City of Tempe
P. O. Box 5002
31 East Fifth Street
Tempe, AZ 85280
480.350.8331
www.tempe.gov

Tempe

Community Development
Planning Division

August 16, 2010

Re: **Zoning and Development Code amendments**

Dear Customer,

Attached are Zoning and Development Code amendments adopted through July 1, 2010. 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 Pages
Ordinance No. 2010.17, amending Section 1-208(B), pertaining to official action	p. 1-7 to 1-8
Zoning Map Amendments for City Annexation of Ordinance No. 2010.06 from County to AG along Miller Road; Editor's Correction on p. 2-19 modifying a segment from R-3 to CSS along Veterans Way; Ordinance No. 2009.41, for historic designation of the Douglass/Gitlis House at 1206 S. Ash Ave.	p. 2-13 to 2-14 p. 2-19 to 2-20 p. 2-29 to 2-30
Ordinance No. 2010.17, amending Section 3-102, 3-202 and 3-302, pertaining to charter schools; and Section 3-408, Drive-Through Facilities.	p. 3-5 to 3-6 p. 3-11 to 3-12 p. 3-15 to 3-16 p. 3-18.1 to 18.2 p. 3-27 to 3-28
Ordinance 2010.05, amending Sections 4-901 Ordinance No. 2010.17, amending Sections 4-502(L), Driveway and Private Street Construction; 4-602(B), Parking Standards Applicable in All Zoning Districts; and 4-903(F), Direction Sign.	p. 4-25 to 4-26 p. 4-29 to 4-30 p. 4-54 to 4-57 p. 4-63.1 to 4-71 p. 4-72 to 4-75
Ordinance No. 2010.17, amending Section 6-302(C), pertaining to procedures for general plan amendments.	p. 6-13 to 6-14

Ord. No. 2010.17, amending Sections 7-119, definition for Recreational Vehicle; 7-121, definition for Tobacco Retailer and Trailer;	p. 7-23 to 7-24 p. 7-29 to 7-34
Appendix D. Art in Private Development	p. D-1 to D-5
Appendix H. Fee Schedule	p. H-1 to H-3
Appendix J. Disposition Table	p. J-7 to J-8

Section 1-203 Compliance and Scope.

A. Compliance. Land and *structures* may be used or developed by construction, reconstruction, *alteration*, occupancy, use or otherwise, only as allowed in this Code. No *subdivision* plat shall be recorded or no building permit shall be issued without compliance with the provisions of this Code.

B. Obligation by Successor. The requirements of this Code apply to the owner(s) of record, *persons* undertaking the *development* or use of land, and to those *persons*' successors in interest.

C. Most Restrictive Regulations Apply. Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.

D. Variances. *Variances* shall be governed by the provisions of Section 6-309.

E. Transfer of Development Standards Prohibited. No *lot* area, *yard*, *landscape*, open space, off-street *parking* or loading area, or other feature which is required by this Code for one use shall be a required *lot* area, *yard*, *landscape*, open space, or off-street *parking* or loading area for another use, except as otherwise specifically allowed by this Code.

Section 1-204 Conformance with General Plan.

All *development*, uses, and district changes in the City of Tempe shall be in conformance with the Tempe General Plan as implemented by this Code. All provisions of this Code shall be construed in conformity with the adopted General Plan, and any amendments which may be approved by the city from time to time.

State law reference – A.R.S. 9-462.01(F), Zoning regulations; public hearing; definitions.

Section 1-205 Use of Real Property.

Land shall be used only for lawful uses. A lawful use is one that is permitted by this Code and is not prohibited by law. Part 3, Land Use, sets forth the uses permitted by this Code.

Section 1-206 Pre-Existing Approvals (Grandfathered Approval).

A. Legality of Pre-Existing Approvals. *Developments* and uses for which approvals were lawfully granted prior to the effective date of this Code, may occur pursuant to such approvals.

B. Subsequent Applications. All applications for uses, *development*, and permits received by the city after February 19, 2005, including modifications processed under Section 6-312, shall conform to the provisions of this Code.

Section 1-207 Building Permit and Certificate of Occupancy.

A. Building Permit. A building permit shall not be issued until the Community Development Department has determined that the proposal complies with all of the applicable land use and *development* standards contained in this Code, with the exception of pre-existing approvals pursuant to Section 1-206(A). Refer to Section 4-102(C), Conformance to Approved Plans Required.

For *mixed use* development in the MU-Ed zoning district, the *Public University* shall review plans for shell buildings and tenant improvements (for *Public University* and *Public University* related uses) and shall not issue a building permit until the *Public University* has determined that the proposal complies with all of the applicable land use and development standards. For tenant improvements for commercial or residential Uses in the MU-Ed zoning district, a building permit shall not be issued until the Community Development Department has determined that the proposal complies with all of the applicable land use and development standards contained in this Code.

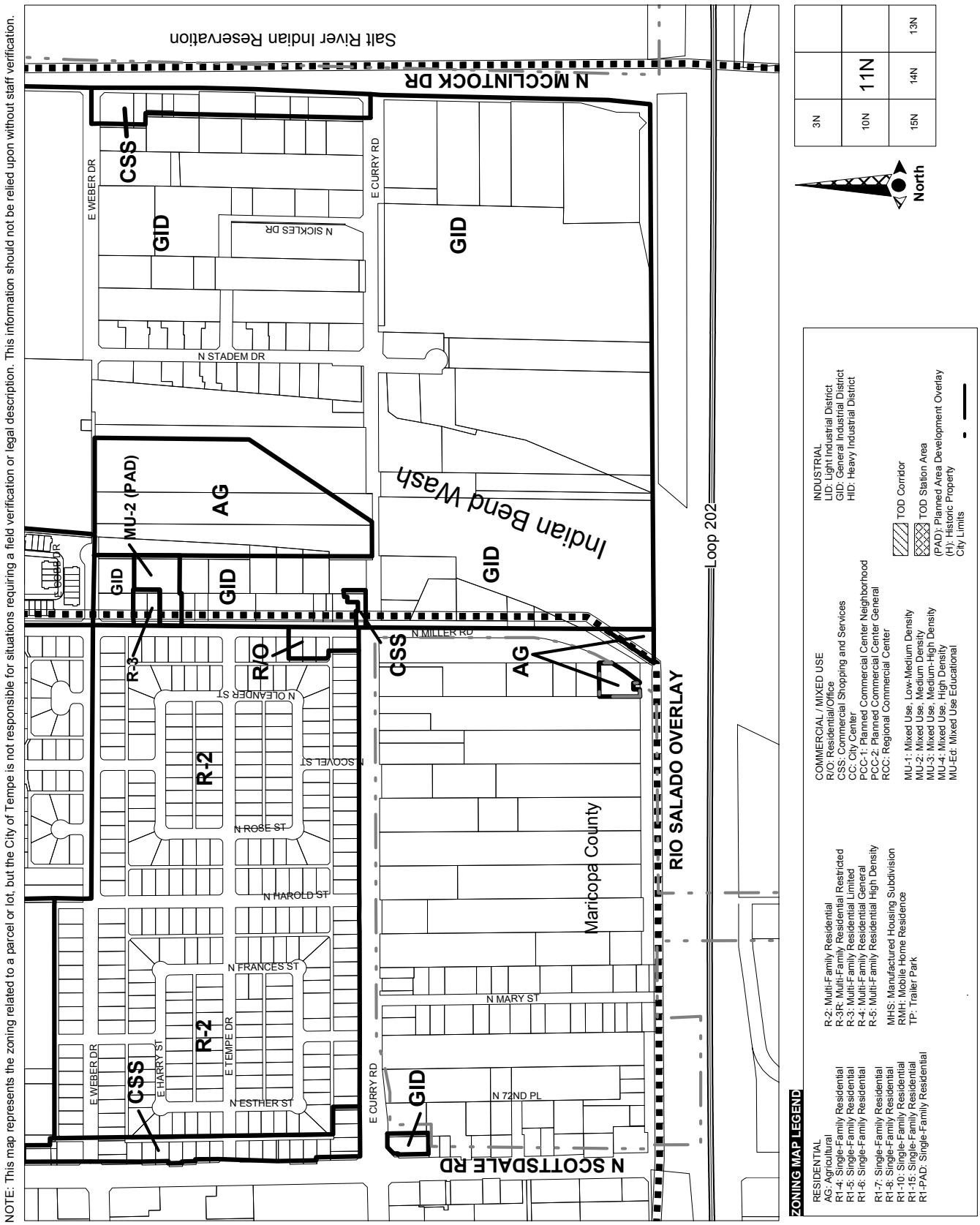
B. Certificate of Occupancy. To ensure completion of a *building* in the manner approved by the city, the *building* shall not be occupied and a use shall not begin until the Community Development Department/Building Safety has issued a final inspection or certificate of occupancy. In the case of *mixed use* development in the MU-Ed zoning district, the *Public University* shall inspect shell buildings and tenant improvements (for *Public University* and *Public University* related uses) for conformance to all of the applicable land use and development standards and shall certify that all construction has been built in accordance with the City Building Codes.

C. Prior to Final Completion. Prior to the final completion of all work, a temporary certificate of occupancy may be issued for the *structure* or a portion thereof, conditioned upon further work being completed by a date certain and guaranteed, as applicable.

Section 1-208 Official Action.

A. Official Action. All officials, departments, divisions, and employees of the city vested with authority to issue permits or grant approvals shall adhere to and require conformance with this Code.

B. Notice. The failure of any *person* to receive written notice or failure to post a notice shall not invalidate any actions pursuant to this Code, except as otherwise determined by the City Attorney.


