

PROCLAMATION

WHEREAS, the Tempe City Charter authorizes the declaration of an emergency affecting the life, health, property or the public peace of the City of Tempe; and

WHEREAS, the Tempe City Council by way of Emergency Ordinance No. O2020.07, declared an emergency on March 18, 2020, authorizing the Mayor to rule by proclamation to enact measures to ensure the public peace, health, safety, or general welfare of the community; and

WHEREAS, Arizona law authorizes the Mayor of the City of Tempe, Arizona, to proclaim the existence or threatened existence of a local emergency when the City of Tempe is or may be affected by a public calamity under AR.S. § 26-311, in addition to powers granted by other provisions of law or the Charter; and

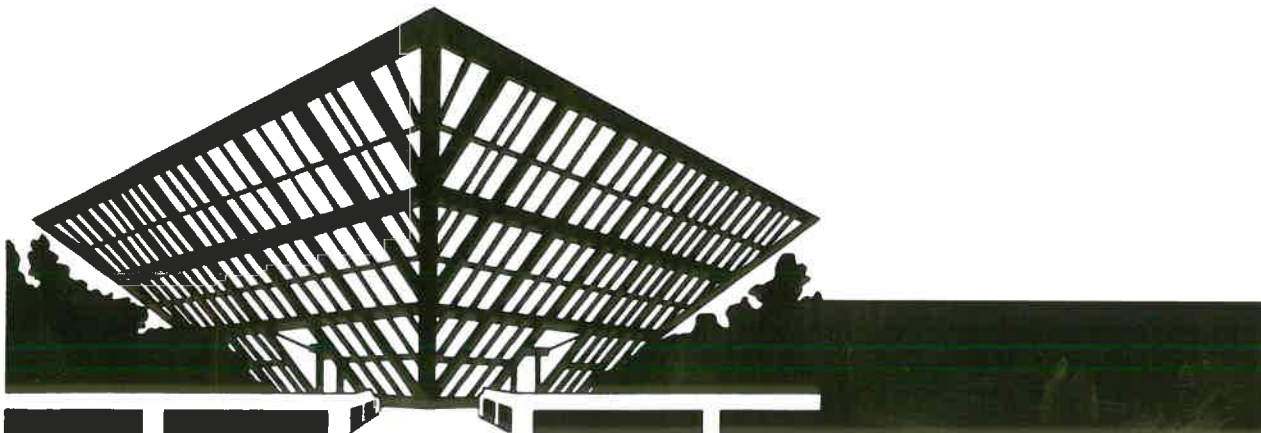
WHEREAS, on January 30, 2020, the World Health Organization declared the COVID-19 virus a public health emergency of international concern and Arizona Governor Douglas Ducey declared a state of emergency due to the COVID-19 viral outbreak for the State of Arizona on March 11, 2020; and

WHEREAS, the COVID-19 outbreak constitutes an immediate threat to life, public health, safety, welfare and economic viability, the City of Tempe has taken measures to protect the health and safety of our residents, community and employees, from the rapidly evolving threat to public health, safety and welfare.

NOW THEREFORE, IT IS HEREBY PROCLAIMED THAT DUE TO THE LOCAL EMERGENCY THAT EXISTS IN THE CITY OF TEMPE, ARIZONA FROM THE COVID-19 VIRUS OUTBREAK IT IS HEREBY ORDERED WITHIN THE CITY OF TEMPE:

For the period of one year from the date of this proclamation, a complete building permit application shall be made on or before three (3) years from the date of City Council approval for all Zoning Map Amendments and Planned Area Development Overlays (PADs) in the Zoning and Development Code, Sections 6-304(D) and 6-305(F) Any other time limitation imposed by a public body shall remain in place. Nothing in this provision shall be construed to waive or impair the requirements for notice or public hearing pursuant to state law.

For the period of one year from the date of this proclamation, the requirement to apply for an extension of time prior to expiration of a permit or approval pursuant to Section 6-901(A) of the Tempe Zoning and Development Code, shall be temporarily suspended. The planning entitlements referenced herein (including approvals for Development Plan Review, minor General Plan Amendments, Subdivision Plats, Use Permits, Variances and Sign Review/Permits, and other administrative actions), shall be granted an automatic extension for (1) one year from the date of expiration upon written notice to Community Development and issuance of a notice for the extension, without a fee. (Reference: ZDC Sec. 6-302, 6-304(D), 6-305(F), 6-306(E), 6-308(K), and 6-309(F).)



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Nothing in this provision shall be construed to include zoning map amendments or overlays, or any significant modifications of the approval or conditions under the Code. Nothing in this provision shall be construed to waive or impair the requirements for notice or public hearing pursuant to state law.

For the period of one year from the date of this proclamation, all projects with construction documents in review for either a building permit or engineering permit, and all Building Safety permitted plans, shall be extended for (1) one year from the date of expiration. (Reference: Tempe City Code, Chapter 29, Sec.29-19 (c.) City of Tempe Public Works Engineering Design Criteria; Tempe City Code, Chapter 8, Article 1. – Tempe Administrative Code, 105.3.2, 105.5, 105.5.1 and 105.5.2). Nothing in this provision shall be construed to waive or impair any other provision required for a building permit or an engineering permit.

Until further notice, the ZDC requirement that applicants hold neighborhood meetings in a location near the proposed development site and the ZDC requirement that neighborhood meetings shall be held in a publicly accessible location are temporarily suspended until further notice. The ZDC requirement that applicants hold a neighborhood meeting is not suspended and applicants may conduct neighborhood meetings virtually using an online platform, teleconference, or other alternative format that satisfies the purpose of the neighborhood meeting set forth in ZDC 6-402(A). The alternative format must allow attendees to access all supporting materials, including the proposed site plan, elevations, landscape and explanation of the project and allow for a 15-day comment period. Responsive communication must be allowed by email, telephone or electronically to facilitate an opportunity for the public to provide input and dialogue on a project, directly with an applicant or project team (Reference: ZDC Sec. 6-402(D)). The remaining provisions of ZDC 6-402 (A) through (F) remain in effect.

For the period of May 5, 2020 through December 31, 2020, the City of Tempe will consider administrative approval to defer initiating default or cure provisions under a Development Agreement for excusable delay for those defaults, breaches and anticipatory breaches of obligations due in the time period set forth herein, upon written request provided to the City's Economic Development Department Director or Community Development Director. Such request shall contain a factual basis to establish that the cause for the requested forbearance and excusable delay is related to the COVID-19 public health pandemic. Administrative approval is subject to the City's review and sole approval; such approval shall not be unreasonably withheld. Notice may be provided pursuant to the Notice provisions of the agreement, or by electronic mail solely throughout the period set forth herein.

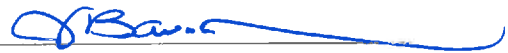
PROCLAIMED at 10:08 a.m. this 5 day of May 2020.


Mark W. Mitchell, Mayor

ATTEST:

Carla R. Rece, City Clerk

APPROVED AS TO FORM:


Judith R. Baumann, City Attorney

