

~~(a)~~1. Any previously granted conditional use permit may be revoked by the Commission, on recommendation of staff or citizen complaint, after a hearing conducted in the manner required for approval of a conditional use permit initially, upon the following grounds:

~~1a.~~ Failure to comply with the conditions of approval;

~~2b.~~ Discontinuance of the use for a period in excess of one (1) year.

~~3.~~ ~~Failure to comply with other applicable provisions of the General Plan regarding design, dimensional or use requirements.~~ [WDO1]

~~4c.~~ A change in the ~~General Plan or S~~development standards of the district within which the use is located that have the effect of no longer allowing a new conditional use permit application to be considered in that district.

~~(b)~~2. Revocations ~~initiated under Section 1103.21 above~~ shall not be initiated for at least six (6) months after approval of the conditional use permit. Revocations initiated ~~under above~~, shall have the effect of making the previously granted conditional use permit void until a new application is submitted and granted. Revocations initiated ~~under Section above~~, shall have the effect of making the previously granted conditional use a nonconforming use.

~~310.7L.~~ Automatic Termination of Conditional Use.

~~(a)~~1. Unless otherwise provided by the Commission in the resolution granting approval of the conditional use permit, a conditional use permit shall automatically become null and void one (1) year after the effective date upon which it was granted unless one of the following events occur:

~~1a.~~ The applicant or his successor in interest has secured a building permit within said one-year period, if a building permit is required, and has actually commenced construction of the building or structure authorized by the permit within said one-year period.

~~1b.~~ The applicant or his successor in interest has commenced the activity or installation of the facility or structure authorized by the conditional use permit within said one-year period.

~~2c.~~ The applicant may submit a request to ~~the Commission~~ Development Services for an extension of time on the conditional use permit to avoid the permit becoming null and void. The requirements for extension must be filed with the City ~~Clerk~~ Planner prior to the expiration of the times established by the Subsection 17.03.310(K)(1)(a) above. The ~~Commission~~ City Planner may, in ~~the resolution~~ granting such conditional use permit, provide for an extension of time beyond one (1) year, or remand the extension request to the Commission for a public hearing, with required application, notification costs and fees to be paid for by the conditional use permit applicant.

(Ord. 20-1127, § 4, 2-10-2021)

Sec. 311. Temporary uses.

~~311.1A.~~ **Authorization.** Temporary uses are permitted only as expressly provided for in this section.

~~311.2B.~~ **Temporary Use Permit Required.** No temporary use shall be established unless a permit, evidencing the compliance of such use with the provisions of this section and other applicable provisions of this Code shall have first been issued.

~~311.3C.~~ **Application and Procedures.**

~~(a)~~1. **Application.** A written application for a temporary use shall be filed with ~~the Community Development Department~~ Development Services on a form supplied by the City and shall contain

the required information. Unless rejected within three (3) working days of the date of receipt, and application shall be deemed to have been accepted.

- ~~(b)~~2. Notice. Upon acceptance of an application, posting of the required bond and payment of the required fees, ~~the Building Inspector~~Development Services shall post the site with a sign indicating the proposed temporary use, the fifteen (15) working day deadline date for filing comment thereon, and any other pertinent information.
- ~~(c)~~3. Action-by Building Inspector. No later than fifteen (15) working days after acceptance of an application, the ~~Building Inspector~~City Planner shall make a finding and grant or deny the requested temporary use and indicate the conditions thereon, if any. If denied, the reasons therefore shall be stated, based in these zoning regulations, or other regulations of the City, and General Plan policies.
- ~~(d)~~4. Issuance of Certificate. If the temporary use is ~~(d)~~ permitted, a zoning compliance certificate shall be issued. Notice of ~~Building Inspector's~~ action shall be ~~mailed~~sent to applicant, adjacent lot owners, and others who have requested notice.
- ~~(e)~~5. Applicability of Certificate. The certificate for a temporary use not otherwise permitted in the applicable zoning classification applies to the applicant only and does not carry to-with the property to other parties. It will be unlawful to conduct any such temporary uses, and to install, place or maintain any such temporary structures without first obtaining a zoning compliance certificate therefore.

~~(f)~~D. Appeals.

