

ORDINANCE NO. 24-1186

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, REZONING FOURTEEN PARCELS OF LAND LOCATED WITHIN APPLEWHITE DRIVE ALONG BOTH SIDES OF ROGERS AVENUE FROM MOBILE HOME RESIDENCE (MHR) AND GENERAL COMMERCIAL (GC) TO INNOVATIVE COMMUNITY-RESIDENTIAL (IC-R) AND INNOVATIVE COMMUNITY-MIXED-USE (IC-MU) IN THE CITY OF DOUGLAS, ARIZONA; AND AMENDING THE OFFICIAL ZONING DISTRICT MAP; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

WHEREAS, the City of Douglas Mayor and Council previously adopted the Mixed Use/Infill Development Overlay Zone (MUI), the Innovative Community-Residential Overlay Zone (IC-R), the Innovative Community-Commercial Overlay Zone (IC-C), and the Innovative Community-Mixed Use Overlay Zone (IC-MU) districts to bring properties into compliance with the City of Douglas Zoning Code and allow for growth and development within the City of Douglas;

WHEREAS, the appropriate and required Public Hearing was held on February 13, 2024, by the City of Douglas Planning and Zoning Commission and recommended to Mayor and Council that the proposed amendment of the Zoning District Map per file number ZMA-2023-14 be approved to permit the current uses of the subject properties and to facilitate consistent growth and development within the City of Douglas; and

WHEREAS, the Mayor and Council find that the interests of the city are served by the proposed rezoning.

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

SECTION 1. The Property, which is specifically described by the Assessor Parcel Number, address and the legal description attached hereto as Exhibit "A", is hereby rezoned to be included in the overlay zoning district status as identified in Exhibit "A."

SECTION 2. The Development Services Department shall amend the Zoning Districts Map to reflect this amendment and a copy shall remain on file in the office of the City Clerk for public examination. Further, these conditions of approval imposed by the City of Douglas Council, as part of ZMA 2023-14; Rezoning fourteen parcels of land located within the West ½ of the Northwest ¼ of the Southeast ¼ of Section 8, Township 24 South, Range 28 East North of Applewhite Drive along both sides of Rogers Avenue from Mobile Home Residence (MHR) and General Commercial (GC) to Innovative Community-Residential (IC-R) and Innovative Community-Mixed-Use (IC-MU) in the City of Douglas, Arizona, are hereby expressly incorporated into and adopted as part of this Ordinance by reference.

SECTION 3. To the extent of any conflict between other city Ordinances and this Ordinance, this Ordinance shall be deemed to be controlling; provided, however, that this Ordinance is not intended to amend or repeal any existing city Ordinance, Resolution or regulation except as expressly set forth herein.

SECTION 4. Effective date: The provisions in this Ordinance shall be effective thirty (30) days after final approval and adoption by the Mayor and Council.

SECTION 5. Severability: If any chapter, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance and this Ordinance shall continue in full force and effect after the deletion of the illegal or unconstitutional provision.

PASSED AND ADOPTED by the Mayor and Council of the City of Douglas, Arizona, this 10th day of April 2024.

Donald C. Huish, Mayor

Attest:

Approval as to form:

Alma Andrade, City Clerk

Denis Fitzgibbons, City Attorney

Prepared by:
Nick Cook, City Attorney