

EXHIBIT A

- B. Maximum yard coverage: Thirty-five (35) percent of the required side and rear yard.
- C. Location Restrictions: No accessory building shall be erected in any minimum required front yard, except as otherwise provided in this code.
- D. Setback requirements: Accessory buildings shall be setback from the side lot line and rear lot line a distance not less than three (3), feet except:
 - 1. For a lot having its rear lot line contiguous with any alley line, no rear setback shall be required for the accessory building(s).
 - 2. For a corner lot abutting a key lot and not separated therefrom by an alley, any accessory building shall be set back from the rear lot line a distance not less than the width of the least required side yard applicable to the main building.
 - 3. For a corner lot, the side street setback shall be the same as for the main building.

509.9 **Off-street parking and loading.** In accordance with the provisions of Article 6.

509.10 **Sign regulations.** In accordance with the provisions of Article 7.

509.11 **Landscaping, screening, and buffering.** See subsection 507.11.

(Ord. 11-997, § 5, 3-9-11)

Sec. 510. HI - Heavy Industry.

510.1 **Purpose.** This district is comprised of certain industrial lands, structures and uses having physical and operational characteristics which are offensive or hazardous at historically high-intensities of use or which would otherwise adversely affect the economic welfare of nearby residential and commercial uses with high-intensity, large-scale industrial use. When scaled smaller, and impacts are managed, certain heavy industry uses may be compatible with other less intensive uses.

510.2 **Approvals required.** No structure or building shall be built or remodeled upon land in the Heavy Industry district until all required subdivision plat and/or site plan approvals have been obtained. The Arizona Department of Environmental Quality (ADEQ) shall be consulted for review of potential environmental impacts as part of the documented City of Douglas development review and approval process.

A. Substandard Lot Sizes. For Heavy Industry (HI)-zoned properties with less land area than the minimum lot size established in Section 510.7, Property Development Standards, there may be two (2) pathways to permitting a proposed use or development in the HI Zoning District:

1) If the proposed use would normally be principally-permitted per Section 510.4, a conditional use permit would be required, per Section 310;

2) If the proposed use would normally be conditionally-permitted per Section 510.5, a complete planned development application must be filed per the requirements of Article 9, Planned Development Regulations.

510.3 **Location.** The following criteria shall be considered in establishing and maintaining a HI zoning district:

- A. Conforms to appropriate designation in the general plan.
- B. Corresponds to an existing district or development in an area annexed into the City.

510.4 **Permitted principal uses.**

- A. School or studio for professional work or teaching of any form of commercial or fine arts;
- B. Small and large animal veterinary hospital;

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- C. Retail sales;
 - D. Broadcasting station and studio;
 - E. Clothes cleaning establishment;
 - F. Industrial cleaning and dyeing plants;
 - G. Publishing;
 - H. Shoe repair;
 - I. Taxidermist;
 - J. Automated carwash;
 - K. Automobile rental;
 - L. Automobile sales;
 - M. Automotive repair;
 - N. Body and paint shops;
 - O. Boat sales;
 - P. Commercial parking lot;
 - Q. Equipment sales or rental and storage;
 - R. Gasoline service station;
 - S. Motorcycle sales;
 - T. Recreational vehicle and camper sales and repair;
 - U. Tire store;
 - V. Retreading;
 - W. Multi-unit storage facilities;
 - X. Cold storage;
 - Y. Wholesale establishments;
 - Z. Manufacture, compounding, processing, packaging, bottling of, or treatment of such products as bakery goods, candy, cosmetic, dairy products, drugs, perfume, pharmaceutical, soap, toiletries, beverage, and food products, and other personal articles and household goods;
 - AA. Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, rubber, leather, paper, plastics, precious or semi-precious metals or stones, shell, straw, textiles, tobacco, wood, wool, yarn, except as hereafter specified;
 - AB. Manufacture of instruments, toys, novelties, rubber and metal stamps, cameras, photographic equipment, business and household machines and appliances;
 - AC. Farming, landscaping and agricultural supplies and equipment, wholesaling and storage;
 - AD. Manufacturing, processing and assembly of malleable metals, signs, monuments, industrial machinery, and carbonic ice;
 - AE. Spraying supplies and equipment, wholesaling and storage;
 - AF. Towed or motor vehicle assembling;

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- AG. Truck, bus and heavy equipment garages, dispatching and weighing stations;
 - AH. Mini-warehouses, for storage purposes only (no retailing is permitted from these facilities);
 - AI. Retail commercial operations directly related to the primary industrial use, may be permitted, provided they do not exceed twenty (20) percent of the gross floor area;
 - AJ. Blacksmith or welding shop;
 - AK. Kennels;
 - AL. Medical marijuana designated caregiver cultivation location, subject to subsection 507.7.E.
 - AM. Medical marijuana dispensary off-site cultivation location, subject to subsection 507.7.E.
 - AN. Medical marijuana qualifying off-site cultivation location "35", subject to subsection 507.7.E.

