

**202.2B. Identification.** The Official Zoning Districts Map shall be identified by the most recent Ordinance adopted -signature of the Mayor, attested by the City Clerk, and bear the seal of the City of Douglas. Regardless of the existence or purported copies of the Official Zoning District Map which may, from time to time, be made or published, which shall be stored in the vault, under the authority of the City Clerk, and shall be the definitive map to determine the current zoning status of land areas, buildings, and other structures in the City.

**202.3C. Changes.** If, in accordance with the provisions of this Ordinance changes are made in district boundaries or in other matters portrayed on the Official Zoning Districts Map, such changes shall be made ~~on to~~ said map promptly thirty (30) days after the amendment has been approved by the City Council, ~~together with an entry signed by the City Clerk certifying to the accuracy and date.~~ No amendment to this Ordinance which involves matter portrayed on the Official Zoning Districts Map shall become effective until after such change and entry have been made on said map. No changes of any nature shall be made on the Official Zoning Districts Map of matter shown thereon except in conformity with the provisions of this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as hereinafter provided in Article 17.14.

**202.4D. Replacement.** In the event that the Official Zoning Districts Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may, by resolution, adopt a new Official Zoning Districts Map which shall supersede the prior map. The new Official Zoning Districts Map may correct drafting or other errors or omissions in the prior map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. ~~The new Official Zoning District Map shall be identified by the signature of the Mayor attested by the City Clerk, and bear the seal of the City of Douglas under the following words: "This is to certify that this Official Zoning District Map supersedes and replaces the Official Zoning District Map adopted October 10, 1966 as part of Ordinance No. 350 of the City of Douglas, Arizona."~~

**202.5E. Interpretation.** Where, due to scale, lack of detail, or illegibility of the Official Zoning Districts Map there is an uncertainty, contradiction, or conflict as to the intended location of any district boundary shown thereon, the exact location of such boundary shall be determined by the ~~Board of Adjustments~~ City Planner. The ~~Board of Adjustments~~ City Planner, in reaching ~~its~~ a determination, shall apply the following standards:

- ~~(a)~~ 1. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the center-lines of streets, alleys or rights-of-way, unless otherwise fixed by dimensions shown on the Official Zoning Districts Map ~~;~~
- ~~(b)~~ 2. In subdivided property, or where a zoning district boundary divides a lot, the exact location of such boundary, unless same is indicated by dimensions shown on the Official Zoning Districts Map, shall be determined by use of the map scale shown thereon ~~;~~ and
- ~~(c)~~ 3. If, after application of foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary, by appeal in a public hearing, the Board of Adjustment shall determine and fix the location of said line in accordance with the purpose and intent of this Ordinance as provided for in Article 17.11.

## ARTICLE 3. GENERAL PROVISIONS

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## Sec. 301. Conformance mandatory.

Except as otherwise provided elsewhere in this Ordinance, no building shall hereafter be used, erected, constructed, reconstructed, moved or altered, nor shall any land be used except in conformity with these regulations for the zoning district in which the land or building is located. Provisions of other Titles of the Douglas Municipal Code are subordinate to this Ordinance regarding the use of buildings or private property.

## Sec. 302. ~~Resolution of disputes~~Administrative interpretations and appeals.

- A. **Purpose.** In any dispute or question concerning the application of any provision of these Zoning Regulations, or of General Plan policy guidance, that resolution will be favored which is most reasonable and consistent with regard to the general purpose of these regulations, policies of the General Plan and ~~the~~ established and accepted principles of planning and zoning law.
- B. **Authority.** The City Planner, per DMC 17.10.100(A)(1), is the responsible official with authority for administratively interpreting the intent and questioned provisions of these Zoning Regulations, referencing the policy intent of the General Plan and other subarea or functional plans incorporated into the General Plan by ordinance that guide such interpretations.
- C. **Application.**
1. The City shall provide a form for applications requesting interpretation, which will require at minimum the following information:
    - a. Applicant/agent name and contact information; and
    - b. Detailed explanation of requested relief or clarification sought, with clear references to applicable Sections of the Zoning Code, or other Sections of the Douglas Municipal Code. An explanatory letter may be attached to the application.
- D. **Certification of Interpretation.**
1. The City Planner shall issue a letter of interpretation, addressing each of the points or questions, per documented application, and payment of any associated fees as required in Article 17.13 of these Zoning Regulations.
- E. **Appeals of interpretations.**
1. Requirements. Appeals of interpretation decisions affirming the initial interpretation of the City Planner must also be filed as separate applications, with payment of any associated fees as required in Article 17.13 of these Zoning Regulations;
    - a. Appeal of City Planner interpretation application to the City Manager shall include at minimum the following:
      - i. Applicant/agent, site location and owner contact information;
      - ii. City Planner Interpretation and Applicant Rationale for Appeal based on record and applicable zoning regulations and General Plan policies; and
      - iii. Receipt of fee payment, as required in Article 17.13 of these Zoning Regulations.
    - b. Any person aggrieved by a decision of the City Manager may file an appeal to the Board of Adjustment in accordance with Article 17.11.
- F. **Alternative Design.** Where a proposed or existing use is calculated to be in violation of property development standards of a situated zoning district or overlay zoning district, but does not exceed



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twenty-five percent (25%) of the particular minimum development standard, the City Planner may administratively approve such deviation from the property development standard. A party requesting such approval shall file an application and fee payment for administrative review and decision. The City Planner shall create a policy for review and approval of such applications.

### **Sec. 303. Right to petition.**

Every person affected by the application of these Zoning Regulations shall always have the right to petition and be heard, and the City has a process for administrative interpretation and appeals thereof to satisfy this right.

### **Sec. 304. Fundamental rights of owners.**

The application of these Zoning Regulations shall be governed by all the particular facts of each case, and no individual owner shall be prejudiced by reason of ~~his~~ being in a minority, either in demographic number nor amount of land owned, and an owner ~~he~~ shall be entitled to a balancing of the equities of all interests concerned. Violating these regulations is an action, however, not supported by rights and is a matter for consideration in judgment.

