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5. Precision Instrument Runway Approach Zone and Military Runway Approach Zone. Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline; then slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty thousand (40,000) feet along the extended runway centerline.
  6. Helicopter Approach Zone. Slopes eight (8) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a distance of four thousand (4,000) feet along the helicopter approach zone centerline.
  7. Transitional Zones. Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevations the approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at ninety (90) degree angles to the extended runway centerline.
  8. Helicopter Transitional Zones. Slope two (2) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the helicopter approach zones and extending a distance of two hundred fifty (250) feet measured horizontally from and at ninety (90) degree angles to the primary surface centerline and helicopter approach zones centerline.
  9. Horizontal Zone. Established at one hundred fifty (150) feet above the airport elevation.
  10. Conical Zone. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.

**512.4 Use regulations.** The provisions and regulations of the zoning district over which Airport Airspace (AA) Districts are superimposed, if more restrictive, shall prevail. No use shall be made of land underlying the surface boundaries of any zone created by this article in such a manner as to create electrical interference with radio communications of the airport or aircraft; make it difficult for flyers to distinguish between airport lights and others; result in glare in the eyes of the flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

**512.5 Hazard marking.** Any use permit that is granted for property underlying the surface boundaries of any zone created by this article, may be so conditioned as to require the owner of the property for which said permit is desired, at the owner's expense, to install, operate, and maintain such marking sand lights as may be necessary to indicate to flyers the presence of an airport hazard in order to effectuate the intent of this article.

### **Sec. 513. H-P - Historic Preservation Overlay Zoning District.**

**513.1 Purpose.** The Historical Preservation (H-P) Overlay Zoning District is intended to protect and enhance the distinctive character and historical significance of various sections of the City, to protect and preserve buildings of unique, characteristic architecture and to protect and preserve groups of buildings and street facades of historical significance or unique architectural character. Preservation of historical areas and buildings will be a significant factor contributing to the social and economic welfare of inhabitants. The regulations contained herein encourage adaptive reuse of existing buildings and neighborhood context-

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sensitive new construction rather than contemporary conventional structures more suited to rural or suburban contexts. The creation of this district is therefore considered to be in furtherance of the health, safety and general welfare of the City.

The Historic Preservations (H-P) Overlay Zoning District is a supplemental special district which, when ~~superimposes~~ superimposed over another zoning district, requires that the proposed uses and development plans for all sites, buildings, structures, façades, or appurtenances thereto, to be erected, constructed, converted, established, altered or enlarged within the district to be reviewed and approved by the City Planner and Building Inspector prior to any construction, removal or site work. Where the work to be done is patently in keeping with the intent and purpose of the historical preservation district no further review or approval other than that of the City Planner and Building Inspector is required. If the City Planner or Building Inspector disapproves of said plans, then the applicant may appeal the decision to the ~~design review board~~ Design Review Board.

In instances involving major reconstruction or major additions, as defined per Article 17.10, to buildings or other structures within the historical preservation district which will affect the character of the structure or building and its neighboring buildings or when new construction is involved, the City Planner or designee shall call meeting of the ~~design review board~~ Design Review Board for the purpose of reviewing and approving such plans. The City Planner shall also call a meeting of the siding review board or ~~design review board~~ Design Review Board whenever there is reasonable expectation that the proposed work anticipated will be controversial in nature.

The Historic Preservation (H-P) Overlay Zoning District also provides authority to the Design Review Board to override parts of this ordinance when it would be impossible to maintain the historic qualities of the H-P Overlay Zoning District by enforcing all use and development standards supplemental to the district's primary underlying zoning district. This is particularly the case in the downtown district where yard and building setbacks, and off-street parking requirements cannot be met and keep the historic and unique character of the district.

#### 513.2 Permitted Uses.

##### A. Permitted principal uses.

A mix of more socially- and economically-activating commercial and employment land uses located within existing buildings having transparent storefronts are favored within the Historic Preservation (H-P) Overlay Zoning District; therefore, the uses principally-permitted are broader in range than other zoning districts, per:

1. Underlying Zoning. All uses allowed by the underlying zoning district are allowed within the Historic Preservation (H-P) Overlay Zoning District, with development standards of the H-P Overlay Zoning District applied rather than those associated with the underlying zoning district;
2. Compatibility with Less intense Zoning Districts Than Underlying Zoning. To promote mixed use and adaptive reuse of existing structures, except where an underlying zoning district ~~is~~ is single-family residential or mobile home residential, uses permitted within all intensities of commercial and office zoning districts shall also be permitted within the H-P Overlay Zoning District, with development standards of the H-P Overlay Zoning District applied rather than those associated with any of the zoning districts typically hosting such uses.

