

**ORDINANCE NO. 2011-11-02-05**

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF TUSAYAN, BY AMENDING SECTION 4.B, THE ZONING MAP OF THE TOWN OF TUSAYAN, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (ZONE CHANGE CASE NO. Z2011-08-05-002) FROM G (GENERAL ZONE) TO PC (PLANNED COMMUNITY ZONE)

**WHEREAS**, on August 4, 2011, the Town of Tusayan received, in compliance with the requirements of Section 20.4 of the Town of Tusayan Zoning Ordinance, a written request for a zone change from Stilo Development Group USA LP, having authorization to represent the owner, Grand Canyon Exchange LP, of an approximate 160 acre property located in a portion of Sections 14 and 23, Township 30 North, Range 2 East, Gila and Salt River Base and Meridian, Coconino County, Arizona, as described more specifically in Attachment "A", attached hereto and incorporated herein by this reference; and,

**WHEREAS**, pursuant to A.R.S. § 9-462.04, the Planning Commission, held public hearings on October 13 and 17, 2011, and at the October 24, 2011 meeting recommended the Town Council approve this zone change request with recommended staff stipulations, as modified; and,

**WHEREAS**, the Town Council held a public hearing to review and consider the recommendations of the Planning Commission, and the Town Council at its scheduled meeting held on November 2, 2011, has determined that, in accordance with A.R.S. § 9-462.01.F, this zone change request, with the appropriate site specific requirements provided in Section 2, and in accordance with the Pre-Annexation and Development Agreement by and between the Town of Tusayan and Stilo Development Group USA, LP dated as of July 1, 2011, is consistent with and conforms to the Tusayan Area Plan, which acts as the General Plan for the Town of Tusayan, and will conserve and promote the public health, safety and general welfare, and should be approved, subject to the conditions herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF TUSAYAN**, as follows:

**SECTION 1:** The zoning of an approximate 160 acre property located in a portion of Sections 14 and 23, Township 30 North, Range 2 East, as described more specifically in Attachment "A", is hereby changed from G (General Zone) to PC (Planned Community Zone) and that the Town Manager is instructed to modify The Zoning Map of the Town of Tusayan to reflect this zone classification as shown in Attachment "B".

**SECTION 2:** The specific nature of the subject property and of the zone change request is more particularly described in case file Z2011-08-05-002, on file with the Town of Tusayan. Due to the site's physical conditions and the use district applied for by Stilo Development Group USA LP, this zone change request is subject to the following stipulations, violation of which shall be treated in the same as a violation of the Town of Tusayan Zoning Ordinance:

1. Within 30-days of final zoning approval, the Applicant shall apply for a Certificate of Convenience and Necessity (CC&N) with the Arizona Corporation Commission for water availability for the property.
2. Prior to the first phase of development, the Applicant must provide assurance of an adequate water supply for the entire property. Required water infrastructure to serve the property shall be provided on a phased basis as development occurs. All required engineering reports and improvement plans shall be reviewed and approved by the Town Engineer and applicable regulatory agencies.
3. Within 180 days of final zoning approval, the Applicant must request annexation of the property into the South Grand Canyon Sanitary District (SGCSD) for wastewater and reclaimed water service to the property. If the SGCSD is unable or unwilling to serve the entire property with sewer service and reclaimed water service, prior to the first phase of development, the Applicant must provide an alternate means of providing permanent sewer and reclaimed water service to the property. All required engineering reports and improvement plans shall be reviewed and approved by the Town Engineer and applicable regulatory agencies.
4. All uses shall utilize reclaimed water for non-potable uses, such as toilet flushing, landscape irrigation, and fire protection as appropriate and available. Appropriate storage facilities must be provided to accommodate the reclaimed water requirements for the entire property on a phased basis. All required engineering reports and improvement plans shall be reviewed and approved by the Town Engineer and applicable regulatory agencies.
5. Prior to or concurrent with the first phase of development, the Applicant must submit a Drainage Master Plan for the entire property to address on-site and off-site drainage for the entire property, including impacts to the existing mapped floodplains on the property. The Drainage Master Plan shall be reviewed and approved by the Town Engineer and applicable regulatory agencies.
6. Within 180 days of final zoning approval, the Applicant must submit all required application materials to the U. S. Forest Service for the necessary access roads to serve the property. The required roadways must be approved by the U.S. Forest Service and the Town Engineer prior to the first phase of development.
7. Prior to or concurrent with the first phase of development, the Applicant must submit a Traffic Impact Analysis (TIA) to determine the on-site and off-site roadway improvements required to serve the entire development. The TIA must be prepared by a registered traffic engineer and approved by the Town Engineer.
8. The Applicant shall remove the proposed modified definition for Building Height within Part Two, Section B.1 of the application narrative and utilize the Town's definition as defined within Section 8 of the Tusayan Zoning Ordinance.