### **Sec. 305. Special privileges forbidden.**

No special favors or privileges shall be granted to any person under the terms of these Zoning Regulations.

### **Sec. 306. Minimum requirements.**

The provisions of ~~These~~ these Zoning Regulations are minimum requirements. Where these regulations impose a greater restriction ~~that~~ than is imposed or required by other provisions, including other titles of the municipal code, or private covenants and restrictions within Douglas Municipal Limits, these Zoning Regulations shall control as applicable.

### **Sec. 307. Private agreements.**

The provisions of these Zoning Regulations shall apply independently of any recorded easements, restrictions, covenants or other purported or documented agreements between private parties. However, coordination of private and public regulations is essential, as the most stringent regulation(s) are applied without invalidating the applicability of either. It shall be the responsibility of agents or applicants to notify the City of and produce copies of recorded private restrictions that apply to a subject property.

### **Sec. 308. Continuing existing uses.**

Nothing contained in these Zoning Regulations shall affect existing uses of property nor the right to its continued use or the reasonable repair or alteration thereof for the purpose for which used at the time these Zoning Regulations were originally adopted, nor prior to points in time when these Zoning Regulations were amended by subsequent ordinances ~~take effect.~~

### **Sec. 309. Permitted uses.**

Uses designated as permitted by any zoning district regulation shall be permitted upon application approval as provided in Article 17.10. No such approval shall be granted except upon compliance with all of the regulations specified for the zoning district or overlay zoning district in which the use is sought to be maintained.

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## Sec. 310. Conditional uses.

~~310.1~~**A.** **Purpose.** Each district in the City contains designated permitted uses. In addition to the designated permitted uses in each district, there are conditional uses, neither absolutely permitted as a right nor prohibited by law, which may be compatible within the district. These are privileges, in a sense, which must be applied for and approved by the City Planner or responsible official per Article 17.10, if considered minor, or by the Planning & Zoning Commission if considered major, per Section 17.03.310(C).

**B. Intent.** It is the intent of this Article to provide a set of procedures, ~~and~~ standards and processes for permitting conditional uses of land or structures which, because of their unique characteristics relative to locational features, design, size, operation, circulation, and public interest or service, require special consideration in relation to the welfare of adjacent properties and the community as a whole. It is the purpose of the regulations and standards set forth below to:

- ~~(a)~~**1.** Allow, on one hand, practical latitude for utilization of land and structures, but at the same time maintain adequate provision for the protection of the public health, safety, convenience and general welfare of the community and adjacent properties; and
- ~~(b)~~**2.** Provide a mechanism for periodic review of conditional use permits to provide for further conditions to more adequately assure conformity of such uses to the public welfare.

~~310.2~~**C.** **Permitted Major Conditional Uses.** The following are conditional uses which may be permitted in certain districts subject to the standards detailed herein, as decided by the Planning and Zoning Commission:

- ~~(a)~~**1.** Utility structures, including, but not limited to, substations, telephone switching stations, electrical generation facilities and other facilities required for the transmission of power or communications~~;~~
- ~~(b)~~**2.** Sewage facilities, including but not limited to, pump stations, or sewage or storm water treatment plants~~;~~
- ~~(c)~~**3.** Water systems, including, but not limited to, treatment plants, storage reservoirs, pump stations or other major facilities associated with the supply or distribution of water~~;~~ and
- ~~(d)~~**4.** Emergency service facilities or other public service facilities needing locations in the area to permit effective service within the area~~;~~
- ~~(e)~~**5.** Private clubs, fraternities, sororities and lodges with more than 1,000 square feet of interior building area and/or when located closer than one hundred-fifty (150) linear feet from the nearest residential use structure;
- ~~(f)~~**6.** Elementary, middle and high schools (public/secular)~~;~~
- ~~(g)~~**7.** Institutional buildings such as hospitals, colleges, churches and synagogues~~;~~
- ~~(h)~~**8.** Cemeteries~~;~~
- ~~(i)~~**9.** Nursing, retirement or convalescent homes~~;~~
- ~~(j)~~**10.** Child care facilities with more than five hundred (500) square feet of interior building area and more than five hundred square feet of enclosed outdoor play area;
- ~~(k)~~**11.** Solid waste transfer stations and solid waste landfills~~;~~
- ~~(l)~~**12.** Recycling centers~~;~~
- ~~(m)~~**13.** Transit facilities, including equipment storage centers~~;~~



- 4d. The site layout promotes energy conservation and user convenience, as well as operational efficiency.
- 5e. The site layout conforms to the established street and circulation pattern.
- 6f. Noise levels and lights from the facility will not interfere with adjacent land uses.
- 7g. Recreational Vehicle Parks shall adhere to the conditions set forth in Article 17.08.

**310.5H. Minor Conditional Use Permit Administrative Review Procedure.**

1. Administrative Consideration by the City Planner.

a. Applicability.

- i. Minor conditional uses. For those uses listed and described as minor in Section 17.03.310(D), and as described further in Section 17.03.310(H)(1)(b)(i), application to the City Planner for a Conditional Use Permit may be processed as a Minor Conditional Use Permit.

b. Reviewed for approval or deference to the Planning and Zoning Commission.

- i. In consideration of an application, the City Planner may determine that a proposed conditional use is minor, if the land area and/or building area of the proposed use is smaller than that required for permitted uses, and the use is anticipated to have less impact in the following aspects associated with principally-permitted uses of the zoning district:

- (1) Noise;
- (2) Air Quality;
- (3) Visual Character of Proposed Use(s) or Structures; and
- (4) Vehicular and/or Pedestrian Traffic Safety.

