PART 5 – OVERLAY ZONE DISTRICTS

Chapter 1 – Pedestrian Overlay District

Chapter 2 – Rio Salado Overlay District

Chapter 3 – Southwest Tempe Overlay District

Chapter 4 – LID Overlay District

Chapter 1 – Pedestrian Overlay District

Section 5-101 **Purpose.**

Section 5-102 **Applicability.**

Section 5-103 **Uses Permitted in Residential Districts.**

Section 5-104 **Uses Permitted in Commercial and Industrial Districts.**

Section 5-105 **Uses Permitted in Mixed-Use Districts.**

Section 5-106 **Street-Level Uses Required in Light Rail Station Areas.**

Section 5-107 **Uses Prohibited in Light Rail Station Areas.**

Section 5-108 **Non-Conforming Uses.**

Section 5-109 **Development Standards for Residential Districts.**

Section 5-110 **Development Standards for Commercial and Mixed-Use Districts.**

Section 5-111 **Pedestrian Oriented Design.**

Section 5-112 **Boundaries.**

Section 5-101 Purpose.

The purpose of the Tempe Pedestrian Overlay District (POD) is to foster excellence in land development and redevelopment that is consistent with and complementary to the community's focused investment in transit, bicycle, and pedestrian infrastructure in certain geographic areas of the City. Tempe is developing a multimodal transportation system and is seeking to reduce dependence on the single-occupant automobile for meeting the mobility needs of its citizens, thereby mitigating the impacts of congestion and pollution. As all trips begin and end as pedestrian trips, the quality of the pedestrian environment and the nature of the pedestrian linkages between land uses and transportation modes play a large role in the success of a multimodal transportation system.

The specific objectives of this district are to:

- Provide for a mix of uses and a quality of urban design that attracts pedestrians;
- Achieve a compact form of development more conducive to walking, bicycling, and transit use;
- Encourage a mix of residential, commercial, and employment opportunities within identified centers of activity for the mutual reinforcement of public investments and private development;
- Provide facilities that create a safe, accessible, and pleasant environment for pedestrians, bicyclists, and transit riders;
- Maintain an adequate level of parking and access for automobiles while limiting conflicts between vehicles and pedestrians; and,
- Provide a sufficient number and mix of employees, residents, and recreational users to support transit.

Section 5-102 Applicability.

A. **Applicability**. This chapter applies to all land use and development activity within the boundaries of the Pedestrian Overlay District (POD). The regulations contained herein supplement and modify the provisions in many of the underlying zoning districts.

B. **Conformance**. An application can meet the requirements of the Chapter by:

Option A: Submitting an application that conforms to the clear and objective standards of the Chapter. These standards represent generally the level of pedestrian orientation the City requires.

Option B: Submitting an application that conforms to the intent of the POD. The application should provide a rationale (such as site constraints, natural features or major public facilities that preclude or diminish pedestrian connectivity or enhance pedestrian connectivity in ways not envisioned when this Chapter was written) for meeting the intent of this Chapter while not meeting the standards of this Chapter. Conformance to the intent of this Chapter shall be determined through the design review process.

C. Conflict Between POD, Zone District, Overlays and Other Regulations. Where a conflict exists between a provision of the POD and any underlying zone district or development standard, the POD provision shall govern. Where a conflict exists between a provision of the POD and any other Overlay District, the provision that is most specific to the situation applies.

D. POD Sub-areas. The provisions of this chapter address three separate areas within the POD.

1. Areas within 1,320 feet (1/4 mile or approximately 5 minutes walking distance) of an existing or planned light rail transit station or multi-modal transit center ("station area");

2. Areas within 1,320 feet (1/4 mile or approximately 5 minutes walking distance) of the following intersections ("pedestrian area"):

   - Mill Avenue: Intersections with Rio Salado Parkway, 2nd, 3rd, 5th, 6th, 7th, , 9th, 10th, and 13th Streets, and with University Drive
   - University Drive: Intersections with Ash, Farmer, Roosevelt, Beck and Hardy Streets
   - Apache Boulevard: Intersections with Myrtle, College, Normal, and McAllister Streets, and with Rural Road

3. All other areas within the district.

E. Measuring Distances for POD Sub-areas. Station Areas and Pedestrian Areas are measured as a radius beginning at the center of the intersection or, if present, of the closest crosswalk (street centerline) providing access to a light rail station. Where a light rail station contains two platforms which straddle an intersection, the distance is measured as a radius beginning at the center of the street intersection.

Section 5-103 Uses Permitted in Residential Districts.

