

**ORDINANCE NO. O2014.22**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING CHAPTER 2, ARTICLE V, TEMPE CITY CODE, RELATING TO BOARDS, COMMISSIONS, ETC., CHAPTER 8, ARTICLE I, TEMPE CITY CODE, RELATING TO TEMPE BUILDING SAFETY ADMINISTRATIVE CODE, AND CHAPTER 14A, TEMPE CITY CODE, RELATING TO HISTORIC PRESERVATION.**

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

**Section 1.** That Chapter 2, Article V, Division 2, Section 2-191 of the Tempe City Code is hereby amended to read as follows:

**DIVISION 2. HISTORICAL MUSEUM AND LIBRARY ADVISORY BOARD**

**Sec. 2-191. Established; composition.**

(a) There is hereby established the Tempe historical museum AND LIBRARY advisory board of the city to be composed of nine (9) members.

(b) The community services director shall designate a staff representative to serve the historical museum AND LIBRARY advisory board in an advisory capacity.

**Section 2.** That Chapter 2, Article V, Division 2, Section 2-194 of the Tempe City Code is hereby amended to read as follows:

**Sec. 2-194. Officers.**

The officers of the historical museum AND LIBRARY advisory board shall be selected by the board members at the first meeting of the board following the thirtieth day of June of each year, and shall serve until the thirtieth day of June of the next succeeding year. No officer shall serve in the same capacity for more than two (2) consecutive one year terms.

**Section 3.** That Chapter 2, Article V, Division 2, Section 2-195 of the Tempe City Code is hereby amended to read as follows:

**Sec. 2-195. Powers and duties.**

The historical museum AND LIBRARY advisory board shall have the following powers and duties:

- (1) To assist and advise the city council, in conjunction with the community services director and the historic preservation commission in the establishment of essential policies, rules and regulations relating to the planning, acquisition, disposition, operation, use, care and maintenance of areas and structures owned, leased or otherwise acquired by the city for use as historical museums, or interpretive sites;
- (2) TO ASSIST AND ADVISE THE CITY COUNCIL, IN CONJUNCTION WITH THE COMMUNITY SERVICES DIRECTOR, IN THE ESTABLISHMENT OF ESSENTIAL POLICIES, RULES AND REGULATIONS RELATING TO THE PLANNING, ACQUISITION, DISPOSITION, OPERATION, USE, CARE AND MAINTENANCE OF STRUCTURES OWNED, LEASED OR OTHERWISE ACQUIRED BY THE CITY FOR USE AS LIBRARIES;
- (23) To assist and advise the city council in the establishment of essential policies, rules and regulations relating to the acquisition, conservation and use of historical materials and artifacts AND LIBRARY MATERIALS;
- (34) To assist and advise the community services department staff liaison in the development of a continuing plan for the city's historical museum program AND FOR THE CITY'S LIBRARY PROGRAM;
- (45) To assist and advise the community services department in establishing priorities at budget time for those items other than administrative functions relating to historical museum policy AND LIBRARY POLICY;
- (56) To receive, accept and acquire subject to final action by the city council by gift, bequest or devise real and personal property of every kind, nature and description in the name of the city for historical museum purposes OR FOR LIBRARY PURPOSES subject to the terms of the gift; and
- (67) To suggest to the mayor and city council qualified and interested persons eligible for appointment for board vacancies.

**Section 4.** That Chapter 2, Article V, Division 3, Section 2-200 of the Tempe City Code is hereby amended to read as follows:

**Sec. 2-200. Establishment; composition.**

(a) There is hereby established a Tempe municipal arts commission for the city to be composed of ~~fifteen (15)~~ THIRTEEN (13) members.

(b) The community services director or his designee shall serve the commission in an advisory capacity.

**Section 5.** That Chapter 2, Article V, Division 5, Section 2-215 of the Tempe City Code is hereby amended to read as follows:

**Sec. 2-215. Established; composition.**

(a) There is hereby established the Tempe aviation commission to be composed of ~~eleven (11)~~ NINE (9) members.

