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Tempe

Community Development Department
Planning Division

November 1, 2011

Re: **Zoning and Development Code amendments**

Dear Customer,

Attached are Zoning and Development Code amendments adopted through **August 18, 2011**. Amendments are typically effective thirty (30) calendar days after the adoption date. Please make the following changes as noted below to this Code.

Amendments	Remove/Insert Page
Table of Contents updated for Community Gardens	III to IV
Ordinance No. 2011.20, code text amendment for Part 3, Section 3-102, 3-202, and a new Section 3-427 for Community Gardens	p. 3-1 to 3-6 p. 3-9 to 3-10 p. 3-13 to 3-14 p. 3-35.4 to 3-36
Ordinance No. 2011.21, code text amendment for Part 4, Section 4-903 and 4-906 for an extension on temporary sign changes for Lead-in signs, Sales/Lease/Rents signs, Special Event signs, and Leasing Banner signs	p. 4-66 to 4-66.1 p. 4-68 to 4-69.2 p. 4-74 to 4-75
Ordinance No. 2011.27, code text amendment for Part 5, Section 5-608 pertaining to Temporary Use Parking in the Transportation Overlay District	p. 5-20 to 5-23
Ordinance No. 2011.20, definition for Community Gardens	p. 7-8.1 to 7-8.2
Appendix H. Fee Schedule for July 1, 2011	p. H-1 to H-4
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CHAPTER 1 – PERMITTED USES IN RESIDENTIAL DISTRICTS

Section 3-101 Purpose and Applicability.

A. Purpose. The residential districts are designed to provide neighborhoods with a range of housing densities. The differences in these housing densities and regulations are intended to support the varying lifestyles of the city's residents. The districts provide for a range of residential habitation including rural-agricultural, single-family, multi-family, *mobile home*, and combinations thereof, together with *home occupations*, *schools*, parks, and public *services* necessary for neighborhood living.

B. Applicability. Residential zoning districts fall under three categories:

1. Single-Family Residential (AG, R1-15, R1-10, R1-8, R1-7, R1-6, R1-5, R1-4 and R1-PAD);

2. Multi-Family Residential (R-2, R-3R, R-3, R-4, R-5); and

3. Mobile Home (RMH, MHS and TP).

C. Applicability of Other Code Chapters. Uses permitted under this chapter shall conform to the *development* standards in Part 4 and the application procedures in Part 6, as applicable. Uses shall also conform to any *overlay district* requirements that are applicable. Uses permitted with special standards or limitations ("S" type uses) shall comply with the standards in Part 3, Chapter 4, Special Use Standards. See also, Zoning Administrator Opinions in Appendix H.

City code reference—See TCC §14A, Historic Preservation Ordinance.

Section 3-102 Permitted Uses in Residential Districts.

Table 3-102 identifies land uses according to permit status. See key below the table:

Table 3-102 – Permitted Land Uses (AG, SFR, MF, MH, RMH, TP)

Uses	Status of Use in District			
	AG	SFR	MF	MH/RMH/TP
Accessory Buildings [Section 3-401]	S	S	S	S
Accessory Uses and Structures – except accessory dwelling [Section 3-401]	S	S	S	S
Accessory Dwelling [Section 3-402]	N	N	N	N
Amateur Radio Antennas [Section 3-422]				
35 feet in height or less	S	S	S	S
Over 35 feet in height	U(S)	U(S)	U(S)	U(S)
Animals				
Horses [Section 3-404]				
Keeping of, residential use	S	U(S)	N	N
Stables, commercial use	U(S)	N	N	N
Livestock: Cattle, Sheep, or similar [Section 3-404]	S	N	N	N
Small Animals: Chickens, Rabbits, or similar [Section 3-404]				
For farming (AG only)	S	N	N	N
Maximum 5, excluding roosters and peafowl	S	S	S	N
Apiaries [Section 3-404]	U(S)	N	N	N
Bed and Breakfast [Section 3-405]	U(S)	U(S)	U(S)	N
Boarding Room [Section 3-410]	S	S	P	P
Boutique [Section 3-406]	S	S	S	N
Cemeteries, Mausoleums, Crematoriums	U	N	U	N
Community gardens [Section 3-427]	S	U(S)	U(S)	U(S)
Construction Offices and Sheds, Appurtenant Signs and Storage; Temporary - incidental to a construction project only for the duration of such project: not to exceed 24 months	P	P	P	P
Child Care, In-Home				
Not to exceed 6 children [Section 3-407]	S	S	S	N
7 to 10 children [Section 3-407]	U(S)	U(S)	U(S)	N

Key:

P = Permitted
S = Permitted with special standards or limitations
U = Use permit required
N = Not permitted

AG = Agriculture districts
SFR = Single-family districts
MF = Multi-family districts
MH = Mobile home district

RMH = Mobile Home Residence
TP = Trailer Park

Table 3-102 – Permitted Land Uses (AG, SFR, MF, MH, RMH, TP)

Uses	Status of Use in District			
	AG	SFR	MF	MH/RMH/TP
Childcare Centers: Nursery Schools, Day Care Centers, similar (R-3R, R-3, and R-4 districts only)	N	N	U	N
Country Clubs, Private Clubs, Golf Courses	U	U	U	N
Farming [Section 3-404]	S	N	N	N
Fraternity and Sorority Houses (R-3 and R-4 Districts Only)	N	N	U	N
Group Homes for Adult Care, Persons with Disabilities, and Child Shelter [Section 3-409]	S	S	S	N
Guest Quarters [Section 3-411]	S	S	N	N
Home Occupations [Section 3-412] [See Appendix N.]	S	S	S	S
Hospitals, Sanitariums, Nursing Homes: e.g. Orphanages, Institutions (AG, R-3R, R-3, R-4 only) [Section 3-413]	U(S)	N	U(S)	N
Live-Work [Section 3-414]	N	N	U(S)	N
Mobile Homes [Section 3-416]	N	N	N	S
Multi-Family Dwelling (2 or more dwellings)	N	N	P	N
Parking Facilities for Commercial Uses (off-street and not enclosed in a building)	N	N	U	N
Places of Worship (except tents and other temporary structures or buildings not permitted) including childcare, Sunday school use which are ancillary to main use	P	P	P	P
Childcare center, private or charter school not ancillary to main use	U	U	U	U
Processing of Farm Products [Section 3-404]	U(S)	N	N	N
Public Uses				
Civic facilities (e.g., post office, library, city office, customer serving)	U	U	U	N
Municipal facilities (maintenance, repair and storage)	U	U	U	N
Open space, parks, similar uses (See also, Schools)	P	P	P	P
Residential Sales Office, Temporary [Section 3-419]	S	S	S	S
Retailing of Farm Products Produced on Premises	U	N	N	N
School				
Charter (use permit required in a single-family residential district on a lot of less than 1 acre, pursuant to Section 6-308)	S	S	P	P
Instructional	U	U	U	U
Private	U	U	U	U
Public	P	P	P	P
Vocational	N	N	N	N