A. Single Family Residential Districts. The Pedestrian Overlay District does not modify the permitted use provisions of any underlying Single Family Residential district.

B. Multifamily Residential Districts. All use provisions of the underlying multi-family districts shall apply. Additionally, when a property contains a single family residence, is zoned Multifamily Residential (R2, R3, R3R, R4, or R5), and is located within the Pedestrian Overlay District, an accessory dwelling is permitted on the same lot without a use permit. Accessory dwellings shall be exempt from density and lot size provisions, provided that they conform to the following standards:

1. Comply with applicable structural specialty codes;

2. A maximum of one accessory dwelling unit is allowed per multi family dwelling lot;

3. The maximum floor area of the accessory dwelling shall not exceed 600 square feet. Dwellings in excess of 600 square feet are considered duplexes, if attached to the primary dwelling, or second dwellings if not attached;

4. Comply with the setback, building height, lot coverage, and other applicable development standards;

5. Sewer, water and utility services shall be provided to the dwelling in conformance with City standards.

Section 5-104 Uses Permitted in Commercial and Industrial Districts.

The Pedestrian Overlay District does not modify the permitted use provisions of the R/O, CC, CSS, PCC-1, PCC-2, RCC, IBD, LID, HID; except that Residential uses are allowed in the CSS district with a Use Permit.

Section 5-105 Uses Permitted in Mixed-Use Districts.

The Pedestrian Overlay District does not modify the permitted use provisions of the MU-1, MU-2, MU-3, and MU-4 districts.

Section 5-106 Ground Floor Uses Required in Light Rail Station Areas.

A. **Ground Floor Uses in Light Rail Station Areas.** Within light rail station areas, one or more of the uses listed in Subsections 1 through 9 below shall occupy at least eighty (80) percent of the ground floor building space for land zoned commercial or mixed-use. These uses shall be subject to the use requirements of the underlying district. The remaining twenty (20) percent of the ground floor may contain other permitted uses and/or pedestrian entrances, as shown in Figure 5-106A.

1. Retail sales and service uses;

2. Restaurants;

3. Bars;

4. Customer service offices (any size office that has customer point of service);

5. Office without point of service, and containing at least 30,000 square feet of floor area;

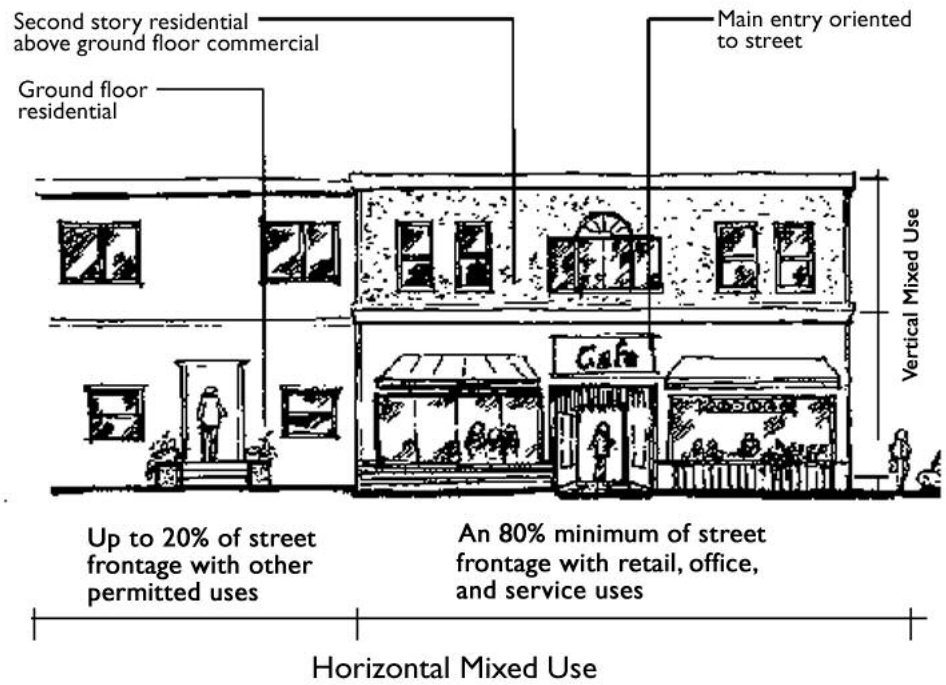
6. Entertainment, except Adult Oriented Business;

7. Hotels and Motels;

8. Clinics; and/or

9. Uses that are similar to those listed in 1-8.

Figure 5-106A: Example of Ground Floor Uses



B. Pedestrian Overlay Street Setback. Required ground floor uses shall conform to the maximum setbacks for the district (Sec. 5-109 and 5-110) and shall have a finished floor that is no more than five (5) feet above or below sidewalk grade.