(b) In addition to the terms of office as specified in § 2-182 of this article, terms shall be staggered so that the term of no more than ~~five (5)~~ FOUR (4) members shall conclude in any given year.

(c) There shall be commission members from neighborhoods located in geographic areas throughout the community that are impacted by aircraft operations including areas within the LDN 65 noise contour for the Phoenix Sky Harbor International Airport.

(d) The city manager or his designee shall serve the aviation commission in an advisory capacity.

**Section 6.** That Chapter 2, Article V, Division 6, Section 2-225 of the Tempe City Code is hereby amended to read as follows:

**Sec. 2-225. Established; composition.**

(a) There is hereby established the Tempe human relations commission to be composed of ~~thirteen (13)~~ ELEVEN (11) members.

(b) The city manager or his designee shall serve the human relations commission in an advisory capacity.

**Section 7.** That Chapter 2, Article V, Division 7, Section 2-235 of the Tempe City Code is hereby amended to read as follows:

DIVISION 7. PARKS, RECREATION, ~~AND~~ GOLF,  
AND DOUBLE BUTTE CEMETERY ADVISORY BOARD

**Sec. 2-235. Established; composition.**

(a) There is hereby established a parks, recreation, ~~and~~ golf, AND DOUBLE BUTTE CEMETERY advisory board for the city to be composed of eleven (11) members as an advisory board to city council.

(b) The city manager shall designate a staff representative to serve the parks, recreation, ~~and~~ golf, AND DOUBLE BUTTE CEMETERY advisory board in an advisory capacity.

**Section 8.** That Chapter 2, Article V, Division 7, Section 2-240 of the Tempe City Code is hereby amended to read as follows:

**Sec. 2-240. Powers and duties.**

The parks, recreation, ~~and~~ golf, AND DOUBLE BUTTE CEMETERY advisory board shall have the following powers and duties:

- (1) To advise the city council and assist the city manager in the establishment of essential policies, rules and regulations relating to the planning, acquisition, disposition, operation, use, care and maintenance of golf facilities owned, leased or otherwise acquired by the city for use as municipal golf courses;
- (2) To advise the city council and assist city staff in the establishment of essential policies, rules and regulations relating to the planning, acquisition, disposition, operation, use, care and maintenance of areas and structure owned, leased or otherwise acquired by the city for use as parks and preserves;
- (3) To advise the city council and assist city staff in the establishment of essential policies, rules and regulations relating to the acquisition, conservation, and use of parks and preserves;
- (4) TO ASSIST AND ADVISE THE CITY COUNCIL, THROUGH THE COMMUNITY SERVICES DEPARTMENT, IN THE ESTABLISHMENT OF ESSENTIAL POLICIES, RULES AND REGULATIONS RELATING TO THE PLANNING, ACQUISITION, DISPOSITION, OPERATION, USE, CARE, MAINTENANCE, DESIGN AND CONSTRUCTION OF CEMETERY FACILITIES OWNED, LEASED OR OTHERWISE ACQUIRED BY THE CITY;
- (45) To assist the community services department and other city departments in establishing priorities at budget time for those items other than administrative functions relating to golf, park, preserve and recreation policy. The recommendations of the committee shall be forwarded to the city council;

- (6) TO ASSIST AND ADVISE THE CITY COUNCIL IN ESTABLISHING PRIORITIES AT BUDGET TIME FOR THOSE ITEMS OTHER THAN ADMINISTRATIVE FUNCTIONS RELATING TO THE CEMETERY. THE RECOMMENDATIONS OF THE COMMITTEE SHALL BE FORWARDED TO THE CITY COUNCIL;
- (57) To assist the community services department staff liaison in the development of a continuing plan for the city's park and recreation program;
- (68) To receive, accept and acquire subject to final action by the city council by gift, bequest or devise real and personal property of every kind, nature and description in the name of the city for park and preserve purposes subject to the terms of the gift;
- (79) To suggest to the mayor and city council qualified and interested persons eligible for appointment for board vacancies; and
- (810) To serve as the city tree board with the responsibility to study, develop, update annually and administer a written plan for the care, planting, replanting and removal or disposition of trees and shrubs within parks, preserves, street rights-of-way and public places owned by the city to ensure that the city will continue to realize the benefits provided by an urban forest. Such plan will be presented to the city council and upon their acceptance and approval shall constitute the official city tree plan for the city.