##### B. Permitted conditional uses.

More socially- and economically-activating crafting land uses located within existing buildings having transparent storefronts are also favored within the Historic Preservation (H-P) Overlay Zoning District; therefore, the uses conditionally-permitted in addition to those listed in Section 310 include smaller-scaled forms of industrial uses and innovative agriculture not encouraged elsewhere in the City:

1. Craft and artisanal manufacturing and production uses typically associated with Light Industry or Heavy Industry zoning districts may be permitted conditionally within the H-P Overlay Zoning

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District, provided there ~~is~~ is a safe, but visible connection between production, enterprise and customers, visitors, and passersby.

- a. Craft brewing. Micro scale, nano-scale, or pico-scale production of beers, ales, meads and associated products for commercial consumption, whether combined with on-site packaged beverage sales, merchandise sales, or restaurant uses per A.R.S. 4-205.08, 4-206.01, 4-243.02(A), et al.
  - i. Separation distance requirements. Per A.R.S. § 4-207, alcohol manufacturing, sales, and service establishments must be 300 feet from schools and places of worship, and the separation distance must be applied during site selection for a proposed brewing use unless an exemption is issued from the City of Douglas City Council, per an the City's adopted entertainment district resolution, consistent with Arizona Revised Statute requirements.
- b. Craft distilling. Micro-scale, nano-scale, and pico-scale production of distilled spirits and associated products for commercial consumption, whether combined with on-site packaged beverage sales, merchandise sales. or restaurant uses per A.R.S. 4-205.10, 4-206.01, 4-243.02(B), et al.
  - i. Separation distance requirements. Per A.R.S. § 4-207, alcohol manufacturing, sales, and service establishments must be 300 feet from schools and places of worship, and the separation distance must be applied during site selection for a proposed unless an exemption is issued from the City of Douglas City Council, per an the City's adopted entertainment district resolution, consistent with Arizona Revised Statute requirements.
- c. Craft winery. Micro-scale, nano-scale, and pico-scale production of wines and associated products for commercial consumption, whether combined with on-site packaged beverage sales; merchandise sales, or restaurant uses per A.R.S. 4-205.04, 4-206.01, 4-243.02(B).
  - i. Separation distance requirements. Per A.R.S. § 4-207, alcohol manufacturing, sales, and service establishments must be 300 feet from schools and places of worship, and the separation distance must be applied during site selection for a proposed unless an exemption is issued from the City of Douglas City Council, per an the City's adopted entertainment district resolution, consistent with Arizona Revised Statute requirements.
- d. Custom and craft furniture making.
- e. Custom jewelry-making.
- f. Textiles crafting.
- g. Artisanal bakery.
- h. Craft coffee-roaster.
- i. Craft blacksmith, craft metal-working shop, including welding.
- i. Custom automobile and motorcycle crafting shop.
- k. Custom bicycle crafting shop.
- l. Custom and craft toy-making shop.
- m. Other undefined crafting uses of similar intensity may be administratively deemed appropriate within the H-P Overlay Zoning District by the City Planner, consistent with the process described in Section 17.03.302 of these regulations.

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2. Vertical agriculture. Where possible, allow for adaptive reuse of vacant buildings and spaces within the H-P Overlay Zoning District to include vertical agricultural use, including hydroponic, aquaponic, and other forms of urban agriculture. These uses can support food security and local food and beverage production objectives.

C. Permitted accessory uses.

1. Any use customarily incidental to a permitted principal use, meeting the development standards requirements of Section 513.3 and the submittal review requirements and procedure of Section 513.4.
2. Rooftop gardens. Protecting roofs by absorbing water in planters, raised planting beds, green roof containers or similar vessels supports an approach to resilience and food security with limited resources.

**513.3 Property development standards.**

- A. Required area. No minimum area requirement. A ten thousand (10,000) square foot maximum area requirement applies for permitted conditional uses.
- B. Maximum building height. No new building in the H-P Overlay Zoning District shall exceed forty-five (45) feet in height, nor four (4) stories in levels, measured above ground.
- C. Minimum distance between main buildings. As prescribed by the Uniform Building Code, applicable to historic buildings.
- D. Required yards:
  1. Front yard:
    - a. Zero (0) feet. Regardless of double frontage on two (2) streets.
  2. Side yard:
    - a. Zero (0) feet.
  3. Rear yard:
    - a. Zero (0) feet.
- E. Departures. Though flexibility exists more so in the H-P Overlay Zoning District than in other zoning districts, departures from the property development standards may be applicable through a conditional use permit process.