C. Schools. Street-level use requirements shall not apply to public school development along streets.

Section 5-107 Uses Prohibited in Light Rail Station Areas.

A. Prohibited Uses in Light Rail Station Areas. The following uses are prohibited within 1,320 feet (1/4 mile or approximately 5 minutes walking distance) of a planned or existing light rail station ("station area").

1. Sales, rental, repair or service of motorized vehicles, except as provided for in Subsection C below;

2. Towing services except as provided in conjunction with a principal use parking facility as provided for in Subsection B;

3. Drive-through facilities;

4. Sales, service, or rental of commercial equipment or construction materials;

5. Mini-warehouse;

6. Warehouse or other indoor storage;

7. Outdoor storage;

8. Principal use parking, except as provided for in Subsection B below;

9. Car wash, except as provided for in Subsection C below;

10. General manufacturing;

11. Salvage and recycling;

12. Wholesale showroom;

13. Adult oriented business;

14. Manufactured home sales;

15. Telecommunication hotels;

16. Recreational vehicle parks; and/or

17. Mobile home parks.

B. Principal Use Parking in Station Areas. Principal use parking is prohibited within light rail station areas, except that parking facilities owned by the City or an operating transit agency, or private parking facilities operating as park and ride facilities in partnership with the City or an operating transit agency, are permitted.

C. Motorist Amenity Uses in Station Areas. Motorist amenity uses (car wash, automobile detailing, vehicle maintenance or repair) are permitted within light rail station areas when the use is accessory to a principal use parking facility that is allowed by Subsection B, above.

Section 5-108 Non-Conforming Uses

A non-conforming use is a use that is not permitted outright and has not received a conditional approval (e.g., use permit) in the POD, but was lawfully established prior to the

establishment of the POD. Because such uses are not considered to be pedestrian oriented uses, future expansions, rebuilding, repair, and reconstruction of structures housing a non-conforming use, and abandonment and change in use shall be subject to the provisions of Chapter 3-500 – Non-Conforming Situations.

Section 5-109 Development Standards for Residential Districts.

A. Single Family Residential Districts. The Pedestrian Overlay District does not modify the development standards of any Single Family district.

B. Multifamily Residential Districts. The Pedestrian Overlay District does not modify the development standards of any Multifamily district except in station areas, as indicated in Table 5-109B, below.

Table 5-109B – Station Area Development Standards in Multifamily Districts

Standard	R-2 (POD)	R-3R (POD)	R-3 (POD)	R-4 (POD)	R-5 (POD)
Maximum Density (dwellings/acre)	12	19	25	31	37
Minimum Site Area/Dwelling Unit	3,630 sf	2,290 sf	1,740sf	1,400 sf	1,180 sf
Building Height:					
Building Height Maximum	35 ft	35 ft	40 ft	50 ft	60 ft
Building height step-down required adjacent to R1 district, [Section 4-303, Building Design]	Yes	Yes	Yes	Yes	Yes
Maximum Lot Coverage (% of lot area)	45%	45%	50%	60%	70%
Min. Landscape Area (% of lot area)	30%	30%	25%	25%	25%
Pedestrian Design Standards Apply [See Section 5-111, POD Design]	Yes	Yes	Yes	Yes	Yes
Setbacks: [See Setback Exceptions, Sec. 4-204]					
Front – Minimum					
▪ Open Structures (e.g. porch, balcony, patio wall	5 ft	5 ft	5 ft	5 ft	5 ft
▪ Building wall	10 ft	10 ft	10 ft	10 ft	10 ft
▪ Garage entry	20 ft	20 ft	20 ft	20 ft	20 ft
Front – Maximum [See Section 5-111B]	20 ft	20 ft	20 ft	20 ft	10 ft
Side – Minimum					
▪ Porch, balcony, patio wall	5 ft	5 ft	5 ft	5 ft	5 ft
▪ Building walls	10 ft	10 ft	5 ft	5 ft	5 ft
▪ Common walls	0 ft	0 ft	0 ft	0 ft	0 ft
Street Side – Minimum.					
▪ Building (subject to clear vision requirement on streets)	10 ft	10 ft	10 ft	10 ft	10 ft
▪ Porches	5 ft	5 ft	5 ft	5 ft	5 ft
Rear – Minimum	15 ft	15 ft	10 ft	10 ft	10 ft
▪ Building wall, porch, balcony, or patio wall					
▪ Common walls	0 ft	0 ft	0 ft	0 ft	0 ft

Section 5-110 Development Standards for Commercial, Mixed-Use, and Industrial Districts.