NOTE: This map represents the zoning related to a parcel or lot, but the City of Tempe is not responsible for situations requiring a field verification or legal description. This information should not be relied upon without staff verification.
Salt River Indian Reservation
N MCCLINTOCK DR
E WEBER DR
CSS
GID
N SICKLES DR
E CURRY RD
GID
N STADEM DR
MU-2 (PAD)
AG
Indian Bend Wash
GID
GID
GID
R-3
R/O
CSS
N MILLER RD
AG
N OLEANDER ST
R-2
N SCOVEL ST
N ROSE ST
N HAROLD ST
N FRANCES ST
R-2
E TEMPE DR
E HARRY ST
E WEBER DR
CSS
N ESTHER ST
E CURRY RD
GID
N 72ND PL
N SCOTTSDALE RD
Maricopa County
RIO SALADO OVERLAY
N MARY ST
Loop 202
3N
10N
11N
15N
14N
13N
North
ZONING MAP LEGEND
RESIDENTIAL
AG: Agricultural
R1-4: Single-Family Residential
R1-5: Single-Family Residential
R1-6: Single-Family Residential
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R-3: Multi-Family Residential Limited
R-4: Multi-Family Residential General
R-5: Multi-Family Residential High Density
MHS: Manufactured Housing Subdivision
RMH: Mobile Home Residence
TP: Trailer Park
COMMERCIAL / MIXED USE
R/O: Residential/Office
CSS: Commercial Shopping and Services
CC: City Center
PCC-1: Planned Commercial Center Neighborhood
PCC-2: Planned Commercial Center General
RCC: Regional Commercial Center
MU-1: Mixed Use, Low-Medium Density
MU-2: Mixed Use, Medium Density
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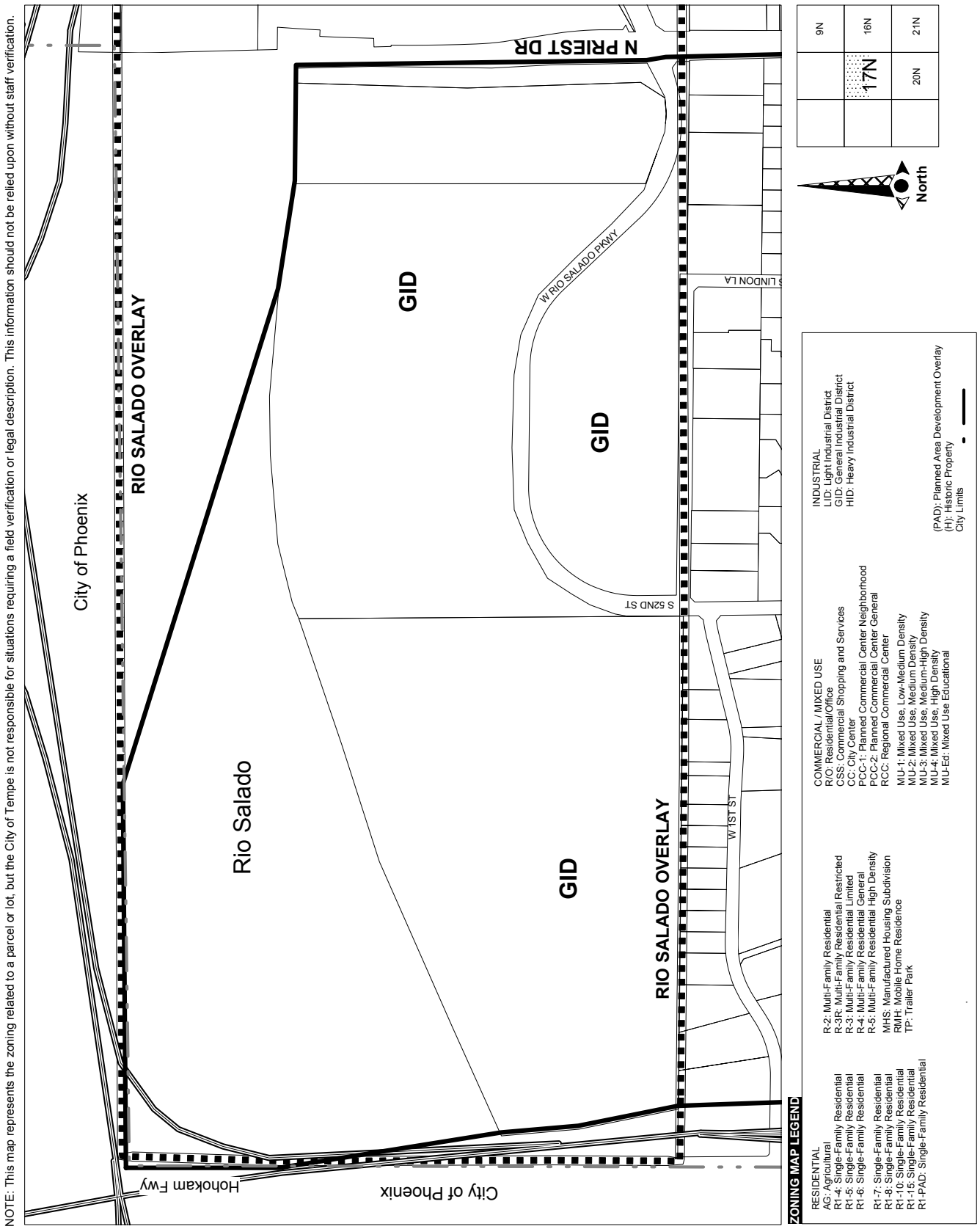
INDUSTRIAL
LID: Light Industrial District
GID: General Industrial District
HID: Heavy Industrial District
TOD Corridor
TOD Station Area
(PAD): Planned Area Development Overlay
(H): Historic Property
City Limits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City of Phoenix
RIO SALADO OVERLAY
Rio Salado
GID
GID
GID
RIO SALADO OVERLAY
N PRIEST DR
W RIO SALADO PKWY
S LINDON LA
S 52ND ST
W 1ST ST
Hohokam Fwy
City of Phoenix
9N
16N
17N
20N
21N
North
ZONING MAP LEGEND
RESIDENTIAL
AG: Agricultural
R1-4: Single-Family Residential
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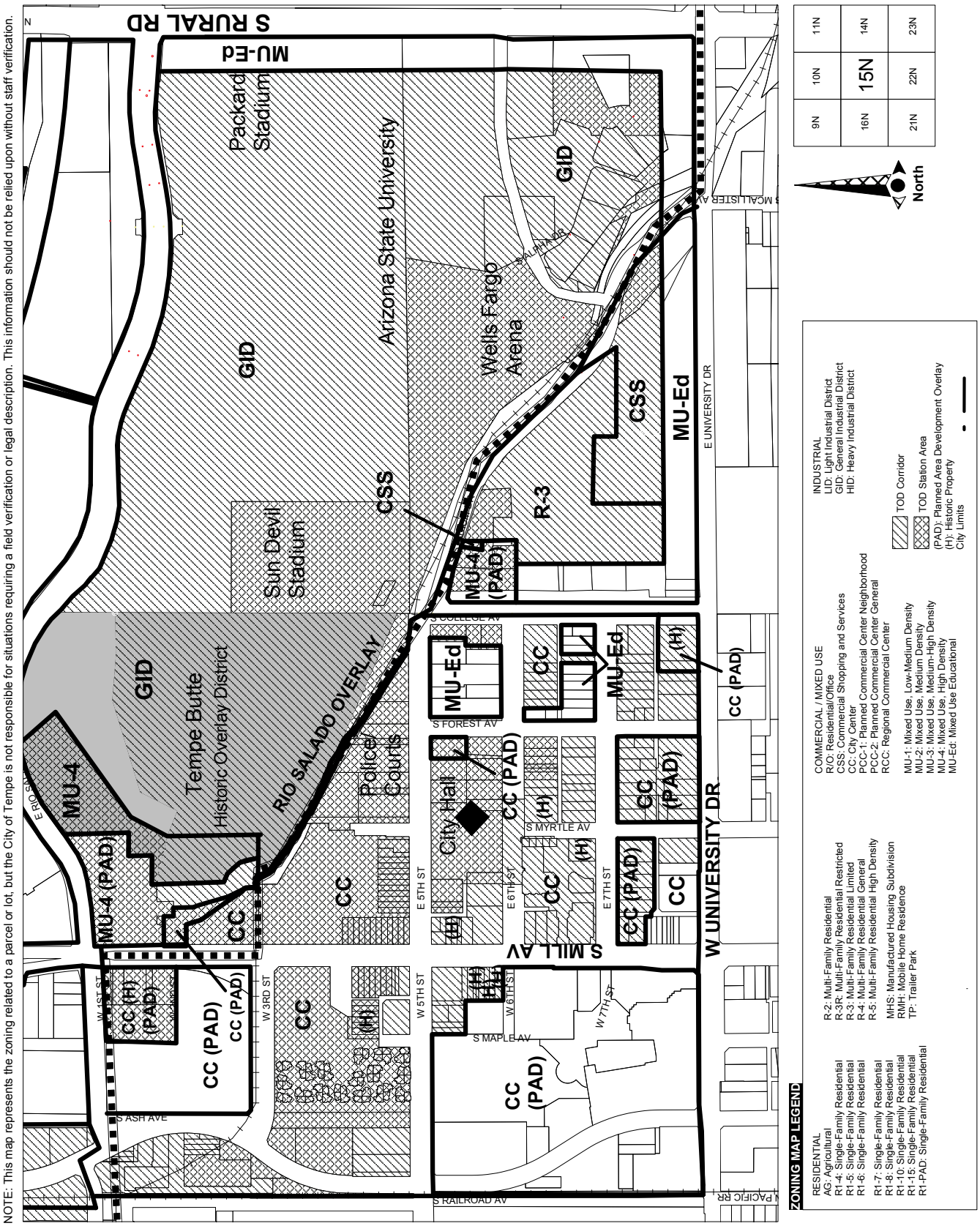
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S RURAL RD
MU-Ed
Packard Stadium
Arizona State University
GID
Wells Fargo Arena
GID
CSS
MU-Ed
E UNIVERSITY DR
R-3
CSS
Sun Devil Stadium
MU-4 (PAD)
S COLLEGE AV
GID
Tempe Butte Historic Overlay District
RIO SALADO OVERLAY
MU-Ed
CC
MU-Ed
(H)
CC (PAD)
MU-4
MU-4 (PAD)
Police Courts
City Hall
CC (PAD)
S FOREST AV
(H)
S MYRTLE AV
CC
(PAD)
CC
CC
E 5TH ST
E 6TH ST
E 7TH ST
(H)
CC (PAD)
CC
W UNIVERSITY DR
S MILL AV
CC
CC (H) (PAD)
CC (PAD)
CC (PAD)
W 3RD ST
W 5TH ST
W 6TH ST
W 7TH ST
S MAPLE AV
CC
(H)
CC (PAD)
S ASH AVE
S RAILROAD AV
S MCALLISTER AV
N PACIFIC RR
9N
10N
11N
16N
15N
14N
21N
22N
23N
North
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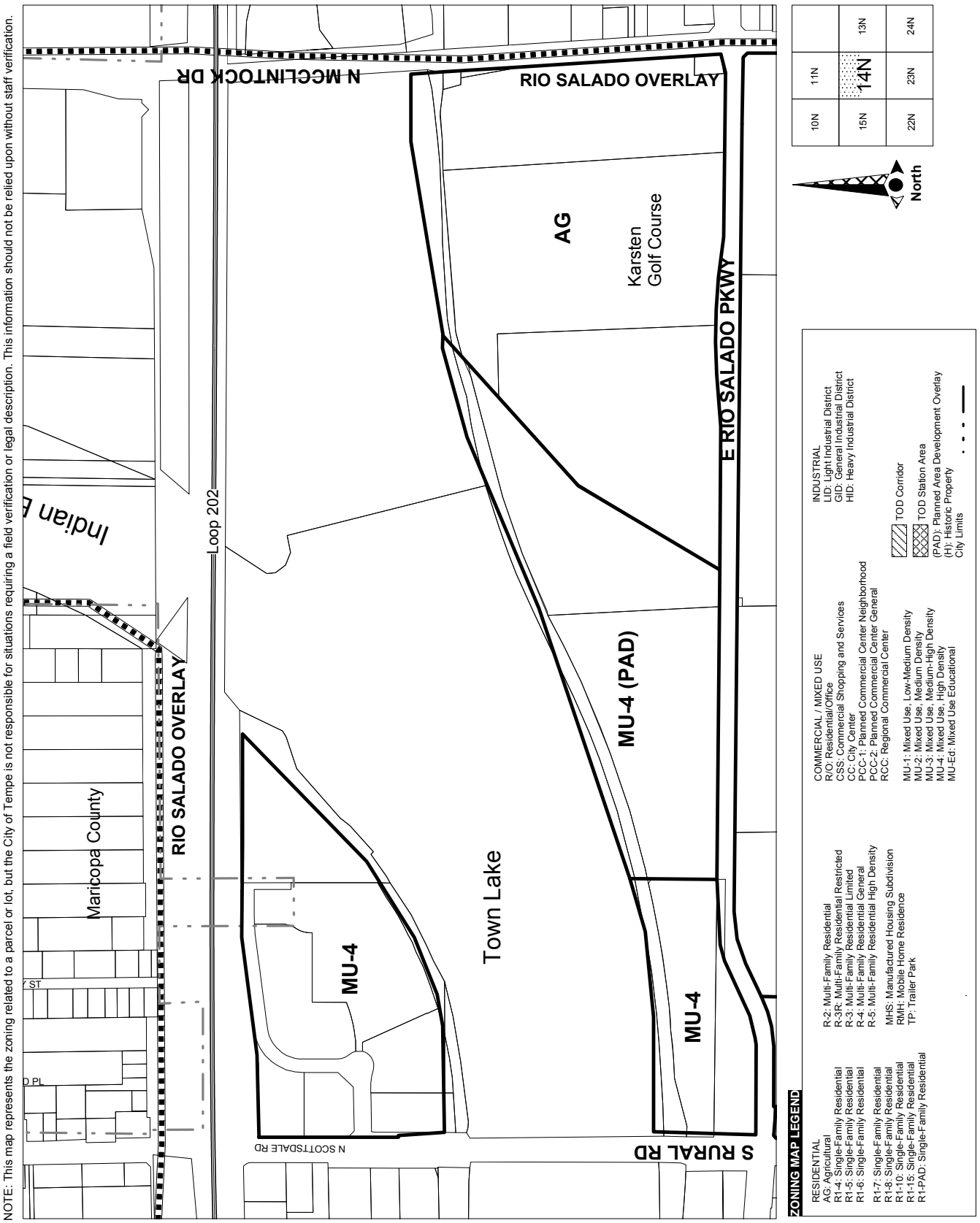
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RIO SALADO OVERLAY
AG
Karsten
Golf Course
E RIO SALADO PKWY
Indian
Loop 202
RIO SALADO OVERLAY
MU-4 (PAD)
Maricopa County
Town Lake
MU-4
MU-4
N SCOTTSDALE RD
S RURAL RD
10N
11N
14N
13N
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23N
24N
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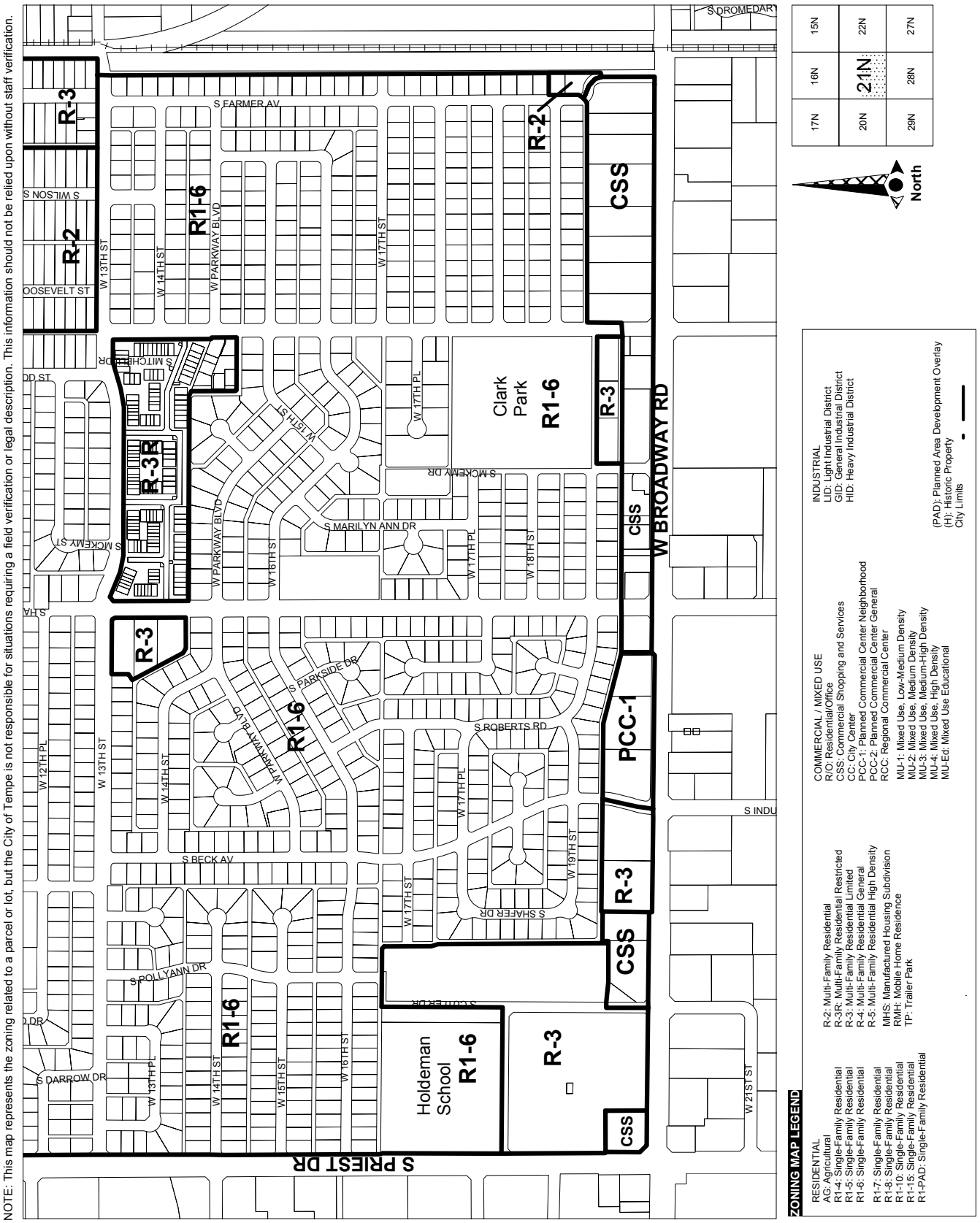
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S DROMEDARY
S FARMER AV
S WILSON ST
S ROOSEVELT ST
W 13TH ST
W 14TH ST
W PARKWAY BLVD
W 17TH ST
W 17TH PL
W 16TH ST
S MITCHELL DR
S MICKEMY ST
S MICKEMY DR
S MARILYN ANN DR
W 18TH ST
W 19TH PL
W BROADWAY RD
S PARKSIDE DR
S ROBERTS RD
S INDU
W 12TH PL
S BECK AV
S SHAFER DR
S POLLYANN DR
S COLTER DR
S DARROW DR
W 15TH ST
W 16TH ST
W 21ST ST
S PRIEST DR
Clark Park
Holdeman School
R-3
R-2
R-3R
R1-6
CSS
PCC-1
17N
16N
15N
20N
21N
22N
29N
28N
27N
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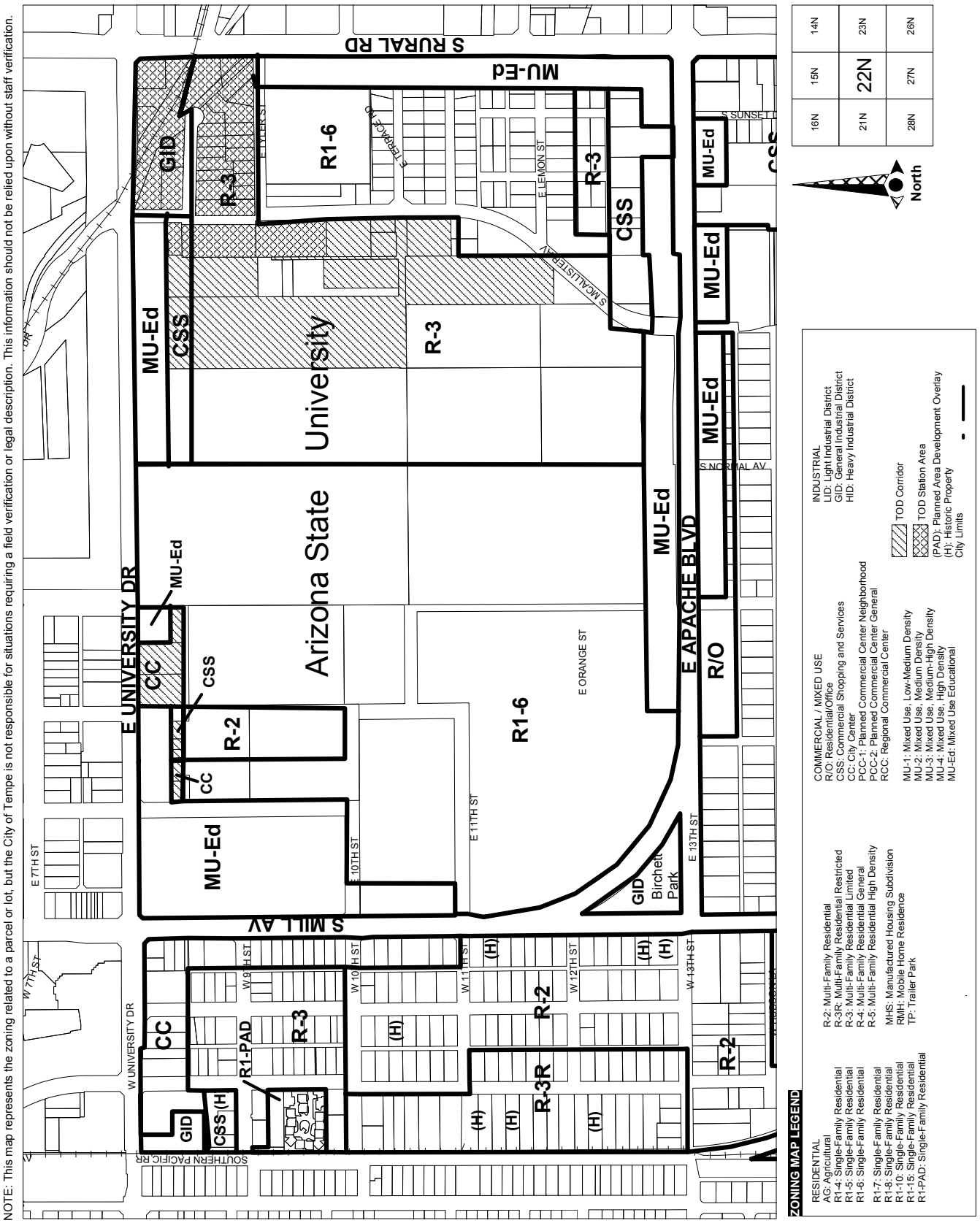
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MU-Ed
R1-6
R-3
GID
E LEMON ST
E TERRACE RD
S MCALLISTER AV
CSS
MU-Ed
S SUNSET DR
S NORMAL AV
E UNIVERSITY DR
Arizona State University
E APACHE BLVD
R/O
E ORANGE ST
E 11TH ST
E 10TH ST
E 13TH ST
E 7TH ST
S MILL AV
Birchett Park
CC
R-2
R1-PAD
R-3R
W UNIVERSITY DR
W 7TH ST
W 9TH ST
W 10TH ST
W 11TH ST
W 12TH ST
W 13TH ST
SOUTHERN PACIFIC RR
(H)
North
16N
15N
14N
21N
22N
23N
28N
27N
26N
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City Limits