**513.4 Design Review Requirements and Procedure.**

- A. Prior to the preparation of final architectural or engineering drawings for any building within the Historical Preservation (H-P) Overlay Zoning District, the property owner or his representative shall submit the following consideration:
  1. Rendered elevations of the front, sides and rear of the building, to scale, adequately illustrating the building's character and treatment.
  2. A list of exterior materials, colors, and their application.
- B. Exempt activities and improvements, notification and guidance. The following are allowed without design review, with notification by building owner, occupant, or agent, and with guidance available and encouraged from the City with regards to historic preservation techniques, as appropriate:
  1. No permits are required for the following maintenance, repairs or replacement:
    - a. Cleaning;

- b. Re-painting;
  - c. Repointing or replacing brick and other masonry in-kind;
  - d. Repair of building façade elements without removal;
  - e. Replacement of building façade elements with like-materials, or like-appearance materials after consultation with City Planner or designee thereof; and
2. Permits are required for re-roofing, but may be acquired retroactively for emergency repair or replacement.
- a. Re-roofing with like-materials, or like-appearance as with a repair or replacement, may be conducted without design review.
- C. Minor improvements and construction, requiring administrative design review for approval.
- 1. Any non-cabinet signs permanent or temporary, any architectural fencing, and any addition less than twenty percent (20%) of the total existing building area, or exterior remodeling less than sixty percent (60%) of the façade(s) that is consistent with the architectural design and material consistency of the primary structure qualifies as a minor improvement and will go through administrative design review, with application and fees.
  - 2. Administrative design review approval for a minor improvement is required prior to review and approval of a building permit.
  - 3. Any proposed demolition, partial or whole of a structure, may not be considered a minor improvement and must be reviewed by the Design Review Board in a public hearing, per 17.05.513.4(D).
- D. Major improvements and construction. ~~If the applicant is required by this ordinance~~Any proposed repairs or improvements that do not qualify per 17.05.513.4(B) or (C) above as exempt or minor must be scheduled to appear before the Design Review Board for approval of ~~his~~ plans, and the following additional information shall be submitted:
- 1. An application for Design Review approval. Said application to be furnished by the Development Services Department and to include applicant's name, mailing address, location of property, property owner name and mailing address, property owner authorization, legal description and such other information as deemed necessary by the Design Review Board.
  - 2. A site plan, to scale, showing area covered by building, parking areas and landscaping treatment. The site plan submittal package shall also include space occupancy amounts for land uses permitted within Section 513.2 and conform to the development standards of Section 513.3.
- ~~CE.~~ Prior to the issuance of a building permit within the H-P Overlay Zoning District, the ~~Building Inspector~~ City Planner or designee thereof shall ~~ascertain~~ confirm that whether the Design Review Board ~~has~~ was required to, and in fact had approved plans through design review which are in substantial conformance to those presented with the building permit application and that the time limitations imposed by this ordinance or the Design Review Board have not elapsed. If the ~~Building Inspector~~ City Planner or designee ~~has~~ have any questions as to whether the plans are in substantial conformance with the plans approved by the Design Review Board, the plans shall be referred to the Design Review Board for their consideration.
- ~~DE.~~ Prior to the change of any building's exterior character, by remodeling or alteration, the property owner or his designated agent shall secure that approval of the City Planner or designee thereof, or the Design Review board ~~Board, or the Building Inspector~~, as the circumstances require.

**EG.** The City Planner and Design Review Board shall impose such conditions as ~~it~~they may deem necessary in order to carry out fully the provisions and intent of this Ordinance. A notation of the City Planner or Design Review Board's action shall be indelibly imprinted on each sheet of two sets of plans. One set shall be retained ~~In the Building Inspections file~~by Development Services and one set shall be returned to the owner or his representative.

**FH.** The City Planner ~~and Building Inspector of the City~~or designee thereof shall ensure that all matters approved ~~by the Design Review Board~~ are undertaken and completed according to the details of the recorded approval ~~of the Design Review Board~~ and ~~is~~are hereby authorized and required to cause the stoppage of any work attempted to be done without or contrary to the recorded approval ~~of the Design Review Board~~ and shall cause any violator to be prosecuted.

**GI.** Any citizen of the City of Douglas shall also have the right, within thirty (30) days, to appeal an administrative design review decision of the City Planner ~~and/or Building Inspector~~designee thereof to the Design Review Board.

**HJ.** The decisions made by the City Planner ~~and Building Inspector~~or designee thereof under subsection 513.4 shall be published as a legal notice in a newspaper of record within ~~fourteen (14)~~thirty (30) days after said decision.