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SFR = Single-family districts
MF = Multi-family districts
MH = Mobile home district

RMH = Mobile Home Residence
TP = Trailer Park

Table 3-102 – Permitted Land Uses (AG, SFR, MF, MH, RMH, TP)

Uses	Status of Use in District			
	AG	**SFR**	**MF**	**MH/RMH/TP**
Similar Uses [Section 6-301]	S	S	S	S
Single-Family Dwelling (See Section 7-107, definition of *family*)	S	S	P	P
Second Story Addition or Replace Single Story with 2 or More Stories [Section 3-420]	U(S)	U(S)	U(S)	N
Wireless Telecommunication Facilities [Section 3-421]	U(S)	U(S)	U(S)	U(S)

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AG = Agriculture districts
SFR = Single-family districts
MF = Multi-family districts
MH = Mobile home district

RMH = Mobile Home Residence
TP = Trailer Park

Section 3-202 Permitted Uses in Commercial and Mixed-Use Districts

Table 3-202A identifies land uses according to permit status. See key below the table:

Table 3-202A – Permitted Land Uses (R/O, CSS, CC, PCC, RCC)

Uses	Status of Use District					
	R/O	CSS	CC	PCC-1	PCC-2	RCC
Accessory Use (see Section 7-102, Definitions)	P	P	P	P	P	P
Animal Kennel	N	U	U	U	U	U
Amateur Radio Antennas [Section 3-422]						
35 feet in height or less	S	S	S	S	S	S
Over 35 feet in height	U(S)	U(S)	U(S)	U(S)	U(S)	U(S)
Brewery, ancillary to a bar (a)	N	P	P	P	P	P
Card room (a) [Section 6-313]	N	S	S	S	S	S
Cemeteries, Crematoriums and Mausoleums	N	U	U	U	U	N
Childcare Centers: Nursery Schools, Day Care Centers, similar	P	P	P	P	P	P
Clinic (medical, dental, veterinary (small animals))	P	P	P	P	P	P
Plasma donation center	U	U	U	U	U	U
Clubs						
Bar (indoor or outdoor), tavern, or nightclub (a)	N	U	U	U	U	P
Lodge or similar organization (a)	N	P	P	P	P	P
Teen night club (a)	N	U	U	U	U	U
Community gardens [Section 3-427]	U(S)	U(S)	U(S)	U(S)	U(S)	U(S)
Conference/Assembly (convention center)	N	P	P	P	P	P
Construction Offices and Sheds, Appurtenant Signs and Storage; Temporary – incidental to a construction project only for the duration of such project; not to exceed 24 months	P	P	P	P	P	P
Entertainment	N	U	U	U	U	P
Amusement businesses (a)	N	U	U	U	U	P
Outdoor (permanent use)	N	U	U	U	U	U
Theater or similar use	N	P	P	P	P	P
Fitness Centers: e.g. Heath Club, Fitness Studio	N	P	P	P	P	P
Heliport	N	U	U	U	U	U

Key:
P = Permitted
S = Permitted with special standards or limitations
U = Use permit required
N = Not permitted
R/O = Residential/Office
(a) Security plan required. See Section 6-313.

CSS = Commercial Shopping and Services (previously designated as CCR, C-1, C-2 districts)
CC = City Center (previously designated as CCD)
PCC-1 = Planned Commercial Center Neighborhood
PCC-2 = Planned Commercial Center Comprehensive
RCC = Regional Commercial Center

Table 3-202A – Permitted Land Uses (R/O, CSS, CC, PCC, RCC)

Uses	Status of Use District					
	R/O	CSS	CC	PCC-1	PCC-2	RCC
Hospitals, Sanitariums, Nursing Homes: e.g. Orphanages, Institutions [Section 3-413]	N	U(S)	U(S)	U(S)	U(S)	U(S)
Hotels and Motels (a)	N	U	P	U	U	P
Live-Work [Section 3-414]	S	N	S	U(S)	U(S)	N
Medical Marijuana cultivation [Section 3-426]	N	N	N	N	N	N
Medical Marijuana dispensary (without cultivation) [Section 3-426]	N	S	S	S	S	S
Mini-Warehouse/Rental Storage Facilities [Section 3-415]	N	U(S)	N	U(S)	U(S)	S
Offices	P	P	P	P	P	P
Outdoor Storage of equipment, goods, or materials	N	N	N	U	U	U
Parking Facilities, Commercial						
Surface	N	U	U	P	P	P
Structure	N	U	P	U	U	P
Places of Worship – (except tents and other temporary structures or buildings not permitted) including childcare, Sunday school uses which are ancillary to main use	P	P	P	P	P	P
Childcare center, private or charter school not ancillary to main use	U	U	U	U	U	U
Public Uses						
Civic facilities (e.g., post office, library, city office, customer serving)	P	P	P	P	P	P
Municipal Facilities (maintenance, repair and storage)	N	U	U	U	U	U
Open space, parks, similar uses (See also, Schools)	P	P	P	P	P	P
Radio and Television Studios with Receiving and Transmitting Towers	N	U	N	U	U	P
Recycling centers						
Large	N	N	N	N	N	N
Small	P	P	P	P	P	P
Resale Items	N	U	U	U	U	U
Antiques	N	U	U	U	U	U
Pawn Shops	N	U	U	U	U	U
Second Hand Stores	N	U	U	U	U	U
Residential, caretaker residence	P	P	P	P	P	P
Residential (all types)	P	U	P	U	U	U

Key:
P = Permitted
S = Permitted with special standards or limitations
U = Use permit required
N = Not permitted
R/O = Residential/Office
(a) = Security plan required. See Section 6-313.