- 1. Appeal of City Planner Decision to ~~Board of Adjustment~~City Manager. Any person may appeal the ~~Building Inspector~~City Planner's action to the ~~Board of Adjustment~~City Manager within fifteen (15) working days following ~~his-such~~ action which shall stay the effective date of the certificate.

 - a. Application with substantiated cause.

 - i. Applicant name, proposed temporary use, and pertinent sections of these zoning regulations, and any General Plan policies that hold to the appealed decision.
 - ii. Fee payment receipt, as required in Article 17.13 of these Zoning Regulations.
 - b. City Manager Appellate Decision. The City Manager may affirm, reverse, or send the City Planner's Decision to the Board of Adjustment for an appeal hearing.

 - i. The City Manager shall provide a letter of the appeal decision to the appellant, and file a copy with Development Services within thirty (30) days of the appeal application.
- 2. Appeal of Decisions to be heard by the Board of Adjustment.

 - a. If the City Manager's Appellate Decision is appealed, the Appellant must file an application with payment of fees, and Development Services shall schedule a public hearing of the Board of Adjustment relating to the appeal.
 - b. If the City Manager sends the City Planner's Decision to the Board of Adjustment without judgment, Development Services shall schedule a public hearing of the Board of Adjustment relating to the appeal.
 - c. Appellant shall pay the costs of publishing the legal notice of public hearing, upon receiving invoice from Development Services or the City Clerk's Office.
 - d. Board of Adjustment Appellate Decision. Upon application and fee payment for appeal, all materials on the matter shall be filed by ~~the Building Inspector~~Development Services with the Board of Adjustment which is authorized to review the case, ~~- and b~~Based on the

record certified to it, the Board of Adjustment may either uphold the action of ~~the Building Inspector~~City Planner, or remand the matter back to ~~him~~City Planner with such instructions as the Board deems proper. If the Board deems that it needs additional information or evidence, it may hold a public hearing and proceed in accordance with its standard procedures.

311.4E. Permitted Temporary Uses. The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this Code.

~~(a)~~1. Carnival or Circus.

- ~~1~~a. Permitted in any district.
- ~~2~~b. Maximum length of permit shall be fifteen (15) days.
- ~~3~~c. No structure or equipment shall be located within five hundred (500) feet of any residential property line.

~~(b)~~2. Christmas Tree Sales.

- ~~1~~a. Permitted in any district.
- ~~2~~b. Maximum length of permit for display and open-lot sales shall be forty-five (45) days.

~~(c)~~3. Contractor's Office and Construction Equipment Sheds.

- ~~1~~a. Permitted in any district where used is incidental to a construction project. Office or shed shall not contain sleeping or cooking accommodations.
- b. Portable toilet(s) may be allowed on-site, during construction.
- ~~2~~c. Maximum length of permit shall be one (1) year. This may be renewed as construction on some projects may be longer than one year.
- ~~3~~d. Office or shed, and any portable toilet(s) shall be removed upon completion of construction project.

~~(d)~~4. Events of Public Interest.

- ~~1~~a. Permitted in any district.
- ~~2~~b. Events may include, but are not limited to, outdoor concerts, auctions, or similar activities.
- ~~3~~c. Maximum length of permit shall be 72 hours.

~~(e)~~5. Real Estate Sales Office.

- ~~1~~a. Permitted in any district for any new subdivision approved in accordance with City of Douglas subdivision regulations. The office may not contain sleeping or cooking accommodations, but may include restroom facilities, as approved by the City Public Works Department. A model home may be used as a temporary sales office.
- ~~2~~b. Office shall be removed upon completion of the sale of all units in the subdivision.

~~(f)~~6. Religious Tent Meeting.

- ~~1~~a. Permitted in any district.
- ~~2~~b. Maximum length of permit shall be fourteen (14) days.

~~(g)~~7. Horse Show or Exhibition. Permitted for any commercial or private stable for special events, including, but not limited to, shows, exhibitions, and contests.

~~(h)~~8. Temporary Shelter. When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home located on the single-family lot during rehabilitation/reconstruction of the original residence or construction of a new residence is permitted subject to the following additional regulations:

- 1a. Required water and sanitary facilities must be provided.
- 2b. Maximum length of permit shall be six (6) months, but ~~the Building Inspector~~Development Services may extend the permit for a period or periods not to exceed sixty (60) days in the event of circumstances beyond the control of the owner.
- 3c. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit.
- 4d. The mobile home shall be removed from the property upon issuance of any occupancy permit for the new or rehabilitated residence.

