

Memorandum



City of Tempe

Date: August 18, 2014
To: Mayor and Council
From: Councilmembers Kolby Granville, Shana Ellis, and Corey Woods
Subject: General Plan Map Amendment Voting Options

Background Information:

The City of Tempe recently adopted the General Plan 2040 in December of 2013. The voters of Tempe then ratified the General Plan, through a public vote on May 20, 2014. This process typically occurs every 10 years. Within the General Plan document includes maps identified as the “Projected Land Use Map” and “Projected Residential Density Map”. Developers and applicants, when applying for a project or to rezone a certain property, need to first look to these maps to see if their request is in conformance with the General Plan. If not, the applicant has the option to request an application for a General Plan Map Amendment, in order for the development request to be consistent. These amendments are brought forward to the City Council in a public hearing process.

One proposal for consideration would be to place a greater emphasis on the voter-approved General Plan maps, requiring more support from City Council for such change, rather than the minimum 4 votes required for an approval.

Staff has provided in the attachments research regarding:

- General Plan Map Amendments from 2010 to 2013 and what the vote outcome was from City Council.
- A chart outlining the comparison of other Valley Cities and how they process map amendments. The comparison chart indicates no other special processing requirements, other than what is required by State Law.

Possible Modifications to General Plan Map Amendment Voting:

The Council may consider a modification to the voting process for General Plan Map Amendments (Resolution items) that would require a three-fourths (3/4) vote of the acting City Council. Such language may be considered similar to the State Statutes required for a legal zoning protest by owners of the site or surrounding areas.

Excerpt from Arizona Revised Statutes 9-462.04. H.

“...a proposed amendment, it shall not become effective except by the favorable vote of three-fourths of all members of the governing body of the municipality. If any members of the governing body are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the governing body, provided that such required number of votes shall in no event be less than a majority of the full membership of the legally established governing body.”

Example:

- 7 voting Council members = 6 votes to pass the item
- 6 voting Council members = 5 votes to pass the item
- 5 voting Council members = 4 votes to pass the item

Such change in the Zoning and Development Code would not affect the process of a zoning map protest, or whether the General Plan Map Amendment triggers a Major Amendment (requiring a two-thirds vote of the City Council)