CSS = Commercial Shopping and Services (previously designated as CCR, C-1, C-2 districts)
CC = City Center (previously designated as CCD)
PCC-1 = Planned Commercial Center Neighborhood
PCC-2 = Planned Commercial Center Comprehensive
RCC = Regional Commercial Center

Table 3-202B – Permitted Land Uses (MU-1, MU-2, MU-3, MU-4 and MU-Ed)

Uses	Districts				
	MU-1	**MU-2**	**MU-3**	**MU-4**	**MU-Ed**
Accessory Use	P	P	P	P	P
Amateur Radio Antennas [Section 3-422]					
35 feet in height or less	S	S	S	S	S
Over 35 feet in height	U(S)	U(S)	U(S)	U(S)	U(S)
Bed and Breakfast [Section 3-405]	U(S)	U(S)	U(S)	U(S)	U(S)
Brewery, ancillary to a bar (a)	P	P	P	P	U
Card room (a) [See Section 6-313]	S	S	S	S	S
Childcare, In-Home					
Not to exceed 6 children [Section 3-407]	S	S	S	S	U(S)
7 to 10 children [Section 3-407]	U(S)	U(S)	U(S)	U(S)	U(S)
Childcare Centers: Nursery Schools, Day Care Centers, similar	P	P	P	P	P
Clinic (medical, dental, veterinary (small animals))	P	P	P	P	U
Plasma donation center	U	U	U	U	U
Clubs					
Bar, tavern, nightclub (a)	U	U	U	P	U
Lodges & similar organization (a)	U	P	P	P	U
Teen nightclub (dance hall) (a)	N	N	U	P	U
Community gardens [Section 3-427]	U(S)	U(S)	U(S)	U(S)	U(S)
Conference/Assembly (Convention Center)	P	P	P	P	P
Construction Offices and Sheds, Appurtenant Signs and Storage; Temporary – incidental to a construction project only for the duration of such project, not to exceed 24 months	P	P	P	P	P
Entertainment	U	U	P	P	P
Amusement businesses (arcade) (a)	N	U	U	P	P
Outdoor/permanent use	N	N	N	N	P
Theater or similar use	U	U	U	P	P
Fitness Centers: e.g. Health Club, Fitness Studio	P	P	P	P	P
Hospitals, Sanitariums, and Nursing Homes: e.g. Orphanages, Institutions [Section 3-413]	N	N	U(S)	U(S)	U(S)
Hotels and Motels (a)	N	U	P	P	P

Key:

P = Permitted
S = Permitted with special standards or limitations
U = Use permit required
N = Not permitted

MU-1 = Low – Medium Density District
MU-2 = Medium Density District
MU-3 = Medium – High Density District
MU-4 = High Density District (previously designated as MG district)
MU-Ed = Mixed Use Educational District

(a) = Security plan required. See Section 6-313.

Table 3-202B – Permitted Land Uses (MU-1, MU-2, MU-3, MU-4 and MU-Ed)

Uses	Districts				
	MU-1	**MU-2**	**MU-3**	**MU-4**	**MU-Ed**
Live-Work [Section 3-414]	S	S	S	S	S
Medical Marijuana cultivation [Section 3-426]	N	N	N	N	N
Medical Marijuana dispensary [Section 3-426]	N	N	N	N	N
Mini-Warehouse/Rental Storage Facilities [Section3-415]	N	N	N	N	N
Offices	P	P	P	P	P
Outdoor Storage of equipment, goods, or materials	N	N	N	N	N
Parking Facilities, Commercial					
Surface	N	N	U	U	P
Structure	N	N	U	U	P
Places of Worship (except tents and other temporary structures or buildings not permitted) including childcare, Sunday school uses which are ancillary to main use	P	P	P	P	P
Childcare center, private school, or charter not ancillary to main use	U	U	U	U	P
Public Uses					
Civic facilities (e.g., post office, library, city office, customer serving)	P	P	P	P	P
Municipal Facilities (maintenance, repair and storage)	N	N	N	N	P
Open space, parks, similar uses (See also, Schools)	P	P	P	P	P
Recycling centers					
Large	N	N	N	N	N
Small	P	P	P	P	P
Resale Items					
Antiques	U	U	U	U	U
Pawn Shops	N	N	N	N	N
Second Hand Stores	N	N	N	N	U
Residential – of a caretaker or operator employed on the premises	P	P	P	P	P
Residential (all types)	P	P	P	P	P
Restaurants	P	P	P	P	P
Entertainment as accessory use (a)	U	U	U	P	P
Outdoor seating [Section 3-425]	S	S	S	S	S

Key:

P = Permitted
S = Permitted with special standards or limitations
U = Use permit required
N = Not permitted

MU-1 = Low – Medium Density District
MU-2 = Medium Density District
MU-3 = Medium – High Density District
MU-4 = High Density District (previously designated as MG district)

(a) Security plan required. See Section 6-313.

MU-Ed = Mixed Use Educational

2. Only one (1) secured exterior doorway shall be allowed for the purpose of ingress or egress. The maximum size tenant space shall be limited to the square footage dedicated for such use with one exit. Any existing doorways beyond this allowance shall be permanently closed by removing the door and frame and filling in the opening with permanent construction to match the exterior wall.

3. The business and tenant space must comply with Tempe's applicable Building Code and Fire Code requirements.

4. Drive-through facilities are prohibited.

5. The *medical marijuana dispensary* is limited to the hours of operation not earlier than 8:00 a.m. and not later than 6:00 p.m.

6. *Medical marijuana* remnants or bi-products shall be disposed of according to an approved plan and not placed within the facilities exterior refuse containers.

7. There shall be no emission of dust, fumes, vapors, or odors into the environment from the premise.

8. A security plan is required, which shall include, but is not limited to, the following:

    a. The single doorway for the facility shall provide a security vision panel pursuant to Section 4-406, Employee Service Entrances and Exits, or a 180 degree rotatable viewer. If doorway is transparent, the door shall be designed with a material that is either impact resistant or restricts entry by means of a wrought iron gate;

    b. Closed circuit television cameras, operating 24 hours a day, shall be provided at the building's exterior entrance and inside the building at a designated service area;

    c. All lighting for the site shall be brought into conformance with the current lighting standards identified in Part 4, Chapter 8, Lighting. The building entrance of the business shall be illuminated from dusk till dawn activated by photocell relay to the lighting controller;

    d. No one under the age of twenty-one (21) shall enter the establishment; and

    e. Any person, prior to entering the establishment, shall remove all hats, sunglasses or other similar objects, to avoid obstruction of physical identification.