**513.5 Criteria.** In considering any application for Design Review approval, the City Planner or designee thereof and the Design Review Board shall be guided by the following criteria:

- A. The architectural character of the proposed structure shall be in harmony with and compatible to those structures in the Historical Preservation Overlay Zone.
- B. The architectural character of the proposed structure shall be in harmony with and compatible to the architectural character hereinafter adopted for any given area.

**C. The specific provisions of The City of Douglas, Arizona Historic Preservation Overlay Design Guidelines.**

**513.6 Demolition of Historic Buildings.** No permit shall be issued by ~~the Building Inspector~~Development Services for demolition of all or any significant part of any residential, commercial or industrial building, which is in the designated historic district before approval by the Design Review board.

In making the decision, the Design Review Board shall determine if the applicant has shown that the preservation of the building is physically and/or economically infeasible.

- A. If preservation is found to be both physically and economically infeasible, they shall notify the City Planner ~~and Building Inspector~~or designee thereof that the issuance of the demolition permit is approved by the Design Review Board.
- B. If the preservation of the building is found by consideration of testimony and evidence to be feasible, the Design Review Board shall notify persons or groups interested in historic preservation who may either attempt to convince the owner to preserve the building for at least five (5) years in accordance with the provisions of this article, or if the owner does not so agree, to attempt to have the property purchased by someone who will agree to preserve the building for five (5) years, in accordance with the provisions of this article.
- C. If the owner is not convinced to retain the building and does not make an agreement to that effect and no one else has agreed to purchase ~~it the property from him~~ within ninety (90) days after public notification of ~~his the~~ application for demolition permit, the Design Review Board shall notify the City Planner ~~and Building Inspector~~or designee thereof that the ~~issuance~~issuance of a permit to demolish the building is approved.

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- D. Approval by the Design Review Board of the issuance of a permit does not mandate the granting of the permit by the City Planner ~~nor Building Inspector~~ or designee thereof if substantial reasons exist to deny it under other provisions of the Douglas Municipal Code.

( Ord. No. 22-1143 , § 2(Exh. A), 4-13-2022)

## **Sec. 514. (DR) - Design Review Overlay Zone.**

**514.1 Purpose.** The Design Review District is intended to protect and enhance the distinctive character and natural attractiveness of the City of Douglas in areas that may not otherwise be deemed to be historic.

It is also the intent of this district to enhance the aesthetic and visual environment, to assurance appropriate architectural design and to protect the unique architecture and items of historical significance from the effects of inharmonious, bizarre, and out-of-scale development. Enrichment of civic beauty is also a significant factor contribution to the social welfare of its inhabitants, and the creation of this district is therefore considered to be in furtherance of health, safety, and general welfare.

The (DR) Design Review Overlay Zone is a supplemental special district which, when superimposed over any other zoning district, requires the review of the exterior design and site plans for all buildings, structures, or appurtenances thereto, to be erected, constructed, converted, established, altered or enlarged within the district.

### **514.2 Review Requirements and Procedure.**

- A. Prior to the preparation of final architectural or engineering drawings for any buildings within and area containing the supplemental (DR) Design Review Zoning, the property owner or his representative shall submit the following for the Design Review Board consideration:
1. An application for Design Review approval. Said application to be furnished by the City ~~Community~~ Development Services Office and to include applicant's name, mailing address, location of property, legal description of property and such other information as deemed necessary by the Building Inspector and the Design Review Board.
  2. Rendered evaluations of the front, sides, and rear of the building, to scale, adequately illustrating the building's character and treatment.
  3. A site plan, to scale, showing area covered by building, parking areas and landscaping treatment.
  4. A list of exterior materials, colors and their application.
- B. Prior to the issuance of a building permit within any area containing the supplemental (DR) zoning, the City Planner or designee thereof ~~Building Inspector~~ shall ascertain that the Design Review ~~board~~ Board has approved plans which are in substantial conformance to those presented with the Building Permit application and that the time limitations imposed by this ordinance or the Design Review Board have not elapsed. If the Inspector of Building has any questions as to whether the plans are in substantial conformance with the plans approved by the Design Review Board for the consideration.
- C. Prior to the change of any building's exterior character, by remodeling or alteration, the property owner, or his designated agent, shall secure the approval of the Design Review Board.
- D. The Design Review Board shall impose such conditions as it may deem necessary in order to fully carry out the provisions and intent of this ordinance. A notation of the Design Review Board's action shall be indelibly imprinted on each sheet of two set plans. One set shall be retained in the Building Inspection file and one set shall be returned to the owner or his representative.
- E. The City Planner or designee thereof ~~Building Inspector of the City~~ shall insure that all matters approved by the Design Review Board are undertaken and completed according to the approval of the Design Review Board and shall cause any violator to be prosecuted.