A. Commercial Districts. All projects that are located in the Pedestrian Overlay District and also fall within the CSS, PCC-1, or PCC-2 district shall conform to the development standards in Table 5-110A, below. The POD does not modify the standards of the underlying district for the CC, R/O, and RCC districts.

B. Mixed-Use Districts. All projects located in the Pedestrian Overlay District and the MU-1, MU-2, MU-3, or MU-4 district shall conform to the development standards in Table 110B, below.

C. Industrial Districts. The Pedestrian Overlay District does not modify the standards of any Industrial district.

Table 5-110A - POD Development Standards in Commercial Districts[1]			
Standard	**CSS (POD)**	**PCC-1 (POD)**	**PCC-2 (POD)**
Maximum Residential Density (dwellings/acre) in station areas – Use Permit required for residential uses	25	30	35
Minimum Site Area/Dwelling Unit (sq ft) in station areas	1,740	1,450	1,240
Building Height Maximum (feet):			
Station Areas & Pedestrian Areas without residential	35 ft	40 ft	45ft
Station Area & Pedestrian Areas with residential building story(s) above commercial	45 ft	55 ft	60 ft
Building height step-down required adjacent to R1 districts. [See Section 4-303, Building Design]	Yes	Yes	Yes
Max. Lot Coverage (% of lot area)	65%	65%	65%
Minimum Landscape Area (% of lot area)	15%	15%	15%
Street Level Use Standards Apply in Station Areas [Section 5-108]	Yes	Yes	Yes
Pedestrian Design Standards Apply [See Section 5-111]	Yes	Yes	Yes
Setbacks [See Setback Exceptions, 4-204]:			
Front – Minimum	0 ft	0 ft	0 ft
Front – Maximum [See Section 5-111B]	10 ft	10 ft	10 ft
Side – Minimum	0 ft	20 ft	20 ft
Street Side – Minimum, subject to vision requirement on streets	0 ft	0 ft	0 ft
Rear – Minimum	10 ft	20 ft	20 ft

[1] Standards may be modified through a Planned Area Development, Section 6-305 et. seq.

Table 5-110B - POD Development Standards in Mixed-Use Districts[2]				
Standard	**MU-1 (POD)**	**MU-2 (POD)**	**MU-3 (POD)**	**MU-4 (POD)**
Maximum Res. Density (dwellings/acre)				
▪ Station Areas	20	30	40	NS
▪ Pedestrian Areas	15	25	35	NS
▪ Other POD Areas	10	20	30	NS
Minimum Site Area/Dwelling Unit (square feet)				
▪ Station Areas	2,180 sf	1,450 sf	1,090 sf	NS
▪ Pedestrian Areas	2,900 sf	1,740 sf	1,240 sf	NS
▪ Other POD Areas	4,360 sf	2,180 sf	1,450 sf	NS
Building Height Maximum (feet):				
Station Areas	45 ft	50 ft	60 ft	NS
Pedestrian Areas	40 ft	45 ft	55 ft	NS
Other POD Areas	35	40	50	NS
Building height step-down required adjacent to R1 districts. [See Section 4-303, Building Design]	Yes	Yes	Yes	Yes
Maximum Lot Coverage (% of lot area)	65%	75%	85%	NS
Minimum Landscape Area (% of lot area)	20%	15%	10%	10%
Street Level Use Standards Apply in Station Areas [See Section 5-106]	Yes	Yes	Yes	Yes
Pedestrian Design Standards Apply [See Section 5-111]	Yes	Yes	Yes	Yes
Setbacks [See Setback Exceptions, Section 4-204]:				
Front	0 ft	0 ft	0 ft	0 ft
Front – Maximum [See Section 5-111B]	10 ft	10 ft	10 ft	10 ft
Side – Minimum	5 ft	5 ft	5 ft	5 ft
Street Side – Minimum, subject to clear vision requirement on streets	0 ft	0 ft	0 ft	0 ft
Rear – Minimum	10 ft	10 ft	10 ft	10 ft

NS= No Standard.

Section 5-111 Pedestrian Oriented Design.

A. Applicability. The provisions of this section shall apply to all new development, redevelopment, and exterior alterations to existing development in the Pedestrian Overlay District except for single family dwellings not part of a PAD.

B. Exemptions. The following items are exempt from the requirements of this Section:

1. Historic landmarks;

[2] Standards may be modified through a Planned Area Development, Section 6-305 et. seq.

