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**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 10/28/2014  
Agenda Item: 7**

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**ACTION:** Request for a Code Text Amendment for PAD REFORM & PUBLIC INVOLVEMENT, consisting of changes within the Zoning and Development Code that modifies the administrative and decision-making processes for zoning and PAD requests, and improvements for greater outreach in the public process. The applicant is the City of Tempe.

**FISCAL IMPACT:** There is no fiscal impact on City funds.

**RECOMMENDATION:** Staff – Approval

**BACKGROUND INFORMATION:** PAD REFORM & PUBLIC INVOLVEMENT (PL140361), changes will provide a clear and consistent unified decision-making process at the City Council level (combining zoning & design) when changes are proposed that do not conform to the allowed land uses or general development standards in the existing zoning districts. This amendment satisfies objectives within the General Plan. The request includes the following:

ZOA14002 Code Text Amendment for within the Zoning and Development Code for Sections 1-311, 1-312, 5-402, 5-403, 6-304, 6-305, 6-312, 6-401, 6-402, 6-404 and Table 6-101A.

**ATTACHMENTS:** Ordinance

**STAFF CONTACT(S):** Ryan Levesque, Deputy Community Development Director (480) 858-2393

Department Director: Dave Nakagawara, Community Development Director

Legal review by: N/A

Prepared by: Ryan Levesque, Deputy Community Development Director

## **BACKGROUND:**

At the City Council's Committee of the Whole (COW) meeting of June 16, 2014, the Mayor and City Council discussed the PAD Overlay Zoning process both past and current, and potential changes to the Zoning and Development Code (ZDC) to address the following topics:

**Previous Zoning Ordinance 808** – required PAD to include the locations, dimensions and elevations for all buildings. This process included certain design approvals required by City Council.

**Simultaneous processing of a Development Plan Review** – previous zoning regulation required the DPR (site plan, building elevations and landscape plan) application with all rezoning and PAD applications.

**Standardize Conditions of Approval** – This standardization would include as an approval, substantial conformance of the specific site plans and elevations submitted. These conditions could also define the approved floor plans and landscaping requirements. Changes to these parameters would be defined as “major modifications” and therefore require Council approval.

**Minimum Heights** – require minimum height of a project which may be included as a condition of approval. Changes to the height would be defined as a “major modification” and require Council approval.

**Timing & Performance** - requires that an application for a building permit be made within two years of the approval date. If the application is not made, the zoning of the property should revert to that in place prior to the approval of the PAD. Any reversion is subject to a public hearing process as a zoning map amendment. To date, this process has not been initiated for any PAD. The standard conditions could be modified to require the initiation of the revision process once the two-year period expires.

**Applicability & Criteria** – clarify the purpose and intent of the Planned Area Development Overlay process and identify specific criteria for its use. Define the criteria and which elements of the PAD will be approved by Council. Provide additional refinements with a Minor versus a Major Amendment.

**Public Outreach & Communication** – increase community involvement by expanding the notification requirements for neighborhood meetings and public hearings, and develop a Public Involvement Plan for applicants (*provided out of the Neighborhood Services, Tempe Involving the Public Manual*)

## **RECOMMENDATIONS:**

At the City Council's Committee of the Whole (COW) meeting on September 15, 2014, staff provided follow-up to Council on topics and provided recommendations for changes within the PAD process.

The proposed changes are as follows:

- 1) When an application is made for either a Planned Area Development Overlay (PAD) or rezoning, the simultaneous processing of a Development Plan Review (DPR) shall be required. (*No more speculative zoning*)
- 2) City Council shall be the decision-making body for Development Plan Review (site plan, building elevations & landscape), when processed with a zoning or PAD request.
- 3) Provide a revised purpose and applicability statement, redefining the intent for a PAD. Establish a direct tie between flexibility and assurance of quality.

