

ORDINANCE NO. 23-1166

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, ADOPTING “2023 AMENDMENTS TO THE DOUGLAS ZONING CODE AND CHAPTER 2.32” BY REFERENCE TO AMEND CERTAIN PROVISIONS TO THE UPDATE OF RULES AND REGULATIONS TO ZONING WITHIN THE CITY OF DOUGLAS AND AMENDING CERTAIN PROVISIONS OF ARTICLES 1, 2, 3, 4, 5, 10, 11, 12, 13, AND 14 OF TITLE 17, OF THE DOUGLAS ZONING CODE, AND AMENDING CHAPTER 2.32 OF THE DOUGLAS MUNICIPAL CODE RELATING TO THE PLANNING AND ZONING COMMISSION; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

WHEREAS, that certain document known as “2023 Amendments to the Douglas Zoning Code and Chapter 2.32” was adopted as a public record by Resolution No. 23-1544 on April 12, 2023;

WHEREAS, the City Council previously adopted Ordinances which established laws and regulations related to zoning within the City of Douglas;

WHEREAS, on March 21, 2023 the Planning and Zoning Commission recommended approval of ZCA-2023-01 and ZCA-2023-03 subject to certain conditions of approval;

WHEREAS, the City of Douglas Mayor and Council believe, after consultation with its staff, that amending the Zoning Code to update the rules and regulations related to zoning within the City of Douglas would be in the best interest of the City of Douglas; and

WHEREAS, A.R.S. §9-802 and the City Charter allows the City to adopt a public record by Ordinance as a means to reduce publication costs while ensuring that the public gets fair notice and opportunity to review its operative provisions.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Douglas, Arizona, as follows:

SECTION 1. Pursuant to Arizona Revised Statutes Section 9-802 and the City Charter, that certain document known as "2023 Amendments to the Douglas Zoning Code and Chapter 2.32" of the Douglas City Code, electronic copies of which are on file in the office of the City Clerk, which document was made a public record by Resolution No. 23-1544, is hereby referred to, adopted and made a part hereof in this Ordinance.

SECTION 2. Articles 1, 2, 3, 4, 5, 10, 11, 12, 13, and 14 of Title 17, the Douglas Zoning Code, and Chapter 2.32 of the Douglas Municipal Code are hereby amended as outlined in "2023 Amendments to the Douglas Zoning Code and Chapter 2.32" which was made public record by Resolution No. 23-1544 of the City of Douglas, Arizona.

SECTION 3. The following fees and penalties are contained in that certain document known as "2023 Amendments to the Douglas Zoning Code and Chapter 2.32”:

1 Sec. 1303 **Zoning Compliance Review fee.** Before any application for a Zoning Compliance Certificate
2 shall be considered, a non-refundable review fee of twenty dollars (\$20.00) shall be paid to City
3 Development Services.

4 Sec. 1402. **Complaints regarding violations.** Whenever a violation of this Ordinance occurs, or is alleged
5 to have occurred, any person may file a written complaint. Such complaint shall state fully the cause and
6 basis thereof, and shall be filed with Development Services or the City Clerk. Such complaints shall be
7 properly, and immediately investigated and documented prior to taking action as provided by this
8 Ordinance, and as authorized in other chapters of the Douglas Municipal Code relating to nuisances,
9 hazards and abatement.

10 **SECTION 4.** To the extent of any conflict between other city Ordinances and this Ordinance, this
11 Ordinance shall be deemed to be controlling; provided, however, that this Ordinance is not intended to
12 amend or repeal any existing city Ordinance, Resolution or regulation except as expressly set forth herein.

13 **SECTION 5. Effective date:** This Ordinance shall be effective thirty (30) days after final approval and
14 adoption by the Mayor and Council.

15 **SECTION 6. Severability:** If any chapter, section, subsection, sentence, clause or phrase of this
16 Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent
17 jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance and this
18 Ordinance shall continue in full force and effect after the deletion of the illegal or unconstitutional
19 provision.

20 **PASSED AND ADOPTED** by the Mayor and Council of the City of Douglas, Arizona, this 12th day of
21 July 2023.

22 _____
23 Donald C. Huish, Mayor

24 Attest:

25 Approved as to form:

26 _____
27 Alma Andrade, City Clerk

28 _____
29 Denis Fitzgibbons, City Attorney

30 Prepared by:
31 Nick Cook, City Attorney