D. Use Acceptance. A zoning administrative application shall be processed, certifying that all City of Tempe regulations for the *medical marijuana dispensary or cultivation facility* are in compliance with the provisions set forth in Section 3-426 of this Code. The use shall not commence without the zoning administrator, or designee, acceptance letter. the application shall include, but is not limited to, the following items:

1. A project submittal form with applicable fee;

2. The property owner's letter of authorization for the use;

3. The name and location of the dispensary's off-site *medical marijuana cultivation facility*, if applicable;

4. A map showing the location in compliance with the separation requirements listed in Section 3-426(B);

5. A copy of operating procedures adopted in compliance with A.R.S. 36-2804(B)(1)(c);

6. A site plan;

7. A floor plan of the building or tenant space;

8. If applicable, Building permits (Separate submittal) in compliance with Tempe's Building Code and Fire Code; and

9. A Security Plan, in compliance with Section 3-426(C).

SECTION 3-427 COMMUNITY GARDENS.

A. Purpose. The purpose of this section is to foster and support sustainable practices through interim use and/or the adaptive re-use of open space and vacant lands with *community gardens*.

B. Applicability. A *community garden* is permitted in the AG, Agricultural District. A *community garden* is also permitted, subject to approval of a *use permit*, in all other Residential Districts and in all Commercial, Mixed-use and Industrial Districts. See procedures identified in Section 6-308, Use Permit.

C. Approval Criteria. In addition to the *use permit* approval criteria found in Section 6-308, the following factors shall be considered by the decision-making body, but not be limited to:

1. Compatibility with existing surroundings as it relates to the size of the *community garden*;

2. Adequate accessibility to the site and for public parking within the vicinity, which does not create a nuisance to the surrounding area or general public;

3. Evaluation of acceptable hours/days of operation, including outdoor retailing of produce; and

4. Evaluation of acceptable products sold on-site.

D. Operation Requirements. A *community garden* may be located on a vacant lot, within an enclosed building, or on a lot with other buildings and uses.

1. Buildings or structures, a maximum of two hundred (200) square feet in area and equal to or less than eight (8) feet in height, may be located in the required side or rear *yard* setbacks, subject to applicable building codes. Development plan review is not required.

2. Any building or structure, in excess of two hundred (200) square feet in building area or over eight (8) feet in height must comply with building setbacks and receive approval of a development plan review, pursuant to Section 6-306, including sites in all Residential Districts.

3. Any existing on-site retention shall be maintained or reconfigured in accordance with City Code requirements.

4. All equipment or materials, not in use, shall be stored within an enclosed structure or screened from street view.

5. Use of vehicular operated equipment, such as garden tillers or tractors, for initial establishment of the *community garden* is permissible and may only be used for on-going maintenance if approved through the *use permit* process. The use of motorized hand-operated equipment is permitted.

6. The *community garden* may display a maximum of one (1) *sign*, subject to review, as a part of the *use permit*. The *sign* shall be a maximum of eight (8) feet in height and a maximum of thirty-two (32) square feet in area, with no more than sixteen (16) square feet of information used for sponsor advertising. A *sign* permit is not required.

7. Chain link fence and other fencing materials, without barbed or razor wire, are permissible for the *community garden*. No lighting is required for the gate entrance. Outdoor retailing of products produced on the site is permitted as a part of the *use permit*.

8. Outdoor retailing of products produced on the site is permitted as a part of the *use permit*.

9. Proposed improvements on the site relating to other land use *development* including adding buildings, parking, lighting and driveways, shall conform to the standards of this Code, unless otherwise permitted by this section.

E. Discontinuance of use. If a *community garden* is no longer in operation or left fallow, the site shall be returned to its original form. If previously vacant, the site shall provide proper dust control mitigation. Any re-establishment of a community garden shall require processing and approval of a new *use permit*.

CHAPTER 5 – NON-CONFORMING USE OR DEVELOPMENT

Section 3-501 Purpose.

The purpose of this section is to allow *non-conforming uses* and *developments* to continue, but not to encourage their perpetuation; and ultimately bring *development* and uses into conformance with this Code.

Section 3-502 General Provisions.

A. Legal Non-Conforming Uses and Non-Conforming Developments. Nothing in this Code shall affect existing property or the right to its continued use for the purpose used at the time the Code takes effect, nor to make any reasonable repairs or *alterations* in *buildings* or property used for such legal existing purpose.

B. Approved Projects. Nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any *building* for which a *building* permit has been lawfully issued prior to the effective date of adoption or amendment of this Code.

Section 3-503 Legal Non-Conforming Development.

All *developments* may be maintained but shall not be re-erected, relocated, or replaced unless brought into compliance with this Code. Freestanding off-premise signs which are legally non-conforming shall be maintained in place and may only be relocated in accordance with Section 4-903(J)(2) with a development agreement that may be entered into at the discretion of the City Council.

Section 3-504 Legal Non-Conforming Use.

A *non-conforming use* may be expanded or enlarged to an extent not exceeding twenty-five percent (25%) of the land area or *building* floor area devoted to the use at the time it became non-conforming. Such expansion shall require a *use permit*.

Section 3-505 Discontinuance of a Legal Non-Conforming Use.

Whenever a *non-conforming use* has been abandoned or ceases to exist for a period in excess of one (1) year, such use shall not thereafter be re-established, as long as the period of non-use is attributable at least in part to the property owner, tenant or other person or entity in control of the use. For purposes of this Code, rental payments or lease payments and taxes shall not be considered as a continued use.

L. Holiday Decorations. Holiday decorations for residential uses are permitted. Holiday decorations for non-residential uses are subject to the following requirements:

1. Holiday decorations may be displayed on a temporary basis for traditionally accepted civic, patriotic or religious holidays;

2. Holiday decorations shall not be displayed sooner than thirty (30) calendar days prior to the holiday to which they pertain, and shall be removed no later than fifteen (15) days following the holiday to which they pertain;

3. Balloons are not considered to be holiday decorations;

4. Such decorations shall not be displayed in a manner as to constitute a traffic hazard; and

5. No *sign* permit is required.

[TEXT OF SUBSECTION (M) EFFECTIVE UNTIL JUNE 30, 2012]

M. Lead-In Sign. *Lead-in sign* requirements are as follows:

1. Maximum height shall be three (3) feet and maximum area shall be six (6) square feet ; no illumination is allowed;

2. A maximum of four (4) *signs* shall be displayed for each home for sale or rent;

3. Apartment communities, complexes, *developments* or *subdivisions* shall not display more than four (4) such *signs*;

4. Shall only be displayed when a sales/lease person is on duty at the property. *signs* shall not be left out overnight;

5. *Signs* shall not be placed so as to create a traffic hazard as determined by the Community Development Director, or designee. Such *signs* shall not be placed in a traffic median, public sidewalk, bicycle path, on city property, or in city right-of-way between the sidewalk and the curb; and