- 4) Codify standard PAD condition regarding 2-year approval period, subject to a zoning reversion through a public hearing.
- 5) Clarify “Major Modifications” to PADs requiring City Council approval: Which shall consist of changes to PAD’s exceeding the standards established, and reductions in either building elevation height, lot coverage or landscape areas reduced by more than 10% of the previous approved project  
*(I.E. an approved 100’ building height reduces to a 89’ building height requires a Major Modification to the PAD)*
- 6) Enlarge the property notification boundary beyond the subject parcel, if part of a larger commercial center.
- 7) Neighborhood Meeting and Public Hearing notifications to property owners expanded from 300 to 600 feet.
- 8) Provide notice of such meetings by electronic communication (e-mail) or other standard means of noticing to all registered Neighborhood Associations, Homeowner Associations, and Affiliations within a ¼ mile (1,320 feet) of the project site.
- 9) Neighborhood Meeting process revised to require conformance with an approved “Public Involvement Plan”.
- 10) Policy Initiated: Evaluate, monitor and bring back to Council for direction, all non-active PADs that have exceeded the two-year time period and are eligible for a zoning reversion.

## **PUBLIC INPUT**

The draft concepts of modified processing for PAD/zoning cases and an enhanced public involvement process shared with the Development Review Commission, Neighborhood Advisory Commission, the development community, and interested resident stakeholders.

## **Conclusion**

Based on the research provided and the ordinance provided, staff recommends approval of the requested Zoning and Development Code text amendment changes. This request satisfies General Plan 2040, Objectives NP<sub>1</sub>: “Provide a participatory planning process and programs that engage neighborhoods”; and NP<sub>2</sub>: “Continue to educate and involve the public and neighborhoods in city processes.” Moreover, these changes will provide a clear and consistent unified decision-making process at the City Council level (combining zoning & design) when changes are proposed that do not conform to the allowed land uses or general development standards in the existing zoning districts.

## **HISTORY & FACTS:**

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|--------------------|---|
| June 16, 2014      | City Council Committee of the Whole meeting held and discussed the topic of “Customer Service in Community Development” and the topic of PAD Reform. Direction was provided to seek further research and possible changes to the Zoning and Development Code. |
| September 15, 2014 | City Council Committee of the Whole reviewed the topic of PAD Reform and review staff recommended changes to the Zoning and Development Code. Staff was directed to proceed with the request.   |
| September 23, 2014 | Development Review Commission held a study session and discussed the topic of “PAD Reform & Public Involvement”, and was provided general information as to the proposed changes within the Zoning and Development Code.                                      |
| September 29, 2014 | At a Joint Meeting held with the City Council, Development Review Commission and Hearing Officer, the topic of “PAD Reform & Public Involvement” was shared with the groups.  |

October 1, 2014

At the Neighborhood Advisory Commission, a memo was provided regarding the topic of “PAD Reform & Public Involvement” and provided information regarding proposed code text changes to this request.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 6-304, Zoning Map Amendments and Code Text Amendments

**ORDINANCE NO. 2014.xx**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE ZONING AND DEVELOPMENT CODE, PART 1 – INTRODUCTION, SECTIONS 1-311 AND 1-312; PART 5 – OVERLAY ZONING DISTRICTS, SECTIONS 5-402 AND 5-403; AND PART 6 – APPLICATIONS AND REVIEW PROCEDURES, TABLE 6-101A AND SECTIONS 6-304, 6-305, 6-312, 6-401, 6-402, AND 6-404.**

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

**SECTION 1.** That Section 1-311(B) of the Zoning and Development Code, pertaining to City Council duties and powers, is hereby amended to read as follows:

**B. City Council - Duties and Powers.** For the purpose of this Code, the City Council will have the power to review and approve, continue, deny, or approve with conditions, the following:

1. *Final Subdivision* plats and lot line adjustments pursuant to Section 6-307;
2. General Plan amendments pursuant to Section 6-302;
3. Code text and zoning map amendments (including *overlay districts*) pursuant to Section 6-304;
4. Annexations pursuant to Section 2-106(B), and A.R.S. 9-471;
5. WHEN PART OF A ZONING MAP AMENDMENT OR PLANNED AREA DEVELOPMENT OVERLAY,

A. MAJOR DEVELOPMENT PLAN REVIEW APPLICATIONS;

B. MAJOR MODIFICATION TO A DEVELOPMENT PLAN REVIEW; OR

C. MAJOR MODIFICATION TO CONDITIONS OF APPROVED DEVELOPMENT PLANS PURSUANT TO SECTION 6-306 AND 6-312;

- 56. Major modifications to Planned Area Development Overlays or major modifications to conditions of approved Planned Area Development Overlays pursuant to Section 6-312;
- 67. Hear and decide appeals of decisions of the President of ASU, or a designated representative, for projects within the MU-Ed zoning district, and Development Review Commission, regarding *development plan* review, time extensions, preliminary subdivision plats, and use permits, pursuant to Part 6, Chapter 8, Appeals;
- 78. Hear and decide appeals of decisions of the Community Development Director, or designee, regarding lot splits and time extensions, pursuant to Part 6, Chapter 8, Appeals; and
- 89. Council may prescribe in connection with a request ~~noted in subsection 1 and 2 above~~, conditions as the Council deems necessary, in order to fully carry out the provisions and intent of the General Plan and this Code, pursuant to Part 6, Chapter 6, Conditions of Approval. Violations of any City Council condition shall be a violation of this Code.