~~(i)~~9. Tent Theater.

- 1a. Permitted in any district.
- 2b. Maximum length of permit shall be five (5) months per calendar year.

~~(j)~~10. Additional Regulations. A carnival or circus, religious tent meeting, tent theater, horse show or exhibition, and events of public interest shall be subject to the following:

- 1a. Documentation must be provided ~~form from~~ the County Health Department that adequate arrangement for temporary sanitary facilities has been insured.
- 2b. No permanent or temporary lighting shall be installed without an electrical permit and inspection.
- 3c. All uses shall be confined to the date specified in the permit.
- 4d. Hours of operation shall be confined to those specified in the permit.
- 5e. The site shall be cleared of all debris at the end of the special event and cleared of all temporary structures within thirty (30) days after the closing event. A cash bond for a minimum of twenty-five (\$25.00) dollars and not to exceed five thousand (\$5,000) dollars shall be posted or a signed contract with a disposal firm shall be required as a part of the application to ~~insure~~ensure that the premises will be cleared of all debris during and after the event.
- 6f. Public parking for the exclusive use of the facility shall be provided, and a stabilized drive to the parking area shall be maintained. It shall be the responsibility of the applicant to guide traffic to these areas and to prevent patrons from unlawful parking.
- 7g. Traffic control arrangements required by the Public Works Director in the vicinity of major intersections shall be arranged for by the applicant.
- 8h. A cash bond for a minimum of twenty-five (\$25.00) dollars and not to exceed five thousand (\$5,000) dollars shall be posted to insure the repair of any damage resulting to any public right-of-way as a result of the event.
- 9i. Serving of alcoholic beverages shall require the approval of the City ~~council~~ and other appropriate agencies consistent with Arizona Revised Statutes.

~~(k)~~11. Revocation of Temporary Permits. The failure of any applicant to fulfill the requirements of any temporary permit issued under the provisions of this article shall result in the revocation of the permit and the denial of future permits.

~~The Building Inspector~~ Development Services may revoke a permit for temporary use after written notice upon violation of any provision of this Code or to protect the public health, safety and general welfare.

Sec. 312. Uses prohibited.

Any use not specifically permitted in a district, either as a permitted use or a conditional use granted by the ~~Board of Adjustment~~ Planning and Zoning Commission, or the City Planner as provided in Minor Conditional Use in Sections 17.03.310(D) and 17.03.310(H), or by Administrative Interpretation in Section 17.03.302, if not issued with an approval letter for recording by the City Planner or designee thereof is specifically prohibited from that zoning district.

Sec. 313. Exempt uses.

The following uses shall be permitted with complete application submittal per requirements of Title 12 in any zoning district and are otherwise exempted from the provisions and requirements of these Zoning Regulations, unless otherwise specified:

- ~~(a)~~ A. Public rights-of-way for streets, alleys, drainage-ways, and other public rights-of-way; and
- ~~(b)~~ B. Essential services of public utilities duly authorized to furnish to the public under state of federal regulations services such as electricity, gas, steam, communications, water, water drainage, flood control, irrigation, solid waste disposal, and sewage disposal, together with equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such utilities for the public health, safety convenience or general welfare.

Sec. 314. Splitting, combining, or adjusting boundaries of lots.

- A. Intent of Regulation. The City of Douglas reserves the authority to regulate the splitting and combination of lots, and the adjustment of boundaries for same to ensure that any lots created or amended for filing with the Cochise County Assessor's Office and recording with the Cochise County Recorder of Deeds comply with the Zoning District property development regulations within which such properties are situated.
- B. Consultation. Any adjustment, split, or combination of lots requires that the property owner or representative agent meet with Development Services staff at least one (1) week in advance of filing application to discuss the intentions of the property owner or representative agent to identify the applicable process and substantive requirements, and that the results of a proposed adjustment, split, or combination will be compliant with Zoning District property development regulations.
- C. Application. A complete application submittal on a form provided by Development Services shall include;
 - 1. Accurate site location:
 - a. Site Address(es);
 - b. County Assessor's Parcel Number(s); and
 - c. Existing Legal Description(s).
 - 2. Proof of property ownership.
 - 3. Desired number of splits, combinations, adjustments and land areas for each lot to be created, combined or adjusted.

