, drainage, flood hazard, or peculiarity of the shape of the site and where such a variance would not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.

Limited access to local or collector streets which serve residential districts may be allowed by the Council for reasons of safety and/or emergency.

Sand, gravel or other mineral extraction shall not be allowed in any residential district, except excavation for construction purposes, as a business where ancillary processes of the material excavated occurs. Excavated areas shall be prepared for re-use in accordance with the approved site plan.

A heliport or helistop for hospitals, clinics, ambulance service and governmental use are allowed by special permit. Said permits shall require among other things the following standards:

- a. Frequency of use: On a daily basis, unless otherwise stipulated, not more than ten (10) combined takeoffs and landings are permitted for the heliport/helistop use, exclusive of emergencies. The hours of operation may be stipulated to make operation compatible with surrounding land use activities.

- b. Fire protection: All heliport/stops shall comply with provisions acceptable to the Nogales Fire Department.

- c. Site-plan requirements: Site plan review will be based on and analysis of general conformance with FAA advisory circular AC 150/5390-B, Heliport Design Guide, dated August 22, 1977.

- d. Maximum length of a special permit issued for a heliport/ stop is ten (10) years.

e. Noise impact: A helicopter sitting on the touchdown pad of a heliport/atop shall emit a maximum noise level of no greater than 90dB(A) at the boundaries of the lot or parcel containing the nearest residential use, excluding highrise residential developments, hotels and motels.

A firing range for gunpowder weapons shall not be allowed in any residential district, whether indoor or outdoor, and no outdoor range shall be allowed within one mile of a hospital in any other district. Outdoor ranges shall require a special use permit, and other restrictions shall apply depending on the circumstances of location of the range. Special permits shall be issued with the provision that in the event of a district rezoning to residential use, or in the event a hospital locates within one mile of the nearest part of the range site, the special permit shall become null and void and all shooting shall cease, outdoors.