**SECTION 2.** That Section 1-312(B) of the Zoning and Development Code, pertaining to Development Review Commission recommendation powers, subsection (2) is hereby amended to read as follows:

- 2. **Recommendation Powers.** The Development Review Commission shall have the power to recommend to the City Council and hold public meetings and hearings to review and approve, continue, deny, or approve with conditions the following requests:
  - a. General plan amendment and major amendment applications pursuant to Section 6-302;
  - b. Zoning map amendment (re-zoning) and overlay district applications pursuant to Sections 6-304 and 6-305;
  - c. Code text amendment applications pursuant to Section 6-304;
  - d. Historic Preservation applications pursuant to §14A-4 of the City Code; and
  - e. Major modifications to approved Planned Area Development Overlays, or major modifications to conditions of approved Planned Area Development Overlays pursuant to Sections 6-312.

F. MAJOR DEVELOPMENT PLAN REVIEW APPLICATIONS PURSUANT TO SECTION 6-306, WHEN PART OF A ZONING MAP AMENDMENT OR PLANNED AREA DEVELOPMENT OVERLAY (PAD);

**SECTION 3.** That Section 5-402 of the Zoning and Development Code, pertaining to Planned Area Development Overlay District applicability, is hereby amended to read as follows:

**Section 5-402      Applicability.**

The *Planned Area Development Overlay District* may be applied to any zoning district in the City of Tempe. A PAD Overlay District may not be used for an individual detached single *family dwelling*. THE SIMULTANEOUS PROCESSING OF A DEVELOPMENT PLAN REVIEW APPLICATION IS REQUIRED WITH A PAD OVERLAY DISTRICT, PURSUANT TO SECTION 6-306.

**SECTION 4.** That Section 5-403 of the Zoning and Development Code, pertaining to Planned Area Development Overlay District general regulations, is hereby amended to read as follows:

**Section 5-403      General Regulations.**

- A. Land Use.** All uses shall comply with underlying zoning district.
- B. Density.** The PAD Overlay District shall not modify densities allowed by the underlying zoning district.
- C. Development Standards.** The PAD Overlay District may establish alternate *development* standards (except *density*) for those standards found in Tables 4-202A, 4-202B, 4-202C, 4-203A, 4-203B, 4-204, Section 4-205, and parking standards found in Table 4-603E. PAD OVERLAYS IN THE MIXED-USE ZONING DISTRICTS WITHOUT A SPECIFIED GENERAL DEVELOPMENT STANDARD SHALL ESTABLISH SUCH STANDARD. Standards developed through the PAD Overlay District process shall be appropriate to the location and context for the site for which the project is proposed. Standards created through the PAD Overlay should also assist in the fulfillment of the goals, objectives and policies in the General Plan.
- D. Modifications to PAD Overlay Standards.** Once development standards are established through the PAD Overlay they may be amended only through the PAD Overlay modification process set forth in Section 6-312.

**SECTION 5.** That Table 6-101A of the Zoning and Development Code, pertaining to applications by decision body and type of procedures, is hereby amended to read as follows:

<b>Table 6-101A – Applications by Decision Body and Type of Procedure<sup>1</sup></b>												
<b>Type of Procedure:</b>	<b>Decision Body:</b>	<b>CD DIR.</b>	<b>ZA</b>	<b>ORIGINAL</b>	<b>HO</b>	<b>BA</b>	<b>DRC</b>	<b>JRC<sup>2</sup></b>	<b>CC</b>	<b>Superior Court</b>	<b>Nghd. Meeting</b>	<b>Code Reference</b>
Abatements					D	A				A		Sec. 6-310
Annexation									D	A		Sec. 2-106