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

Uses	Status of Use in District			
	AG	SFR	MF	MH/RMH/TP
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

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**
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)

Key:

P = Permitted
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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
Restaurants (a)	N	P	P	P	P	P
Entertainment as accessory use (a)	N	U	U	U	U	P
Outdoor seating [Section 3-425]	N	S	S	S	S	S
With drive-in or drive-through, [Section 3-408]	N	U(S)	N	S	S	S
With liquor license (a)	N	P	P	P	P	P
Retail Sales [See Appendix M.]	N	P	P	P	P	P
Gun shop	N	U	U	U	U	U
Convenience Store (a)	N	P	P	P	P	P
Gas/fuel sales (a)	N	U	U	U	U	U
Drive-through or drive-in [Section 3-408]	N	U(S)	S	S	S	S
Liquor store	N	U	U	U	U	U
Outdoor retailing [Section 3-417]	N	U(S)	S	U(S)	U(S)	U(S)
Tire store	N	U	U	U	U	U
Tobacco retailer [Section 3-423]	N	U(S)	U(S)	U(S)	U(S)	U(S)
Schools						
Charter	P	P	P	P	P	P
Instructional	P	P	P	P	P	P
Private	U	U	U	U	U	U
Public	P	P	P	P	P	P
Vocational	N	U	U	U	U	U
Services [See Appendix M.]	N	P	P	P	P	P
Auto title loan [Section 3-423]	N	U(S)	U(S)	U(S)	U(S)	U(S)
Barber/ beauty salon	P	P	P	P	P	P
Employment agency	U	U	U	U	U	U
Financial institution (without drive through)	P	P	P	P	P	P
Financial institution, non-chartered [Section 3-423]	N	U(S)	U(S)	U(S)	U(S)	U(S)
Massage establishment	U	U	U	U	U	U
Mortuary	N	U	U	U	U	U
Personal or business (e.g. drycleaner, small appliance repair)	N	P	P	P	P	P
Photography Studio, except adult-oriented businesses	N	P	P	P	P	P
Tattoo, body piercing establishment [Section 3-424]	N	U(S)	U(S)	U(S)	U(S)	U(S)

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
Tutoring/After school learning center	P	P	P	P	P	P
Vehicle based service (e.g. courier, delivery service, taxi and ambulance dispatch)	N	U	U	U	U	U
With drive through (e.g. dry cleaner) [Section 3-408]	N	S	S	S	S	S
Similar Uses [Section 6-301]	S	S	S	S	S	S
Vehicle						
Auto Body Repair	N	N	N	N	N	N
Car wash [Section 3-408]	N	U(S)	N	U(S)	U(S)	S
Repair	N	N	U	U	U	P
Sales/ rental (indoor or outdoor)	N	N	U	U	U	P
Service station	N	U	N	U	U	P
Warehouse Commercial	N	P	P	P	P	P
Wireless Telecommunication Facilities [Section 3-421]	U(S)	U(S)	U(S)	U(S)	U(S)	U(S)

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
Retail Sales [See Appendix M.]	P	P	P	P	P
Convenience Store (a)	P	P	P	P	U
Drive-through [Section 3-408]	N	N	U(S)	S	U(S)
Gas/fuel sales (a)	N	N	N	N	U
Gun shop	U	U	U	U	U
Liquor store	U	U	U	U	U
Outdoor retailing [Section 3-417]	U(S)	U(S)	U(S)	U(S)	S
Tire store	U	U	U	U	U
Tobacco retailer [Section 3-423]	U(S)	U(S)	U(S)	U(S)	U(S)
Schools					
Charter	P	P	P	P	P
Instructional	U	U	U	U	P
Private	U	U	U	U	P
Public	P	P	P	P	P
Vocational	U	U	U	U	P
Services [See Appendix M.]	P	P	P	P	P
Auto title loan [Section 3-423]	U(S)	U(S)	U(S)	U(S)	U(S)
Barber/Beauty Salon	P	P	P	P	U
Employment agency	U	U	U	U	U
Financial institutions (without drive through)	P	P	P	P	P
Financial institutions, non-chartered [Section 3-423]	U(S)	U(S)	U(S)	U(S)	U(S)
Massage establishment	U	U	U	U	U
Mortuary	U	U	U	U	U
Personal or business (e.g. drycleaner, small appliance repair)	P	P	P	P	P
Photography Studio, except adult-oriented businesses	P	P	P	P	P
Vehicle base service (courier, delivery service, taxi and ambulance dispatch)	N	N	N	N	U
Tattoo, body piercing establishment [Section 3-424]	N	N	U(S)	U(S)	N
Tutoring/After school learning center	P	P	P	P	P
With drive through (e.g. dry cleaner) [Section 3-408]	N	S	S	S	U(S)
Similar Uses [Section 6-301]	S	S	S	S	S
Wireless Telecommunication Facilities [Section 3-421]	U(S)	U(S)	U(S)	U(S)	U(S)

CHAPTER 3 – PERMITTED USES IN OFFICE/INDUSTRIAL DISTRICTS

Section 3-301 Purpose and Applicability.

A. Purpose. The *office*/industrial districts are designed to provide for *office*/industrial business involved in research, warehousing, *wholesaling*, and manufacturing. The facilities range from administrative and research institutions to assembly and production. The *office*/industrial districts allow a range of industrial uses, as expressed below.

B. Applicability. Industrial uses are accommodated in three districts:

1. Light Industrial District (LID) (previously designated as IBD district). Administrative and research industries, *offices*, and limited manufacturing to provide opportunities for employment and for protection to neighborhood residential areas;

2. General Industrial District (GID) (previously designated as I-1 and 1-2 districts). *Office* uses, warehousing, *wholesaling*, assembling and manufacturing of *building* materials, machinery and other commodities to provide employment centers and production; and

3. Heavy Industrial District (HID) (previously designated as I-3 district). Intensive manufacturing, fabricating, and storage to provide for concentrated industrial uses.

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. Zoning Administrator opinions may also apply. See Appendix H.