510.5 Permitted conditional uses. In accordance with Section 310, the following uses may be approved:

- A. Ball bearing manufacturing;
- B. Boxes or cabinets, manufacturing;
- C. Chocolate and cocoa products manufacturing;
- D. Feed (grains) manufacturing and processing;
- E. Flour and grain mills, storage and elevators;
- F. Fuel distributing station, gasoline (bulk plant);
- G. Ice manufacturing and storage;
- H. Paint and varnish manufacturing;
- I. Septic tank, cesspool servicing and cleaning-equipment yard;
- J. Wood products, manufacturing, bulk;
- K. Meat packing and smoking; slaughtering prohibited;
- L. Petroleum products, packaging and storage, including butane distributors, subject to the provisions of the Uniform Fire Code;
- M. Automobile parts, supplies, salvage, or wrecking;
- N. Cement and paving material mixing plant;
- O. Manufacture, fabrication, or assembly, including contractors facilities, of building materials and construction equipment: acoustical materials, air conditioners, heating and ventilating equipment, bolts, cement and concrete products, ceramics, decorative metals and wrought iron, doors drills, fences, fire escapes, hardware and machine and road building equipment, plaster, plastics, plumbing supplies and sewer pipes, pumps, scaffolds, screens, screws, tile, welding equipment, windows; or other similar items;
- P. Exterminator and insect poison, manufacturing;
- Q. Foundry for casting lightweight, nonferrous metal, not causing noxious odors or fumes;
- R. Gasoline and petroleum bulk storage tanks;
- S. House movers, equipment, storage or wrecking yards;
- T. Junk yards;
- U. Metals crushing for salvage;

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- V. Millwork (woodworking, manufacturing);
 - W. Planing mills;
 - X. Plating works, bulk (galvanizing);
 - Y. Manufacture of brick and all clay, cinder, concrete, synthetic, cast stone, plastic and pumice stone products;
 - Z. Rock crushing;
 - AA. Sand blasting yard;
 - AB. Seed treatment, processing, extraction of oil;
 - AC. Steel fabrication (plate, structural, misc. iron, reinforcing);
 - AD. Storage yards bulk material;
 - AE. Tanks, fabrication;
 - AF. Retail commercial operations directly related to the primary industrial conditional use maybe permitted, provided they do not exceed twenty (20) percent of the gross floor area;
 - AG. Extraction of sand, gravel, and other natural resources;
 - AH. Wastewater treatment plants and sewage facilities;
 - AI. Utility structures;
 - AJ. Correctional facilities;
 - AK. Public solid waste landfill or transfer station;
 - AL. Emergency service facilities or other public service facilities needing locations in the area to permit effective service within the area;
 - AM. Private clubs, lodges;
 - AN. Recycling centers;
 - AO. Medical offices when developed in conjunction with a planned hospital development.

510.6 Permitted accessory uses.

- A. Any use customarily incidental to a permitted principal use, such as:
 - 1. Private garage or carport for storage of vehicles;
 - 2. Garden house, toolhouse, ramada, swimming pool.
- B. Accessory dwelling units, see Section 310.
- C. Where the keeping of horses and other livestock is lawful, structures customarily accessory to such use.

510.7 Property development standards.

- A. Minimum area: Five (5) acres, with conditional use permitting or planned development application processes required for existing Heavy Industry (HI)-zoned properties with substandard land area, per Section 510.2(A).
- B. Building height: No newly-constructed building featuring permitted Heavy Industry (HI) uses shall exceed thirty-five (35) feet in height.
- C. Required yards:

1. Front yard setback: 40 feet.
2. Side yard setback: 30 feet.
3. Rear yard setback: 30 Feet.

D. Minimum distance between main buildings: As prescribed by the Uniform Building Code.

E. Required yards, applicability to substandard parcels. Notwithstanding the above Subsections of Section 510.7 above, required yards may be established for a non-conforming Heavy Industry (HI)-zoned properties through a conditional use permit or planned development application process, per Section 510.2(A))

510.8 Nonresidential accessory buildings.

A. Maximum height: Fifteen (15) feet above grade.

B. Maximum yard coverage: Thirty-five (35) percent of the required side or rear yard.

C. Location restrictions: No accessory building shall be erected in any minimum required front yard, except as otherwise provided in this code.

D. Setback requirements: Accessory buildings shall be setback form the side lot line and the rear lot line a distance not less than three (3) feet, except:

1. For a lot having its rear lot line contiguous with an alley line, no rear setback shall be required for the accessory building(s).
2. For a corner lot abutting a key lot and not separated therefrom by an alley, any accessory building shall be setback form the rear lot line a distance not less than the width of the least required side yard applicable to the main building.
3. For a corner lot, the street side setback shall be the same as for the main building.