**Table 6-101A – Applications by Decision Body and Type of Procedure<sup>1</sup>**

Type of Procedure:	Decision Body:	CD DIR.	ZA	ORIGINAL	HO	BA	DRC	JRC <sup>2</sup>	CC	Superior Court	Nghd. Meeting	Code Reference
Code Interpretation/ Similar use Rulings			D			A		A		A		Sec. 6-301
Code Text Amendment							Rev	Rev	D	A		Sec. 6-304
Development Plan Review												
Major							REV/D	D	D/A	A		Sec. 6-306
Minor		D					A	A	A	A		Sec. 6-306
General Plan Amendment							Rev	Rev	D	A	Yes	Sec. 6-302
Major Amendment							Rev	Rev	D	A	Yes	Sec. 6-302
Lot Line Adjustment									D	A		Sec. 6-307
Lot Split		D							A	A		Sec. 6-307
Modify Approved Development Plan, PAD Overlay or Condition of Approval:												
Major Modification				D						A	Yes	Sec. 6-312
Minor Modification		D		A						A		Sec. 6-312
Planned Area Development Overlay (PAD Overlay), and PAD Overlay Amendments							Rev		D	A	Yes	Sec. 6-305
Preliminary Review Process		Rev										Sec. 6-202
Shared Parking Applications		D					A	A	A	A		Sec. 6-311
Sign Permit		D					A	A	A	A		Sec. 4-904
Subdivision, Preliminary							D	D	A	A		Sec. 6-307
Final or Amended								Rev	D	A		Sec. 6-307
Time Extension		D		D						A		Sec. 6-901
Use Permit					D		D/A	D/A	A	A		Sec. 6-308
Variance					D	D/A		D/A		A	Yes	Sec. 6-309
Zoning Map Amendment							Rev	Rev	D	A	Yes	Sec. 6-304

**SECTION 6.** That Section 6-304(C) of the Zoning and Development Code, pertaining to zoning map amendment procedure, is hereby amended to read as follows:

- C. Procedure.** An application for zoning map or code text amendment shall be made as a written request submitted to the Community Development Director, or designee. The written request shall specify the nature of the amendment with pertinent details to explain or support the request. Requests for zoning map or code text amendments shall be taken to the applicable decision-making body, by the owner or owners of real property situated in the city or by any officer, department, board or commission of the city, or by the City Council, under its own motion. In addition the following are required:

1. WHEN PROCESSING A ZONING MAP AMENDMENT THE SIMULTANEOUS PROCESSING OF A DEVELOPMENT PLAN REVIEW APPLICATION IS REQUIRED, PURSUANT TO SECTION 6-306.



42. The applicable recommending body shall review the request and make a recommendation to City Council in a public hearing. The recommendation of approval of any amendment by the recommending body shall be based on a finding of consistency and conformance with the General Plan and may include conditions of approval.

23. City Council Review and Approval Criteria. The City Council shall conduct at least one public hearing for zoning map and code text amendments. Approval by the City Council of an amendment shall be based on a finding that the zoning amendment is in the public interest and is consistent and conforms with the General Plan. Any approval may be subject to such conditions as the council deems applicable in order to fully carry out the provisions and intent of this Code. Zoning map amendments are subject to legal protest, pursuant to procedures in Section 6-502.

**State law reference**—Zoning amendments, procedures, A.R.S. §9-462.01, §9-462.03, §9-462.04.

**SECTION 7.** That Section 6-305 of the Zoning and Development Code, pertaining to planned area development overlay districts, is hereby amended to read as follows:

**Section 6-305      Planned Area Development Overlay Districts.**

**A. Purpose.** The purpose of *Planned Area Development Overlay Districts* is to accommodate, encourage and promote innovatively designed *developments* involving residential and/or non-residential land uses, which form an attractive and harmonious unit of the community. Such a planned *development* may be designed as a large-scale separate entity, able to function as an individual community, neighborhood, or *mixed-use development*; as a small-scale project which requires flexibility because of unique circumstances or design characteristics; or as a transitional area between dissimilar land uses.

This zoning designation recognizes that adherence to a traditional pattern of *development* standards, (i.e. height, *setback*, *lot coverage*) space, bulk and use specifications contained elsewhere in this Code would preclude the application of the PAD concept. Therefore, where PAD zoning is deemed appropriate or necessary, traditional zoning regulations are replaced by performance considerations to fulfill the objectives of the General Plan. The PAD *overlay district* may be tailored to meet the specific *development* representations of an application. Hence one PAD overlay may vary considerably from another overlay.

