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**ORDINANCE NO. 23-1163**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, REZONING TEN PARCELS OF LAND WITHIN THE EASTSIDE ADDITION BLOCK 12 FROM LIMITED COMMERCIAL (LC) TO MULTI-FAMILY RESIDENTIAL (MFR); AND AMENDING THE OFFICIAL ZONING DISTRICT MAP; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.**

**WHEREAS**, Encarnacion Baez has proposed a Zoning Districts Map Amendment from Limited Commercial (LC) to Multi-Family Residential (MFR) for ten (10) parcels situated within the Eastside Addition Block 12, Assessor Parcel Numbers 40915012A, 40915012B, 40915012C, 40915013E, 40915013J, 40915013G, 40915013K, 40915013L, and 40915013M;

**WHEREAS**, the appropriate and required Public Hearing was held on March 21, 2023 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 2022-05 be denied; and

**WHEREAS**, after due notice, a public hearing is schedule for April 12, 2023 by the Mayor and Council, and the Mayor and Council find that the interests of the city are served by the proposed rezoning petition.

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

**SECTION 1.** The Property, which is more specifically described as Lots 1-20, Block 12 of the Eastside Addition, including the abandoned west 35 feet of Kline Avenue., is hereby rezoned from Limited Commercial (LC) to Multi-Family Residential (MFR).

**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 examination by the public. Further, these conditions of approval imposed by the City of Douglas Council, as part of ZMA 2022-05 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 10<sup>th</sup> day of May 2023.

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Donald C. Huish, Mayor

Approval as to form:

Attest:

\_\_\_\_\_  
Alma Andrade, City Clerk

\_\_\_\_\_  
Denis Fitzgibbons, City Attorney

Prepared by: Nick Cook, City Attorney