6. No *sign* permit is required.

[TEXT OF SUBSECTION (M) EFFECTIVE JULY 1, 2012]

M. Lead In Sign. *Lead in sign* requirements are as follows:

1. Maximum height shall be three (3) feet and maximum area shall be three (3) square feet ; no illumination is allowed;

2. A maximum of four (4) *signs* shall be displayed for each home for sale or rent;

3. Apartment communities, complexes, *developments* or *subdivisions* shall not display more than four (4) such *signs*;

4. Shall only be displayed when a sales/lease person is on duty at the property. *signs* shall not be left out overnight;

5. *Signs* shall not be placed so as to create a traffic hazard as determined by the Community Development Director, or designee. Such *signs* shall not be placed in a traffic median, public sidewalk, bicycle path, on city property, or in city right-of-way between the sidewalk and the curb; and

6. No *sign* permit is required.

[TEXT OF SUBSECTION (P) EFFECTIVE UNTIL JUNE 30, 2012]

P. Sale, Lease or Rent Sign. *Sale, lease or rent sign* requirements are as follows:

1. Shall be a maximum sixteen (16) square feet in area and eight (8) feet in height;

2. Shall only be displayed on the property for which they pertain. Only one (1) *sign* shall be displayed per *street* frontage. *Sign* shall not be counted in the total aggregate *sign* area for the business in determining the allowable *sign* area for the business;

3. Shall not be illuminated; and

4. No *sign* permit is required.

[TEXT OF SUBSECTION (P) EFFECTIVE JULY 1, 2012]

P. Sale, Lease or Rent Sign. *Sale, lease or rent sign* requirements are as follows:

1. Shall be a maximum six (6) square feet in area and eight (8) feet in height;

2. Shall only be displayed on the property for which they pertain. Only one (1) *sign* shall be displayed per *street* frontage. *Sign* shall not be counted in the total aggregate *sign* area for the business in determining the allowable *sign* area for the business;

3. Shall not be illuminated; and

4. No *sign* permit is required.

Q. Service Station Sign. *Service station sign* requirements are as follows:

1. *Building Mounted Sign*. Allowed per Section 4-903(D).

2. *Freestanding Sign*.

   a. One (1) *freestanding sign* is allowed per *street* frontage;

   b. Shall not exceed twenty-four (24) square feet in area nor eight (8) feet in height;

   c. The price component may have changeable copy, which shall not exceed twelve (12) square feet in area;

   d. The *sign* shall have a monument base of masonry construction or other architectural grade material approved through *development plan* review;

   e. Address numerals shall be included on all *freestanding sign structures*. The numerals shall be at least four (4) inches in height; and

f. A *sign* permit is required.

3. *Pump-Topper Sign*.

a. Shall not exceed three (3) feet in area and does not count towards total *sign* area for the business;

b. Such *signs* may display instruction, price, or *advertising copy* pertaining to any product sold on site; and

c. No *sign* permit is required;

4. Canopy *Sign*.

a. Maximum two (2) *signs* per canopy;

b. Shall not exceed six (6) square feet per *sign*;

c. May be illuminated; and

d. A *sign* permit is required.

R. Special Event Sign. *Special event sign* requirements are as follows:

1. *Grand Opening Sign*.

a. All businesses shall be permitted to display *grand opening signs*, on a one-time basis, for a maximum of thirty (30) consecutive days. Grand openings may be extended by written approval of the Community Development Director, or designee, in the event that a business is currently processing for a permanent *sign* approval, but in no event shall the permit exceed sixty (60) days in duration;

b. Grand opening permits may include banners, pennants, wind-driven spinners, streamers, balloons, flags and inflatable *signs*; and

c. A *sign* permit is required and must be displayed visible to the public during the allowed time of the permit.

[TEXT OF SUBSECTION (R)(2) EFFECTIVE UNTIL JUNE 30, 2012]

2. *Significant Event Sign*.

a. Limited to no more than twenty-one (21) cumulative days within each six (6) month period in a calendar year;

b. May include banners, pennants, wind-driven spinners, streamers, balloons, flags and inflatable *signs*; and

c. A *sign* permit is required and must be displayed visible to the public during the allowed time of the permit.

[TEXT OF SUBSECTION (R)(2) EFFECTIVE JULY 1, 2012]

2. *Significant Event Sign*.

   a. Limited to no more than fourteen (14) cumulative days in a calendar year;

   b. May include banners, pennants, wind-driven spinners, streamers, balloons, flags and inflatable *signs*; and

   c. A *sign* permit is required and must be displayed visible to the public during the allowed time of the permit.

3. *Going Out of Business Sign*.

   a. All businesses shall be permitted to display *going out of business signs* on a one (1) time basis for a maximum of thirty (30) consecutive days;

   b. The business shall cease and be discontinued at that specific location upon the disposal of the stock of goods on hand or after thirty (30) days, whichever comes first after the *going out of business signage* is first displayed;

   c. May include banners, pennants, wind-driven spinners, streamers, balloons, flags, and inflatable *signs*; and

   d. A *sign* permit is required and must be displayed visible to the public during the allowed time of the permit.

4. *Permitted Special Event Sign*.

   a. Limited to *banner signs*;

   b. Business(es) that displays such banners must receive a Special Events Permit or be associated with the special event producer or permittee;

   c. Banners may not be displayed until the day(s) of the special event;

   d. Banners must be removed the evening that the special event concludes;

   e. Banners must include copy or graphics specific to the special event; and

   f. No sign permit is required.

F. Miscellaneous.

1. General.

   a. Way-finding signs shall not be counted in the total aggregate allowable sign area for the business;
   b. Signs shall not be illuminated;

   c. One (1) sign is allowed per business;

   d. Signs shall only be displayed during normal hours of operation; and

   e. A way-finding sign permit is required.

2. CC District.

   a. No sign can be displayed without authorization of both the property owner and permitted by the Downtown Tempe Community (or a future subsidiary);

   b. If sign is located in the public right-of-way, an encroachment permit is required, subject to review by the Public Works Department; and

   c. Decisions made by the Downtown Tempe Community (or a future subsidiary) may be appealed to the Community Development Director or designee.

Section 4-906 Leasing Banner Sign.

A. Purpose. The purpose of a leasing *banner sign* is to allow a property owner or manager a temporary sign display identifying the availability of leasable tenant space at a vacant location.