**B. Applicability.** PAD Overlays may be applied to any zoning district in the City of Tempe and shall be processed as a zoning map amendment. A PAD Overlay District may not be used for an individual detached single *family dwelling*.

**C. Procedure.**

1. PAD Overlay Districts shall be processed to the Development Review Commission or Joint Review Committee, as applicable, using the public hearing procedure. PAD Overlay Districts shall also be processed to the City Council, using the public hearing procedure, after review and recommendation by the recommending body;

2. Modifications. Once a PAD Overlay District request has been approved, it can be modified or amended per Section 6-312. Questions as to procedure for modifications to existing PADs shall be determined by the Zoning Administrator; and
3. Development Plan Review. THE SIMULTANEOUS PROCESSING OF A Development Plan Review approval APPLICATION, is required WITH A PAD OVERLAY DISTRICT PURSUANT TO SECTION 6-306 prior to issuance of building permits.

**D. Approval Criteria.** Approval of a PAD Overlay District requires conformance with the standards with the following criteria:

1. The allowable land uses in Part 3; Standards developed through the PAD Overlay District process shall be appropriate to the location and context for the site for which the project is proposed;
2. The development standards as established as part of the PAD Overlay District process, as well as, the standards allowed by use permit in Part 4; The development standards and design fulfill objectives with the goals and polices of the General Plan, and the principles and guidelines of other area policy plans. Identifiable performance considerations are established to fulfill those objectives;
3. Any applicable overlay district provisions in Part 5; and The development has mitigated probable impact of the requested use and development on its immediate surroundings; and
4. The decision-making body may impose reasonable conditions to ensure conformance with these provisions.

**E. Property Owners Associations.** If a property owners association(s) is required, the covenants, conditions and restrictions shall include all applicable requirements under the Tempe City Code, and shall be reviewed by the City Attorney and Community Development Director, or designee, to determine if the association will remain responsible for maintaining common areas within the *development*. Such covenants, conditions and restrictions shall be recorded with the Maricopa County Recorder.

**F. REVOCATION.** IF A COMPLETE APPLICATION FOR A BUILDING PERMIT HAS NOT BEEN SUBMITTED WITHIN TWO (2) YEARS AFTER THE APPROVAL DATE OR WITHIN THE TIME STIPULATED BY THE DECISION-MAKING BODY, A MEETING WITH THE CITY COUNCIL SHALL BE HELD TO DETERMINE THE PROCESSING OF A REVOCATION FOR THE PAD. THE PERIOD OF APPROVAL IS EXTENDED UPON THE TIME REVIEW LIMITATIONS SET FORTH FOR BUILDING PERMIT APPLICATIONS, PURSUANT TO TEMPE BUILDING SAFETY ADMINISTRATIVE CODE, SECTION 8-104.15. AN EXPIRATION OF THE BUILDING PERMIT APPLICATION OR FAILURE TO SUBMIT THE BUILDING PERMIT APPLICATION WILL RESULT IN AUTOMATIC SCHEDULING OF A MEETING WITH CITY COUNCIL. A REVOCATION SHALL BE PROCESSED IN ACCORDANCE WITH THE PUBLIC HEARING PROCEDURES WITH THE CITY COUNCIL, EXCLUDING THE NEED FOR A NEIGHBORHOOD MEETING REVIEW. THE REVOCATION OF A PAD SHALL

RESULT IN A TERMINATION OF THE ORDINANCE, THUS REVERTING BACK TO THE PREVIOUS ZONING DESIGNATION PRIOR TO THE DECISION.

**SECTION 8.** That Section 6-312(C) of the Zoning and Development Code, pertaining to modifications to an approved plan, is hereby amended to read as follows:

**C. Procedure.** There are four (4) types of modification procedures as follows:

1. Minor Modifications to Approved Plans. Minor modifications are processed through an administrative review by the Community Development Director, or designee. Minor modifications include:
  - a. An increase in the *floor area* proposed for RESIDENTIAL OR non-residential use by less than ten percent (10%) where previously specified, unless such increase fails to meet the development standards OR THE PLANNED AREA DEVELOPMENT OVERLAY;
  - b. A reduction of less than 10 percent (10%) of the area reserved for *landscape, open space*, or outdoor living area, unless such reduction fails to meet the development standards OR THE PLANNED AREA DEVELOPMENT OVERLAY; or
  - c. Changes similar to those listed in subsection (a) and (b) that are not likely to have an adverse impact on adjoining properties, as determined by the Community Development Director, or designee.
2. Major Modifications to Approved Plans. A major modification is a significant change that exceeds the threshold(s) provided for a minor modification under 6-312(C)(1) or changes the basic intent of the original plans, as determined by the Community Development Director, or designee. Major modifications shall be processed through the original or appropriate decision-making body. MAJOR MODIFICATIONS INCLUDE:
  - a. AN INCREASE IN THE AMOUNT OF APPROVED RESIDENTIAL UNITS OR A 10 PERCENT (10%) INCREASE IN BEDROOMS WHERE PREVIOUSLY SPECIFIED, UNLESS SUCH INCREASE FAILS TO MEET THE DEVELOPMENT STANDARDS OR THE PLANNED AREA DEVELOPMENT OVERLAY;
  - b. FOR A PLANNED AREA DEVELOPMENT OVERLAY, ANY MODIFICATION TO THE ESTABLISHED MAXIMUM OR MINIMUM DEVELOPMENT STANDARDS FOR THAT OVERLAY; OR
  - c. ANY INCREASE OR DECREASE IN THE APPROVED PLANS WITHIN THE GENERAL DEVELOPMENT (HEIGHT, LOT COVERAGE, SETBACKS) BY 10 PERCENT (10%) OR MORE, WHETHER OR NOT SUCH CHANGE MODIFIES THE MAXIMUM OR MINIMUM STANDARDS.

3. Minor Modifications to Conditions of Approval. A minor modification, processed through an administrative review, is one that does not change the basic intent of the condition as determined by the Community Development Director, or designee.
4. Major Modifications or Elimination of Conditions of Approval. A major modification changes the basic intent OR QUANTIFIABLE VALUE of the original condition as determined by the Community Development Director, or designee, or eliminates the condition. Major modifications shall be processed through the original or appropriate decision-making body.

**SECTION 9.** That Section 6-401(B) of the Zoning and Development Code, pertaining to general provision notices, is hereby amended to read as follows:

- B. Notification Area.** The boundary of the subject property shall be used in determining the geographic area to be notified. For projects containing more than one parcel, or phases of a larger project, the ~~three hundred (300) foot~~ measurement shall be taken from the perimeter of the entire project (all phases), OR WHEN PART OF A LARGER COMMERCIAL CENTER WITH ON-SITE SHARED ACCESS. The Community Development Department will provide a list of recognized neighborhood and homeowner associations, within the vicinity of the project, for notification.

**SECTION 10.** That Section 6-402 of the Zoning and Development Code, pertaining to neighborhood meetings, is hereby amended to read as follows:

**Section 6-402 Neighborhood Meetings.**

- A. Purpose.** The purpose of the neighborhood meeting is to provide a means for the applicant, surrounding residential neighbors, and registered neighborhood and homeowner’s association representatives to review a preliminary *development* proposal and solicit input and exchange information about the proposed *development*. This preliminary meeting is intended to result in an application that is responsive to neighborhood concerns and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands or denials. The applicant is responsible for all costs associated with the neighborhood meeting.
- B. Applicability.** NEIGHBORHOOD MEETING STEPS AND PROCEDURES SHALL BE CONDUCTED IN A MANNER THAT IS CONSISTENT WITH THE TEMPE INVOLVING THE PUBLIC MANUAL, IN THE CREATION OF A PUBLIC INVOLVEMENT PLAN. A neighborhood meeting is required for the following types of applications when located within ~~three~~ six hundred (~~300~~) (600) feet from the lot line of a residential use:
1. Variances;
  2. Planned Area Development Overlay Districts;
  3. Major modification to an approved plan or condition of approval (when original approval requires neighborhood meeting);