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

Table 3-302A Permitted Land Uses (LID, GID, HID)

Uses	Districts		
	LID	GID	HID
Recycling centers			
Large	N	U	P
Small	P	P	P
Residence – of a caretaker or operator employed on the premises; such residence may include the family of the caretaker	P	P	P
Mobile Home or Trailer	U	U	U
Single- or Multi-Family Dwelling	N	N	N
Retail uses – directly related to the primary industrial use, not to exceed 15% of the total building area's primary industrial use.	P	P	P
Retail and Restaurant Uses – and all other uses under Table 3-202A, "Permitted Land Uses", unless otherwise specified in this table (except outdoor display)	U	U	U
Rock Crushing, Sand Blasting Yard	N	N	P
Schools			
Charter	P	P	P
Instructional	N	U	U
Private	N	U	U
Public	P	P	P
Vocational	N	U	U
Similar Uses [Section 6-301]	S	S	S
Stadium, Arena	N	U	P

Key:

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

LID = Light Industrial District (previously IBD district)
GID = General Industrial District (previously I-1 and I-2 districts)
HID = Heavy Industrial District (previously I-3 district)

Table 3-302A Permitted Land Uses (LID, GID, HID)

Uses	Districts		
	LID	GID	HID
Vehicle			
Auto Body Repair	N	P	P
Auto Salvage, parts, supplies or wrecking	N	N	P
Car Wash	N	U	U
Repair	N	P	P
Sales/Rental (indoor or outdoor)	N	U	U
Service Station	N	U	U
Towed Vehicle Storage	N	P	P
Warehouse, including distribution centers	N	P	P
Wholesaling, Repairing, Storage, and Rental Activities – in conjunction with a permitted use	N	P	P
Wireless Telecommunication Facilities [Section 3-421]	U(S)	U(S)	U(S)
Wood Products, Manufacturing	N	U	P

Key:

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

LID = Light Industrial District (previously IBD district)
GID = General Industrial District (previously I-1 and I-2 districts)
HID = Heavy Industrial District (previously I-3 district)

Section 3-408 Drive-Through Facilities.

Drive-through facilities shall be designed to minimize conflicts with the pedestrian pathway from the public street and to all building entrances. Minimum width of drive-through lanes at straight-away is nine (9) feet. *Drive-through* pick-up windows located on the south or west building elevation shall provide shade by means of a building canopy or additional trees alongside the drive lane. When new *drive-through facilities* are oriented towards the street the following standards shall be provided:

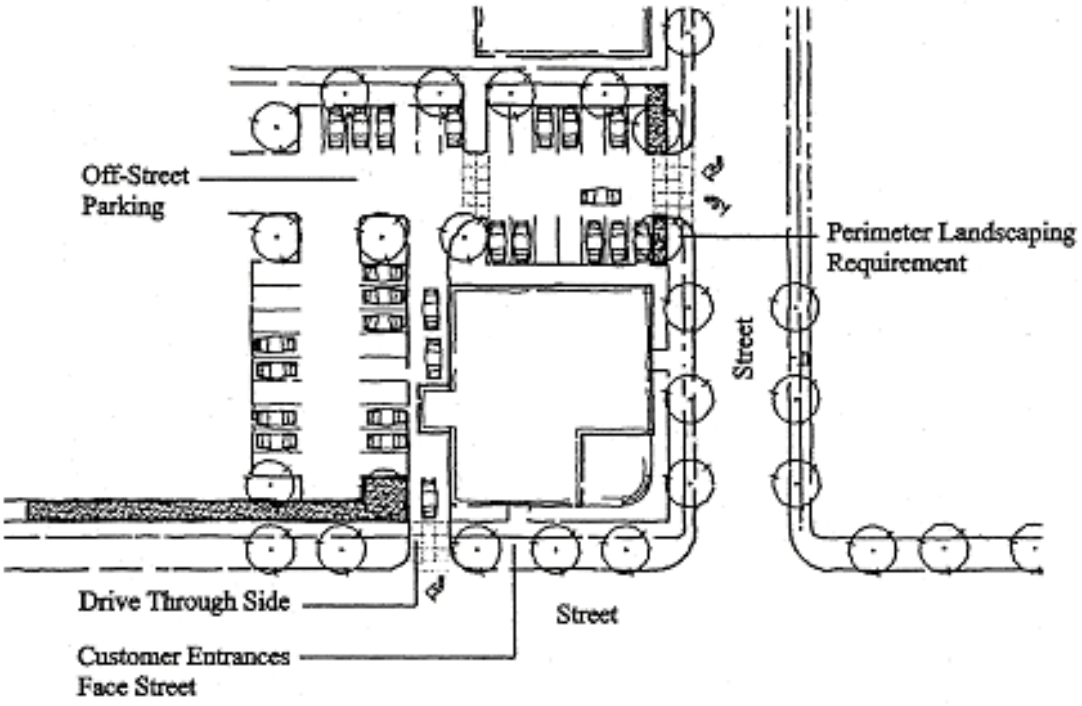
A. All maneuvering drive lanes shall provide for a minimum twenty (20) feet of *landscape* buffer from the street sidewalk;

B. A screen wall, three (3) feet in height, shall be located along the drive-through lane where building facades face the street and at the menu board, in compliance with Section 4-706(E);

C. A delineated pedestrian *pathway* with a traffic calming device shall be provided where drive lane intersects the *pathway*, in compliance with Section 4-503; and

D. Screen walls shall be separated a minimum of six (6) feet from *pathway* crossing to allow visibility of pedestrians and vehicles.

Figure 3-408 Drive-Through Facilities Diagram



Section 3-409 Group Homes for Adult Care, Persons with Disabilities, and Child Shelter.

Group homes for adult care, *persons with disabilities*, and *child shelters* shall comply with the following provisions:

A. Distribution of Uses. No such home or shelter is located on a *lot* within one thousand two hundred (1,200) feet, measured by a straight line in any direction, from the *lot line* of another group home;

B. Occupancy. The number of residents is limited by applicable state laws, including any minimum square footage requirement per person, but in no event shall the number of residents exceed ten (10);

C. License. Such home is licensed by, or certified by, or approved by, or registered with, funded by or through, or under contract or subcontract with, the State of Arizona. See Arizona Revised Statutes, Division 36; and

D. Administrative Review Required. Such home must be reviewed and approved by the Community Development Director, or designee, for building code and land use compliance prior to the use commencing.

Section 3-410 Room Addition.

A room, sleeping room or *boarding room* in a single-family residence shall provide occupancy for not more than two (2) persons. Access to such room shall be provided internally through the main residence of which such room is an integral part; this excludes doors opening to patios or balconies that are part of the main residence.

Section 3-411 Guest Quarters.

A. Applicability. *Guest quarters* are permitted in single-family residential districts having a minimum lot size of 15,000 square feet, subject to the following standards:

1. Only one *guest quarters* is permitted on a single lot;

2. The *gross floor area* shall be no greater than fifty (50) percent of the *main building's gross floor area* at or above *grade*;

3. An *attached building* shall comply with the development standards set forth in Table 4-202A;

4. *Guest quarters* detached from the *main building* shall comply with the *accessory building* standards set forth in Section 3-401;

5. There shall be no separate metering for utility services and no separate mailing address; and

H. Access Spacing. Driveway access shall be separated from other driveways and *street intersections* in accordance with the following standards and procedures. Any modifications of these standards shall be determined by the Public Works Director:

1. Local *Streets*. Driveways on local *streets* shall be separated from *alleys* by a minimum of twenty (20) feet, as measured from the edges of driveway apron/*alley*. Driveways shall be separated from adjacent local *street intersections* by a minimum of twenty (20) feet from the point of *intersection* based on *property lines*.

2. Arterial and Collector *Streets*. Access spacing on collector and arterial *streets* shall be based on the policies in the Comprehensive Transportation Plan. Driveway curb cuts shall not be located within one hundred (100) feet of the point of *intersection* of *property lines* at arterial or arterial/collector *street intersections*.

3. Access Management. Access management controls, such as shared access, and/or access separation greater than that specified by subsections 1 & 2 above, may be required by the city for the purpose of protecting the function, safety and operation of the *street*. Where no other reasonable access alternative exists, the city may allow construction of an access connection along the *property line* farthest from an *intersection*. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

General Plan Reference -- See Comprehensive Transportation Plan provisions.

I. Vertical Clearances. Driveways, *private streets*, aisles and turn-around areas, when required for fire and refuse access, shall have a minimum vertical clearance of thirteen (13) feet six (6) inches for their entire length and width.

J. Vision Clearance. Driveways, *private streets*, aisles, turn-around areas, *parking structure* entrances, and ramps shall conform to the clear vision requirements in Section 4-702(G).

K. Driveways. Driveways shall be the minimum width necessary to provide the required number of vehicle travel lanes and to promote traffic calming in pedestrian areas. The specific driveway design standards are provided in the City of Tempe Public Works Department Standard Details and Transportation Guidelines, contained in the Comprehensive Transportation Plan.

L. Driveway and Private Street Construction. The following *development* and *maintenance* standards shall apply to all driveways and *private streets*:

1. Surface. Driveways, *parking* areas, aisles, and turn-arounds are allowed only on improved paved surfaces. Pavement may be concrete, asphalt, brick, concrete pavers, or alternatively a stabilized, dust-proof, porous material (e.g. decomposed granite) approved by the Community Development Director, or designee. Where decomposed granite or similar porous pavement is used, it shall conform with the Americans with Disabilities Act Design Guidelines and provide a twenty (20) foot on-site driveway entrance consisting of unit pavers or another hard surface.

2. Storm Drainage Management. All *development* and redevelopment projects shall convey storm drainage from driveways in conformance with an approved storm drainage retention plan.

M. Mobile Home Park, Mobile Home Subdivision, and Trailer Park Access. Mobile home parks, *mobile home subdivisions*, and *trailer parks* shall conform to the access requirements in Section 3-416(A).

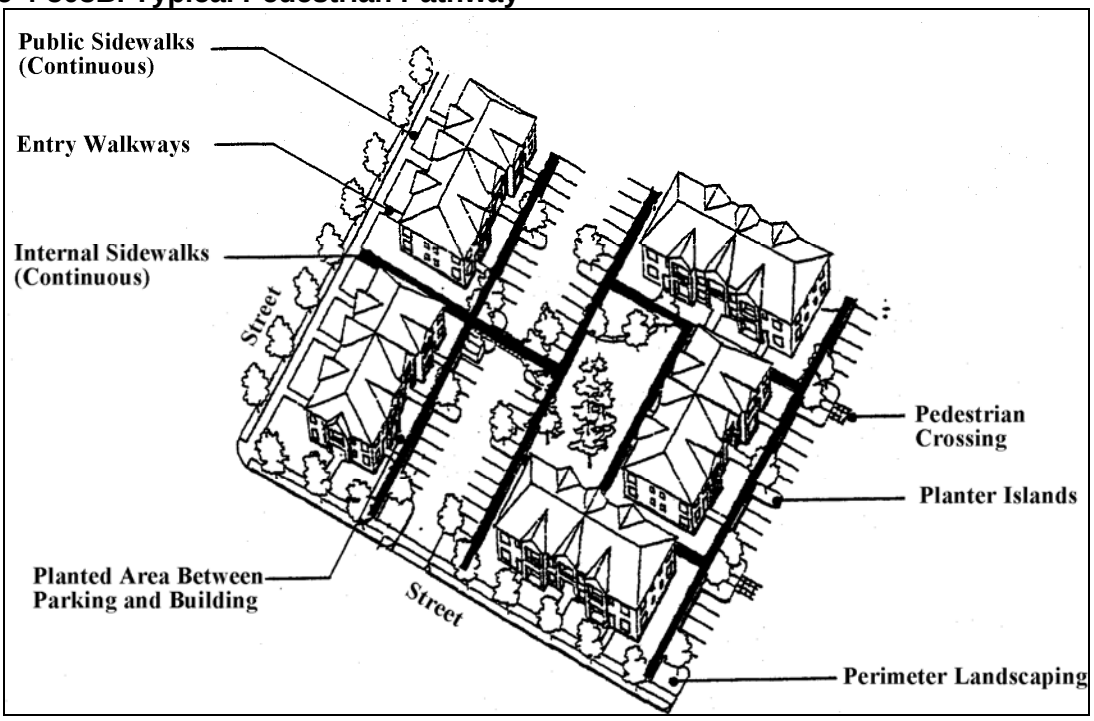
Section 4-503 Pedestrian and Bicycle Access and Circulation Standards.

A. Purpose. The purpose of this section is to implement the Comprehensive Transportation Plan, provide transportation options and ensure that new pedestrian and bicycle facilities are designed to be attractive, safe and convenient to use, as well as ADA *accessible* and supportive of transit use.

B. Pedestrian and Bicycle Accessibility. All projects that are subject to the provisions of this Code shall provide for pedestrian and bicycle *accessibility*. *Accessibility* shall be from a direct, convenient and attractive pathway system that conforms to the following standards:

1. Continuous Pathways. A pathway system shall extend through the *development* site and connect the *street* sidewalk to all primary *building* entrances, as generally shown in Figure 4-503B. The Community Development Director, or designee, may require the developer to connect or stub a pathway(s) to adjacent *streets*, private property, adjacent trails, plazas, future phases of *development*, and open space areas (when a reciprocal access easement is available or can reasonably be provided).

Figure 4-503B. Typical Pedestrian Pathway



CHAPTER 6 – PARKING

Section 4-601 Purpose and Applicability.

