

ORDINANCE NO. 24-1201

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AMENDING THE DOUGLAS ZONING CODE, ARTICLE 3 – GENERAL PROVISION, SECTION 310 – CONDITIONAL USES AND ARTICLE 5 – SCHEDULE OF DISTRICT REGULATIONS, SECTION 501 – SINGLE FAMILY RESIDENCE RELATING TO ACCESSORY DWELLING UNITS; INCORPORATING THE RECITALS BY REFERENCE; SETTING FORTH DEFINITIONS; ESTABLISHING FINES AND PENALTIES FOR VIOLATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

WHEREAS, the Legislature adopted H.B. 2720 to mandate specific code amendments regarding the construction of accessory dwelling units;

WHEREAS, H.B. 2720 requires that these code amendments be adopted on or before January 1, 2025;

WHEREAS, H.B. 2720 prohibits the City of Douglas from requiring additional parking or in-lieu parking fees for new accessory dwelling units;

WHEREAS, H.B. 2720 restricts the City of Douglas from enforcing rear and side setbacks greater than five feet for new accessory dwelling units;

WHEREAS, H.B. 2720 prohibits the City of Douglas from requiring improvements to public streets as a condition for permitting new accessory dwelling units, except for necessary reconstruction or repair of public streets affected by the construction;

WHEREAS, H.B. 2720 prohibits the City of Douglas from requiring a restrictive covenant for new accessory dwelling units on lots zoned for residential use by a single-family dwelling, except for restricted-affordable dwelling units;

WHEREAS, H.B. 2720 allows the City of Douglas to enforce residential building codes, fire codes, public health and safety regulations, and other relevant regulations; however, zoning regulations concerning height, setbacks, lot size, lot coverage, or building frontage for proposed accessory dwelling units cannot be more restrictive than those applicable to single-family dwellings in the same zoning area;

WHEREAS, H.B. 2720 does not apply to tribal land, areas near military airports or ancillary military facilities, areas near Federal Aviation Administration commercially licensed airports, general aviation airports, or public airports;

WHEREAS, H.B. 2720 prohibits the City of Douglas from restricting the use or advertisement of a single-family dwelling or accessory dwelling unit located on the same lot as separately leased long-term rental housing;

WHEREAS, H.B. 2720 states that the City of Douglas cannot require a familial, marital, employment, or other preexisting relationship between the owner or occupant of a single-family dwelling and the occupant of an accessory dwelling unit on the same lot;

1 **WHEREAS**, H.B. 2720 requires that the owner of a short-term rental must reside on the property if an
2 accessory dwelling unit on the same lot was constructed after the general effective date of H.B. 2720;
3 however, this requirement does not apply to property owners with the right to build an accessory
4 dwelling unit on their properties before September 15, 2024, unless the specified time period in Ariz.
5 Rev. Stat. § 12-1234(G) has expired.

6 **WHEREAS**, a required Public Hearing was conducted on October 3, 2024, by the City of Douglas
7 Planning and Zoning Commission, which recommended to the Mayor and Council that the proposed
8 amendment to the Douglas Zoning Code, identified by file number ZCA-2024-03, be approved. House
9 Bill 2720 seeks to reduce regulatory barriers and promote the integration of ADUs into residential areas,
10 reflecting a broader state policy to enhance housing access.

11 **WHEREAS**, the Mayor and Council find that the proposed zoning code amendment serves the interests
12 of the city.

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

15 **SECTION 1.** The Mayor and Council hereby adopt an amendment to the Douglas Zoning Code,
16 specifically Article 3 – General Provision, Section 310 – Conditional Uses and Article 5 – Schedule of
17 District Regulations, Section 501 – Single Family Residence, pertaining to permitted conditional uses.

18 **SECTION 2.** The Development Services Department shall amend the Douglas Zoning Code and a
19 copy shall remain on file in the office of the City Clerk for public examination.

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

24 **SECTION 4. Effective date:** The provisions in this Ordinance shall be effective thirty (30) days after
25 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 13th day
of November 2024.

Donald C. Huish, Mayor

Attest:

Approved as to form:

Alma Andrade, City Clerk

Denis Fitzgibbons, City Attorney