

ORDINANCE NO. 22-1144

1 AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE
2 CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA,
3 REZONING FIVE PARCELS OF LAND COMPRISING LOTS
4 14 THROUGH 26, THE NORTH-HALF OF BLOCK 30 OF THE
5 FOOTHILLS ADDITION TO THE CITY OF DOUGLAS,
6 NUMBERED 41032119B, 41032120B, 41032120C, 41032120D,
7 41032121, LOCATED TO IN DOUGLAS, ARIZONA, FROM
8 SINGLE-FAMILY RESIDENTIAL 8000 (SFR8) TO SINGLE-
FAMILY RESIDENTIAL 6000 (SFR6) AND AMENDING THE
OFFICIAL ZONING DISTRICT MAP, ESTABLISHED BY
ORDINANCE 691 AND AMENDED BY ORDINANCE 858;;
ESTABLISHING SEVERABILITY OF COMPONENTS OF
ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE
THEREOF.

9 **WHEREAS**, the City of Douglas has provided regulations for development of residential use to allow for an
10 increase in a diversity of housing supply to host a growing population while maintaining attractiveness of
11 neighborhoods; and

12 **WHEREAS**, the City owns Assessor Parcel Number 41032121 and has initiated a bid process for selling
13 that parcel; and

14 **WHEREAS**, the four (4) parcels numbered 41032119B, 41032120B, 41032120C, 41032120D were
15 created through subdivision and due to a staff interpretation error, a seventy-five (75) foot minimum lot
16 width standard was waived to allow lot frontages of just over fifty (50) feet, since the minimum lot sizes
17 had been well-exceeded; and

18 **WHEREAS**, each of the four (4) parcels is non-conforming within the Single-Family Residential 8000
19 (SFR8) Zoning District, but would be fully conforming within a Single-Family Residential 6000 (SFR6)
20 Zoning District;

21 **WHEREAS**, the rezoning of the City property is consistent with the development pattern of the existing
22 single-family residential homes constructed between January 2017 and May 2020 would be consistent
23 with the General Plan; and

24 **WHEREAS**, after due notice and public hearing on March 8, 2022, the City of Douglas Planning and
25 Zoning Commission ~~affirmatively~~ recommended denial of the rezoning petition; and

WHEREAS, after due notice, a public hearing was held by the Mayor and Council, and the Mayor and
Council finds that the interests of the City are served by the proposed rezoning petition; and

WHEREAS, the proposed rezoning is reasonably designed in context with the to prevent the proposed
use from negatively effecting nearby single-family residential and multi-family residential zoned
properties.

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

SECTION 1. The zoning designation of that certain properly legally described in Exhibit "A" attached hereto, is hereby changed from its current designation of Single-Family Residential Classification 8 (SFR8) to Single Family Residential Classification 6 (SFR6).

1 **SECTION 2.** The Development Services Department shall amend the Zoning Districts Map to reflect this
2 amendment and a copy shall remain on file in the office of the City Clerk of the City of Douglas for
3 examination by the public. to reflect this zoning change. Further, those conditions of approval imposed by
the City of Douglas Council, as part of ~~ZMA-ON~~ 2022-012 are hereby expressly incorporated into and
adopted as part of this Ordinance by this reference.

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

6 **SECTION 4.** Severability: If any chapter, section, subsection, sentence, clause or phrase of this Ordinance
7 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.

8 **SECTION 5.** To the extent of any conflict between other City Ordinances and this Ordinance, this Ordinance
9 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.

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

12 **PASSED AND ADOPTED** by the Mayor and council of the City of Douglas, Arizona, this 11th day of May,
2022.

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Margaret Morales, Mayor Pro Tempore

Approved as to Form:

Attest:

Alma Andrade, City Clerk

Denis Fitzgibbons, City Attorney

Prepared by:
William Osborne, AICP, City Planner
Nick Cook, City Attorney