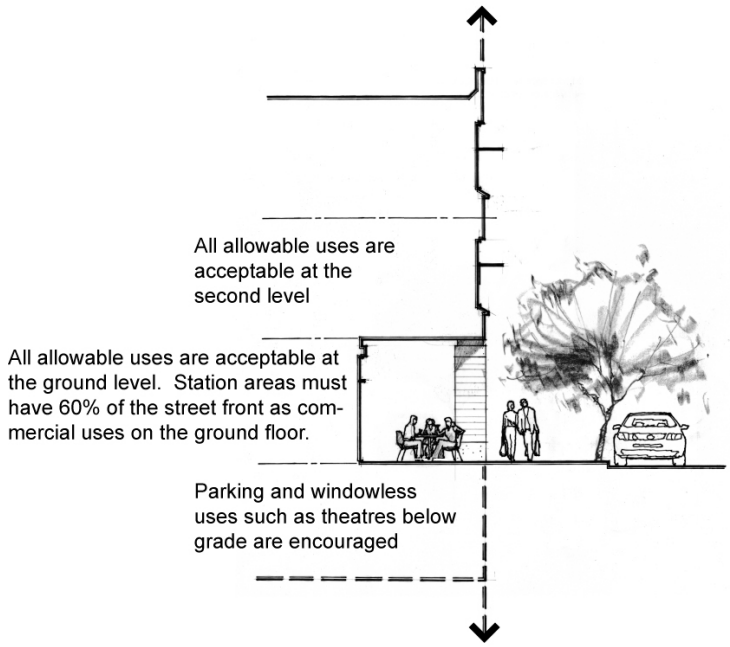
B. Applicability. Leasing *banner signs* are permitted for all Commercial and Industrial uses. Such sign shall only be located on the building face of the space for lease.

C. Size & Design. Up to one (1) *banner sign* is permitted per tenant space. Tenant spaces less than or equal to 3,000 square feet in area are allowed a leasing banner sign a maximum of thirty-two (32) square feet. Tenant spaces greater than 3,000 square feet in area are permitted to have a leasing banner sign a maximum of sixty-four (64) square feet in size. Information is limited to advertising the availability of the space and a contact number. A maximum of two (2) colors, including sign text and background is allowed.

D. Permit. A leasing banner sign permit is required.

Reference – Ordinance No. 2011.21, Leasing Banner Sign, Termination Date: June 30, 2012

Figure 5-606D. Illustration of Uses Above and Below Ground Floor



Section 5-607 Permitted Uses Subject to a Use Permit.

A. Purpose. The purpose of this section is to provide a public hearing process for uses which may or may not be appropriate to the area, depending on site context.

B. Uses Allowed with a Use Permit. In addition to those uses defined by the underlying zoning, the following uses are permitted with a use permit within the Commercial, Mixed-Use and Industrial Zoning Districts within the Transportation Overlay District.

1. Sales or rentals of two-wheeled vehicles which serve as an alternative mode of transportation;

2. Wholesale showroom, provided that the design is pedestrian-oriented;

3. Bulk retail uses, including food and beverage sales;

4. Magazine and newspaper gang boxes; or

5. Residential developments on ground floor street frontages within *Station Areas*, where the market is unable to support the required 60% ground floor uses requirement, pursuant to Section 5-606 Ground Floor Uses Required, as verified by the Economic Development Division.

Section 5-608 Prohibited Uses.

A. Purpose. The purpose of this section is to prohibit uses which do not contribute to a quality urban environment that attracts and encourages pedestrian activity, promotes the development of livable and sustainable neighborhoods, or provide facilities that create a safe, accessible, comfortable and pleasant environment for people.

B. Prohibited Uses. The following uses are prohibited within the entire Overlay District.

1. *Adult-oriented business*;
2. Bulk *wholesale* uses including building materials, food and beverage sales, restaurant supplies, etc.;
3. *Drive-in* businesses;
4. *Drive-through* facilities, except as provided for in Section 5-608(E);
5. Funeral homes, mortuaries and cemeteries;
6. General manufacturing;
7. *Kennels*;
8. *Manufactured home* sales;
9. *Mini-warehouse*;
10. *Mobile home parks*, except in Mobile Home Districts;
11. Nurseries or greenhouses;
12. *Outdoor storage*;
13. *Parking as a principle use*, except as provided for in Section 5-608(C) and Section 5-608(F);
14. *Recreational vehicle* parks;
15. Rental lots for motorized vehicles, boats or other recreational vehicles;
16. Sales, repair or service of boats or other recreational vehicles;
17. Sales, service, or rental of commercial equipment or construction materials;
18. Salvage and recycling centers and transfer stations;
19. Shipping or distribution, warehouse transport center;
20. *Telecommunication hotels* on the ground level, or an any level of the street front;

21. Vehicle towing services;

22. Vehicle sales, repair, wash, fueling or service , auto body repair or auto service stations except as provided for in Section 5-608(D); or

23. *Warehouse* or other indoor storage.

C. Parking as a Principle Use in Station Areas. *Principle-use parking* is prohibited within *Station Areas*, except that parking facilities owned by the City or an operating transit agency, or private parking facilities operating as park-and-ride facilities in partnership with the City or an operating transit agency, are permitted.

D. Motorist Amenity Uses in Station Areas. *Motorist amenity* uses (car wash, automobile detailing, vehicle maintenance or repair) are permitted within *Station Areas* only when the use is accessory to a principal-use parking facility that is allowed by Section 5-608(B).

E. Drive-Through Uses. *Drive-through* uses are prohibited within *Station Areas. Drive-through* uses are subject to a use permit within the *Corridor*. In addition to the criteria listed in Section 6-308(F), *drive-through* use permit requests within the TOD corridor are evaluated on the basis of:

1. Extent of incorporation of pedestrian and transportation standards and guidelines promoted within the Transportation Overlay District;

2. Extent to which the project provides a drive-through service not currently available in the area;

3. Extent of benefit to individuals with limited mobility; and

4. Compliance with Sec. 3-408, *Drive-Through* Facilities.

F. Temporary Use Parking. *Parking* as a principle use may be permitted as a temporary use, subject to approval of an administrative review process, pursuant to Section 6-306, Development Plan Review.

1. Such use shall be allowed for a maximum of (5) five years, from the date of approval. Additional time may be granted by the City Council at a public hearing.

2. Such use shall not be allowed on property where initial demolition has occurred within the past twelve (12) months.

3. In addition to the approval criteria found in Section 6-306(D), determination for acceptance of temporary use parking shall also be evaluated based on the following criteria:

   a. The site will be developed to ensure that it will not be detrimental to the surrounding neighborhood or to the public welfare in general;

   b. Temporary use parking may not be allowed when in close proximity to residential areas which may be detrimental to the character of the neighborhood;

   c. The improved surface for *parking* will reduce heat gain by including, but not limited to, the placement of boxed trees within the parking lot, limiting the amount of *asphalt paved surface* for any unimproved land, and providing stabilized porous surface material, authorized by the Community Development Director, or designee; and

   d. Reasonable design plans will provide buffering from the public sidewalk(s) through enhanced landscape or other features.