- ii. The City Planner may determine that a proposed conditional use is major, and may significantly impact the community such that the proposal should be sent to the Planning and Zoning Commission for their consideration at a public hearing, with meeting notification requirements.

c. Decision. If processed as a Minor Conditional Use Permit, the decision of the City Planner shall be provided to the Applicant, and self-identified interested parties.

d. Appeal. A Minor Conditional Use Permit decision of the City Planner may be appealed to the Planning and Zoning Commission, with separate application, notification costs and fees to be paid for by the conditional use permit applicant as required in Article 17.13 of these Zoning Regulations

**~~(a)I.~~ Major Conditional Use Permit Consideration by the Commission.**

- 1. All applications for conditional use permits shall be considered administratively by the City Planner, or by the Commission at a public hearing, advertised and conducted in accordance with the provisions of ~~Section 1102~~ this Zoning Code. Notice of public hearing by both publication in a newspaper of general circulation ~~in accordance with section 1202 and 1203, and,~~ where applicable, posting notice in conspicuous places close to the property affected and to the following persons:

~~(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.

~~311.4~~E. **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.

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~~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.



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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



wastes or by-products, shall be prohibited in every district except an Industrial District where such use may be permitted where not in violation of other local, Federal and State regulations by ~~the Board of Adjustment~~ Development Services in accordance with regulations of that Zoning District.

~~317.2B.~~ **Dumping of Excavation Material.** The dumping of dirt, sand, rock or other material excavated ~~from~~ from the earth ~~shall~~ may be permitted in any zoning district, provided other local, Federal and State regulations would not be violated and that the surface of such material is graded within a reasonable time, leaving the ground surface in a condition suitable for other uses permitted in the district, and provided that such fill does not so increase the elevation of the site as to prevent its development or use for other purposes.

### **Sec. 318. Exceptions to height limitations.**

A. Height regulations established elsewhere in this Ordinance shall not apply:

- ~~(a)~~ 1. In any district, to church spires, belfries, cupolas and domes, not for human occupancy; monuments; water towers; flagpoles; noncommercial radio or television antennas; recreational fields or playground lighting poles;
- ~~(b)~~ 2. In commercial or industrial districts, to parapet walls extended not more than four (4) feet above the height of the building upon which they rest; elevator housing;
- ~~(c)~~ 3. In industrial districts, to chimneys, smokestacks, derricks and conveyors; grain elevators, or similar structures wherein the industrial processes involved customarily require a height greater than otherwise permitted.
4. In appropriate districts identified in Section 17.19.1903, with a conditional use permit application approved, the erection of a wireless telecommunications facility (cell tower) shall be allowed to exceed the height limit of the zoning district of the situated application.

### **Sec. 319. Projections into required yards, residential districts.**

A. The following building projections shall be permitted in residential districts:

- ~~(a)~~ 1. Awnings, open fire balconies, fire escape stairs, window-type refrigeration units not exceeding one and one-half tons or one and one-half horsepower rating, suspended or roof evaporative coolers, and forced air furnaces may project not more than five feet into any required yard, provided that they are no closer than two (2) feet to any interior lot line.
- ~~(b)~~ 2. Cornices and eaves may project not more than three (3) feet over any required yard, provided that they are no closer than two (2) feet to any lot line.
- ~~(c)~~ 3. Sills, leaders, belt courses and similar ornamental features, any project not more than six (6) inches over or into any required yard; a chimney or pilaster may project not more than eighteen (18) inches into any required yard, provided that it is not more than eight (8) feet in dimension paralleling the nearest lot line.
- ~~(d)~~ 4. Unroofed terraces, patios, steps or similar features not over three (3) feet in height above grade, may project into any required yard.

### **Sec. 320. Yards and setbacks, general.**

A. The following yard and set back requirements shall apply in all zoning districts, unless excepted within specific district regulations:

**320.11. Compressor, Condenser, Cooler Location.** Except as provided elsewhere in this Ordinance, no compressor unit, condensing unit, cooling tower, evaporative condenser, or similar device, shall be located closer to any interior lot line than the minimum setback required for the main building. All such devices shall discharge air in a direction other than toward any lot line which is within twenty-five (25) feet of such device, except within those districts where developable parcel sizes and setback requirements may not provide twenty-five (25) feet distance from such devices. An administrative alternative design interpretation application may be required for approval.

**320.22. Future Street Lines.** Where future right-of-way street lines have been officially established by the City Council, all required setbacks shall be measured from such right-of-way street lines.

**320.33. Service Station Gasoline Pump.** In any district, no service station gasoline pump shall be located closer than twelve (12) feet to any street line, or closer than fifty (50) feet to any residential district. A gasoline pump shall be considered a building for purposes of determining setback requirements.

**320.44. Required Parking and Loading Space Not a Part of Yard.** No part of a yard, or other open space, or off-street parking or loading space required about, or in conjunction with, any building, for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building, unless specifically excepted by particular district regulations.

**320.5-5. Minimum Requirements of Existing Yards, Lots or Parcels.** No yard, lot or parcel existing at the effective date of this Ordinance, or date of the most recently adopted amendment thereof shall be reduced in dimension or area below the minimum requirement set forth herein. Yards, lots or parcels created after the effective date of this Ordinance, or date of the most recently adopted amendment thereof shall meet at least the minimum requirements herein established.

## Sec. 321. Sight distances at intersections.

On corner lots in any residential district, nothing shall be erected, placed, planted, or allowed to remain, which materially impedes vision above a height of ~~two and a half (2½) feet~~ three (3) feet.

## Sec. 322. Fences, walls and hedges.

A. The following restriction on fence, wall and hedge height, location and construction shall apply in the indicated zoning district, unless otherwise provided in Article 17.18:

**322.1-1. Height and Location.** No fence, wall, or hedge exceeding three (3) feet in height above the average grade of the lot shall be erected, placed, planted along the side of any required front yard; nor, in the case of a corner lot that abuts on a key lot, closer to the exterior side lot line than the minimum required front setback for the key lot. No other fence in any residential district shall exceed six (6) feet in height above grade.