A. Purpose. The purpose of Chapter 6 is to provide standards for vehicle and bicycle *parking* facilities. This chapter recognizes that each *development* has unique *parking* needs and provides a flexible approach for determining *parking* space requirements.

B. Applicability. Conformance to the standards in Chapter 6 shall be required for all uses and *developments*, except as noted herein, except in the MU-Ed District parking standards shall be established through the Joint Review Committee. Construction or modification of any *parking* area, except single-family residential *parking* areas, shall comply with plans that have been approved by the city. Single-family *parking* areas shall conform to Section 4-602(B) and (C).

Section 4-602 General Parking Standards.

A. Parking Required. No use shall provide less than the minimum or more than the maximum number of off-*street parking* spaces required under Section 4-603. The use of any property is conditional upon the unqualified continuance and availability of the *parking* as required by this Code. In phased projects, individual phases of the project are exempt from the maximum *parking* standards, provided that the project does not exceed the maximum allowable *parking* at build-out.

B. Parking Standards Applicable in All Zoning Districts.

1. *Parking* spaces shall conform to the clear vision requirements in Section 4-702(G) and the vehicle and pedestrian circulation standards in Sections 4-502 and 4-503 respectively;

2. *Parking* is allowed only on improved paved surfaces. Pavement may be concrete, asphalt, brick or concrete pavers, or alternatively a stabilized, dust-proof, porous material (e.g. decomposed granite) approved by the Community Development Director, or designee. Where decomposed granite or similar porous pavement is used, it shall conform with the Americans with Disabilities Act Design Guidelines;

3. A *parking* area shall be located on the *lot* it serves, or on a *contiguous lot*. Whenever required *parking* is provided on a *contiguous lot* a parking covenant and agreement shall be filed with the Community Development Department prior to issuance of a building permit;

4. *Parking* for uses located on property zoned as multi-family residential, commercial, *mixed-use* or *office*/industrial may not be provided on any property in a single-family (R1) district. *Parking* for any non-residential use permitted in the single-family zoning districts may be located in any other zoning district;

5. A curb or bumper guard at least six (6) inches in height shall be installed so that no part of any vehicle extends into any *landscape setbacks* or *landscape* areas required by this Code or beyond any *property line*. *Parking* may overhang non-required landscape by two (2) feet in which case the length of *parking* stall shall be reduced by two (2) feet;

6. A curb or bumper guard at least six (6) inches in height shall be installed so that no part of any vehicle extends into a pathway or beyond any *property line*. *Parking* may overhang pathways by two (2) feet when pathway is a minimum six (6) feet in width. No vehicle may overhang any bikeway facility or public sidewalk;

7. *Recreational vehicles* and unmounted truck campers, exceeding twenty-one (21) feet in length and all boats and *trailers* shall not be parked in the required front *yard building setback* or required *street* side *yard setback*, except for periods of up to forty-eight (48) hours within seven (7) consecutive days for the purpose of loading, unloading and cleaning. Such vehicles parked or stored in the defined setbacks shall be subject to a *use permit*; and

8. All *parking* spaces shall be adequately marked, and the paved area shall be properly drained and kept free from dust or loose particles at all times.

C. Parking Standards Applicable in Single-Family Uses and Development. In addition to the requirements of Section 4-602(B) above, the following standards shall apply to all *single-family dwellings* and in the agricultural (AG) zoning district:

1. Tandem *parking* is permitted;

2. *Parking* requirements for projects in the R1-PAD district shall be established with the PAD Overlay approval; and

3. Required *parking* spaces may be located in the required front *yard building setback* or *street* side *yard setback,* subject to a *use permit*.

D. Parking Standards Applicable in Zoning Districts Other Than Single-Family. In addition to the requirements of Section 4-602(B) above, those uses allowed in all other zoning districts shall comply with the following regulations:

1. Tandem *parking* may be allowed, subject to an approved *use permit* ;

2. Paved areas that are in a fire lane, driveway, drive-through lane or service bay and that are needed for circulation in front of loading ramps or bay doors shall not be used for *parking* or outdoor display at any time. *Parking* stalls that would *block* a *building* entrance are prohibited;

CHAPTER 9 – SIGNS

Section 4-901 Purpose and Applicability.

A. Purpose. The *sign* regulations are designed to encourage the creation of an attractive appearance throughout the city, while eliminating *signs* that may contribute to visual clutter. The regulations for *signs* have the following specific objectives:

1. To reflect and support the desired character and *development* patterns of the various zoning districts;

2. To allow for adequate and effective *signs* in all zoning districts while preventing *signs* from dominating the appearance of the area;

3. To distinguish between *signs* that require visibility from automobiles and those that are oriented to pedestrians;

4. To require design, construction, installation, and proper *maintenance* so that the public safety and traffic safety are not compromised;

5. To provide standards for location, size, construction, type, and number of *signs*; and

6. To provide reasonable limits on the magnitude and extent of graphic communication presented to the public.

B. Applicability. The regulations in Chapter 9 are applicable to all *signs* in the city, except as noted in Section 4-902(D) and in the RCC district and all MU districts, except where otherwise noted herein. Standards for business *signs* in the RCC district and all MU districts shall be established through *sign* criteria approved through a *Development Plan Review*, pursuant to Section 6-306.

C. Non-Commercial Speech. *Signs* authorized in this chapter are allowed to contain non-commercial copy in lieu of any other copy.

Section 4-902 General Sign Standards.

A. Definitions. For definitions related to *signs*, refer to Section 7-120, “S” Definitions.

B. Prohibited Signs. Prohibited *signs* include:

1. Non-public *signs* in public right-of-way or on public property;

2. *Signs* mounted on a *building roof*;

3. *Signs* that are mounted, attached, or painted on *trailers*, boats or vehicles when used as additional signage on or near the business premises; and similar *signs*. Business vehicles displaying signage or advertising shall be parked in an assigned *parking* space which is not immediately adjacent to a *street* frontage;

4. *Signs* having intermittent or flashing illumination, animated or moving parts, or that emit sound except as allowed under Section 4-903(N) (Menu Board) and Section 4-903(U) (Marquee Sign);

5. Freestanding changeable copy *signs*, except as allowed under Section 4-903(N) (Menu Board), Section 4-903(Q) (Service Station Sign), and Section 4-903(U) (Marquee Sign);

6. Banners, pennants, wind-driven spinners, streamers, balloons, flags, search lights, strobe lights, holographic projections, laser light displays, beacons, inflatable *signs*, except as otherwise provided in Section 4-903(R) (Special Events Sign), Section 4-903(C) (Boutique Directional Sign) and approved *banner signs* installed pursuant to the city's banner program;

7. *Signs* imitating official traffic control *signs*, or any *sign* or device obscuring such *signs* or devices;

8. *Signs* mounted on, or applied to trees, utility poles, rocks, or city owned property;

9. *Signs* placed on private property without the property owner's written approval;

10. *Off-premise/off-site signs* and *portable signs*, except as permitted in Sections 4-903(C) (Boutique Directional Sign), Section 4-903(J) (Freeway Sign), Section 4-903(M) (Lead-In Sign), Section 4-903(O) (Political Sign), or Section 4-903(S) (Subdivision/Apartment Community Advertising Sign); and

11. Business identification/*advertising signs* in single-family zoning districts.

C. Unauthorized Signs. An *unauthorized sign* is one that is illegally displayed in the city right-of-way, on city property, on private property without the property owner's consent, or is not in compliance with the regulations of Chapter 9, Signs within this Code. City staff may remove such *signs. Unauthorized signs* removed by the city shall be disposed of after the Department provides notice to the establishment identified on the sign. A notice shall be sent within thirty (30) days of removal notifying the establishment to claim the unauthorized sign at a location specified on the notice no later than thirty (30) days after the date appearing on the notice. If unclaimed after the time period, the Department will dispose of the unauthorized sign in an appropriate manner. If an establishment is not identified, the sign will be disposed of no sooner than thirty (30) days after removal, subject to prior written claim and proof of ownership delivered to the Community Development Department.

D. Exempt Signs. The following *signs* are exempt from this Code:

1. Traffic or other governmental *street signs*, such as railroad crossing *signs* and notices, as may be authorized by the city and do not require permits; and

2. *Signs* of public utility companies indicating danger or that serve as an aid to public safety, or that show the location of underground facilities or public telephones and do not require permits.

E. Ceased Non-Conforming Signs. The owner, agent, tenant or person having beneficial interest in the business, property or premises on which such *sign* is located shall remove ceased non-conforming *signs*, including freestanding support *structures*, within one (1) year upon cessation of such business or sale of such product, as long as the one (1) year period of non-use is attributable at least in part to the previously designated persons or entities.

F. Sign Height Measurement. *Sign* height measurements are as follows:

"*Freestanding Sign*": Height is the distance from the top of the *sign structure* to the top of the adjacent street curb. The height of any monument base or other *structure* erected to support or ornament the *sign* shall be measured as part of the *sign* height.

G. Sign Area Measurement. *Sign* area measurements are as follows:

1. *Sign* area includes the areas of all the following *signs* on site that pertain to any one business:

   a. *Awning Sign*;

   b. *Building Mounted Sign*;

   c. Freeway Sign;

   d. *Service Station Sign*, excluding *freestanding sign*; and

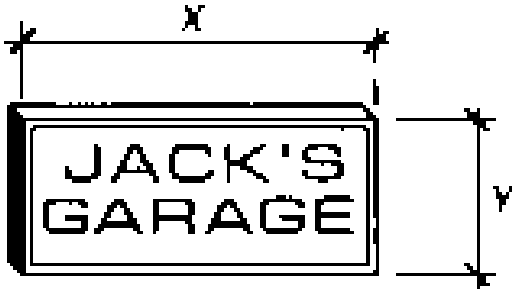
   e. Marquee Sign.

2. The maximum total area for the above *signs* on the premises for any one (1) business may be equal to forty (40) square feet plus one (1) square foot of *sign* area for every lineal foot of *business frontage* beyond forty (40) lineal feet, as measured by the *business frontage*. Businesses with freeway frontage may have additional *sign* area, see Section 4-903(J) (Freeway Sign).

3. Internal businesses and brands contained within a host business are allowed exterior signage. *Sign* area utilized by the internal business/brand shall be deducted from the *sign* area allowed for the host business sign area.

4. One sign face: Area of the single face only;

   a. *Sign* copy mounted or painted on a background panel or area distinctively painted, textured, illuminated, or constructed as a background for the *sign* copy, shall be measured as the area contained within the *geometric shape* of the background panel or surface; and



b. *Sign* copy mounted as individual letters or graphics against a wall or fascia of a *building* or other *structure* that has not been painted, textured or otherwise altered to provide a distinctive background for the *sign* copy, shall be measured as the area enclosed by the smallest *geometric shape* that will enclose all *sign* copy.

5. Multiple *sign* faces:

   a. Two (2) faces: If the interior angle between the two (2) faces is forty-five (45) degrees or less, the area will be the area of one face only; if the angle between the two (2) *sign* faces is greater than forty-five (45) degrees, the *sign* area will be the sum of the areas of the two (2) faces;

   b. Three (3) or more sides: *Sign* area will be calculated as fifty percent (50%) of the sum of all faces; and

   c. *Sign* area for a *sign* with more than one component (e.g., a service station identification/price *sign* combination on a monument base, mounted on the same surface) will be measured as the area of the smallest *geometric shape* that encompasses the components of the *sign*.

6. Free form, spherical, sculptural and other non-planar signs:

   a. *Sign* area is calculated as fifty percent (50%) of the sum of the area of the four (4) vertical sides of the smallest cube that will encompass the *sign*.

E. Construction Sign. *Construction sign* requirements are as follows:

1. Shall be allowed on the development site beginning at the time of the issuance of building permit until the issuance of a final certificate of occupancy;

2. Shall be applied to the construction fencing at the perimeter of the development site or on a tower crane;

3. Construction fencing signs shall not exceed eight (8) feet in height;

4. Up to a maximum of two-hundred forty (240) square feet of business signage and advertising copy, that is related to the project under construction, shall be allowed per street frontage or public open space frontage;

5. Additional sign area may include images, graphics, illustrations, or photos, that must relate to the project under construction at the development site;

6. Shall require a permit to occupy or encroach into public property / easements;

7. Shall not be illuminated;

8. Shall be maintained in a neat and orderly manner; and

9. A *sign* permit is required.

F. Directional Sign. *Directional sign* requirements are as follows:

1. May be a maximum of three (3) feet in height and two (2) square feet in area;

2. Shall not contain identification or *advertising copy*; and

3. No *sign* permit is required unless such *sign* is illuminated.

G. Directory Sign. *Directory sign* requirements are as follows:

1. Properties occupied by three (3) or more *buildings* shall have an internally illuminated directory that shows the *street* address, layout of the complex, the location of the viewer and the unit designations within the complex. Directories shall be sufficient in number and placed in locations to insure that law enforcement and emergency personnel can easily locate a particular address or individual unit;

2. Shall not exceed six (6) feet in height or twenty-four (24) square feet in area;

3. Shall not include any *advertising copy*; and

4. A *sign* permit is required.

H. Flags. Flag requirements are as follows:

1. Flag poles shall not exceed thirty-five (35) feet in height. The height shall be measured from finish grade adjacent to the base of the pole or finish floor for building mounted poles. A maximum of three (3) flagpoles are allowed on a site;

2. No more than one (1) United States, one (1) State of Arizona, one (1) foreign national flag or one (1) corporate flag shall be flown on any one site or structure;

3. Any flag flown in conjunction with the United States or State of Arizona flag shall be flown beneath them and shall not exceed them in size;

4. Flag illumination (refer to lighting Section 4-805(A)(2)); and

5. A *sign* permit is not required.

I. Freestanding Identification Sign. Freestanding *identification sign* requirements are as follows:

1. Single use *buildings* and all complexes and centers on a single *lot* are allowed one (1) *freestanding sign* per *street* frontage, or one (1) *freestanding sign* for every three hundred (300) feet of *street* frontage, whichever is greater;

2. *Sign* Area and Height.

   a. Single use *buildings*, and complexes and centers on a single *lot* less than five (5) acres in *net site area*, the maximum height of the *sign*, including any supporting *structures* shall be eight (8) feet, maximum area shall be twenty-four (24) square feet and the *sign* may identify a maximum of four (4) tenants per *sign* face; and

   b. All complexes and centers on a single *lot*, five (5) acres in *net site area* or greater, the maximum height of the *sign*, including any supporting *structures* shall be ten (10) feet, maximum area shall be forty (40) square feet and the *sign* may identify a maximum of six (6) tenants per *sign* face.