**Section 9.** That Chapter 2, Article V, Division 10, Section 2-265 of the Tempe City Code is hereby amended to read as follows:

**Sec. 2-265. Established; composition.**

(a) There is hereby established a commission on disability concerns for the city to be composed of ~~fifteen~~(15) NINE (9) members.

(b) The city manager or his designee shall designate a city staff representative to serve as advisory capacity for the commission on disability concerns.

**Section 10.** That Chapter 2, Article V, Division 13, of the Tempe City Code is hereby amended by repealing Section 2-295 as follows:

~~DIVISION 13. DOUBLE BUTTE CEMETERY ADVISORY COMMITTEE~~

~~**Sec. 2-295. Established; composition.**~~

~~—(a) There is hereby established a Double Butte Cemetery advisory committee for the city to be composed of nine (9) members.~~

~~—(b) The director of the community services department or a designated staff representative shall serve the cemetery advisory committee in an advisory capacity.~~

**Section 11.** That Chapter 2, Article V, Division 13, of the Tempe City Code is hereby amended by repealing Section 2-299 as follows:

**~~Sec. 2-299. Officers.~~**

~~—The officers of the committee shall be selected by the committee members at the first meeting of the committee following the first day of September of each year and shall serve until the 31st day of August of the next succeeding year. No officer shall serve in the same capacity for more than two (2) consecutive one-year terms.~~

**Section 12.** That Chapter 2, Article V, Division 13, of the Tempe City Code is hereby amended by repealing Section 2-300 as follows:

**~~Sec. 2-300. Powers and duties.~~**

~~—The cemetery advisory committee shall have the following powers and duties:~~

- ~~—(1) To assist and advise the city council, through the community services department, in the establishment of essential policies, rules and regulations relating to the planning, acquisition, disposition, operation, use, care, maintenance, design and construction of cemetery facilities owned, leased or otherwise acquired by the city;~~
- ~~—(2) To assist and advise the city council in establishing priorities at budget time for those items other than administrative functions relating to the cemetery. The recommendations of the committee shall be forwarded to the city council; and~~
- ~~—(3) To suggest to the mayor and city council qualified and interested persons eligible for appointment for board vacancies.~~

**Section 13.** That Chapter 2, Article V, Division 14, Section 2-305 of the Tempe City Code is hereby amended to read as follows:

**Sec. 2-305. Established; composition.**

(a) There is hereby established the neighborhood advisory commission to be composed of ~~twenty one (21)~~ FIFTEEN (15) members, and EACH MEMBER must have been A residents of the city for at least one year prior to the appointment.

(b) Members shall be appointed proportionately to the geographic distribution of population by zip codes, subject to change as population shifts occur.

(c) The neighborhood program administrator or his or her designee shall serve the neighborhood advisory commission in an advisory capacity.

**Section 14.** That Chapter 2, Article V, Division 16, of the Tempe City Code is hereby amended by repealing Section 2-325 as follows:

~~DIVISION 16. TARDEADA ADVISORY BOARD~~

~~**Sec. 2-325. Established; composition.**~~

~~—(a) There is hereby established the Tardeada advisory board to be composed of fifteen (15) members.~~

~~—(b) The fifteen (15) members of the Tardeada advisory board shall be appointed by the mayor with the approval of the city council. An initial transition Tardeada advisory board, appointed by the mayor with the approval of the city council, shall consist of the current twenty-two (22) member Tardeada advisory committee and shall have staggered terms of one year for six (6) members, two (2) years for six (6) members and three (3) years for ten (10) members. After original appointments of the initial transition board, the size of the Tardeada advisory board shall be reduced from twenty-two (22) members to fifteen (15) members through attrition of terms.~~

~~—(c) The board members, with the exception of the initial transition Tardeada advisory board, shall be Tempe residents.~~

**Section 15.** That Chapter 2, Article V, Division 16, of the Tempe City Code is hereby amended by repealing Section 2-328 as follows:

~~**Sec. 2-328. Staff representative.**~~

~~—The diversity office shall serve the Tardeada advisory board in an advisory capacity.~~

**Section 16.** That Chapter 2, Article V, Division 16, of the Tempe City Code is hereby amended by repealing Section 2-329 as follows:

~~**Sec. 2-329. Officers.**~~

~~—The officers of the board shall be selected by the board members at the first meeting of the board following the 31st day of December each year and shall serve from January 1 until the 31st day of December of the next succeeding year. No officer may serve in the same capacity for more than three (3) consecutive one-year terms.~~

**Section 17.** That Chapter 2, Article V, Division 16, of the Tempe City Code is hereby amended by repealing Section 2-330 as follows:

**~~Sec. 2-330. Powers and duties.~~**

~~— The Tardeada advisory board shall have the following powers and duties:~~

- ~~— (1) To advise the city council and assist the diversity office on the Tardeada reception and celebration;~~
- ~~— (2) To collaborate with the Tempe historical museum regarding Hispanic oral histories and exhibits;~~
- ~~— (3) To assist in coordinating Tempe's family albums;~~
- ~~— (4) To serve as a resource to other city departments and entities on Tempe's Hispanic heritage; and~~
- ~~— (5) To recommend to the mayor and city council qualified and interested persons eligible for appointment for board vacancies.~~

**Section 18.** That Chapter 2, Article V, Division 18, of the Tempe City Code is hereby amended by repealing Section 2-345 as follows:

~~DIVISION 18. LIBRARY ADVISORY BOARD<sup>†</sup>~~

**~~Sec. 2-345. Established; composition.~~**

~~— There is hereby established a library advisory board for the city to be composed of nine (9) members.~~

**Section 19.** That Chapter 2, Article V, Division 18, of the Tempe City Code is hereby amended by repealing Section 2-346 as follows:

**~~Sec. 2-346. Powers and duties.~~**

~~— The library advisory board shall have the following powers and duties:~~

- ~~— (1) To advise the city council and assist the community services director in the establishment of essential policies, rules and regulations relating to the planning, acquisition, disposition, operation, use, care and maintenance of structures owned, leased or otherwise acquired by the city for use as libraries;~~
- ~~— (2) To advise the city council in the establishment of essential policies, rules and regulations relating to the acquisition, conservation, and use of library materials;~~

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<sup>†</sup> ~~State law reference~~ — Municipal public libraries, A.R.S. § 9-411 et seq.



- ~~————— (3) To assist the community services department staff liaison in the development of a continuing plan for the city's library program;~~
- ~~————— (4) To assist the community services department in establishing priorities at budget time for those items other than administrative functions relating to library policy;~~
- ~~————— (5) To receive, accept and acquire subject to final action by the city council by gift, bequest or devise real and personal property of every kind, nature and description in the name of the city for library purposes subject to the terms of the gift; and~~
- ~~————— (6) To suggest to the mayor and city council qualified and interested persons eligible for appointment for board vacancies.~~

**Section 20.** That Chapter 8, Article I, Section 8-110 of the Tempe City Code is hereby amended to read as follows:

**Sec. 8-110. Board of appeals.**

*110.1. General.* In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this chapter and the technical codes, there shall be and is hereby created ~~one or more~~ A board of appeals.

*110.2. Limitations on authority.* An application for appeal shall be based on a claim that the true intent of the technical codes or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the technical codes do not fully apply or an equal or better form of construction is proposed. A THE board of appeals shall have no authority to waive requirements of the technical codes.

*110.3. Created, composition.*

*110.3.1. Building TECHNICAL code advisory board of appeals.* There shall be and is hereby created a ~~building~~ TECHNICAL code advisory board of appeals, consisting of ~~five~~ NINE members who are qualified by experience and training to pass upon matters pertaining to the technical provisions of the ~~building~~ TECHNICAL codes. For purposes of this division, the technical provisions shall mean all provisions of the ~~building~~ TECHNICAL codes except the administrative provisions.

