



NAVAJO COUNTY
PUBLIC WORKS DEPARTMENT
PLANNING & ZONING

STAFF REPORT

PLANNING AND ZONING COMMISSION

HEARING DATE: February 18, 2010

CASE #: 10-03 (PZ)

ACTION: TEXT AMENDMENT

APPLICANT/OWNER: Navajo County – Public Works / Planning & Zoning

PROJECT NAME: Text Amendment – Special Use Permits – Procedural regulations (Section 2002)

STATED REASON FOR REQUEST: A proposed Text Amendment to Section 2002 of the Navajo County Zoning Ordinance (Special Uses) to clarify the procedures for the review and approval of Special Uses and related Special Use Permits.

DISCUSSION: The Navajo County Zoning Ordinance, adopted in 1975, is outdated in many respects. One of these is in regard to the “standard” for which a Special Use can be approved, reviewed, or even revoked. In many cases, the existing language somewhat “ties” the Commission’s and Board’s hands by setting a standard which is difficult for even the most “easy” project to achieve. Additionally, a number of court decisions and related case law have occurred which make the existing language somewhat “out of touch”.

A copy of the existing Section 2002 is included.

Staff proposes that this subsection be revised to read as follows:

Section 2002 - General Conditions Applicable To All Special Use Permits

1. An application for a Special Use Permit, together with the applicable fee as established from time to time by the Board of Supervisors, shall be submitted to the Director. The application shall be accompanied by plans together with a supporting

statement as to the proposed use. The plans and supporting statement shall be in sufficient detail to enable the Director, the Commission and the Board of Supervisors to evaluate the nature and scope of the proposed use and its effects on the public health, safety and general welfare. The application, plans and supporting statement shall be considered by the Commission at a public hearing. Notice and procedure for said hearing shall conform to the requirements of Article 29 hereof.

2. The Commission shall transmit its recommendation, together with the plans and supporting statement, to the Board of Supervisors for consideration and public hearing. Notice and procedure for said hearing shall conform to the requirements of Article 29 hereof.
3. In making its recommendation, the Commission shall consider the compatibility of the proposed use with the permissible uses in the zoning district in which the property is located, the current and likely future uses of properties in the vicinity of the proposed use, and the effects of the proposed use on the public health, safety and general welfare.
4. The recommendation of the Commission may include reasonable requirements and stipulations as deemed necessary to achieve the purposes of this Ordinance and promote the public health, safety and general welfare, including but not limited to the following:
 - a. Yard and open spaces.
 - b. Fences and walls, or other screening.
 - c. Surfacing of parking areas and specifications therefore.
 - d. Street improvements, including provision of service roads or alleys when practical and necessary.
 - e. Regulation of points of vehicular ingress and egress.
 - f. Regulation of signs.
 - g. Landscaping and maintenance thereof.
 - h. Maintenance of grounds.
 - i. Control of noise, vibration, odor and other potentially dangerous or objectionable elements.
 - j. Technical studies to ensure that the public health, safety and general welfare will not be adversely affected.
 - k. Such other requirements and stipulations as may reasonably be required to ensure that the public health, safety and general welfare will not be adversely affected.
 - l. Time limit within which the proposed use shall be developed, together with provisions for review and possible revocation of the Special Use Permit if development does not proceed diligently.-
5. A Special Use Permit may run with the land or be granted for a specific time period. The procedure to extend a permit shall be the same as the procedure for obtaining a permit; provided, however, that any request to extend a permit shall be made no later than 60 days before the expiration of the permit and provided further that an

extension of not more than 90 days may be summarily granted by the Board of Supervisors without notice or hearings as otherwise required by Article 29 hereof.

6. An application to amend a Special Use Permit shall be processed in the same manner as an application to obtain a Special Use Permit; provided, however, that changes to site plans or to stipulations that do not alter the nature or scope of the approved use may be summarily approved by the Board of Supervisors without notice or hearings as otherwise required by Article 29 hereof.