**322.22. Prohibited Fence Construction.** No fence shall contain razor ribbon wire, barbed wire, electrical current or charge of electricity, broken glass, or similar hazardous materials or devices. Fences in commercial and industrial zoning districts which enclose storage areas may have barbed wire so long as said barbed wire is located more than six (6) feet in height above grade and be erected in such a manner that the barbed wire does not project in any way over a property line into neighboring private property or any public area. Standard barbed wire ranch



fencing is permitted to be erected in areas where the keeping of horses, cattle, and other large livestock is lawfully permitted for the containment or to provide a barrier from such animals.

(Ord. 05-881 § 1, 2005)

### Sec. 323. Accessory uses.

- A. Principal Use In-Situation or In-Permitting Required.** No accessory building shall be used prior to the occupancy or use of the ~~main-principal use~~ building, except as a construction storage facility for such a main-principal use building to be constructed, when permitted concurrently with the principal use building.
- B. Accessory Use Subordinate to Principal Use.**
1. Any accessory building or structure shall be smaller in size, area, height, bulk, and scale than the principal use building, unless used exclusively for storage associated with the principal use.
- C. Multiple accessory uses and conditional uses within accessory use structures.**
1. Where a structure is proposed with multiple accessory uses, a conditional use permit may be required if such uses are commercial or industrial, per the use and development standards of the situated zoning district (including overlays of that zoning district, if applicable), and the substantive and procedural requirements of Section 17.03.310.
  2. Application may be submitted to the City Planner for an Administrative Interpretation with fee payment to allow for a larger accessory use structure than a principal use structure, where a permissible commercial use may be allowed, as with a home occupation or within a zoning district that allows mixed-use.

### Sec. 324. Home occupations.

#### **324.1A. General Provisions.**

- ~~(a)~~1. The intent of this section is to allow home occupations to exist ~~only as long as they~~that are not in violation of the terms of this section and do not alter the residential character of the neighborhood nor infringe upon the rights of neighboring residents to the peaceful enjoyment of their neighborhood and homes.
- ~~(b)~~2. No person shall carry on a home occupation, or permit such use to occur on property which he/she owns or is in lawful control, without first obtaining or ~~insuring~~ensuring that ~~thee has been obtained~~ a home occupancy permit for such use in the manner provided by this section has been obtained.
- ~~(c)~~3. Application for ~~the~~a home occupation permit shall be made jointly by the person wishing to conduct the use and the owner of the property, or his agent, on forms provided by the City. The required fee must be paid along with the application.
- ~~(d)~~4. After approval and prior to the issuance of the home occupancy permit, the applicant shall provide proof that ~~he the fee~~ has been paid for the City Business License.

#### **324.2B. Standards.**

- ~~(a)~~1. The ~~Building Inspector~~City Planner or designee thereof, the Public Works Department, and the Fire Department shall review the application and shall approve the permit if ~~he finds~~found that the proposed use does not violate the purpose of Section 17.03.324, the environmental and

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proximity to structures on other properties. Variances intend to allow at a minimum for a property to be reasonably developed to a situated district's use regulations.

**B. Intent.** It is the intent of this Section to provide a set of procedures, standards and processes for granting variances for land development which, because of some parcels having unique characteristics relative to locational features, shape, and size, require special consideration in relation to the welfare of adjacent properties and the community as a whole. It is the purpose of the regulations and standards set forth below to:

1. Allow practical latitude for utilization of land for locating principal and accessory use structures as allowed on other properties similarly zoned, with adequate provision for the protection of the public health, safety, and general welfare of the community and adjacent properties.

**C. Application required.**

1. Applicant must complete a Variance Request application form, and provide the following materials at time of submittal:

- a. A Site Plan showing
  - i. Property lines and dimensions,
  - ii. Adjacent rights-of-way labeled that serve the Subject Site,
  - iii. All existing Subject Site structures showing uses, square footage areas, length, width, height, and setback distances from property lines and other structures,
  - iv. All proposed future Subject Site structure locations with uses, square footage areas, length, width, height, and setback distances from property lines and other structures;
- b. A description for the proposed variance request that addresses the unique hardship caused to the property owner by the application of the property development standards, threshold and impact criteria described and listed in Section 17.03.325(B); and
- c. Receipt of fee payment, as required in Article 17.13 of these Zoning Regulations.

2. Initial application review.

- a. The City Planner will review the application to confirm compliance with Section 17.03.325(C).

**D. Conditions for Granting a Variance.** A variance shall not be granted by the Board of Adjustment unless and until the following conditions are met, supported by findings of fact:

1. The Board of Adjustment finds that:
  - a. Because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive such property of privileges enjoyed by other properties of the same district; and
  - b. The special circumstances applicable to the property are not self-imposed by the property owner and involve more than personal inconvenience or inadequate financial return on the use of the property; and
  - c. Granting the variance does not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and district in which the property is located; and
  - d. Granting the variance will not injure or interfere with the rights and privileges of the other properties in the same district.



nonconforming use may continue only in the manner and to the extent it existed at the time it became nonconforming.

**404.11.** Expansion or Enlargement of Nonconforming Use. A nonconforming use may be expanded or enlarged to an extent not exceeding twenty-five percent (25%) of the land area and/or building ground floor area existing at the time it became nonconforming; every such expansion shall require the approval of the Board of Adjustment but in no case shall ~~it the total~~ be greater than twenty-five percent (25%).

**404.22.** Abandonment or Discontinuance of a Nonconforming Use. Whenever a nonconforming use is abandoned or has been discontinued for a period of one (1) year, such use shall not thereafter be re-established, and any future uses shall be in conformity with the provisions of this Ordinance, and as amended thereafter. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A business license will serve as prima facie evidence of any operational use.