One member shall be an architect, registered in the state; ONE MEMBER SHALL BE A STRUCTURAL ENGINEER, REGISTERED IN THE STATE, AN INTERNATIONAL CODE COUNCIL (ICC) CERTIFIED COMMERCIAL BUILDING INSPECTOR, OR AN ICC CERTIFIED BUILDING PLANS EXAMINER; ~~one member shall be a structural engineer registered in the state~~; one member shall be a building contractor OR HOME BUILDER; one member shall be a ~~home builder~~ AN ELECTRICAL ENGINEER, REGISTERED IN THE

STATE, AN ICC CERTIFIED COMMERCIAL ELECTRICAL INSPECTOR, OR AN ICC CERTIFIED ELECTRICAL PLANS INSPECTOR; ONE MEMBER SHALL BE AN ELECTRICAL CONTRACTOR OR AN ELECTRICIAN; ONE MEMBER SHALL BE A MECHANICAL ENGINEER, AN ICC CERTIFIED COMMERCIAL MECHANICAL INSPECTOR, AN ICC CERTIFIED MECHANICAL PLANS EXAMINER, AN ICC CERTIFIED COMMERCIAL PLUMBING INSPECTOR, OR AN ICC CERTIFIED PLUMBING PLANS EXAMINER; ONE MEMBER SHALL BE A PLUMBER OR PLUMBING CONTRACTOR; ONE MEMBER SHALL BE A MECHANICAL CONTRACTOR; and one member shall be a representative of the fire department or a fire protection consultant. The community development director or a designated employee of the community development department shall be an ex officio and non-voting member and shall act as secretary to the board.

~~110.3.2. *Electrical code advisory board of appeals.* There shall be and is hereby created an electrical code advisory board of appeals, consisting of seven members who are qualified by experience and training to pass upon matters pertaining to the technical provisions of the electrical code. For purposes of this division, the technical provisions shall mean all provisions of the electrical code except the administrative provisions.~~

~~— One member shall be an architect registered in the state; one member shall be an electrical engineer registered in the state; one member shall be an electrical contractor; one member shall be a representative of an electrical utility; one member shall be a representative of the city fire department or a fire protection consultant; one member shall be an electrician, actively engaged in electrical wiring; one member shall be a maintenance electrician who holds a valid certificate of registration issued by the city. The community development director or a designated employee of the community development department shall be an ex officio and nonvoting member and shall act as secretary to the board.~~

~~110.3.3. *Plumbing and mechanical code advisory board of appeals.* There shall be and is hereby created a plumbing and mechanical code advisory board of appeals, consisting of five members who are qualified by experience and training to pass upon matters pertaining to the technical provisions of the plumbing and mechanical codes. For purposes of this division, the technical provisions shall mean all provisions of said codes except the administrative provisions.~~

~~— One member shall be an architect, registered in the state; one member shall be a mechanical engineer, registered in the state; one member shall be a plumber or plumbing contractor; one member shall be a mechanical contractor; and one member shall be a doctor or health official. The community development director or a designated employee of the community development department shall be an ex officio and nonvoting member and shall act as secretary to the board.~~

*110.4. Appointment, terms and vacancies.* Appointments and terms of members shall be in accordance with article VI of the charter. In the event of the unexcused absence of a member from three consecutive meetings, the position shall be deemed vacant. Vacancies shall be filled in accordance with article VI of the charter for the unexpired term of any member unable or

ineligible to serve. A member whose term expires may serve until a successor has been appointed. The city council may remove any member for cause.

*110.5. Officers.* The board shall elect a chairman and vice-chairman from among its members, neither of whom shall be an ex officio member. The chairman and vice-chairman shall each serve for a one-year period or until their successors are elected.

*110.6. Meetings.* The board shall hold one regular meeting every three months when there is pending business. Special meetings may be called by the community development director or at the request of the chairman or any ~~three~~ FIVE members. The affirmative vote of ~~three~~ FIVE members shall be required for passage of any matter before the board.

