

## ORDINANCE NO. O2022.28

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE ZONING AND DEVELOPMENT CODE, PART 6, SECTIONS 6-101 AND 6- 307.

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

**SECTION 1.** That Section 6-101 Table 6-101A of the Zoning and Development Code, pertaining to the application process for Lot Line Adjustments, Lot Combinations, and Preliminary Subdivision Plats, is hereby amended to read as follows:

**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 |
|--|----------------|---------|----|----------|----|-----|--------|------------------|-----|----------------|---------------|----------------|
| Abatements   |                |         |    |          | D  | A   |        |                  |     | A              |               | Sec. 6-310     |
| Annexation   |                |         |    |          |    |     |        |                  | D   | A              |               | Sec. 2-106     |
| 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       |    |          |    |     |        |                  | D   | A              |               | Sec. 6-307     |
| <b>LOT COMBINATION (UP TO 3 LOTS)</b>                                      |                | D       |    |          |    |     |        |                  | A   |                |               |                |
| 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      | 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     |

- Where this Code identifies more than one possible decision or appeal body, the Community Development Director shall determine which body is applicable to a particular project.
- The JRC jurisdiction and process only applies to the MU-Ed zoning district. Appeals of a JRC decision shall first be heard by the President or designee of Arizona State University. That decision can be appealed to the City Council.

**KEY:**

CD DIR. = Community Development Director or designee  
ZA = Zoning Administrator  
ORIGINAL = Decision body that made the original decision (modifications)  
HO = Hearing Officer  
BA = Board of Adjustment  
DRC = Development Review Commission

JRC = Joint Review Committee  
CC = City Council  
Rev = Reviews and recommends action to decision-making body  
D = Decision-making authority  
A = Appeal authority  
Nghd. Meeting = Neighborhood Meeting requirement

**SECTION 2.** That Section 6-307 of the Zoning and Development Code, pertaining to Subdivisions, Lot Splits, Lot Combinations and Lot Line Adjustments is hereby amended to read as follows:

**Section 6-307      Subdivisions, Lot Splits, LOT COMBINATIONS and Adjustments.**

**A.      Purpose.** The purpose of this section is to provide for the orderly growth and harmonious *development* of the city; to insure adequate traffic circulation through coordinated *street*, transit, bicycle and pedestrian systems with relation to major thoroughfares, adjoining *subdivisions*, and public facilities; to achieve individual property *lots* of reasonable utility and livability; to secure adequate provisions for water supply, drainage, sanitary sewerage, and other health requirements; to insure consideration for adequate sites for *schools*, recreation areas, and other public facilities; and to promote the conveyance of land by accurate legal description and plat.

**B.      Applicability.**

1.      *Subdivision.* *Subdivision* applies to improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more *lots*, tracts or parcels of land. Also, if a new *street* is involved, any such property which is divided into two (2) or more *lots*, tracts or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two (2) parts. *Subdivision* also includes any *condominium*, cooperative, community apartment, *townhouse* or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the *buildings* or the manner in which the *buildings* or airspace above the property shown on the plat are to be divided or as defined in A.R.S. § 9-463.02, as it may be amended.

A. PRELIMINARY SUBDIVISION. A PRELIMINARY SUBDIVISION IS REQUIRED WHEN A PROPOSED SUBDIVISION OF FOUR (4) OR MORE LOTS, TRACTS, OR PARCELS OF LAND, OR A NEW STREET IS INVOLVED IN THE DIVISION OF TWO (2) OR MORE LOTS, CONTAINS ANY PORTION OF LAND NOT PREVIOUSLY PART OF A RECORDED SUBDIVISION PLAT.

2.      LOT COMBINATION. LOT COMBINATIONS APPLY TO NO MORE THAN THREE (3) CONTIGUOUS LOTS OR TRACTS ARE BEING CONSOLIDATED INTO LARGER LOTS WITHIN AN EXISTING RECORDED SUBDIVISION FOR OWNERSHIP, DEVELOPMENT OR REDEVELOPMENT.