3. May identify a center or *building*;

4. Shall have monument-type bases of masonry construction or other architectural grade material approved through a Development Plan Review;

5. Address numerals shall be included on all *freestanding sign structures*, except *subdivision identification signs*. The numerals shall be at least six (6) inches in height; and

6. A *sign* permit is required.

J. Freeway Sign. Freeway *sign* requirements are as follows:

1. Freestanding *On-Premise* Freeway *Sign*.

   a. Any *lot* with more than one thousand (1,000) feet of lineal frontage adjacent to a freeway right-of-way (I-10, US 60, Loop 202, Loop 101 and SR 143), may have such *signs*;

   b. One (1) *freestanding sign* per freeway frontage;

   c. Maximum height, including any supporting *structures*, shall be thirty-five (35) feet, and maximum *sign* area shall be one hundred twenty (120) square feet;

   d. *Sign* must be located within three hundred (300) feet of freeway right-of-way;

   e. May identify a center or *building*, and a maximum of four (4) tenants; and

   f. A *sign* permit is required.

2. Freestanding *Off-Premise* Freeway *Sign*.

   a. A *lot* with more than five hundred (500) feet of lineal frontage adjacent to a freeway right-of-way (I-10, US 60, LOOP 202, LOOP 101 AND SR 143), may have such *sign*;

   b. One (1) *freestanding off-premise sign* per *lot*;

   c. *Sign* shall not be located within one thousand three hundred twenty (1,320) feet measured by a straight line in any direction, from the *lot* line of any residential district that is on the same side of the freeway as the freeway right-of-way on which the sign is to be located; and the sign shall not be located on any city owned land;

   d. *Sign* shall not be located within one thousand (1,000) feet, measured from the sign's Centerpoint base, of any other *freestanding on-premise* or *off-premise* freeway *sign*;

   e. *Sign* must be located within three hundred (300) feet of freeway right-of-way;

f. *Sign* shall be authorized through a development agreement that may be entered into at the discretion of the City Council. In addition to any other conditions imposed by the City Council, each development agreement shall describe criteria which includes but is not limited to the allowable *sign* height and size of the *sign* to be installed; and shall also provide for the removal of legally non-conforming *freestanding off-premise signs(s)* within the City of Tempe; or the removal of no more than three (3) other legally non-conforming or legally conforming *signs(s)* or surrender of *sign* entitlements within the City of Tempe totaling no less than six hundred seventy-two (672) square feet of display area when combined for the purposes of installing one *freestanding off-premise* freeway *sign* within the City of Tempe; and

g. A *sign* permit is required.

3. Building Mounted.

a. Any *building*, except residential, located within three hundred (300) feet of a freeway right-of-way (I-10, US 60, Loop 202, Loop 101 and SR 143), may have such *signs*;

b. The maximum total area for *building mounted* freeway *signs* on the premises may be equal to two (2) square feet of *sign* area for every lineal foot of *building* frontage adjacent to the freeway. Allocation of the total *sign* area to individual tenants shall be determined through a comprehensive *sign package*, approved through *development plan* review; and

c. A *sign* permit is required.

K. Future Development Sign. *Future development sign* requirements are as follows:

1. May include information pertaining to the project, architect, developer, and contractor;

2. Such *signs* shall be a maximum eight (8) feet in height and a maximum of thirty-two (32) square feet in area;

3. May be maintained for twelve (12) months and shall be removed prior to the issuance of a certificate of occupancy;

4. Shall not be internally illuminated;

5. Shall be located on the *development* site;

6. Only one *sign* shall be displayed per *street* frontage; and

7. A *sign* permit is required.

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, 2011]

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, 2011]

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.

N. Menu Board. Menu board requirements are as follows

1. Building Mounted and Patio Fence Menu Boards.

   a. Shall not exceed six (6) square feet in area and bottom of *sign* shall not exceed four (4) feet above finished *grade* immediately adjacent to the *building*;

   b. May be illuminated;

   c. The *sign* area for a menu board shall not be counted in the total aggregate *sign* area for the business in determining the allowable *sign* area for the business; and

   d. *Sign* permit is required if illuminated.

2. Freestanding Menu Board requirements for *drive through restaurants* are as follows:

   a. Shall not exceed forty-five (45) square feet in area and eight (8) feet in height. Height and area includes accessory clip-ons;

   b. Two *signs* per business are allowed. The *sign(s)* shall not be placed within a clear vision triangle, per Section 4-706(G), and shall not conflict with ADA *accessibility* requirements;

   c. The *sign* area for menu board(s) shall not be counted in the total aggregate *sign* area for the business in determining the allowable *sign* area for the business;

   d. May be illuminated, and emit sound only as part of a transaction of business. Sound emission must comply with Tempe City Code 20-6; and

   e. *Sign* permit is required if illuminated.

O. Political Sign. *Political signs* are regulated by this chapter in terms of their location, and time allowance because of the secondary effects associated with such *signs* – namely litter, traffic safety hazards, and aesthetics in general – and not because of their content. Requirements are as follow:

1. Shall only be located on property with the owner's permission;

2. *Signs* shall not be located on city property, in city right-of-way, or within a required clear vision triangle, per Section 4-702(G);

3. Shall be removed within ten (10) days after the relevant election. At the end of the ten (10) day period, the *sign* becomes an *unauthorized sign*, as per Section 4-902(C); and

4. No *sign* permit is required.

[TEXT OF SUBSECTION (P) EFFECTIVE UNTIL JUNE 30, 2011]

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, 2011]

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, 2011]

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, 2011]

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.

S. Subdivision/Apartment Community Advertising Sign. *Subdivision*/Apartment Community advertising requirements are as follows:

1. May be maintained for the following time periods:

   a. *Subdivision* advertising, including *condominiums*, may be maintained for two (2) years from date of sign permit, or until all the *lots*/units in the *subdivision* are sold, whichever occurs first; and

   b. Apartment community advertising may be maintained for eighteen (18) months from date of sign permit, or until occupancy permit is issued for the last *building*, whichever occurs first.

2. One (1) sign may be displayed per *street* frontage (perimeter), with a maximum of two (2) such signs per recorded *subdivision* or apartment community;

3. Each sign shall not exceed eighty (80) square feet in area nor twelve (12) feet in height;

4. Any off premise *subdivision* advertising sign shall not exceed thirty-two (32) square feet in area nor eight (8) feet in height and shall require a *use permit*;

5. Total maximum allowable sign area shall not exceed one hundred sixty (160) square feet per recorded *subdivision* including all on-site and off-site signs, or apartment community;

6. Festive flags allowed with a maximum height of three (3) feet; and

7. A sign permit is required.

T. Subdivision Identification Sign. *Subdivision identification sign* requirements are as follows:

1. May be used to identify a *subdivision*;

2. May be wall mounted or freestanding;

3. Each sign shall not exceed eight (8) feet in height, nor twenty-four (24) square feet in area;

4. A twenty-four (24) square foot sign may be displayed on either side of a *street* providing direct access to the *subdivision* and serving as a major entry;

5. May be illuminated per Section 4-902(H); and

6. A sign permit is required.

U. Marquee Sign. Marquee signs for theater, museum, and place of worship requirements are as follows:

1. Marquee signs may use intermittent or scrolling illumination, or changeable copy to display civic, theatrical or performance information;

2. Building Mounted.

   a. Shall be mounted to the wall or fascia of the *building*;

   b. Shall be eighty percent (80%) or less of their horizontal or vertical backgrounds unless otherwise approved through *development plan* review;

   c. Shall not exceed the height of the *building*; and

   d. A sign permit is required.

3. Freestanding.

   a. Theaters, museums and *places of worship* are allowed one (1) freestanding sign per *street* frontage of the *lot*, center or complex in which the theater/museum, place of worship is located;

   b. Shall comply with the *freestanding sign* area and height requirements pursuant to Section 4-903(I); and

   c. A sign permit is required.

V. Window Sign. Window sign requirements are as follows:

1. Shall be limited to twenty-five percent (25%) of the total window area in which it is placed, including all graphics and trademarks. For the purposes of this Code, glass doors are considered windows. The twenty-five percent (25%) limitation is measured as the smallest rectangle to include all graphic, logos, and copy. Sign requirements may be modified or revised by the Community Development Director, or designee, when necessary for security and crime prevention;

2. Shall not be placed above the ground floor of the *building* without a *Development Plan Review* approval; and

3. No sign permit is required.

Section 4-904 Sign Permits, Fees and Procedures.

A. Sign Permits and Fees.

1. A sign permit shall be required in order to erect, install, relocate, modify or change any sign within the city. "Modify", as it is used herein, shall mean any change in or to an existing sign, its face, copy, colors or supporting *structures*; except that *maintenance* of a sign shall not be considered a modification.

2. Failure to conform to the conditions of a sign permit, including any conditions or stipulation attached thereto by the City Council or other decision-making body, shall render such permit void.

3. Refer to Appendix H, for the fee schedule.

4. All electrical work must comply with the Tempe Electrical Code.

5. All gravity and wind load calculations shall comply with applicable Building Codes.

B. Permit Procedures. Sign Permit Criteria. Sign permits are subject to review and approval by the Community Development Director, or designee, per Section 6-101. The following information shall be submitted to obtain a sign permit, unless prior arrangement is made through the Community Development Director, or designee:

1. Two (2) drawings, prepared to scale, of the proposed signage shall be submitted to the Community Development Department and shall include all of the following information:

   a. The address of the site for the proposed signage;

   b. All sign dimensions, including the height of the signage and all sign area calculations;

   c. Sign materials and colors;

   d. A *development* plan showing the proposed locations of signage;

   e. *Building* elevations drawn to scale and dimension showing proposed locations of signage;

   f. Details of the light fixture or other source of sign illumination;

   g. Details of visual screening or shielding of the light fixture;

   h. The applicant's name, name of business, business address, and work telephone number;

   i. The fee as required; and

j. Structural calculations for all freestanding signs exceeding eight (8) feet in height and for all building mounted signs that extend greater than sixteen (16) inches from the face of the building.

Section 4-905 Way-Finding Signs.

A. Purpose. The purpose of way-finding signs is to allow businesses in a pedestrian-oriented environment to identify their business name and/or service on a removable *sign* that is either Upright or A-Frame at a defined location.

B. Applicability. *Upright signs* are permitted in the CC District, located within the Downtown Tempe Community boundaries only. *Upright signs* or A-Frame signs are permitted in all other commercial districts including the RCC District, Mixed-Use Districts and Industrial districts.

C. Location. Way-finding signs shall not be affixed or otherwise attached to objects including but not limited to light poles, trees, traffic signals, benches, street signs, fencing or bike racks, and shall be subject to the following regulations:

1. Signs must allow for a minimum three (3) foot wide clear pedestrian *pathway* to and from all building entrances and exits, except in the CC District a minimum six (6) foot wide clear pathway is required.

2. Signs for individual ground floor businesses shall be located within three (3) feet of the building frontage and within ten (10) feet of the business entry. Businesses above the ground floor shall locate signs within ten (10) feet of a stairway or elevator. Alternate locations may be accepted within designated areas; and

3. Signs for courtyard entries shall be limited to one (1) sign for all businesses located within the courtyard, utilizing the same common entry. Signs shall be located within ten (10) feet of the courtyard entrance.

D. Size. Upright signs shall be a maximum of eight (8) square feet in area, five (5) feet in height and shall not exceed two (2) feet in width. A-frame signs shall be a maximum of six (6) square feet in area and a maximum three (3) feet in height.

E. Design. Upright signs shall have a compatible design, constructed of durable materials with a substantial base, and colors that compliment the existing allowable signage for the business. A-Frame signs shall be constructed of durable materials.

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. 2010.05, Leasing Banner Sign, Termination Date: June 30, 2011

3. Final Hearing Notification Requirements. At least sixty (60) days before either an amendment or major amendment, staff shall transmit the proposal to the applicable decision-making body and submit a copy for review and comment to:

   a. The planning agency of Maricopa County;

   b. Each municipality that is *contiguous* to the corporate limits of the city;

   c. The regional planning agency within which the city is located;

   d. The Department of Commerce or any other state agency that is subsequently designated as the general planning agency for the state; and

   e. Any person or entity that requests in writing to receive a review copy of the proposal.

