ORDINANCE NO. 2026-01

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF TUSAYAN, ARIZONA, PROVIDING FOR ACTIONS AND FUNCTIONS OF THE PLANNING AND ZONING COMMISSION TO BE HANDLED BY THE HEARING OFFICER; MODIFYING THE DUTIES OF THE HEARING OFFICER; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY

RECITALS:

WHEREAS, the Town Council of the Town of Tusayan has had a difficult time finding citizens willing and able to act as members of the Tusayan Planning and Zoning Commission; and

WHEREAS, the Town Council of the Town of Tusayan finds that the actions and functions of the Planning and Zoning Commission can be efficiently and satisfactorily carried out by the Town's Hearing Officer; and

WHEREAS, the Town Council of the Town of Tusayan finds that retaining existing references in the Tusayan Zoning Code to the Planning and Zoning Commission will avoid the need for lengthy and complicated revisions and will allow for a simple reversion of this Ordinance in the event citizens come forward in the future who are willing and able to act as members of the Tusayan Planning and Zoning Commission; and

WHEREAS, the Town Council of the Town of Tusayan finds that public hearings before the Hearing Officer for purposes of considering and making recommendations concerning Tusayan Zoning Code text amendments or amendments to the Tusayan General Plan (referred to as the "TUSAYAN AREA PLAN" in the Zoning Code) are unnecessary; and

WHEREAS, the Town Council of the Town of Tusayan finds that this Ordinance is in the best interests of the Town and its citizens.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Tusayan, Arizona, as follows:

SECTION 1. Tusayan Zoning Code § 7.1 ("HEARING OFFICER") is hereby amended as follows (additions are shown with double underlining; deletions are shown with ~~strikeouts~~):

§ 7.1 HEARING OFFICER.

~~(A)~~ The Town Council shall periodically appoint a Hearing Officer to hear and determine zoning code and other code violations and to undertake the actions and functions and act in the capacity of the Planning and Zoning Commission. The Hearing Officer shall not be a member of any town board or commission and shall not be an employee of the town in any other capacity, except that nothing in this section shall preclude the town from employing ~~if the town elects to employ~~ a person to be the town's Hearing Officer. The Hearing

Officer may have other responsibilities pursuant to other sections of this code, but shall not be the Town Zoning Administrator.

~~(B) An administrative review of decisions of the Hearing Officer by the Town Council shall be available to any party to the hearing. Any appeal of the Town Council's decision shall be filed in Coconino County Superior Court.~~

SECTION 2. The definition of "***AREA PLAN***" in Tusayan Zoning Code § 8 ("DEFINITIONS") is hereby amended as follows (additions are shown with double underlining; deletions are shown with ~~strikeouts~~):

AREA PLAN or ***TUSAYAN AREA PLAN***. The Tusayan General ~~Area~~ Plan adopted by the Mayor and Council of the Town of Tusayan, Arizona.

SECTION 3. The definition of "***COMMISSION***" in Tusayan Zoning Code § 8 ("DEFINITIONS") is hereby amended as follows (additions are shown with double underlining; deletions are shown with ~~strikeouts~~):

COMMISSION or ***PLANNING COMMISSION*** or ***PLANNING AND ZONING COMMISSION***. The Hearing Officer of the Town of Tusayan acting in the capacity of the Town of Tusayan Planning and Zoning Commission.

SECTION 4. Tusayan Zoning Code § 20.4-6 ("PUBLIC HEARING") is hereby amended as follows (additions are shown with double underlining; deletions are shown with ~~strikeouts~~):

§ 20.4-6 PUBLIC HEARING.

The Planning and Zoning Commission shall hold at least one public hearing on each application for a change in zone boundaries ~~or for a change of the zoning regulations~~. The hearing shall be set and notice given as prescribed in § 20.5, Public Hearing Time and Notice. For so long as the Hearing Officer is acting in the capacity of the Commission, the only public hearing for a change of the zoning regulations or for an amendment to the Tusayan General Plan shall be before the Council. The Hearing Officer may consider and include a recommendation on a minor General Plan amendment as part of the recommendation on an application for a change in zone boundaries, but the Hearing Officer's failure to do so does not affect the Council's jurisdiction to consider and make a General Plan amendment.

SECTION 5. Tusayan Zoning Code § 21.2 ("AMENDMENTS TO TUSAYAN AREA PLAN") is hereby amended by deleting paragraph (C) as follows (deletions are shown with ~~strikeouts~~):

~~(C) Any hearing held in conjunction with an amendment to the zoning code for the purpose of bringing zoning into consistency with the Tusayan Area Plan may be held at any time after the date on which an amendment to the Tusayan Area Plan or any part or element thereof has been recommended for adoption by the Planning and Zoning Commission; provided, however, that, no such amendment to the Zoning Ordinance shall be adopted by the Town Council until the Council has first adopted the appropriate amendment to the Tusayan Area Plan.~~

SECTION 6. Ordinance No. 2012-04-25-03, establishing a Planning Commission for the Town of Tusayan, is hereby repealed.

SECTION 7. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 8. 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 thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Tusayan, Arizona, this 30th day of APRIL, 2026.

FOR THE TOWN OF TUSAYAN:

Clarinda Vail, Mayor

ATTESTED TO:

Tina Abriani, Town Clerk

REVIEWED BY:

Greg Clifton, Town Manager

APPROVED AS TO FORM:

Aaron D. Arnson, Town Attorney