2. Repair, maintenance, and replacement with comparable materials;

3. Modifications to a structure to meet the requirements of the Americans with Disabilities Act; and

4. Alterations to structures where the alterations are valued at $10,000 or less.

C. Maximum Setback. The maximum building setbacks of the Pedestrian Overlay District (Tables 5-109B, 5-1109, and 5-110B) are applied to buildings, as follows:

1. At least fifty (50) percent of the length of the ground level street-facing façade of the building must be at or within the maximum setback line to meet this standard. No structure may be within the minimum setback, except as specified under minimum setbacks. When a building fronts onto more than one street, this standard shall be met for each street.

D. Building Entrances. Buildings shall provide entrances that conform to the following standards:

1. New commercial, civic, and mixed-use buildings shall provide a primary building entrance that either faces an adjacent street or is placed at an angle of up to 45 degrees from an adjacent street, measured from the street property line. New commercial, civic, and mixed-use buildings adjacent to a bus transit stop or adjacent to planned or existing light rail station shall orient a primary building entrance to face the stop or station. This standard does not apply to public schools.

2. Primary building entrances are entrances that remain unlocked during regular business hours, allow pedestrians to both enter and exit the building, are visible from the street sidewalk, and are located not more than twenty (20) feet from the street sidewalk. Building entrances must be connected to the sidewalk with a pathway that meets the standards in Section 4-603, Pedestrian and Bicycle Access and Circulation Standards.

3. When located at the intersection of two streets, the building shall provide one of the following:

   a. provide two primary entrances, one facing each street;

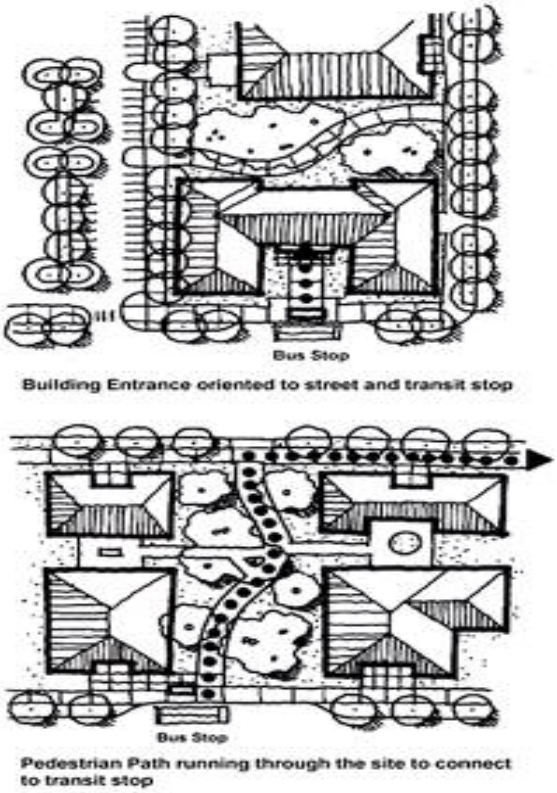
   b. orient one primary entrance to both streets by placing the entrance at the street corner; or

   c. place one entrance so that it is not more than twenty (20) feet from either street.

4. Residential building shall conform to the standards in 1-3, above, or have an alternative means of access to transit (e.g., via a pathway) that is direct and convenient. Residential buildings may open onto a porch or patio with

privacy wall no greater than four (4) feet high that is located between the building and street. See Figure 5-111C, below.

Figure 5-111C: Building Entrances and Access to Transit



E. Ground Floor Windows. Buildings along street frontages shall provide ground floor windows that conform to the following standards:

1. Ground floor windows shall be provided at least fifty (50) percent the length and twenty-five (25) percent the ground level wall area of all buildings facades that face a street or plaza. Ground floor window requirements shall apply to the area of the facade between two (2) feet and eight (8) feet above the finished grade or public sidewalk, whichever is higher. This requirement does not apply to the walls of residential units, and does not apply to the walls of parking structures when set back at least five (5) feet and screened with landscape materials in conformance with Section 4-505, Parking Facility Landscape Standards.

2. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than four (4) feet above the adjacent exterior grade. Only clear or lightly tinted glass in windows, doors, and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

F. Street-Facing Facades. At least fifteen (15) percent of the area of each façade that faces a street lot line on all building stories must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard.