4. Notice of time and place of hearings and availability of relevant materials shall be:

   a. Advertised by publication at least once, in a newspaper of general circulation in the city, at least fifteen (15) and not more than thirty (30) calendar days before the first hearing;

   b. Posted on the website at least fifteen (15) and not more than thirty (30) calendar days before the first hearing;

   c. Posted at the City Council Chambers and Clerks Office at least twenty-four (24) hours prior to such meetings, in accordance with Arizona open meeting law;

   d. If modifying a map, then post property with dates, times and locations of the public hearings, and a summary of the amendment. Such notice shall be clearly legible and wherever possible, placed adjacent to the right-of-way or a *public street* or road for maximum visibility. Posting shall be done not less than fifteen (15) calendar days before the first hearing. It shall be the responsibility of the applicant to maintain the notice once it has been placed on the subject property; and

   e. If modifying a map, then mailed notification of public hearings shall be sent not less than fifteen (15) and not more than thirty (30) calendar days before the first hearing to:

      1. The applicant or representative and the owners of the subject property;

      2. All property owners of record within three hundred (300) feet of the subject property which are included on the mailing list submitted by the applicant; and

      3. The chairperson of the registered neighborhood association(s) and home owners association(s) in which subject property is located.

D. Approval Criteria. No General Plan amendment shall be approved unless it has substantial conformance with the criteria below, and any other criteria determined by the City Council.

1. Appropriate short and long-term public benefits;

2. Mitigate impacts on land use, water infrastructure or transportation;

3. Helps the city attain applicable objectives of the General Plan;

4. Provides rights-of-way, transit facilities, open space, recreational amenities or *public art*;

5. Potentially negative influences are mitigated and deemed acceptable by the City Council; and

6. Judgment of the appropriateness of the amendment with regard to market demands, and impacts on surrounding area, service, fiscal, traffic, historic properties, utilities and public facilities.

State law reference – ARS 9-461.06 Adoption and amendment of General Plan

Section 6-303 Specific Plan *[reserved]*

Place of worship means an institution, such as a church, temple, mosque, synagogue or other structure, together with its accessory structures, used primarily for religious worship. See “church”.

Planned area development overlay district (PAD overlay) means an application that modifies the standards of the base zone district(s) or creates alternate standards.

Plasma donation center means a medical clinic which accepts blood product donations, particularly plasma, and provides monetary payment for donations.

Poultry means chickens, ducks, geese, turkeys, guinea fowl, or other domestic fowl.

Primary building entrance means the entry to a building intended for the majority of public access

Primary use (Principle use) parking means property being used for parking automobiles not related to the on site use including remote (non-contiguous to a specific use) parking for students, employees or the general public. Parking may be provided on lots adjacent or across the street from a related use.

Principal use parking means a parking lot or parking structure that is on a site not with any other principal land use.

Property line means the same as "*lot line*".

Pub (Public House) means a restaurant with a malt beverage and wine license that identifies itself as a pub; may serve spirits or be limited to beer and wine. See also, “bar”.

Public art means objects such as sculpture, water feature(s) or other multidimensional design that is viewed by the general public. The object(s) are to be located in spaces visible or accessible to the public in general so as to be enjoyed by the community at large, and are not to be a business logo or address marquee. Public art can also be used to enhance site safety and security. See also, criteria for public art approval in Appendix D, Art in Private Development.

Public University means a public funded educational institution maintained by the Arizona Board of Regents.

Public University use means, in the MU-Ed zoning district, the use of a project or facility for education, academic research, *Public University* community service or student life. This type of use is not open to the general public and use, participation or access is limited to persons enrolled in classes, working for a *Public University* or participating in a *Public University* program, project, or event. Without limiting the generality of the preceding sentence, residential halls operated by or for a *Public University* shall be a *Public University* use.

Public University related use means, in the MU-Ed zoning district, a use that supports the *Public University* uses and is not intended to attract the general public**.**

Public uses means a public project or city facility, such as a community center, park, municipal facility and other similar civic facilities.

Section 7-118 "Q" Definitions.

[reserved]

Section 7-119 "R" Definitions.

Recreational vehicle (RV) means any motor vehicle that is designed or customarily used for sleeping or camping including, but not limited to, motor homes and mounted truck campers.

Recycling Centers means a place for the following devices, including but not limited to, mobile recycling units, *reverse vending machines,* and *donation bins,* for drop-off or deposit of recyclable materials such as glass, metal, paper products and other materials as determined by the Zoning Administrator. Small recycling centers are defined as having an area of five hundred (500) square feet or less. Large recycling centers are facilities over five hundred (500) square feet or include machinery for processing materials.

Resale items means a business selling previously used and factory re-conditioned products to the consumer, including but not limited to consignment, donation distribution, rent-to-own, pawn, and antique stores.

Residential use means, in the MU-Ed zoning district, use open to the general public for rent or ownership. Residential halls operated by or for a *Public University* shall not be considered a residential use.

Restaurant means an establishment which derives at least forty percent (40%) of its gross revenue from the sale of prepared food.

Restaurant, drive-in means a building or structure where prepared food and drink are sold for consumption on the premises by order from and service to vehicular passengers outside the structure.

Restaurant, drive through means a building or structure where prepared food and drink are sold for consumption within the interior of the building, within exterior dining areas, or off the premises by order from vehicular passengers outside the structure.

Retail means the business of selling personal property directly to the ultimate consumer for any purpose other than for resale.

Reverse vending machine means a mechanical device that accepts one or more types of empty beverage containers, including aluminum cans, glass and plastic bottles and cartons, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value. See also *recycling centers*.

Revitalize means giving new life in an area with existing development, not on vacant land, for the purpose of restoring economic vitality to the center.

Roof means a continuous solid sheathing cover on a structure which provides protection from rain, wind, sun or other natural elements.

38. *Sign, sale, lease or rent* means a temporary sign used to advertise the availability of real property;

39. *Sign, service station* means a permanently mounted sign displaying business identification and the retail cost of a gallon of *motor vehicle* fuel, or cost of electrical recharging on the premises of a business that provides motor vehicle fuels or electrical power;

40. *Sign, significant event* means signs displayed for any type of event, including an anniversary, special sale, change in ownership or management, or similar event;

40. *Sign, soffit* means a sign that is suspended from the underside of a lintel, arch or other overhead spanning member and is hung perpendicular to a vertical wall surface;

41. *Sign, subdivision/apartment community advertising* means a temporary sign used to advertise the initial sale of lots/units in a recorded subdivision or the initial lease for units in an apartment community;

42. *Sign, subdivision identification* means a permanent sign used to identify the name of a particular recorded subdivision;

43. *Sign, unauthorized* means a sign that is illegally displayed in the City of Tempe;

44. *Sign, upright* means a way-finding sign displayed perpendicular to the ground that is not permanently affixed to any structure or the ground.

45. *Sign, wall mounted* means a sign that is permanently affixed to any vertical portion of a building for which the sign is intended to identify or advertise; and

46. *Sign, window* means a sign or signage placed in a window so as to attract the attention of persons outside of the building where the sign or signage is placed.

Sign package criteria means a detailed description, including, but not limited to, type, size, color, and location of all signage.

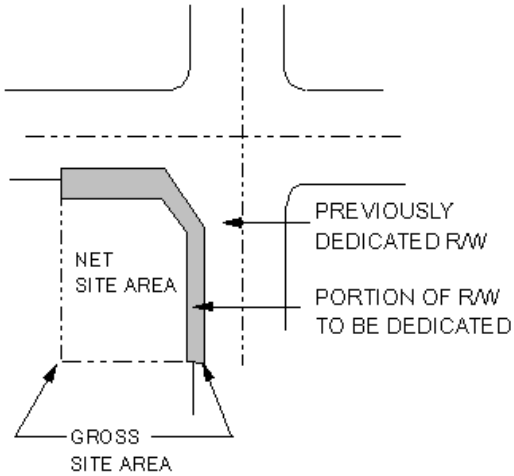
Single-family dwelling means a dwelling for one family on an individual lot.

Single-family dwelling, attached means two or more single-family dwellings with common walls; except does not include single-family dwellings and accessory dwellings sharing a common wall(s).

Site area, gross means the total ground area purchased by the present owner, including any proposed portions to be dedicated for public use such as, streets, alleys, easements or other. The allowable density is based on gross site area.

Site area, net means the remaining ground area of the gross site area after deleting all portions for proposed perimeter rights-of-way and alleys.

Figure 7-120 B.



Site Plan means a plan prepared to scale, showing all buildings, site improvements (for example, parking, landscapes, walls, signs, lighting, access and circulation and utilities) and uses proposed for a specific property. A site plan provides a conceptual plan of development prepared to support zoning modification requests and/or requests for use permits. The plan is designed to demonstrate compliance with Zoning and Development Code provisions while expressing the property owner's intent of land use and functional compatibility with contextual conditions.

Small animal means *poultry* as defined herein, pot-bellied pigs, rabbits, or other similar small animals.

Smoking establishment means any business or location that is dedicated, in whole or in part, to the use of tobacco or other substances emitting smoke, including but not limited to establishments also referred as cigar bars or lounges, hookah bars or lounges, and tobacco clubs or bars.

Specified anatomical areas means the human anus, pubic region, male genitals, female genitals, or female breast below the top of the areola that are less than completely and opaquely covered by non-flesh colored fabric; or human genitals in a state of sexual arousal, even if completely and opaquely covered.

Specified sexual activities means actual or simulated sexual intercourse, masturbation, oral copulation, sodomy, flagellation, bestiality, fondling or other erotic touching of human genitals, pubic region, buttocks, anus, the female breast or any combination thereof. As well as, human genitals in a state of sexual arousal or excretory functions as part of or in connection with any of the activities set forth herein.

Station area means an area lying within a prescribed distance of a light rail transit station.

Street means a right-of-way and the improvements contained therein, consistent with the Comprehensive Transportation Plan.

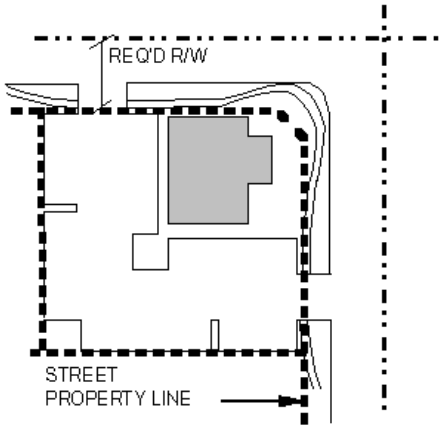
Street frontage means the portion of a building or property facing a public street.

Street, private means a local street that is privately owned and maintained.

Street, public means a street built to city standards and dedicated for public use. For specific street types, refer to the Comprehensive Transportation Plan.

Street property line means the boundary which separates the required or actual street right-of-way, whichever is greater, whether dedicated or not, from abutting property according to the City of Tempe Street Standards.

Figure 7-120 C.



Structure means any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

Subdivision means the land divided into two (2) or more lots, tracts or parcels of land, or, 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, community apartment, townhouse or similar project containing two (2) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.

City code reference—See TCC §30, Subdivisions.

Section 7-121 "T" Definitions.

Tattoo, body piercing establishment means any establishment offering indelible designs, letters, scrolls, figures, symbols or other marks that are placed on or under the skin with ink or colors by the aid of needles or other instruments and that cannot be removed without a surgical procedure; any establishment offering designs, letters, scrolls, figures or symbols or other marks done by scarring/branding on or under the skin; any establishment where decorations or other devices are inserted into the skin; any establishment using techniques such as penetrating, perforating, boring or creating a hole in the skin or another human body part; or any establishment whose primary function is permanent body alteration for non-surgical purposes. The following establishments shall be exempt from this definition: those where offering permanent facial make-up/cosmetics ancillary to the primary business; those where procedures are performed by a person authorized by the laws of this state to practice medicine, osteopathy, chiropractic, podiatry, naturopathy or acupuncture and the procedures are performed in conformity with the standards of that profession; those where procedures are performed by registered nurses, licensed practical nurses or technicians, when acting under the supervision of a licensed physician or osteopath; those where the only type of piercing offered is ear piercing.

Telecommunications Hotel means a windowless controlled environment buildings which allow for businesses to lease computer server space for connection to local exchange carriers, interexchange carriers, Internet service providers, competitive access providers and telephone services. In addition to voice and data connectivity, the amenities include controlled temperature and humidity, 24-hour security, fire detection/suppression systems and generator power backup. These facilities have no pedestrian activity associated with the use.

Tobacco retailer means any person or business who primarily sells or offers for sale, tobacco, tobacco products, or tobacco paraphernalia, or who distributes samples of tobacco products or paraphernalia. These businesses include but are not limited to, tobacco shops, cigars and pipe retailer, cigarette or electronic cigarette retailer, and *smoking establishments*.

TOD means a Transportation Overlay District, which creates an overlay to existing zoning to encourage development supportive of light rail, bus, bicycle and pedestrian uses.

(TOD) Corridor means the portion of the Overlay District not located within a *Station Area*.

