

TOWN OF TUSAYAN STAFF REPORT (supplemental)

Date: August 28, 2012
To: Town of Tusayan Planning and Zoning Commission
From: Richard Turner, AICP, Town Planner
Subject: Feedback Regarding Comprehensive Revisions to the Town of Tusayan Zoning Ordinance (Case No. ZOA2012-01) and Deletion of Design Review Overlay Zoning (Case No. ZOA2012-02)

Staff has recently been provided with feedback on the proposed changes to the Zoning Ordinance and deletion of Design Review Overlay Zoning. Some of this feedback is in the form of constructive changes that, in the opinion of the Town Attorney, concern legal principles of ordinance construction and content as well as compliance with state law. These changes are supported by the Town attorney and staff and are as follows:

1. Section 13.10-1. This is the purpose section of the new design review chapter. The type of development subject to design review should be clarified here for consistency with later sections of this Chapter. It needs to be clear that all non-residential development is subject to design review. The suggested language would read as follows (new changes are in blue):

“In order to protect and enhance the visual quality of ~~certain areas of the County, the Board of Supervisors, upon recommendation by the Planning and Zoning Commission, may~~ THE TOWN OF TUSAYAN, THE TOWN COUNCIL HAS, in addition to an existing zone classificationS as specified in this Ordinance, apply ~~APPLIED~~ the Design Review Overlay Zone **REQUIRES THE APPROVAL OF A SITE PLAN FOR ALL DEVELOPMENT, EXCEPT SINGLE FAMILY DWELLINGS** IN ~~to such~~ ALL area AREAS OF THE TOWN OF TUSAYAN to accomplish the following purposes:”

2. Section 13.10-2.A. This change also serves to clarify the type of development subject to design review as indicated above. Instead of listing what type of development requires design review, it would be clearer to list the type of development that would not qualify.

“A. The provisions of this Section shall be applicable **only** to ALL ~~multiple-family~~ developments, ~~commercial or industrial establishments, and public or semi-public uses~~ and all signing for such uses, **EXCEPT SINGLE FAMILY DWELLINGS.**”

3. Section 13.10-2. New B. The concept of only requiring design review for redevelopment when the change is “substantial”, has caused concern in that there is difficulty in measuring what would be considered “substantial”. In an attempt to remedy this shortcoming, staff suggests that several examples of what would constitute a substantial change be included in the Ordinance as follows:

C. B. All development or redevelopment described in Subsection A above, including buildings, structures, signs, landscaping, site layout and use relationships, ~~to be located within the Design Review Overlay Zone~~ shall be first approved under the provisions of this Section by the Planning and Zoning Commission prior to the letting of permits for and/or initiation of such development. Redevelopment shall include, ~~but not be limited to,~~ any ~~remodeling or~~ SUBSTANTIAL change in appearance of the exterior of any structure, or A SUBSTANTIAL CHANGE IN the appearance of any site. A SUBSTANTIAL CHANGE WOULD INCLUDE, WITHOUT LIMITATION, ANY OF THE FOLLOWING:

1. MORE THAN FIFTY (50) PERCENT CHANGE IN THE FACADE OF A BUILDING.
2. ANY CHANGE IN THE SIZE OF A BUILDING
3. A CHANGE OF 250 SQUARE FEET OR MORE IN SITE LAYOUT.
4. A CHANGE IN THE COLOR OF A BUILDING ON MORE THAN FIVE PERCENT OF THE EXTERIOR.
5. ANY NEW SIGN OR CHANGE IN EXISTING SIGN SIZE OR LOCATION.
6. A CHANGE OF FIVE (5) PERCENT OR MORE IN THE NUMBER OF PARKING SPACES
7. A CHANGE IN LANDSCAPING, OTHER THAN REPLACING DEAD/DYING PLANTS OR LANDSCAPE MAINTENANCE, EFFECTING 200 SQUARE FEET OR MORE.
8. ANY NEW FENCING/WALS OR CHANGE TO EXISTING FENCING/WALLS.