4. Zoning map amendments; and
  5. General Plan map amendments.
- C. Meeting Schedule.** The applicant is required to hold one (1) meeting, prior to the first public hearing on an application for a specific site, but may hold more if desired. The required meeting shall be held at least ~~fifteen~~ THIRTY (15) (30) calendar days and not more than one (1) year (365 days) before the first public hearing on the application. Meetings held more than one (1) year (365 days) before the first public hearing shall be required to hold an additional neighborhood meeting.
- D. Meeting Location.** Neighborhood meetings shall be held at a location near the proposed *development* site. The meeting shall be held on a weekday evening, or weekends at any reasonable time and in a publicly *accessible* location.
- E. Notification Requirements.** Notice of the meeting shall be provided by the applicant as follows:
1. The development site shall be posted with public notice about the meeting not less than fifteen (15) calendar days prior to the date of neighborhood meeting, a notice of the date, time and place and a summary of the request. Such notice shall be clearly legible and wherever possible, placed adjacent to the right-of-way of a *public street* or road. It shall be the responsibility of the applicant to use reasonable efforts to maintain the notice once it has been placed on the subject property. It is the responsibility of the applicant to post the notice affiliated with items identified in Section 6-402(B)(2-5), with a *sign* having a minimum *sign* area of sixteen (16) square feet, which shall include information on future public hearings, pursuant to Section 6-404(C)(2). For variance applications the neighborhood meeting *sign(s)* shall be no smaller than six (6) square feet in area.
  2. Mailing a notice not less than fifteen (15) calendar days prior to the date of the neighborhood meeting to:
    - a. All property owners of record within ~~three~~ SIX hundred ~~(300)~~ (600) feet of the subject property which are included on the mailing list submitted by the applicant;
    - b. PROVIDE NOTICE OF SUCH HEARINGS BY ELECTRONIC COMMUNICATION OR OTHER STANDARD MEANS OF NOTICING TO the chairperson of the registered neighborhood association(s) and home owners association(s) within ~~six hundred (600)~~ ONE THOUSAND THREE HUNDRED TWENTY (1,320) feet (1/4 mile) of the subject property; and
    - c. All tenants, within the boundary of the subject property(ies).
- F. Meeting Summary.** The applicant shall submit to the Community Development Department ~~seven (7)~~ FIFTEEN (15) calendar days before the first public hearing on the matter a written summary of the issues and discussions from the meeting and the meeting notes.

**SECTION 11.** That Section 6-404(C) of the Zoning and Development Code, pertaining to notices for public hearings, is hereby amended to read as follows:

**C. Notification Requirements.** The Community Development Department or the City Clerk shall issue public notices for all types of hearings under this Code as follows:

1. Posting the agenda at City Hall at least twenty-four (24) hours prior to such meetings, in accordance with Arizona open meeting law;
2. The development site shall be posted with public notice about the hearing not less than fifteen (15) calendar days prior to the dates of public hearings, a notice of the date, time and place of each public hearing and a summary of the request. Such notice shall be clearly legible and wherever possible, placed adjacent to the right-of-way of a *public street* or road. It shall be the responsibility of the applicant to use reasonable efforts to maintain the notice once it has been placed on the subject property. Signs shall be no smaller than sixteen (16) square feet, except applications for *single-family dwellings* and inline commercial sites without *landscape frontage*, when not part of a zoning map amendment or PAD overlay. Such sign shall be no smaller than six (6) square feet. Hearing signs are not required for Zoning and Development Code text amendments;
3. Submitting for publication in the official newspaper the hearing notice, at least once, fifteen (15) days prior to the public hearing; and
4. Mailing a hearing notice not less than fifteen (15) calendar days prior to the date of the initial hearing to:
  - a. The applicant or representative and owners of the subject property;
  - b. All property owners of record within ~~three hundred (300)~~ SIX HUNDRED (600) FEET of the subject property which are included on the mailing list submitted by the applicant;
  - c. The chairperson of the registered neighborhood association(s) and home owners association(s) within ~~the vicinity of the project~~ ONE THOUSAND THREE HUNDRED TWENTY (1,320) FEET (1/4 MILE) OF THE SUBJECT PROPERTY. SUCH NOTICE SHALL ALSO BE PROVIDED BY ELECTRONIC COMMUNICATION, OR IF NOT APPLICABLE, BY OTHER STANDARD MEANS OF NOTICING.
  - d. All tenants, within the boundary of the subject property(ies); and
  - e. Mailing of hearing notices does not apply to Zoning and Development Code text amendments.
5. If notification is required for a public hearing with City Council, the City Clerk shall submit for publication in the official newspaper the request, at least once, fifteen (15) days prior to the action hearing. If a Tempe City Code amendment is involved, the City Clerk shall comply with the requirements of the City Charter.

**SECTION 12.** Pursuant to 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 \_\_\_\_day of \_\_\_\_\_, 2014.

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

ATTEST:

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

APPROVED AS TO FORM:

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