*110.7. Powers, duties, responsibilities.*

1. The board, on request or on its own motion, may interpret the technical provisions of the ~~building-code~~ TECHNICAL CODES in special cases when it appears that the provisions of the code are inadequate and do not cover the point in question, and may recommend to the city council such new legislation as is consistent therewith.
2. The board may grant a variance to the technical provisions of the ~~building-code~~ TECHNICAL CODES when it can be established that a manifest injustice would be done. A variance shall not be granted by the board unless it is found that:
  - a. Special circumstances or conditions apply to the request; and
  - b. Granting the variance is necessary for the preservation and enjoyment of substantial property rights; and
  - c. Granting the variance will not be materially detrimental to persons residing or working in the premises, to adjacent or surrounding property or to the public in general; and
  - d. Granting the variance will be in harmony with the purposes sought to be attained by the ~~building-code~~ TECHNICAL CODES.

Each case shall be evaluated on its individual merits and shall not be construed to set a precedent for deviating from the requirements of the ~~building-code~~ TECHNICAL CODES. The findings of the board shall be binding upon all parties except as provided under Section 110.9.

3. The board may approve the use of the alternate materials or methods of construction, provided the alternate materials or method is, for the purpose intended, at least the equivalent of that prescribed by the building code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

4. The board may adopt such rules and regulations necessary for the discharge of its duties, provided said rules are not in conflict with the charter or this code.
5. The board is empowered to call upon the city attorney's office for legal counsel and upon any other office or board to aid and assist the board in its deliberations.

*110.8. Appeal from decision of the community development director.*

1. Any person dissatisfied with a decision of the community development director applying to the technical provisions of the ~~building code~~ TECHNICAL CODES or to an alternate material or method of construction may request a hearing before the board by filing an appeal with the community development director on a form provided therefore. Such appeal shall be heard at the next regular meeting of the board unless such appeal is filed within 21 days preceding the next regular board meeting, in which case such appeal shall be heard at the next succeeding regular or special board meeting.
2. All hearings shall be open to the public and any person whose interest may be affected by the decision shall be given an opportunity to be heard.
3. The board shall render all its decisions on appeals in writing to the appellant with a copy to the community development director.

*110.9. Appeal from decision of the board.*

1. If the board's decision is not concurred with by the appellant or the community development director, the appellant or the community development director may then appeal the decision to the city council within 21 days after the board's submission of such decision to the appellant and community development director. The appeal shall be in writing and shall be filed with the city clerk.
2. The city council's decision on the matter shall be predicated on the same findings as set forth in Section 110.7 and shall be final.

*110.10. Appeal filing, fees.*

1. Appeals shall be filed in the office of the community development department on a form provided therefore. A fee shall be paid at the time of filing of an appeal, in accordance with the schedule established by city council (see Appendix A).
2. No part of the fees required herein shall be refundable after an application is filed and the fee paid.

**Section 21.** That Chapter 14A, Section 14A-3 of the Tempe City Code is hereby amended to read as follows:

**Sec. 14A-3. Historic preservation commission; historic preservation officer.**

(a) The Tempe historic preservation commission is hereby established. The commission shall act in an advisory capacity to the city council in all matters concerning historic preservation. The commission shall make recommendations to the development review commission regarding designation of landmarks, historic properties and historic districts. Other actions of the historic preservation commission, as set forth below, shall be subject to appeal to the city council, as described in § 14A-8 of this chapter.

(b) The commission shall consist of ~~seven (7)~~ NINE (9) members and ~~no more than two (2) alternates~~, meeting certain qualifications as set forth below, appointed by the mayor and approved by the city council.

- (1) All members shall be Tempe residents with a demonstrated interest in or knowledge of historic preservation; and
- (2) The commission shall be composed of ~~three (3)~~ FOUR (4) at-large members and ~~four (4)~~ FIVE (5) professionals, drawn from the following disciplines, with no more than two (2) such professionals from the same discipline: architecture, architectural history, archeology, historic preservation law, history, landscape architecture, planning, building construction, or other related field.

(c) Members shall serve a term of three (3) years, except that two (2) of the initial members shall, upon appointment, be designated to serve terms of two (2) years each. In addition, two (2) other initial members shall be designated to serve first terms of one year. Those subsequently appointed shall serve regular terms of three (3) years. Members may be reappointed, but shall serve not more than two (2) complete, consecutive terms. If a commission member accumulates three (3) consecutive unexcused absences, the matter will be referred to the mayor's office for resolution. Members of the commission shall serve voluntarily and without compensation.