The specific change, in legislative format and indicating the differences between the existing and proposed language, is as follows:

Section 2002 - General Conditions Applicable To All Special Use Permits

1. ~~Before permitting any of the above uses,~~ An application for a Special Use Permit, together with the applicable fee as established from time to time by the Board of Supervisors, shall be submitted to the Director. The application shall be accompanied by plans together with a supporting statement as to the proposed use ~~of the buildings, structures, and premises shall be submitted to the Board of Supervisors.~~ The plans and supporting statement shall be in sufficient detail to enable the Director, the Commission and the Board of Supervisors to evaluate the nature and scope of the proposed use and its effects on the public health, safety and general welfare. The ~~application~~se plans and supporting statement shall be ~~referred to~~ considered by the Commission ~~for its review, report and recommendation and for~~ at a public hearing. Notice and ~~P~~rocedure for ~~said public~~ hearing shall conform to the ~~procedures prescribed in~~ requirements of Article 29 hereof.
2. The Commission ~~having held public hearing~~ shall transmit then present its ~~report and~~ recommendation, together with ~~and~~ the plans, ~~together with the~~ and supporting statement, to the Board of Supervisors for consideration and public hearing. Notice and procedure for ~~said public~~ hearing shall conform to the ~~procedures prescribed in~~ requirements of Article 29 hereof.
3. ~~The recommendation of the Commission shall include its reasons for approval or disapproval of such plans and supporting statement, and if recommended for approval, specific evidence and facts showing that the public health, safety and general welfare will not be adversely affected, that ample off-street parking facilities will be provided and that necessary safeguards will provide for the protection of adjacent property or the permitted uses thereof.~~ In making its recommendation, the Commission shall consider the compatibility of the proposed use with the permissible uses in the zoning district in which the property is located, the current and likely future uses of properties in the vicinity of the proposed use, and the effects of the proposed use on the public health, safety and general welfare.

4. The recommendation of the Commission may include reasonable requirements and stipulations as deemed necessary to achieve ~~promote~~ the purposes of this Ordinance and promote the public health, safety and general welfare, including but not limited to the following:
 - a. Yard and open spaces.
 - b. Fences and walls, or other screening.
 - c. Surfacing of parking areas and specifications therefore.
 - d. Street improvements, including provision of service roads or alleys when practical and necessary.
 - e. Regulation of points of vehicular ingress and egress.
 - f. Regulation of signs.
 - g. Landscaping and maintenance thereof.
 - h. Maintenance of grounds.
 - i. Control of noise, vibration, odor and other potentially dangerous or objectionable elements.
 - j. Technical studies to ensure that the public health, safety and general welfare will not be adversely affected.
 - k. Such other requirements and stipulations as may reasonably be required to ensure that the public health, safety and general welfare will not be adversely affected.
 - l. Time limit within which the proposed use shall be developed, together with provisions for review and possible revocation of the Special Use Permit if development does not proceed diligently. ~~If, after termination of the established time period, construction of at least fifty (50%) percent of the development is not completed, and there is no evidence of continued construction the Special Use Permit may be declared null and void after a duly noticed public hearing of the Board of Supervisors. A new application will be required to complete the proposed development.~~

~~Extensions for development schedules may be acquired by following the same procedure required for first obtaining the permit. Application for extension must be received thirty (30) days prior to expiration date of the permit. The fees for extensions of time shall be in accordance with a schedule of fees adopted by the Board of Supervisors.~~

5. ~~Establishment of a time period for which a~~ A Special Use Permit may run with the land or be granted for a specific time period. ~~shall be valid and for which a proposed use may be conducted. Said Special Use Permit, shall automatically terminate at the expiration of the established time period.~~ The procedure to extend a permit for any request for an extension of time for the permit shall be the same as the procedure for required for first obtaining a the permit; provided, however, that any request to extend a permit shall be made no later than 60 days before the expiration of the permit and provided further that an extension of not more than 90 days may be summarily granted by the Board of Supervisors without notice or hearings as otherwise required by Article 29 hereof., ~~with the same legal notices and public hearings, however, if the requested extension of time does not exceed a maximum~~

~~time of ninety (90) days, the Board of Supervisors may waive the requirement for such notices and hearings.~~

~~i. Establishment of review periods by the Planning & Zoning Commission and/or the Board of Supervisors. Said review period shall be at such times and places as established at the time said permit is granted, or at such other times and places as the need for review arises as determined from time to time within the discretion of the Commission or the Board of Supervisors.~~

~~i.-~~

~~j.-~~

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~~If it is determined by the Board of Supervisors, after such review, that the terms and conditions of the Special Use Permit have not been complied with, the Board of Supervisors shall have the right to revoke said permit.~~

~~5. Any use that the Board of Supervisors may permit as a Special Use, existing at the time this Ordinance or amendments thereto become effective, shall be considered a non-conforming use unless such use has been established as a Special Use as herein provided.~~

6. An application to Aamendments a Special Use Permit shall be processed in the same manner as an application to obtain a Special Use Permit; provided, however, that changes to site plans or to stipulations that do not alter the nature or scope of the approved use may summarily approved be by the Board of Supervisors without notice or hearings as otherwise required by Article 29 hereof. ~~as the initial plans and supporting statement of proposed use.~~