G. Pedestrian and Transit Patron Amenities.

1. The land between a building or exterior improvement and a street must be landscaped and/or hard-surfaced for use by pedestrians. If hard-surfaced, the area should meet City standards for pedestrian plazas (Appendix B-2, Pedestrian Facility Design Guidelines) contain pedestrian amenities such as benches, drinking fountains, and/or other design elements (e.g., public art, planters, and kiosks); and be physically separated from parking areas by a landscape buffer that meets the standards in Section 4-505, Parking Facility Landscape Standards.

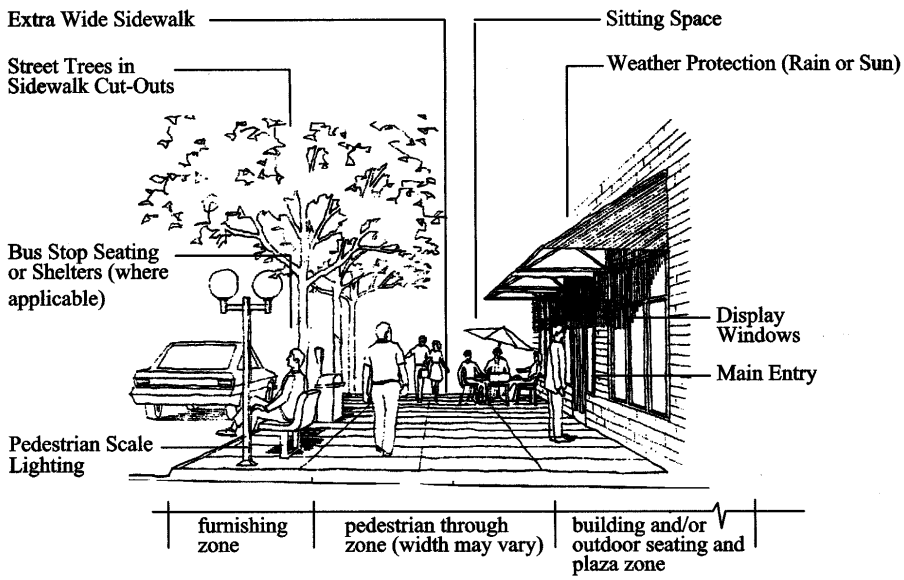
2. The placement of shade bearing elements and seating shall maximize shading for summer morning and afternoon hours.

3. Any shade structure that is also proposed to serve as a bus waiting area shall conform to the City standards for bus waiting shelters. All landscaping provided shall be located to not obstruct the transit shelter canopy or visibility of a bus stop.

4. Covered front porches, canopies, awnings, porticos, arcades, and similar shade bearing features used to meet this standard are exempt from the building site coverage standards.

5. In lieu of meeting some or all of the requirements of 1 through 5 above, an applicant may contribute an appropriate amount of funding for pedestrian amenities to a City Capital Improvement fund designated for pedestrian and transit patron amenities for future street construction. The total cost of improvements required by the fund shall be determined by the Public Works Department.

Figure 5-111F: The Complete Pedestrian Environment



H. Minimum Parking Ratios. The minimum number of required parking spaces, as provided in Section 4-403, is reduced for commercial uses that contain more than 10,000 square feet of floor area and meet the criteria in Table 5-111G below. The other methods of parking reduction (shared parking, parking demand model) provided in Section 4-405 are also available for use in the Pedestrian Overlay District.

Table 5-111G - POD Reductions to Minimum Parking

	Developments Within Station Area or Intersection Area	Developments in All Other Pedestrian Overlay District Areas
Retail sales and service uses, except eating and drinking establishments; customer service offices; and entertainment uses, excluding theaters.	Parking waived for 50 percent of floor area not to exceed 30,000 square feet of floor area.	Parking waived for 25 percent of floor area not to exceed 10,000 square feet of floor area
Theaters	Parking waived for first 150 seats	Parking waived for first 50 seats
Eating and Drinking Establishments	Parking waived for 50 percent of floor area not exceed 2,500 square feet of floor area	Parking waived for 25 percent of floor area, not to exceed 1,250 square feet of floor area
Multiple Family Use	0.75 parking spaces per bedroom (round up to whole number)	0.75 parking spaces per bedroom (round up to whole number)

I. Maximum Parking Ratios. Uses in the POD shall conform to the maximum parking ratios in Section 4-403, except that the parking maximums shall not be reduced by the reductions in Subsection G, above.

J. On-Street Parking. On-street parking along a use's lot frontage shall count towards the parking requirement for uses on the lot. This count shall be rounded to the nearest whole number.

K. Bicycle Parking. The number of bicycle parking spaces provided for any particular use shall be as provided for each use in Section 4-403, Parking Ratios, and multiplied by three (3).