23. Lot Split. *Lot splits* apply to the division of improved or unimproved land whose area is two and one-half (2 1/2) acres or less, into two (2) or three (3) tracts or parcels of land for the purpose of sale or lease or as defined in A.R.S. § 9-463, WITHIN AN EXISTING RECORDED SUBDIVISION THAT COMPLIES WITH EXISTING SUBDIVISION LAWS.
4. LAND SPLITS APPLY TO THE DIVISION OF IMPROVED OR UNIMPROVED LAND WHOSE AREA IS TWO AND ONE-HALF (2 1/2) ACRES OR LESS, INTO TWO (2) OR THREE (3) TRACTS OR PARCELS OF LAND FOR THE PURPOSE OF SALE OR LEASE, AS DEFINED IN A.R.S. § 9-463. PREVIOUS LAND SPLITS SHALL BE COUNTED TOWARD THE MAXIMUM LAND SPLITS ALLOWED.
35. Lot Line Adjustment. *Lot line* adjustments apply to *property line* modifications within a recorded *subdivision* plat. THE LOT LINE ADJUSTMENT PROCESS WILL YIELD THE SAME NUMBER OF LOTS. THE LOT LINE ADJUSTMENT PROCESS IS NOT USED TO CREATE ADDITIONAL LOTS.

**C. Procedure.**

1. Subdivision.
  - a. Preliminary Subdivision Plat. REQUIRES AN ADMINISTRATIVE APPROVAL BY THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE. APPEALS OF THE COMMUNITY DEVELOPMENT DIRECTOR, OR DESIGNEE, DECISION SHALL BE APPEALED TO THE CITY COUNCIL WITHIN FOURTEEN (14) CALENDAR DAYS OF ACTION. ~~Shall be processed to the Development Review Commission for approval at a public meeting.~~
  - b. CONDOMINIUM PLAT. SHALL BE PROCESSED TO THE CITY COUNCIL FOR APPROVAL AT A PUBLIC MEETING.
  - c. Final Subdivision Plat. Shall be processed to the City Council for approval at a public meeting.
  - d. Amended Final Subdivision Plat. Shall be processed to the City Council for approval at a public meeting.
2. LOT COMBINATION. REQUIRES AN ADMINISTRATIVE APPROVAL BY THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE. APPEALS OF THE COMMUNITY DEVELOPMENT DIRECTOR DECISION SHALL BE APPEALED TO THE CITY COUNCIL WITHIN FOURTEEN (14) CALENDAR DAYS OF ACTION. PARCELS THAT HAVE NOT BEEN PART OF A RECORDED SUBDIVISION SHALL BE PROCESSED AS A SUBDIVISION PLAT
23. Lot Split. Requires an administrative approval by the Community Development Director, or designee. Appeals of the Community Development Director, or designee, decision shall be appealed to the City Council within fourteen (14) calendar days of action.

D. LAND SPLIT. REQUIRES AN ADMINISTRATIVE APPROVAL BY THE COMMUNITY DEVELOPMENT DIRECTOR, OR DESIGNEE. APPEALS OF THE COMMUNITY DEVELOPMENT DIRECTOR, OR DESIGNEE, DECISION SHALL BE APPEALED TO THE CITY COUNCIL WITHIN FOURTEEN (14) CALENDAR DAYS OF ACTION.

35. Lot Line Adjustment. Requires AN ADMINISTRATIVE approval by the City Council at a public meeting. COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE. APPEALS OF THE COMMUNITY DEVELOPMENT DIRECTOR, OR DESIGNEE, DECISION SHALL BE APPEALED TO THE CITY COUNCIL WITHIN FOURTEEN (14) CALENDAR DAYS OF ACTION.

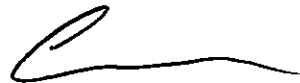
**Reference** — Subdivisions, City Code, Chapter 30.

D. **Approval Criteria.** See City Code Chapter 30, Subdivisions.

**SECTION 3.** Pursuant to A.R.S. § 9-462.01(J), the City Council has considered the probable impact of this zoning ordinance on the cost to construct housing for sale or rent.

**SECTION 4.** 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 8th day of September, 2022.



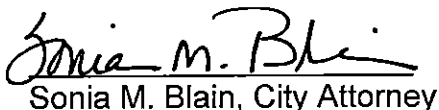
Corey D. Woods, Mayor

ATTEST:



Carla R. Reece, City Clerk

APPROVED AS TO FORM:



Sonia M. Blain, City Attorney