4. Required Sealed Drawing by Application Type.

a. Certificate or Record of Survey required with application for parcel split. Sealed Exhibit Drawing with Legal Descriptions required with application for lot combinations or lot line adjustments. Surveys and Exhibit Drawings with Legal Descriptions shall be provided by a State of Arizona professionally-registered surveyor or professionally-registered civil engineer, and either type of drawing document shall feature:

i. Form and Scale:

1. Drawn at an engineering scale not more than one hundred (100) feet to the inch.

ii. Identification Data:

1. Name, address, phone number and email address of property owner(s);

2. Name, address, phone number, and email address of person preparing the certificate of survey;

3. Scale, North Arrow, and date of preparation, including any revision dates.

iii. Existing Conditions Data:

1. Where present, the general location of water wells, washes and drainage ditches, including direction of flow, location and extent of areas subject to flooding;

2. Location, widths, and names of all platted streets, alleys, utility rights-of-way of public record, easements, public areas, and permanent structures to be retained within or adjacent to tract;

3. Name, book, and page numbers of recorded plats abutting the subject area, or across a boundary street;

4. Location of split, combination, or adjustment by section, township, range and county;

5. Dimensions of the subject area of the proposed split, combination, or adjustment, with acreage of the subject area.

iv. Survey (splits) or Exhibit Drawing (combinations and adjustments) Data:

1. Proposed boundaries of created or adjusted lots with dimensions in feet and decimals thereof, showing all bearings;

2. Locations, widths, and proposed use(s) of easements;

3. Existing structures, their uses, and any encroachments with exterior dimensions;

4. Legal Descriptions for each lot created or adjusted; and

5. Draft of proposed deed restrictions, if applicable.

b. Proof of payment of application fees, per Article 17.13 – Schedule of Fees, Charges, and Expenses.

D. Certifications for Approval required:

1. Certificate of Survey or Exhibit Drawing is sealed, signed and dated prior to application submittal by the registered surveyor or civil engineer who prepared the document, including name, address, and registration number;
 - a. Certificate(s) of City of Douglas approval signed and dated by the City Planner or designee thereof, should the proposed land division, adjustment, or combination be compliant with situated zoning development standards;
 - b. Certification of receipt by the Cochise County Assessor's Office; and
 - c. Certification of recordation by the Cochise County Recorder of Deeds.
- E. Non-compliance of recording without City approval. No use, no zoning compliance certificate, nor building permit shall be issued for a lot or parcel that has been created, combined, or adjusted and recorded with Cochise County without City of Douglas approval. ~~reduced in size below the minimum lot area or lot width required by these Zoning regulations when such reduction takes place after the effective date of these Zoning Regulations.~~
- F. Correction of non-compliance.
 1. Requirements.
 - a. Consultation and application, consistent with the requirements of Sections 17.03.314(B) & 17.03.314(C) above.
 - b. Affidavit required acknowledging existing non-conformity with Douglas Municipal Code and required resolution for City approval to bring property into compliance.
 - c. Payment receipt of the Recording Without City-Approval Fee, per Article 17.13 – Schedule of Fees, Charges, and Expenses.

Sec. 315. Building under construction.

- A. Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of this Ordinance, or begun prior to a specific amendment thereof, and upon which actual building construction has been diligently carried forth.
- B. No unpermitted or undocumented construction shall be assumed conforming or acceptable by-right per these zoning regulations and the adopted Building Code of the City of Douglas.

Sec. 316. Moving of buildings.

No building or structure which has been wholly or partially erected on any premises located either within or outside the City of Douglas, shall be moved to or be placed upon any other premises within the City until a permit for such removal, and a Zoning Compliance Certificate for such relocation, shall have been issued by the City Planner, Building Inspector, or designee thereof. Any such building or structure shall conform to all provisions of this Ordinance in the same manner as a new building or structure shall be used or occupied until an Occupancy Permit shall be issued, as provided in Article 17.10 of this Ordinance.

Sec. 317. Dumping, disposal or storage of rubbish.

- ~~317.1A.~~ **Prohibition of Rubbish Dumping, Disposal or Storage.** The use of land for the dumping, disposal, or storage of scrap iron, junk, garbage, rubbish, or other refuse, or of ashes, slag, or other industrial