Section 5-112 Boundaries

The location and boundaries of the Pedestrian Overlay District are established as shown on the map entitled "Zoning Map, City of Tempe," dated September 2, 1976, as amended.

Chapter 2 – Rio Salado Overlay District

Section 5-201 Purpose.

Section 5-202 General Regulations.

Section 5-203 Additional Information and Regulations.

Section 5-204 Boundaries.

Section 5-201 Purpose.

The purpose of the Rio Salado overlay district is to accomplish the objectives of the specific plan referred to as the "Tempe Rio Salado Plan" as adopted by the city council. This district is necessary to provide an opportunity for a smooth transition from the character of the Rio Salado Project to those uses greatly different in character which are located on lands adjacent to the project area.

Section 5-202 General Regulations.

.

A. Rio Salado Commission. Except where superceded by the RRC, the Rio Salado Advisory commission shall be notified of all requests for zoning changes; use changes or variances and proposals for construction or major alteration of buildings or site work; and be given the opportunity for comment and recommendation prior to formal city action, and shall respond within ten (10) working days of receipt by the city. If the Rio Salado advisory commission does not respond within the prescribed time period, the lack of a response shall not be considered as supporting or opposing the project, but only as declining the opportunity to comment. The Rio Salado Advisory commission may delegate to its standing committee, the project review committee, all or part of these responsibilities for comment or recommendation.

B. Review Procedure and Criteria. Development proposals will be evaluated by the Tempe Rio Salado advisory commission, board of adjustment, planning and zoning commission, or city council in accordance with the overall intent of the following Tempe Rio Salado Plan objectives.

Section 5-203 Additional Information and Regulations.

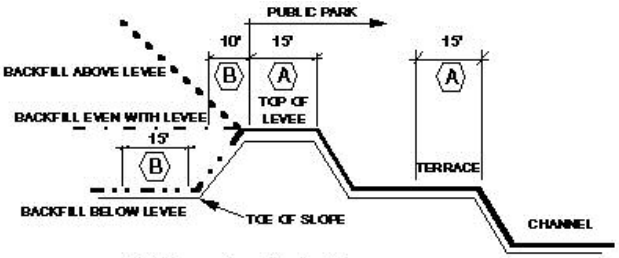
The following additional requirements apply:

A. Flood Control. Flood control access zones in the district are:

1. Zone "A": No objects or structures of any kind that would impede the motion of a maintenance vehicle are permitted in the fifteen (15) feet closest to the channel on either the levee or terrace as shown above;

2. Zone "B": Only landscaping and removable benches, ramadas or similar equipment that are approved by both the Flood Control District of Maricopa County and the city are permitted either in the ten (10) feet adjacent to the levee when the backfill is even with the top of the levee or the fifteen (15) feet adjacent to the base of the levee when the backfill is below the top of the levee as shown above. Replacement of any structural or landscape features within Zone "B" that are damaged as a result of emergency maintenance activities by the Flood Control District of Maricopa County shall be the sole responsibility of the owner or lessee of the site on which the features are located; and

3. When the backfill is above the top of levee, Zone "A" restrictions apply, but there are no Zone "B" restrictions on objects or structures with regard to maintenance vehicle access.



Typical levee section and flood control access zones

City code reference—See TCC sections on bikeways; TCC §11-1 et seq., design review; TCC §12-16 et seq., flood control; TCC §12-56 et seq., storm water retention.

Section 5-204 Boundaries.

The location and boundaries of the Rio Salado overlay district are established as shown on the map entitled "Zoning Map, City of Tempe", dated September 2, 1976, as amended.

Chapter 3 – Southwest Tempe Overlay District

Section 5-301 Purpose.

Section 5-302 General Regulations.

Section 5-303 Prohibited Uses.

Section 5-304 Special Regulations, Building Design.

Section 5-305 Yard, Height, Area and Density Requirements.

Section 5-306 Boundaries.

Section 5-301 Purpose.

The purpose of the Southwest Tempe overlay district is to accomplish the objectives of the General Plan. This district is necessary to provide an opportunity for intense development with high standards.

Section 5-302 General Regulations.

A. **Land Use.** All uses shall comply with the minimum regulations of the underlying zoning. All uses permitted in the underlying district, including uses permitted subject to use permits, are similarly permitted in the Southwest Tempe overlay district, except as provided herein. Where the regulations for the overlay district differ from those of the underlying zoning the more restrictive regulations shall apply. In the granting of use permits the hearing body must find that the proposed use is compatible with the overall intent of the Tempe General Plan.