9. The Applicant shall modify Table 3 to reduce the maximum building height within the CP1, CP2 and LC districts to a maximum of 40 feet, including architectural elements in order to be in compliance with the Tusayan Area Plan.
10. In order to ensure a mix of uses on the ground floor, a maximum of 30% of the total ground floor area can be used for hotel and conference uses within the LC1 District.
11. The Applicant shall remove the proposed Amendments procedures within Part Two, Section B.3 of the application narrative and utilize the Town's Amendment Procedures as defined within Section 13.3-7 Amendments to the Development Plan-PC Zone of the Tusayan Zoning Ordinance.
12. A comprehensive landscape inventory plan shall be submitted for the entire property prior to the first phase of development. A landscape salvage plan shall be submitted and approved by the Town on a phased basis prior to the development of each applicable phase.
13. A Cultural Resources Survey and Report shall be prepared and submitted to the Town and the State Historic Preservation Office prior to the first phase of development.
14. If any permitted land uses within the CP2 parcel include on-site parking or vehicle access, a roadway with all-weather access across the Coconino Wash shall be required.
15. Front facing garages shall be a minimum 18 feet from back of sidewalk or back of curb if no sidewalk is provided for all residential uses where parking is permitted in the driveway.
16. The Applicant shall modify Part Two, Section D.2, 2nd bullet point under Accessory Structures to require a maximum of 600 square feet for accessory structures adjacent to a residential land use district. The narrative should read "*Detached accessory structures and swimming pools located within the required yard adjacent to a residential land use district are to maintain a minimum setback of three feet from the property, and structures are not to exceed 600 square feet.*"
17. The Applicant shall remove the provision within Part Two, Section D, Closed Projections which states "*The primary structure may encroach up to five feet into the required front or rear yard for no more than 50 percent of the maximum width of the structure, provided a minimum of five feet is still provided.*"
18. Concurrent with the first proposed site plan or subdivision within each of the 8 defined development parcels, a conceptual master site plan for the entire development parcel as depicted on Exhibit 6 shall be submitted if the initial site plan or subdivision does not include the entire development parcel. The conceptual master site plan shall show, at a minimum, general internal circulation routes, general parking locations, conceptual building footprints and open space locations in accordance with the approved plan.

19. Applicant agrees to sign and record a Proposition 207 Waiver within 45 days of Town Council approval of the zoning.
20. A revised application narrative and exhibits must be submitted to the Town within 45 days of Town Council of the zoning to reflect all required revisions per the stipulations of approval, and all minor errors and corrections throughout the document. The application shall also provide the list of approved stipulation within the final document.
21. Remove the Floodplain and Floodway definitions from Part 2, Section B.1 of the zoning narrative and utilize the definitions as listed within Section 13.6 of the Tusayan Zoning Ordinance.
22. Modify the definitions for Hostel, Hotel and Motel to reduce the maximum duration of occupancy from 180 days to a maximum of 30 days.
23. Remove "Entertainment and Leisure Attractions" from the permitted use table in order to prohibit amusement parks, casinos, convention centers and regional malls.
24. In lieu of school land set aside, that the Council encourage the Applicant to execute a Memorandum of Understanding with the Grand Canyon School District for a donation to the District from the Applicant.
25. The zoning of Kotzin Ranch is effective pursuant to the development schedule set forth in the Pre-Annexation and Development Agreement between the Town of Tusayan and Stilo Development Group USA, LP dated as of July 1, 2011.