E. Nonresidential accessory buildings, applicability to substandard parcels. Notwithstanding the above Subsections of Section 510.8 above, nonresidential accessory building locations may be established for a non-conforming Heavy Industry (HI)-zoned properties through a conditional use permit or planned development application process, per Section 510.2(A)).

510.9 Off-street parking and loading. In accordance with the provisions of Article 6.

510.10 Sign regulations. In accordance with the provisions of Article 7.

510.11 Landscaping, screening, and buffering. See subsection 507.11.

(Ord. 10-986, § 2, 6-9-10; Ord. 11-997, § 6, 3-9-11)

Sec. 511. OS - Open Space Zone.

511.1 Purpose. This district in intended to provide for land uses in areas which have been set aside to serve recreational functions or to provide open space areas.

511.2 Approvals required. No structure or building shall be build or remodeled upon land in the Open Space district until all required subdivision plat and/or site plan approvals have been obtained.

511.3 Location. The following criteria shall be considered in establishing and maintaining an OS zoning district:

- A. Conforms to appropriate designation in the General Plan.
- B. Corresponds to location of existing park or open space use.
- C. Corresponds to an existing district or development in an area annexed into the City.

6. Heliport 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 heliport 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. Heliport 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 heliport 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 heliport 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 ~~Zone~~Zoning District.

513.1 **Purpose.** The Historical Preservation (H-P) Overlay ~~Zone~~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 creation of this district.~~ The regulations contained herein encourage adaptive reuse of existing buildings and neighborhood context-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 (H-P) Historic Preservations (H-P) Overlay ~~Zone~~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, 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 ~~his-the~~ decision to the design review board.

In instances involving major reconstruction or additions 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 Building Inspector/designee shall call meeting of the design review board for the purpose of reviewing and approving such plans. The ~~Building Inspectors~~City Planner shall also call a meeting of the siding review board or design review board whenever ~~he there has is~~ reason to believe reasonable expectation that the proposed work anticipated will be controversial in nature.

The Historic Preservation (H-P) Overlay Zoning District ~~will also allow~~ 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 requirements 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 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 District, provided there 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 from schools and places of worship must be applied

during site selection for a proposed unless an exemption is issued from the City of Douglas City Council, per an adopted entertainment district resolution.

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 from schools and places of worship must be applied during site selection for a proposed unless an exemption is issued from the City of Douglas City Council, per an adopted entertainment district resolution.

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 from schools and places of worship must be applied during site selection for a proposed unless an exemption is issued from the City of Douglas City Council, per an adopted entertainment district resolution.

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.

j. 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.

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 moreso 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, .

513.24 Design Review Requirements and Procedure.

A. Prior to the preparation of final architectural or engineering drawings for any building within ~~an area containing the supplemental (H-P)~~ 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. If the applicant is required by this ordinance to appear before the Design Review Board for approval of his plans, the following additional information shall be submitted:

1. An application for Design Review approval. Said application to be furnished by the ~~Building Inspection~~ 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.

BC. Prior to the issuance of a building permit within ~~any area containing the supplemental~~ H-P Overlay ~~zoning~~ Zoning District, the Building Inspector shall ascertain that the Design Review 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 Building Inspector has any questions as to whether the plans are in substantial conformance with the plans approved by the Design Review Board, ~~he shall refer~~ the plans shall be referred to the Design Review Board for their consideration.

~~CD.~~ 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 Design Review board, or the Building Inspector, as the circumstances require.

~~DE.~~ The Design Review Board shall impose such conditions as it may deem necessary in order to carry out fully 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 sets of plans. One set shall be retained in the Building Inspections file and one set shall be returned to the owner or his representative.

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

~~FG.~~ Any citizen of the City of Douglas shall also have the right, within thirty (30) days, to appeal a decision of the City Planner and/or Building Inspector to the Design Review Board.

~~GH.~~ The decisions made by the City Planner and Building Inspector under subsection 513.2-4 shall be published as a legal notice in a newspaper of record within fourteen (14) days after said decision.

513.35 **Criteria.** In considering any application for Design Review approval 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 structure 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.

513.46 **Demolition of Historic Buildings.** No permit shall be issued by the Building Inspector 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 physically and ~~or~~ economically infeasible, they shall notify the City Planner and Building Inspector that the issuance of the demolition permit is approved by the Design Review Board.
- B. If the preservation of the building is found 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 he 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 has agreed to purchase it from him within ninety (90) days after public notification of his application for demolition permit, the Design Review Board shall notify the City Planner and Building Inspector that the issuance of a permit to demolish the building is approved.
- 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 if substantial ~~he should find~~ reasons exist to deny it under other provisions of the Douglas City Municipal Code.