4. Section 13.1-11. At the end of this section, wording is proposed to be added regarding a waiver that may be granted if a commitment for service can be obtained the local Sanitary District. The wording refers to a wastewater treatment agency and it should be Is be referred to as a “provider”. The suggested change is as follows:

Section 13.1-11: Application Requirements--MHP Zone

An application for the establishment of a manufactured home park zone must be accompanied with a general development plan showing the location, design and configuration of each manufactured home space and all accessory buildings and uses. The development plan shall also show the location and design of the following:

- A. Access drives, sidewalks, and parking spaces;
- B. Walls and fences;
- C. Lighting;
- D. Drainage and sanitary sewer facilities;
- E. Electrical and water service;
- F. Fire protection facilities;
- G. Refuse collection facilities;
- H. Landscape plan

Water and drainage reports prepared by a registered professional engineer shall be submitted with the application. A report on the proposed wastewater system prepared by a registered sanitary engineer shall also be submitted (~~MAY BE WAIVED BASED ON A COMMITMENT FROM AN APPROVED WASTEWATER TREATMENT AGENCY PROVIDER~~).

5. Sections 12.3.F and 13.2-3.O. These sections refer to the local fire protection organization as the Tusayan Fire Department. The proper reference is the Tusayan Fire District. These changes are as follows:

F. Fire and Explosion Hazards. All storage of and activities involving inflammable and explosive materials shall be provided with adequate safety and fire fighting devices to the specifications of the ~~County Safety Director~~. TUSAYAN FIRE DEPARTMENT. DISTRICT. All incineration is prohibited.

O. The type, number and location of fire hydrants and other fire protective devices shall be subject to the specifications of the ~~Planning Commission~~. TUSAYAN FIRE DEPARTMENT. DISTRICT.

6. Sections 20.3-2.E, 20.4-4.F, 20.5.B and 20.7-2.A.6. All of these sections include a reduction in the notification area from 300 feet to 150 feet. This change is consistent with the protest provisions of state law, but not consistent with the zoning amendment notice requirements in ARS 9-462.04.A.3. Staff believes that it would be appropriate to leave the distance requirement at 300 feet. The sections affected by this change area as follows:

E. A list of all owners of property located within ~~three hundred feet (300')~~ ONE HUNDRED FIFTY FEET (150') THREE HUNDRED (300) FEET of the exterior boundaries of the subject property; the list shall be keyed to a map showing the location of these properties.

F. A list of all owners of properties located within ~~300 150~~ 300 feet of the exterior boundaries of the subject property; the list shall be keyed to a map showing the location of these properties.

B. The TOWN Clerk ~~of the Board~~ shall set the time and place of public hearings required by this Ordinance to be held by the ~~Board of Supervisors~~ TOWN COUNCIL, provided that the ~~Board~~ TOWN COUNCIL may change the time or place of a hearing. The ~~Board of Supervisors~~ TOWN COUNCIL shall hold a public hearing on a rezoning request, or an amendment approved by the Commission not less than sixty (60) days after notice of such decision or appeal has been filed with the TOWN Clerk ~~of the Board~~ unless the applicant or appellant shall consent to an extension of time. Notice of a public hearing shall be given not less than 15 days nor more than 30 days prior to the date of the hearing by publication in a newspaper of general circulation. When the hearing concerns a matter other than an amendment to the text of this Ordinance, the property shall be posted at least 15 days prior to the hearing. Notices of public hearings before the Planning and Zoning Commission, ~~Board of Adjustment~~ HEARING OFFICER, or ~~Board of Supervisors~~ TOWN COUNCIL shall be mailed to all persons whose names appear on the latest adopted tax roll of Coconino County as owning property within ~~300 150~~ 300 feet of the exterior boundaries of the property that is the subject of the hearing.

~~F. 6.~~ A list of all owners of property located within ~~three hundred feet (300')~~ ONE HUNDRED FIFTY FEET (150') THREE HUNDRED (300) FEET of the exterior boundaries of the subject property; the list shall be keyed to a map showing the location of these properties.

On page 8 of the staff report, staff reviews the proposed changes to the regulations regarding banner signs. These changes were not part of the larger, revised ordinance but were shown in Sections 14 and 16 that were separately attached to and included with the staff report. Unfortunately, these changes were not made available to the public as the larger, revised Zoning Ordinance was. Accordingly, the Commission will not be able to discuss or act on the banner changes at tonight's meeting. Options for moving forward with these changes will be reviewed at the meeting.

RECOMMENDATION:

It is recommended that a motion to approve the revised Zoning Ordinance include the changes presented in this supplemental staff report.