(TOD) Station Area means the portion of the Overlay District located Only areas within 400 linear feet of a light rail transit station are referred to as *Station Areas*, measured from the center point of the platform, extending 400 feet in a linear direction along the center of any public right of way, including only properties adjacent to the public right-of-way, with required uses, development and design standards that encourage intensified development around the light rail stations.

Tourist court see "*hotel*".

Townhouse means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in a subdivided lot.

Trailer means any platform or frame with wheels that is designed or customarily used to carry personal property and for being drawn or towed by a motor vehicle including, but not limited to, travel trailers and camping trailers.

Trailer park means any lot, tract, or parcel of land used or offered for use in whole or in part for the rental of trailer sites for the parking of three (3) or more recreational vehicles.

Transit shelter means a structure provided at a bus or train stop to provide shelter from weather and/or sun to transit patrons waiting at the stop.

Tutoring center means a facility that provides assistance and instruction to students enrolled in schools. The facilities themselves are not schools where attendance results in the confirmation of a degree.

Section 7-122 "U" Definitions.

Use permit means a permit granted to a property owner or lessee to conduct a use not otherwise permitted; or the use of alternate development standards following a compatibility review.

Section 7-123 "V" Definitions.

Variance means permission granted by the city to deviate from a regulation of the city's development standards.

Vehicles, motor means vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes, but not limited to motorcycles, passenger vehicles, trucks and recreational vehicles with motive power.

Vehicle repair means an automotive retail sales and service use in which general motor repair work is done as well as the replacement of new or reconditioned parts in motorized vehicles of ten thousand (10,000) pounds or less gross vehicle weight; but not including any operation included in the definition of "*auto body repair*."

Video arcade see "*amusement game arcade*".

Section 7-124 "W" Definitions.

Warehouse means the storage of goods of any type without retailing operations on a parcel or within a structure.

1. *Commercial.* Any warehouse that is ancillary to a use on-site for storage of related materials.

Wholesaling means the selling of goods or merchandise to retailers or jobbers for resale to the ultimate consumer.

Wireless Telecommunication Facilities (WTF) means an un-staffed facility for the transmission and reception of radio or microwave signals for commercial communications. WTFs are composed of two or more of the following components: (1) antenna; (2) support structure; (3) equipment enclosures; and (4) security barrier.

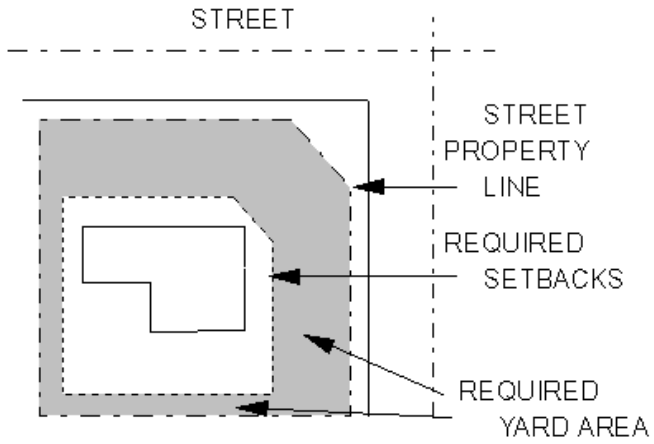
Section 7-125 "X" Definitions.

[reserved]

Section 7-126 "Y" Definitions.

Yard means a required space on a lot other than a court, which is open and unobstructed to the sky, and which is measured from a property line inward to the required setback specified herein. Such required yards shall be measured across the full width or across the full depth of a lot as applicable.

Figure 7-126 A.



Section 7-127 "Z" Definitions.

Zero-lot line means a use with at least one side yard setback equal to zero (0).

Art in Private Development

Guidelines

2010

The Tempe Municipal Arts Commission
and the city of Tempe Cultural Services Division staff
look forward to helping you complete
a successful art project
for your development.

http://www.tempe.gov/arts/publicart/Private.htm
to view images of completed art projects

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Eligible projects	2
Eligible costs	3
Approval process	3

Contact: Maja Aurora
Maja_Aurora@tempe.gov
480-350-5160

City of Tempe - Cultural Services
3340 S. Rural Road
Tempe, AZ 85282

Tempe

The goal of the city of Tempe's Art in Private Development (AIPD) ordinance is to beautify the community with a wide variety of high-quality art projects. This program has created many successful partnerships between developers and artists. Local developments have acquired a unique sense of place and have won awards because of the art elements. The presence of artwork in developments creates a competitive edge by attracting people who are curious about the artwork. Residents and visitors may pause to enjoy the artwork's surprising and aesthetic delights, and they often return to experience it again while shopping or conducting business.

In the AIPD program, developers of large commercial or office buildings must meet a required art investment in two ways either on-site installation of exterior artwork or an equivalent cash donation to the Tempe Municipal Arts Fund. Tempe also has a public art program, in which one percent of the city's capital improvements budget is allocated to public art projects. The monies generated by both the Public Art and Art in Private Development programs are held in the city's Municipal Arts Fund. The Tempe Municipal Arts Commission, a 15-member resident advisory board appointed by the mayor, administers the Municipal Arts Fund.

What does the Art in Private Development ordinance require?

Tempe's Art in Private Development Ordinance in Section 4-407 requires that:

- The property owner(s) of any project that contains more than fifty thousand (50,000) square feet *net floor area* of commercial or office use within any zoning district, or is a phase of a larger project approved after Feb. 24, 1990, that contains a total of more than fifty thousand (50,000) square feet *net floor area* of commercial or office use within any zoning district, shall contribute to Art in Private Development. The art contribution shall take the form of either on-site installation of exterior artwork or an equivalent cash donation to the Tempe Municipal Arts Fund. *Net floor area* means the sum of all floor areas (including mezzanines, outdoor retail and dining areas) devoted to an activity, excluding exterior walkways and the thickness of exterior walls.

- The developer's investment in artwork is based on the amount of square footage of the *net floor area* dedicated to commercial or office use, and is adjusted on Feb. 1 of each year based on the Consumer Price Index for All Urban Consumers (CPI-U) of the previous year. *The 2010 value: $0.42 per square foot.*

- Before a Certificate of Occupancy is issued, the developer must meet the requirements of this ordinance. The developer's required contribution may be in either of the following forms:
  1. Art Project: Artwork which is integrated on the site of the development. Artwork completed in compliance with this ordinance shall be located on an exterior site visible and accessible at all times to the public.
  2. Arts Fund Contribution: In-lieu cash contribution to the Tempe Municipal Arts Fund, used to fund art projects administered by the Tempe Municipal Arts Commission.

What types of art projects are eligible?

Examples of art projects to consider are:

- One-of-a-kind building features and enhancements designed by artists such as gates, benches and fountains.

- Artist-designed landscape art enhancements such as walkways, bridges or art features within a garden.

- Sculpture -- freestanding, wall-supported or suspended, kinetic -- in durable materials suitable for the site.

To view images of completed artwork, visit www.tempe.gov/arts/publicart/private.htm .

What types of art projects are not eligible?

- Business logos or art that incorporates a logo.

- Directional or wayfinding elements such as supergraphics and signage.

- Mass-produced "art objects" such as fountains, statuary or playground equipment.

- Standard landscape or hardscape elements which would normally be associated with the project.

What are the eligible costs for art projects?

When preparing a budget for the artwork, certain costs may be included to meet the developer's required art investment:

- Professional artist's budget, including artist fees, materials, assistants' labor costs, insurance, permits, taxes, business and legal expenses, operating costs and art dealer's fees if these are necessary and reasonable.
- Fabrication and installation of the artwork.
- Site preparation
- Structures enabling the artist to display the artwork.
- Acknowledgment plaque identifying the artist, artwork and development.
- *Costs for maintaining and operating artwork are not eligible.*

What is the process for completing an art project? A Checklist

The following checklist will help a developer create a successful AIPD project:

- ❑ Staff Contact: Call the city of Tempe Cultural Services staff to discuss:
  - what the developer wants the project to accomplish;
  - the required art investment and
  - the type of professional artist needed for this project.

- ❑ Professional Artist Selection: Contact the artists being considered and decide which artist(s) will be hired by the developer.

- ❑ Preliminary Approval: *The Preliminary Art Project Plan is required before a building permit is issued*. Request a meeting with the Arts Commission's Public Art/Art In Private Development (AIPD) Subcommittee and staff to discuss:

  - Concepts and budget for the proposed artwork.
  - Location and visibility of proposed artwork.
  - Name and resume of selected artist.

  Tempe Cultural Services staff will notify Development Services staff that we have received the Preliminary Art Project Plan. At this stage the key points are:

  - *Is the person chosen an active professional artist?*

    The Public Art/AIPD Subcommittee and the Tempe Municipal Arts Commission make this determination by reviewing such items as the person's educational background in the arts, and arts accomplishments within the past five years such as gallery or museum exhibits, and completion of public art projects.

  - *Is the proposed artwork visible to the public?*

    The Public Art/AIPD Subcommittee and the Tempe Municipal Arts Commission review the proposed artwork plans, its visibility to the public, and its context within the development. The Public Art/AIPD subcommittee votes to accept or decline the proposed plans.

- ❑ Final Approval: *A final presentation is required before a Certificate of Occupancy is issued.* This presentation is given by the developer (or a representative) and the artist(s) and includes:
  - Narrative description of proposed artwork generally developed by the artist.
  - Budget detailing eligible costs including artist's fees and expenses, costs for fabrication, site preparation, installation, structures to display artwork, and/or plaque (developed by the artist and the developer).
  - Letter of agreement between the developer and artist.
  - Scaled site plan and landscape plan, showing the proposed artwork in the development's context.
  - Scaled drawing(s) or model(s) of the artwork.

  For the presentation, the reviewed key points are:

  - Artist's background in relation to this project

  - Final itemized budget that meets the required art investment for the development

  - Public visibility and availability of the artwork

- ❑ Tempe Municipal Arts Commission Approval: The Public Art/AIPD Subcommittee will give a summary of the proposed artwork to the Tempe Municipal Arts Commission at its next scheduled meeting. The developer and artist are not required to attend this meeting. After the Public Art/AIPD Subcommittee presentation, the Tempe Municipal Arts Commission votes on the proposed artwork plans.

- ❑ Signed Contract: Fax or mail a copy of the signed contract between the developer and the artist(s) to Cultural Services staff for the AIPD records.

- ❑ Certificate of Occupancy: After the Tempe Municipal Arts Commission approves the art project plan and the contract is in place, Cultural Services staff will write a letter that releases the Certificate of Occupancy in regard to the public art component.

How is an art project selected for an Excellence Award?

To encourage and recognize high quality artwork, the Tempe Municipal Arts Commission and the Tempe Beautification Awards program review and select artworks to receive the Art in Private Development Excellence Award. Developers are honored at the Beautification Awards ceremony and their artworks are noted as award winners on the arts website, http://www.tempe.gov/arts/publicart/Private.htm

The following criteria are used to guide the selection of excellent artworks completed in the past calendar year:

- Aesthetics
  Application of artist's concept
  Viewer's response to the artwork

- Site enhancement
  Integration of the artwork with the development
  Installation of the artwork (base, landscaping, etc)
  Visibility in the evening (lighting, etc.)

- Craftsmanship
  Quality of construction
  Use of materials
  Quality of materials

- Value to community and/or employees
  Relevance to the community and employees
  Visibility to the public (walking, biking, driving)

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	$114.00
	All Others	$341.00
b.	Administrative Applications:	$341.00 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	$341.00 each
	All Other Uses	$341.00 each
c.	Variances:	
	Single Family Dwelling Units	$396.00 per lot, including use permits
	All Other Uses	$1,133.00 each
	Unauthorized Construction/Installation	Twice the normal fees
d.	Use Permits:	
	Single Family Dwelling Units	$396.00 per lot, including variances
	All Other Uses	$1,133.00 each
	Use Permit Transfer	See Administrative Applications
	Unauthorized Activity	Twice the normal fees

e.	Zoning Code Amendments Map Text	 $2,266.00 Per Classification + $114.00 Per Net Acre* $2,266.00 *Rounded To The Nearest Whole Acre
f.	Planned Area Development Overlays Amendments	$2,833.00 For Under 1 Acre + Use Permit Fees As Applicable $5,666.00 For 1 Acre And Over + Use Permit Fees As Applicable $1,418.00 For Under 1 Acre + Use Permit Fees As Applicable $2,833.00 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	 $2,266.00 +$23.00 Per Lot or Condo Unit Refer to City Code, Appendix A. Sec.29-19.9(h) ($1,443.60 + $21.70 per lot) TOTAL: $3,709.60 + $44.70/lot See Administrative Applications
h.	Continuance at Applicant's Request After Legal Advertising And Public Notice	$114.00
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	 $1,701.00 For 5 Acres Or Less $2,266.00 Over 5 Acres $567.00 $227.00 $227.00 $341.00 $341.00 Same As Original Fee Twice The Normal Fees

j.	Appeals Tempe Residential Property Owner Request	$341.00 $107.00
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 $227.00 $86.00 Twice The Normal Fees $114.00 $25.00
l.	General Plan Amendments: <u>Amendment</u> Text Change Map Change <u>Major Amendment</u> Map Change	 $2,266.00 $2,266.00 + $114.00 per gross acre $5,666.00 + $114.00 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	$285.00
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: 7/01/10

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