(d) The Tempe historical museum administrator, or designee, shall serve ex-officio, with no vote, except as specified.

(e) Whenever a member is unable to attend or must decline participation due to a conflict of interest, that member shall give timely notice to the HPO or chair of the commission. In the event that a sufficient number of members, ~~including alternates~~, are not available to constitute a quorum, the HPO or the Tempe historical museum administrator or designee is authorized to act as a member on consent agenda items only, and only to the extent that this presence constitutes a quorum.

(f) ~~Four (4)~~ FIVE (5) members shall constitute a quorum of the commission; the concurring vote of ~~four (4)~~ FIVE (5) members shall be necessary for any action of the commission on any matter.

(g) Conflict of interest of commission members is governed by Arizona Revised Statutes, applicable judicial decisions and opinions of the city attorney.

(h) The commission shall elect, from within its own membership, a chair and vice-chair.

(i) The commission shall hold a minimum of four (4) public meetings/hearings per year. Special meetings may be called at the discretion of the commission chair or ~~four (4)~~ FIVE (5) or more members of the commission. The minutes of its proceedings, indicating the vote of each member and records of its examinations and other official actions shall be kept and filed in the offices of the community development department and the city clerk as part of the public record.

(j) The commission shall adopt rules of procedure consistent with the provisions of this chapter for the performance of its duties.

(k) Commission duties and activities shall include the following:

- (1) Reviewing applications for the designation of landmarks, historic properties and historic districts and making recommendations to the development review commission, such review shall be based on the criteria as specified in § 14A-4 of this chapter;
- (2) Reviewing and making decisions on applications for proposed alterations, new construction, demolition or removal affecting landmarks, historic properties or properties located within an historic district; such review shall be based on the criteria as specified in § 14A-6 of this chapter;
- (3) Making recommendations to the city council concerning the use of federal, state, city or available private funds to promote the preservation of properties and districts within the city, including acquisition, the awarding of such sub-grants as may become available and the requiring of preservation covenants, as well as the acquisition of preservation easements;
- (4) Recommending to the city council and other applicable boards and commissions, changes in the Zoning and Development Code, building code, general plan or other local laws as may enhance the purposes of this chapter;
- (5) Cooperating with representatives designated by the property owners of the district from designated historic districts to formulate design guidelines for alterations and new construction within their districts;
- (6) Initiating and conducting detailed studies and surveys of properties, structures and areas within the city and assess their potential for designation, and in order to formulate an historic preservation plan for the city; and

- (7) Developing and participating in public information activities in order to increase public awareness of the value of historic preservation, and perform other functions that will encourage or further the interests of historic preservation.

(l) The Tempe historic preservation officer (HPO) is hereby established. The HPO shall be appointed by the director of the community development department, have a demonstrated interest in historic preservation and be a qualified professional in one or more pertinent fields such as archeology, architecture, cultural geography, landscape architecture or planning. The duties of the HPO shall include:

- (1) Serving as secretary to the historic preservation commission, facilitating its efforts and, with other city staff as necessary, providing administrative support;
- (2) Accepting applications for designations and proposed alterations, new construction, demolition or removal;
- (3) Acting as intermediary between the commission and other city regulatory functions;
- (4) Providing technical and background information to the commission and public, as required;
- (5) Approving proposed alterations, new construction, demolition or removal affecting landmarks, historic properties and properties within historic districts, in the instance of such work being obviously minor in nature and impact, or in cases of imminent public hazard, and reporting such approvals to the commission;
- (6) Preparing annual written reports of commission activities that are submitted to the state historic preservation officer (SHPO) and made available to the public. The reports shall contain, at a minimum, minutes of meetings, decisions made, special projects and activities, the number and type of cases reviewed, current resumes of commission members and member attendance records; and
- (7) Maintaining the Tempe historic property register and lists of historic eligible and archeologically sensitive properties.

