

**ORDINANCE NO. 22-1150**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, REZONING ONE PARCEL OF LAND WITHIN THE NORTHWEST CORNER OF THE INTERSECTION OF N. WASHINGTON AVE AND E. HIGHWAY 80 LOCATED IN DOUGLAS, ARIZONA FROM SINGLE-FAMILY RESIDENTIAL TO GENERAL COMMERCIAL AND AMENDING THE OFFICIAL ZONING DISTRICT MAP, ESTABLISHED BY ORDINANCE 691 AND AMENDED BY ORDINANCES 858 AND 22-1145, ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.**

**WHEREAS**, Ruth S. Daily has proposed a Zoning Districts Map Amendment from Single-Family Residential 32 (SFR32) to General Commercial (GC) for one (1) parcel situated within the Southeast ¼ of the Northeast ¼ Section 6, Township 24 South, Range 28 East at the northwest corner of the intersection of N. Washington Avenue and E. Highway 80, totaling approximately 3.72 acres (APN 41010008) and amending the zoning map accordingly to encourage development of a long-vacant former railroad right-of-way parcel; and

**WHEREAS**, the General Plan contains policies encouraging commercial development with close access to state highways, with controls for impacts on neighboring properties; and

**WHEREAS**, after due notice, a public hearing was held on May 17, 2022, the City of Douglas Planning and Zoning Commission recommended to Mayor and Council that the proposed amendment of the Zoning Districts Map per file number ZMA-2022-03 be approved; and

**NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Douglas, Arizona, as follows:**

**SECTION 1.** The property, which is more specifically described in the legal description herein is hereby rezoned from Single-Family Residential 32000 (SFR32) to General Commercial (GC).

WITHIN THE SOUTHEAST ¼ OF THE NORTHEAST ¼ SECTION 6, TOWNSHIP 24 SOUTH, RANGE 28 EAST AT THE NORTHWEST CORNER OF THE INTERSECTION OF N. WASHINGTON AVE AND E. HIGHWAY 80 (IN SE NE BY M&B BEG AT SW COR OF NE4 THN E1777.79FT & N53DEG 40MIN E1040218FT TO POB THN N24.82FT S53DEG 40MIN W739.50FT S273.10FT N53DEG 40MIN E739.50FT N203.28FT TO POB SEC 6 24 28 3.72 AC), located in Douglas, Arizona.

**SECTION 2.** The Development Services Department shall amend the Zoning Districts Map to reflect this amendment and a copy shall remain on file in the office of the City Clerk of the City of Douglas for examination by the public. Further, those conditions of approval imposed by the City of Douglas Council, as part of ZMA 2022-03 are hereby expressly incorporated into and adopted as part of this Ordinance by this reference.

**SECTION 3.** If any chapter, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

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**SECTION 4.** Severability: If any chapter, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance and shall continue in full force and effect after the deletion of the illegal or unconstitutional provision.

**SECTION 5.** To the extent of any conflict between other City Ordinances and this Ordinance, this Ordinance shall be deemed to be controlling; provided, however, that this Ordinance is not intended to amend or repeal any existing City Ordinance, Resolution or regulation except as expressly set forth herein.

**SECTION 6.** Effective date. The provisions in this Ordinance shall be effective thirty (30) days after final approval and adoption by the Mayor and Council.

**PASSED AND ADOPTED** by the Mayor and council of the City of Douglas, Arizona, this 14<sup>th</sup> day of September 2022.

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Donald C. Huish, Mayor

Attest:

Approved as to Form:

\_\_\_\_\_  
Alma Andrade, City Clerk

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Denis Fitzgibbons, City Attorney

Prepared by:  
William D. Osborne, AICP, City Planner