## ARTICLE 5.

### SCHEDULE OF DISTRICT REGULATIONS ADOPTED

#### Sec. 501. SFR - Single-Family Residence.

This zoning district is comprised of single-family residential areas and certain areas where such development is desirable. Regulations are designated to stabilize and protect the single-family character of the district, to promote and encourage creation of a desirable environment for family life, and to prohibit all incompatible activities. Principal uses are single-family dwellings on individual lots.

**501.1 Approvals required.** No structure or building shall be built or remodeled upon land in a Single-Family Residence (SFR) district until all required subdivision or site plan approvals have been obtained.

**501.2 Location.** The following criteria shall be considered in establishing and maintaining a SFR 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.

**501.3 Divisions of SFR district.** The SFR district shall be further divided into the following density districts, as hereinafter described and regulated and to be so designated on the Official Zoning Districts Map: SFR32; SFR16; SFR12; SFR8; SFR6.

**501.4 Permitted principal uses.** One (1) single-family residence per lot as defined in subsection 501.8.

**501.5 Permitted conditional uses.** See Section 310. Permitted: Subsections 310.2.D, E, F, G, H, I, J, N, O(C)(4),(5),(6),(7),(8),(9),(10),(14) and Subsections of 310(D).

**501.6 Permitted accessory uses.**

- A. Any use customarily incidental to a permitted principal use, such as:
  - 1. Private or carport for storage of vehicle;
  - 2. Garden house, toolhouse, ramada, swimming pool.
- B. Permitting the placement of carports open on at least two sides to encroach fully into any side yard, as long as sight triangle is maintained.
- C. Accessory dwelling units: See Section 310.

designed to stabilize and protect the character of the district, to promote and encourage creation of a favorable environment for family-life, and to prohibit all incompatible activities. Principal uses are limited to single-family and two-family dwellings, apartments, and townhomes, which conform to the residential character of the district.

**502.2 Approvals required.** No structure or building shall be built or remodeled upon land in MFR district until all necessary site plan and/or subdivision plat approvals have been obtained.

**502.3 Location.** The following criteria shall be considered in establishing and maintaining a MFR 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.

**502.4 Permitted principal uses.**

- A. One (1) single-family residence per lot.
- B. Two-family dwellings or two (2) attached single-family dwellings on a single lot.
- C. Dwellings for three (3) or more families in one (1) building or in a group of buildings, including apartments, row house and town houses.

**502.5 Permitted conditional uses.** See Section 310, items 310(C)(4),(5),(6),(7),(8),(9),(10),(14) and Subsections of 310(D), 2.D, E, F, G, H, I, J, N, O.

**502.6 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, tool house, ramada, swimming pool.
- B. Accessory dwelling units, see Section 310.
- C. Home occupations per Section 324.
- D. Recreation and health facilities which are designed and clearly intended for the use of the residents of the project.
- E. Recreational vehicles may be parked and/or stored in all residential zones provided the vehicles are not situated in required yard setbacks and are fully screened from adjoining lots and streets.

**502.7 Property development standards.** Special Requirements: Any multiple family project which exceeds twenty-five (25) dwelling units per acre may be processed as a planned area development under the provisions of Article 9.

- A. Area and yards.
  - 1. Single-family house. This dwelling type consists of a single-family residence located on a privately-owned lot, which has private yards on all four (4) sides of the house. The following table specifies the minimum standards for single-family homes:

Minimum Size in Feet	
Street (Front)	20 Feet
Side	5 Feet
Street (Side)	10 Feet
Rear	20 Feet
Minimum Lot Length in Feet	100



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 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 street side setback shall be the same as for the main building.
4. No stable, barn, corral, animal shed or shelter shall be erected or maintained closer than seventy-five (75) feet to any property line, where permitted.

502.9 **Off-street parking and loading.** In accordance with the provisions in Article 6.

502.10 **Sign regulations.** In accordance with the provision of Article 7.

502.11 **Landscaping, screening and buffering.** Landscaping, screening, and buffering shall be provided as deemed adequate by the Planning and Zoning Commission or the Board of Adjustment and the Building Inspector. All landscaping shall meet the specifications set forth in any subsequent ordinance on landscaping.

(Ord. 817, § 1, 2002)

### **Sec. 503. MHR - Mobile Home Residence.**

503.1 **Purpose.** The district is comprised of areas developed or to be developed for mobile homes for residential purpose on individually owned lots or leased lot. Regulations are designed to stabilize and protect the residential character of the district to promote and encourage a suitable environment for families and to prohibit all incompatible activities.

503.2 **Approvals required.** No structure or use shall be built or remodeled in a MHR district until all necessary site plan and/or subdivision plat approvals have been obtained. Only mobile homes manufactured after June 15, 1976, will be approved. Pre-1976 mobile homes in place on or before November 27, 2005, will be allowed to remain as long as they meet Federal guidelines relating to safety.

503.3 **Location.** The following criteria shall be considered in establishing and maintaining a Mobile Home Residence zoning district:

1. Conforms to appropriate designation in the General Plan, or
2. Corresponds to an existing district or development in an area annexed into the City.

503.4 **Permitted principal uses.**

A. Mobile home subdivision with one (1) single-family residence per lot.

1. Permitted conditional uses. See Section 310, items 310(C)(4),(5),(6),(7),(8),(9),(10),(14),(15) and Subsections of 310(D). 2.D, E, F, G, H, I, J, N, O, P.
2. 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.

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- B. Corresponds to an existing district or development in an area annexed into the City.
  - C. Shall be located at the intersection of two (2) collector streets or an arterial and collector street.
  - D. Availability of pedestrian access from surrounding neighborhoods.
  - E. Lack of LC or NC zoning district or use within one-fourth (¼) mile.