4. Such use is exempt from the standards found in Part 4, Chapter 7 – Landscape and Walls of this Code and is exempt from the parking setbacks found in Part 4, Chapter 2 – General Development Standards. All other sections pertaining to parking shall apply including, but not limited to, lighting and retention.

5. Vehicles shall not be parked on a temporary use parking lot for more than forty-eight (48) hours within seven (7) consecutive days. Business vehicles displaying signs or advertising are prohibited from parking on a temporary use parking lot.

6. *Temporary Use Parking; Termination Date, September 17, 2016:* The Zoning and Development Code, Part 5 – Overlay Districts, Section 5-608(F), Temporary Use Parking, terminates on September 17, 2016 and is repealed on September 18, 2016.

Section 5-609 Legal Non-Conforming Use or Development.

A legal non-conforming use is a use that is not permitted in the Transportation Overlay District, but was lawfully established prior to the establishment of the Transportation Overlay District. Expansions, rebuilding and reconstruction of structures housing a non-conforming use, and abandonment or change in use shall be subject to the provisions of Part 3 Chapter 5, Non-Conforming Use or Development.

Section 5-610 Development Standards for Residential Districts.

A. Single-Family Residential Districts. The Transportation Overlay District does not modify the development standards of any Agricultural or Single-Family District.

B. Multi-Family Residential Districts. The Transportation Overlay District does not modify the development standards of any Multi-Family District, except in *Station Areas*, as indicated in Table 5-610A.

C. Mobile Home Residential Districts. The Transportation Overlay District does not modify the development standards of any Mobile Home District.

D. Transportation Overlay Street Setback. Required Ground Floor uses shall conform to the maximum setbacks ranging from zero (0) to twenty (20) feet, as required in Table 5-610A, shall comply with the standards defined in Section 5-613(D), Minimum and Maximum setbacks, and shall have a *finished floor* that is no more than five (5) feet above or below adjacent sidewalk grade.

Table 5-610A –Station Area Standards in Multi-Family Districts

Standard **(Standards apply to *Station Areas* Only)**	**R-2 (*TOD*)**	**R-3R (*TOD*)**	**R-3 (*TOD*)**	**R-4 (*TOD*)**	**R-5 (*TOD*)**	**Use Permit Standard** allows the following deviation from standards:
Maximum Density (dwellings/acre)	12	19	25	40	50	NA
Building Height (feet) Maximum [a]	35 ft	35 ft	40 ft	60 ft	70 ft	10% increase
Building height step-back required adjacent to SFR Districts, [Section 4-404]	Yes	Yes	Yes	Yes	Yes	NA
Maximum Lot Coverage (% of net lot area)	70%	70%	75%	75%	75%	10% increase
Min. Landscape Area (% of net lot area)	30%	30%	25%	25%	25%	10% decrease
Pedestrian Design Standards Apply [Section 5-612]	Yes	Yes	Yes	Yes	Yes	NA

Commercial use means, in the MU-Ed zoning district, uses that include, but are not limited to, the sale, exchange, or transfer, of a product or service; accessory entertainment; recreational or amusement businesses; hotels, motels or clubs; commercial parking lots; production or manufacturing and a gross floor area greater than two hundred and fifty (250) square feet. To be considered a *commercial use* in the MU-Ed zoning district, the building or use must attract the general public. *Public University* sports venues and *Public University* operated auditoriums are examples of uses that are not considered a *commercial use*.

Common wall means the abutting walls of two buildings.

Community garden means land gardened collectively by a group of people. Gardening may include, but is not limited to, all types of horticulture such as flower, vegetable or field crops, and orchards containing berry, bush or tree crops.

Conceptual landscape plan means the same as a “landscape plan” as defined, except that shrubs, ground cover and vines may be indicated by size, quantity, name and general locations on the site.

City of Tempe
Community Development
31 East Fifth Street
Tempe, AZ 85281
480-350-8888
www.tempe.gov

ZONING

City Code, Chapter 35 - Zoning and Development Fees

FEE SCHEDULE

a.	Preliminary Review Process:	
	Single Family	$115.00
	All Others	$344.00
b.	Administrative Applications:	$344.00 each
	Ordinance Interpretations	
	Zoning Administrator Opinions	
	Shared Parking Application	
	Time Extensions	
	Group/Adult Home Verification Letter	
	Covenant, Conditions & Restrictions (CC&R) Review	
	Single Family Dwelling Units	$344.00 each
	All Other Uses	$344.00 each
c.	Variances:	
	Single Family Dwelling Units	$400.00 per lot, including use permits
	All Other Uses	$1,145.00 each
	Unauthorized Construction/Installation	Twice the normal fees
d.	Use Permits:	
	Single Family Dwelling Units	$400.00 per lot, including variances
	All Other Uses	$1,145.00 each
	Use Permit Transfer	See Administrative Applications
	Unauthorized Activity	Twice the normal fees

e.	Zoning Code Amendments Map Text	 $2,291.00 Per Classification + $115.00 Per Net Acre* $2,291.00 *Rounded To The Nearest Whole Acre
f.	Planned Area Development Overlays Amendments	$2,864.00 For Under 1 Acre + Use Permit Fees As Applicable $5,727.00 For 1 Acre And Over + Use Permit Fees As Applicable $1,433.00 For Under 1 Acre + Use Permit Fees As Applicable $2,864.00 For 1 Acre And Over + Use Permit Fees As Applicable
g.	Subdivisions, Including Condominiums: Preliminary / Finals / Amendment Engineering Plat Review fee Lot Splits / Lot Line Adjustments	 $2,291.00 +$23.00 Per Lot or Condo Unit Refer to City Code, Appendix A. Sec.29-19.9(h) ($1,459.35 + $21.95 per lot) TOTAL: $3,750.35 + $44.95/lot See Administrative Applications
h.	Continuance at Applicant's Request After Legal Advertising And Public Notice	$115.00
i.	Development Plan Review: Complete – Building, Site, Landscape, Signs Remodel/Modification Repaint or Minor Elevation Modification Separate Landscape Plan Sign Package Separate Signs Reconsideration Unauthorized Activity	 $1,719.00 For 5 Acres Or Less $2,291.00 Over 5 Acres $573.00 $230.00 $230.00 $344.00 $344.00 Same As Original Fee Twice The Normal Fees