SECTION 3: If any section, subsection, sentence, clause, phrase or portion 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

**PASSED AND ADOPTED BY** the Mayor and Council of the Town of Tusayan, November 2, 2011.

**FOR THE TOWN OF TUSAYAN:**

  
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Greg Bryan, Mayor

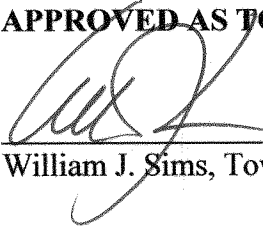
**REVIEWED BY:**

  
\_\_\_\_\_  
Enrique Medina Ochoa, Town Manager

**ATTESTED TO:**

  
\_\_\_\_\_  
Bill Sutton, Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
William J. Sims, Town Attorney

**Attachments:**

**A – Legal Description**

**B – Ordinance Location Map**

ATTACHMENT A

LEGAL DESCRIPTION FOR ZONE CHANGE CASE NO. Z2011-08-05-002

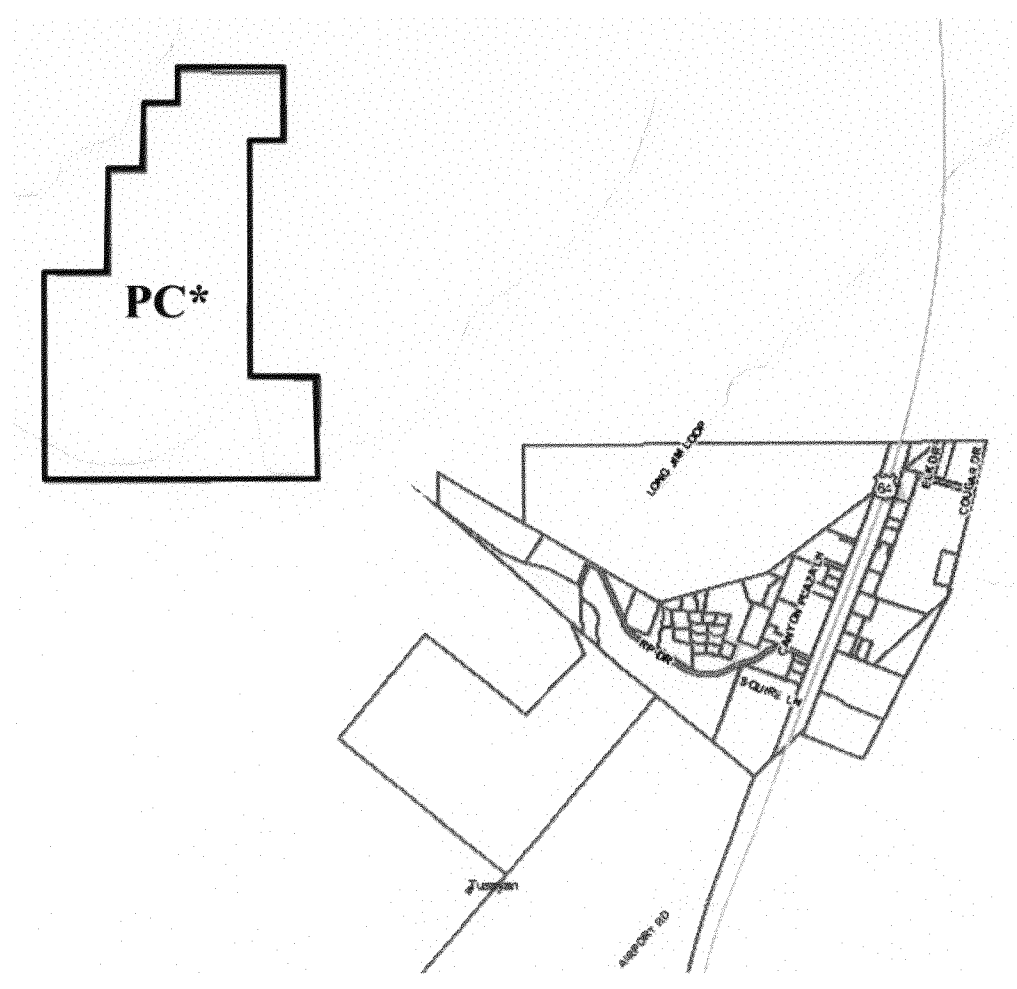
PC ZONING AREA


THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, THE EAST HALF OF THE SOUTHWEST QUARTER, THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION FOURTEEN (14) AND THE NORTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST OF THE NORTHEAST QUARTER, THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION TWENTY-THREE (23), TOWNSHIP THIRTY (30) NORTH, RANGE TWO (2) EAST, GILA AND SALT RIVER BASE AND MERIDIAN COCONINO COUNTY, ARIZONA.

ATTACHMENT B

ORDINANCE LOCATION MAP

ZONE CHANGE CASE NO. Z2011-08-05-002



-  SUBJECT AREA
- PC** PLANNED COMMUNITY ZONE
- \*** ZONING SUBJECT TO STIPULATIONS