

ORDINANCE NO. 2017-01

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TUSAYAN AMENDING ORDINANCE NO. 2012-04 BY APPROVING ZONE AMENDMENT NO. 2017-01

WHEREAS, the Town Council of the Town of Tusayan has, at its meeting held on April 19, 2017, studied and considered Ordinance No. 2017-01 (Zone Amendment No. 2017-01); and

WHEREAS, the Town Council has determined that it is in the best interest of the Town to enact these amendments to Ordinance No. 2017-01 in order to enhance the quality of life and to protect the health, safety, and welfare of its citizens; and

WHEREAS, a timely and properly noticed public hearing upon Zone Amendment No. 2017-01 (Ordinance No. 2017-01), was held by the Town Council during its meeting on April 19, 2017, at which hearing evidence, oral and documentary, was admitted on behalf of said zone amendment; and

WHEREAS, the Planning and Zoning Commission of the Town of Tusayan, in a session assembled on the 18th day of April, 2017, approved Resolution No. 2017-01 (Zone Amendment 2017-01) as amended, a Resolution of the Planning and Zoning Commission recommending that the Town Council approve Zone Amendment No. 2017-01.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF TUSAYAN DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: ALLOWABLE HEIGHT LIMITS

§ 4.1 – Section 10.2 (C). Increase the maximum allowable height measured from finished grade at base of building in the RM-10/A Zone District from 35 feet to 65 feet, and in the RM-20/A Zone District from 40 feet to 65 feet, excepting that said height limits may be exceeded upon approval of a conditional use permit for a greater height by the Town of Tusayan; and provided that any such height limit be subject to the requirements of the Federal Aviation Administration.

§ 4.2 – Section 11.2 (C) 1. Increase the maximum allowable height measured from finished grade at base of building in the CG-10,000 Zone District from 35 feet to 65 feet, and in the CH-10,000 Zone District from 40 feet to 65 feet, excepting that said height limits may be exceeded upon approval of a conditional use permit for a greater height by the Town of Tusayan; and provided that any such height limit be subject to the requirements of the Federal Aviation Administration.

§ 4.3 – Section 13.3-5 (D) (6). Establish a maximum permitted height measured from finished grade at base of building in the PC Zone District to sixty-five (65) feet, excepting that said height limit may be exceeded upon approval of a conditional use permit for a greater height by the Town of Tusayan; and provided that any such height limit be subject to the requirements of the Federal Aviation Administration.

SECTION II: SEVERABILITY

If any section, subsection, subdivision, sentence, phrase or portion of this Ordinance No. 2017-01 (Zone Amendment 2017-01) or the application to any person or place is held to be unconstitutional

or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this zone amendment. The Town Council declares that it would have recommended adoption of these revisions to Ordinance No. 2017-01 and each section, subsection, sentence, clause, or phrase of this zone amendment in spite of the fact that one or more of the same be declared unconstitutional or invalid.

SECTION III: ADMINISTRATIVE REVISIONS

The Zoning Administrator of the Town of Tusayan is hereby given the authority to make any non-substantive changes to the Zoning Ordinance. These non-substantive changes will include such things as grammatical errors, error in mathematical calculations, erroneous references from one section of the Code to another section, changes in formatting, or any other such changes provided a report is given to the Planning and Zoning Commission and the Town Council indicating which changes are to be made.

PASSED AND ADOPTED THIS 19th DAY OF April, 2017.



Craig Sanderson, Mayor

REVIEWED BY:



Eric Duthie, Town Manager

APPROVED AS TO FORM:



Bill Sims, Town Attorney

ATTEST



Melissa M. Drake, Town Clerk

CERTIFICATION

I, Melissa M. Drake, hereby certify that the foregoing Ordinance No. 2017-01 was passed and adopted by the Town of Tusayan at a scheduled meeting on the 19th day of April, 2017, by the following vote:

AYES: 5

ABSENT: 0

NOES: 0

ABSTENTIONS: 0



Melissa M. Drake, Town Clerk