j.	Appeals Tempe Residential Property Owner Request	$344.00 $108.00
k.	Sign Permits: One Sign Each Additional Sign Unauthorized Installation of Sign(s) Grand Openings, Going Out Of Business, Significant Event, Leasing Banner Way-Finding Sign Permit	Fees include Plan Review, the initial Inspection and one Re-inspection $230.00 $87.00 Twice The Normal Fees $115.00 $25.00
l.	General Plan Amendments: <u>Amendment</u> Text Change Map Change <u>Major Amendment</u> Map Change	 $2,291.00 $2,291.00 + $115.00 per gross acre $5,727.00 + $115.00 per gross acre
m.	Public Notice Signs Neighborhood Meeting Sign	 $16.00 (Includes one sign and two stakes for self posting)
n.	Zoning Verification Letter	$288.00
o.	Development fees within the Apache Boulevard Redevelopment Area may be reduced up to 50% for the following listed uses, when authorized by the Community Development Director or designee and accepted by the authorized Department Director: ▪ Neighborhood services not already provided within the Apache Boulevard Redevelopment Area ▪ Workforce Housing, provided that at least 20% of the housing units developed for, offered to, and leased or sold to households whose gross annual income is greater than 100% of the AMI but does not exceed 120% AMI, or 10% of the housing units developed for, offered to, and leased or sold to households whose gross annual income is greater than 80% AMI but does not exceed 100%	

Revised: 7/01/11

Eff. 7/5/05 -- Council approved annual fee increases based on the annual Bureau of Labor Statistics CPI–All Urban Consumers (http://data.bls.gov) will be effective at the beginning of each fiscal year beginning 7/01/06.

Ordinance Number	Adoption Date	Subject or Description	Location in Code
2008.48	Nov. 6, 2008	Zoning Map Amendment from CSS,R-4 to CSS,R-4(TOD) (PAD)	Sec. 2-107
2008.61	Dec. 11, 2008	Zoning Map Amendment from R1-6 to CSS	Sec. 2-107
2008.57	Dec. 11, 2008	Zoning Map Amendment from R1-6, R-3 to R-3R,R-4(PAD)	Sec. 2-107
2008.66	Apr. 9, 2009	Zoning Map Amendment from R1-6,R/O,CSS to MU-2(PAD)	Sec. 2-107
2009.14	Apr. 23, 2009	Zoning Map Amendment from R-4,CSS(TOD) to MU-4(PAD)(TOD)	Sec. 2-107
2009.12	May 28, 2009	Zoning Map Amendment for the Date Palm Manor Historic Overlay District	Sec. 2-107
2009.13	May 28, 2009	Zoning Map Amendment Historic Property Designation	Sec. 2-107
2009.15	Oct. 22, 2009	Code Text Amendment for Abatements; APAC Committee repeal; Hearing Officer duties; revised regulations on Accessory Buildings; New Provisions for Guest Quarters; Small Animals; Card Rooms; Recycling Centers; Commercial and Restaurant uses in Industrial Districts; Outdoor Retailing; Service Entrance and Exits; Outdoor Dining Parking; Development Plan Review Criteria and Time Limitations; Use Permit and Variance Time Limitations; Notice of Appeals; Extension Requests; Revocations; and definitions for Card Room, Columbarium, Donation Bins, Livestock, Poultry, Recycling Centers, Reverse Vending Machines, Small Animals and Smoking Establishment.	Sec. 1-304 Sec. 1-305 Sec. 1-306 Sec. 3-102 Sec. 3-202 Sec. 3-302 Sec. 3-401 Sec. 3-404 Sec. 3-410 Sec. 3-411 Sec. 3-417 Sec. 3-418 Sec. 3-503 Sec. 4-406 Tbl.4-603E Sec. 4-902 Sec. 4-903 Sec. 6-306 Sec. 6-308 Sec. 6-309 Sec. 6-310 Sec. 6-802 Sec. 6-901 Sec. 6-902 Sec. 7-103 Sec. 7-104 Sec. 7-105 Sec. 7-108 Sec. 7-113 Sec. 7-117 Sec. 7-119

Ordinance Number	Adoption Date	Subject or Description	Location in Code
			Sec. 7-120 Sec. 7-121
2009.40	Nov. 5, 2009	Code Text Amendment for Legal Non-Conforming Development and Freeway Signs.	Sec. 3-503 Sec. 6-901 Sec. 6-902
2009.41	March 2, 2010	Historic Designation of the Douglass/Gitlis House	Sec. 2-107
2010.05	April 22, 2010	Code Text Amendment for temporary changes to Lead-In signs; Sale-Lease or Rent signs; Significant Event signs; changes to Way-Finding signs; temporary new section for Leasing Banner signs; and definition for upright sign.	Sec. 4-901 Sec. 4-902 Sec. 4-903
2010.06	May 6, 2010	Annexation of a portion of Miller Road alignment and some adjacent parcels from County to AG.	Sec. 2-107
2010.17	July 1, 2010	Code Text Amendment for changes to permit Charter Schools; a revised Drive-Through Facilities section; clarification to improved paved surfaces; unmounted truck campers in the front yard; Directional sign changes; posting for General Plans; and modified definitions for RV, Tobacco Retailer and Trailer.	Sec. 1-208 Sec. 3-102 Sec. 3-202 Sec. 3-302 Sec. 3-408 Sec. 4-502 Sec. 2-602 Sec. 4-903 Sec. 6-302 Sec. 7-119 Sec. 7-121
2010.03	March 4, 2010	City Code Amendment repealing the section pertaining to the Rio Salado Citizen Advisory Commission.	Sec. 1-304 Sec. 5-103
2011.01	January 27, 2011	Code Text Amendment for regulations pertaining to Medical Marijuana.	Sec. 3-202 Sec. 3-302 Sec. 3-426 Sec. 6-313 Sec. 7-114
2011.21	July 7, 2011	Code Text Amendment for Temporary Sign changes for Lead-in signs, Sales/Lease/Rent signs, Special Event Signs, and Leasing Banner Signs.	Sec. 4-903 Sec. 4-906
2011.20	August 18, 2011	Code Text Amendment creating a new Section for Community Gardens including a definition.	Sec. 3-102 Sec. 3-202 Sec. 3-427 Sec. 7-104
2011.27	August 18, 2011	Code Text Amendment within the Transportation Overlay District to allow Temporary Use Parking.	Sec. 5-608