**504.4 Permitted principal uses.** Building, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged for the following uses:

- A. Retail sales (limited to 3,000 square feet of gross floor area).
  - 1. General merchandise or variety store.
  - 2. Food and beverage store; no drive-through window allowed if business sells alcoholic beverages.
  - 3. Drugs and pharmacy.
- B. Services (limited to 1,000 square feet of gross floor area per use and may be increased to 3,000 square feet if, Retail Sales floor area is reduced on a square foot basis).
  - 1. Professional, administrative, clerical or sales service.
  - 2. Day care centers.
    - (a) The proposed facility shall comply with all requirements of the county and state health departments and other applicable regulations.
    - (b) A solid wall or fence, a minimum of six (6) feet high and a landscape buffer shall be provided around play areas abutting any residential zone.
    - (c) Parking shall be provided at a rate of one (1) parking space for each ~~two~~ two hundred (200) square feet of net floor area. A maximum of one-half of the area for required parking may be used as a portion of the outdoor play area. If the building changes uses, all required parking areas shall be utilized as parking.
    - (d) Provision for child drop-off with pedestrian access to the building entrance shall be incorporated into the plan.
- C. Other neighborhood commercial uses of similar character, found by the Community Development Director to meet the purpose of the district.

**504.5 Permitted conditional uses.** See Section 310, Permitted: Subsections

310(C)(4),(5),(6),(7),(8),(9),(10),(12),(13),(14) and Subsections of 310(D)-2D, E, F, G, H, I, J, L, M, N, O.

**504.6 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 unit, See Section 310.
- C. Where the keeping of horses and other livestock is lawful, structures customarily accessory to such use.
- D. Home occupations, See Section 324.

**504.7 Property development standards.**

- A. Required area: Less than one (1) acre.



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6. Vehicles and other obstructions may not be parked on any corner lot within the triangular area formed by the curb lines and a line connecting them at points thirty-three (33) feet from the intersection of the street lines.
  7. Service station structures that cease to be used for that purpose for at least one (1) year, shall be considered abandoned. Such abandoned buildings shall be removed and the underground fuel tanks shall be removed or filled with inert material. See subsection 404.2.

505.5 **Permitted conditional uses.** See Section 310(C) and (D).

505.6 **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.

505.7 **Property development standards.**

- A. Required area. No minimum area requirement, but any development over three (3) contiguous acres in gross area shall be processed as a planned area development under the provisions of Article 9.
- B. Minimum distance between main buildings. As prescribed by the Uniform Building Code as adopted by the City.
- C. Building height. No building shall exceed twenty-five (25) feet in height.
- D. Required yards.
  1. Front yard.
    - (a) There shall be a front yard having a depth of not less than forty (40) feet.
    - (b) Where a lot has double frontage on two (2) streets, the required front yard of not less than forty (40) feet shall be provided on both streets.
    - (c) Where a lot is located at the intersection of two (2) or more streets, the required front yards of not less than forty (40) feet shall be provided on one (1) street and a yard having a depth of not less than twenty (20) feet shall be provided on the intersecting street.
  2. Side and rear yard. Ten (10) feet.
- E. [Location.] All operations shall be conducted within completely enclosed building.

505.8 **Nonresidential accessory building.**

- A. Maximum height: Fifteen (15) feet above grade.
- B. Maximum yard coverage: Thirty-five (35) percent of rear yard.
- C. Location restrictions: No accessory building shall be erected in any minimum required front or side yard.
- D. Setback requirements: Accessory building shall be setback from the side lot line and the rear lot line a distance not less than three (3) feet, except:

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6. Laboratories: Medical, dental, blood bank.
  7. Physiotherapist.
  8. Studio: For professional work, or teaching of any form of commercial or fine arts, photography music, drama, dance, but not including sending or receiving tower.
  9. Broadcasting station and studio, radio or television, but not including sending or receiving tower.
  10. Nursing homes, retirement, or convalescent homes.
- B. Retail.
1. Art gallery.
  2. Establishments primarily supplemental in character to other permitted principal uses, such as: pharmacy, apothecary shop, sale of correction garments, prosthetic devices, and optical goods.
  3. Blueprint, print, lithographs, or photostatic copies not produced on the premises.
- C. Service.
1. Banks, finance offices, lending institutions, stock brokerage firms, saving and loan associations and credit unions (including drive-thru).
  2. Telephone answering service.
  3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

506.5 **Permitted conditional uses.** See Section 310(C) and (D).

506.6 **Permitted accessory uses.**

- A. Any uses 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.

506.7 **Property development standard.**

- A. Required area: No minimum area requirement, but any development over three (3) acres in gross area shall be processed as a planned area development under the provisions of Article 9.
- B. Maximum building height: No building shall exceed thirty-five (35) feet in height except that within one hundred (100) feet of any UR, SFR, MFR, MHR, or RV district, no building shall exceed twenty-five (25) feet in height.
- C. Required yards:
1. Front yards: Forty (40) feet.
  2. Where a lot has doubled frontage on two (2) streets, the required front yard shall be provided on both streets.
  3. Where a lot is located at the intersection of two (2) or more streets, the required front yard shall be provided on one (1) street and a yard having a depth of not less than twenty (20) feet shall be provided on the intersecting street.



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35. Tire store excluding retreading.

36. Multi-unit storage facilities.

507.5 **Permitted conditional uses.** See Section 310(C) and (D).

507.6 **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.
- D. Home occupations, see Section 324.