**Section 22.** That Chapter 14A, Section 14A-4(c) of the Tempe City Code is hereby amended to read as follows:

- (c) The designation process is as follows:
  - (1) Application for the designation of a landmark, historic property or historic district shall be made by the owner of such real property, or of property located within the boundaries of such proposed district, situated in the city, or by any

officer, department, board, commission or the city council, with the HPO at the community development department, on such form(s) and accompanied by such fee(s) as may be adopted;

- (2) Any such application for designation, as described in paragraph (1) of this subsection above, shall also be accompanied by:
  - a. A vicinity ownership map showing all parcels in the vicinity adjacent to, including and surrounding the proposed designated property or district, within a radius of three hundred (300) feet from the external boundaries of the property or district; each such parcel shall be designated by a number to correspond with the ownership/tenant list described in subparagraph b. of this paragraph below;
  - b. A typed or legibly printed list containing names and mailing addresses, including zip codes, of owners of parcels as described in subparagraph a. of this paragraph above, and identified by the same number as on the vicinity ownership map, and the names and addresses, including zip codes, of any tenants associated with the described parcels;
  - c. An accurate legal description or parcel number(s) as recorded with Maricopa County, of the proposed designated property or properties within the proposed historic district; and
  - d. A written description of the proposed designated property or historic district, addressing the pertinent criteria, as described in subsections (a) and (b) of this section;
- (3) The HPO shall then place the request on the next available agenda of the commission for a public hearing. Upon request by the applicant, a special meeting may be called at the discretion of the chair of the commission, or by ~~four~~(4) FIVE (5) or more commission members;
- (4) Upon receipt of an application and placement on the next available commission agenda, the HPO shall compile and transmit to the commission a complete report on the subject property or district. This report shall address the location, condition, age, significance and integrity of historic features and identify potential contributing and noncontributing properties and other relevant information, together with a recommendation to grant or deny the application and the reasons for the recommendation;
- (5) At a public hearing, the commission shall review the application based on the applicable criteria in subsections (a) and (b) of this section, together with the HPO report, and make a recommendation to the development review commission. Any recommendation for approval may be subject to such



- conditions as the historic preservation commission deems applicable in order to fully carry out the provisions and intent of this chapter;
- (6) Once forwarded to the development review commission, a public hearing shall be set and conducted according to the applicable procedures for amendment, as described in Section 6-304 of the Zoning and Development Code;
  - (7) After such public hearing, the development review commission shall make a report and recommendation to city council. The city council shall then set a public hearing on the application in accordance with subsection (e) of this section; and
  - (8) The recommendation of approval of any designation by the historic preservation commission shall be void if the designation has not been adopted by the city council within one year of the commission's action.

### **Section 23. Implementation**

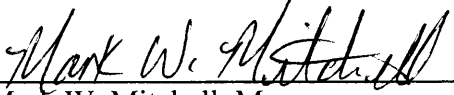
a. No sitting member of the boards and commissions consolidated or reduced in membership by this Ordinance shall be removed from office by operation of this Ordinance prior to the expiration of the member's term, the member's resignation, or the member's removal from office as otherwise provided by law.

b. Each board or commission consolidated or reduced in membership by this Ordinance shall continue to meet and act with the duly-appointed and approved members constituting the membership of that board or commission until such time as expirations of term, resignations, or other provisions of law reduce the membership of each board or commission to the number of members specified in this Ordinance.

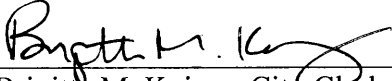
c. Future appointments and approvals of members of the boards and commissions shall be consistent with the terms of this Ordinance, the Tempe City Code, and the City Charter; provided, however, that appointments and reappointments to the boards and commissions shall be made so as to ensure that the members of the boards and commissions have staggered terms and to otherwise ensure the proper functioning of the boards and commissions.

**Section 24.** Pursuant to the Tempe City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

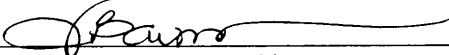
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,  
ARIZONA this 12th day of June, 2014.

  
\_\_\_\_\_  
Mark W. Mitchell, Mayor

ATTEST:

  
\_\_\_\_\_  
Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Judith R. Baumann, City Attorney