507.7 **Property development standards.**

- A. Required area. No minimum area requirement, but any development over three (3) contiguous acres in gross area shall be processed as a planned area development under the provisions of Article 9.
- B. Maximum building height. No building shall exceed thirty-five (35) feet in height, except that within one hundred (100) feet of any SFR, MFR, or MHR district, no building shall exceed twenty-five (25) feet in height.
- C. Minimum distance between main buildings. As prescribed by the Uniform Building Code.
- D. Required yards:
  - 1. Front yard:
    - (a) There shall be a front yard having a depth of not less than forty (40) feet.
    - (b) Where a lot has double frontage on two (2) streets, the required front yard of not less than forty (40) feet shall be provided on both streets.
    - (c) Where a lot is located at the intersection of two (2) or more streets, the required front yard of not less than forty (40) feet shall be provided on one (1) street and a yard having a depth of not less than twenty (20) feet shall be provided on the intersecting street.
  - 2. Side and rear yard. Ten (10) feet.
- E. [Specifications.] The following property development standards shall have the following specifications where applicable in Article 5 of these zoning regulations, and shall apply across the board as to all districts (GC, IP, LI and HI), as listed in the zoning regulations.
  - 1. Medical marijuana dispensary.
    - (a) The total maximum floor area of a medical marijuana dispensary shall not exceed two thousand five hundred (2,500) square feet.
    - (b) The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed five hundred (500) square feet of the total two thousand five hundred (2,500) square foot maximum floor area of a medical marijuana dispensary.
    - (c) A medical marijuana dispensary shall be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

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**508.2 Location.** The following criteria shall be considered in establishing and maintaining an IP 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.

**508.3 Permitted principal uses.**

- A. Industrial, scientific, or business research, development testing laboratories and offices.
- B. Electronic instruments and devices, assembling and manufacturing.
- C. Computer center.
- D. Motion picture studios.
- E. General office buildings.
- F. Medical and dental office building and clinics.
- G. Temporary construction offices and sheds, appurtenant signs and storage incidental to a construction project only for the duration of such project, not to exceed eighteen (18) months.
- H. Medical Marijuana Designated Caregiver Cultivation Location, subject to subsection 507.7.E.
- I. Medical Marijuana Dispensary Off-site Cultivation Location, subject to subsection 507.7.E.
- J. Medical Marijuana Qualifying Patient Cultivation Location subject to subsection 507.7.E.

**508.4 Permitted conditional uses.** See Section 310(C) and (D).

**508.5 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.

**508.6 Property development standards.**

- A. Minimum area: No minimum area requirement, but any development over ten (10) acres in gross area shall be processed as a planned area development under the provisions of Article 9.
- B. Building height: No building shall exceed twenty-five (25) feet in height.
- C. Required yards.
  - 1. Side and rear yard. Twenty five (25) feet.
  - 2. Front Yard. There shall be a front yard having a depth of not less than forty (40) feet.
- D. Minimum distance between main buildings: As prescribed by the Uniform Building Code.

**508.7 Nonresidential accessory buildings.**

- A. Maximum height. Fifteen (15) feet above grade.
- B. Maximum yard coverage. Thirty-five (35) percent of the required side and rear yards.



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- G. Spraying supplies and equipment, wholesaling and storage.
  - H. Towed or motor vehicle assembling, repairing including body and fender shops.
  - I. Truck, bus, and heavy equipment garages, dispatching and weighing stations.
  - [J. Reserved.]
  - K. Mini-warehouses, for storage purpose only. No retailing is permitted form these facilities.
  - L. Retail commercial operations directly related to the primary industrial use, may be permitted, provided they do not exceed fifteen (15) percent of the gross floor area in the LI district.
  - M. Blacksmith or welding shop.
  - N. Contractors storage yard.
  - O. Kennels.
  - P. Veterinary hospital.
  - Q. Medical marijuana designated caregiver cultivation location, subject to subsection 507.7.E.
  - R. Medical marijuana dispensary off-site cultivation location, subject to subsection 507.7.E.
  - S. Medical marijuana qualifying patient cultivation location, subject to subsection 507.7.E.

509.5 **Permitted conditional uses.** See Section 310(C) and (D).

509.6 **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 unit. See Section 310.
- C. Where the keeping of horses and other livestock is lawful, structures customarily accessory to such use.

509.7 **Property development standards.**

- A. Minimum area: No minimum size required for industrial use.
- B. Building height: No building shall, exceed thirty-five (35) feet in height.
- C. Required yards:
  - 1. Front yard setback: 40 feet.
  - 2. Side yard setback: Minimum of twenty-five (25) feet.
  - 3. Rear yard setback: Same as side yard setback.
- D. Minimum distance between main buildings. As prescribed by the Uniform Building Code.

509.8 **Nonresidential accessory buildings:**

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

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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



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 Historic 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.
- ~~EE.~~ 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.

~~GJ.~~ 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.



(ii) Each unit of the duplex or attached house must have its address, front door, driveway, and parking area or garage oriented to a separate street frontage.

- (d) *Off-street parking.* It is understood that many locations in the MUI Overlay Zone do not meet the specifications set in Article 6 regarding requirements to provide off-street parking. Strict enforcement of the provisions in Article 6 could jeopardize the intent and purpose of the MUI Overlay Zone. Therefore, off-street parking will not be required where physical constraints make adherence to the requirement not feasible. However, should an area be available for off-street parking, applicant will be required to provide off-street parking to the extent it is possible to do so.

515.10 **Notice to Abutting Property Owners.** The Community Development Department shall give written notice of any infill development under consideration to abutting property owners. The City shall make every effort to address the concerns of abutting property owners during the plan review process.

515.11 **Appeals.** Appeals to the City Manager, or his designee, concerning interpretation or administration of the Mixed Use/Infill Development Overlay Zone (MUI) may be taken by any person aggrieved by any decision of the Community Development Director. Such appeals shall be filed within thirty (30) days of the decision of the Community Development Director, including all papers constituting the record upon which the action appealed is taken. Upon good cause shown, the City Manager, or his designee, may reverse, affirm, or modify the decision of the Community Development Director. The decision of the City Manager is final.

( Ord. No. 08-919 , § 1(Exh. A), 2-13-2008)

## **Sec. 516. Innovative Community Overlay Zones (IC).**

**A. Purpose and Intent.** The Innovative Community (IC) Overlay Zones, including Innovative Community-Residential (IC-R), Innovative Community-Commercial (IC-C), and Innovative Community-Mixed Use (IC-MU) are intended to protect smaller properties in zoning districts that require larger redevelopment for off-street parking and landscaping than are feasible, while encouraging adaptive reuse of existing buildings where underlying zoning district regulations prohibit this. Similar to the Mixed-Use/Infill Development (MUI) Overlay Zoning District, the primary purpose of the IC Overlay Zones is to encourage reinvestment, redevelopment and infill development of nonconforming residential and commercial structures, lots, and uses that were in place prior to the adoption of the City's Zoning Regulations in 1966. But secondarily, recognizing that the overlays concentrate opportunities for a variety of residential and commercial uses is both desirable and consistent with the General Plan, increased flexibility is suitable for other parcels within the Overlay Districts. Regulations are designed to stabilize the character of the existing development while promoting and encouraging infill development.

The City of Douglas recognizes that there are considerable financial and design challenges inherent to developing successful infill projects in many of the City's older neighborhoods. These provisions thus facilitate the development of vacant and underutilized parcels located in the mature portions of Douglas and those parcels ready for redevelopment. The provisions also ensure that new infill development is consistent in character and scale with established neighborhoods and business districts.

**B. Objectives.** The specific objectives of this section are to:

1. Facilitate innovative residential, commercial, and mixed-use infill development.
2. Provide development standards and flexibility that can achieve high quality design and innovation, promote resiliency, and compatibility between new and existing development and enhance the appeal of Douglas neighborhoods.

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6. Off-street parking. It is understood that many locations in the Innovative Community-Mixed-Use (IC-MU) Overlay Zoning District do not meet the specifications set in Article 17.06 regarding requirements to provide off-street parking. Strict enforcement of the provisions in Article 17.06 could jeopardize the intent and purpose of the IC-C Overlay Zoning District. Therefore, off-street parking will not be required where physical constraints make adherence to the requirement infeasible. However, should an area be available for off-street parking, applicant will be required to provide off-street parking to the extent it is possible to do so in compliance with Article 17.06.

#### **H. Application Process.**

1. Notification of intent to neighbors required. The Applicant shall provide written notice of their permitting intentions; and must:
  - a. Acquire petition signatures of approval or certified mail receipts from their abutting property owners prior to or concurrent with filing a building permit application with the City.
2. Conceptual Plan Pre-Application Review Meeting required with Development Services, to consider the following provided by the applicant:
  - a. Conceptual site plan, indicating locations of any proposed structures, off-street parking, landscaping; and
  - b. Proposed project scope, including amounts of use in square feet, number of spaces, dwelling units as appropriate.
3. Application Submittal Requirements. All of the following must be provided:
  - a. Application Form completed;
  - b. Site Plan. Showing property lines with dimensions, existing and proposed structures with dimensions, adjacent rights-of-way named, and setback distances among structures and property lines shown;
  - c. Building specification plans for every proposed structure;
  - d. Proof of notification of abutting property owners, whether petition of proposal approval or certified mail receipts, per Section 17.05.516(H)(1)(a) above; and
  - e. Receipt of fee payment.

- I. **Appeals.** Appeals to the City Manager, or the designee, concerning interpretation or administration of the Innovative Community-Residential (IC-R), Innovative Community-Commercial (IC-C), and Innovative Community-Mixed-Use (IC-MU) Overlay Zoning Districts may be taken by any person aggrieved by any decision of the City Planner or designee thereof. Such appeals shall be filed within thirty (30) days of the decision of the City Planner, including all papers constituting the record upon which the action appealed is taken. Upon good cause shown, the City Manager, or the designee, may reverse, affirm, or modify the decision of the City Planner in writing. The written decision of the City Manager is final and shall be filed with any associated permitting documents.



(b) Application for Conditional Use.

CATEGORY	FEE
Residential	\$100.00
Commercial	100.00

**Sec. 1303. ~~Inspection~~ Zoning Compliance Review fees.**

Before any application for a Zoning Compliance Certificate ~~or Certificate of Occupancy~~ shall be considered, ~~an inspection~~ a non-refundable review fee of twenty dollars (\$20.00) shall be paid to the City ~~Clerk~~.

~~1303.1 — Zoning Compliance Certificate. The nonrefundable inspection fee charged as part of an application for a Zoning Compliance Certificate shall be fifteen dollars (\$15.00) and shall be posted in the office of the Building Inspector.~~

~~1303.2 — Certificate of Occupancy. The non-refundable inspection fee charged as part of an application for a Certificate of Occupancy shall be fifteen dollars (\$15.00) and shall be posted in the office of the Building Inspector.~~

## ARTICLE 14. VIOLATIONS AND PENALTIES

**Sec. 1401. Violations declared to be a nuisance.**

Any structure upon which construction is started, or any structure which is altered, enlarged or repaired, or any use of land which is begun or changed after enactment of this Ordinance, and which is in violation of any of its provisions, is hereby declared a nuisance per se. Any court of competent jurisdiction shall order such nuisance, abated and the owner or agent in charge of such building or premises shall be judged guilty of maintaining a nuisance per se. Any person who violates any provision of this Ordinance, the owner of any structure of land or part thereof, and any person, architect, builder, contractor, plumber or agent employed in connection therewith, who has assisted knowingly in the commission of any such violations, shall be guilty of a separate offense, and upon conviction thereof such, be liable to the penalties herein provided.

**Sec. 1402. Complaints regarding violations.**

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof, and shall be filed with ~~the Building Inspector~~ Development Services or the City Clerk. ~~He shall record such~~ Such complaints shall be properly recorded, and immediately investigated it and documented prior to take-taking action as provided by this Ordinance, and as authorized in other chapters of the Douglas Municipal Code relating to public health, nuisances, hazards and abatement.

**Sec. 1403. Penalties.**

Any violation of this Ordinance shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00), or imprisonment in the city jail not to exceed twenty (20) days, or by both such fine and imprisonment, in the