B. **Review Procedure and Criteria.** Development proposals shall be evaluated by the hearing body in accordance with the overall intent of the following Southwest Tempe Overlay District objectives with emphasis on but not limited to:

1. Encouraging the optimum development of land along the I-10 freeway and in the southwest portion of the city, thus promoting the development of a regional shopping center, major auto mall and other major retail uses. Such activities should be located in a master planned development adjacent to the I-10 freeway;

2. Vehicular access to any individual automotive dealership should be from non-arterial streets;

3. The overall site design of any individual automotive dealership, its buildings, parking areas, access points and signage should not adversely affect the

present or potential development of nearby sites (either residential or commercial) or the traffic pattern on nearby streets;

4. Sites for individual dealership should be of sufficient size to provide for adequate visitor and employee parking, external display of vehicles for sale and appropriate buffering of repair operations;

5. Spot or strip zoning patterns or uses should be discouraged;

6. Used vehicles should be sold only in conjunction with new car sales; and

7. Stabilizing the economic base of the city.

Section 5-303 Prohibited Uses.

A. Prohibited Uses. The following are prohibited uses:

1. Abattoirs, stockyards and rendering plants;

2. Junkyards, wrecking yards and salvage yards; and

3. Sand and gravel excavating operations.

Section 5-304 Special Regulations, Building Design.

A. Architect's Design. All main buildings or primary structures shall be designed by an architect registered in the State of Arizona.

B. Plan Submittal. The applicant shall provide the city with sufficient architectural, landscaping and site details at the time of original submittal for the city to judge the quality of the project.

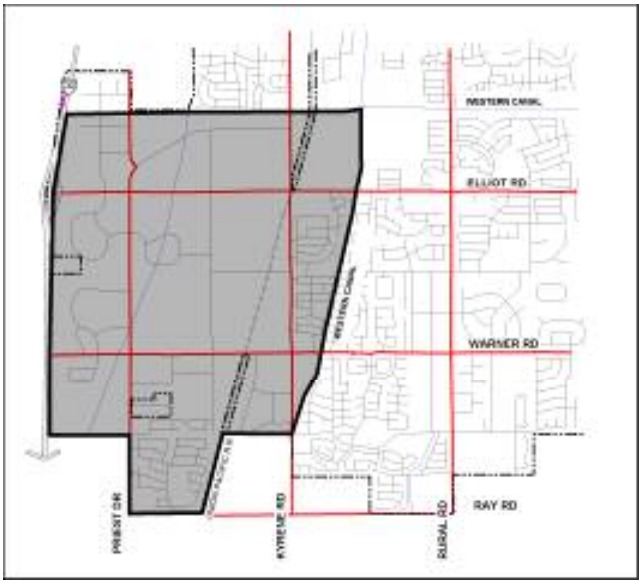
Section 5-305 Yard, Height, Area and Density Requirements.

All development must conform to the requirements of the underlying zoning except a twenty-five (25) foot increase in the maximum allowable building height shall apply in all zoning districts west of Kyrene Road.

City code reference—See TCC sections on bikeways; TCC §11-1 et seq., design review; TCC §12-16 et seq., flood control; TCC §12-56 et seq., storm water retention; TCC §20-1 et seq., noise.

Section 5-306 Boundaries.

The location and boundaries of the southwest Tempe overlay district are established as shown on the map entitled "Zoning Map, City of Tempe", dated September 2, 1976, as amended.



Chapter 4 – LID Overlay District

Section 5-401 Purpose.

Section 5-402 General Regulations.

Section 5-403 Uses Requiring a Use Permit.

Section 5-404 Boundaries.

Section 5-401 Purpose.

A. Purpose. The purpose of Industrial overlay district is to provide a smooth transition from the LID zoning districts which are adjacent to or separated only by an alley, tract, canal or easement from a single family residential district (excluding AG, agricultural and R1-PAD). Projects in the LID zoning districts will be reviewed to assure the public that an appropriate transition is established while use of the property as permitted by the Code is still allowed.

Section 5-402 General Regulations.

A. Land Use. All uses shall comply with the regulations of the underlying zoning. Where the regulations for this district differ from those of the underlying zoning the more restrictive provisions shall apply.

B. Development Plan. Upon development, or upon expansion of more than twenty-five (25) percent of a building or a use existing on the effective date of this section, a site plan shall be submitted for all LID properties for hearing to the planning commission when they are adjacent to or separated only by an alley, canal, tract or easement to a one family residential district including R1-15, R1-10, R1-8, R1-7, R1-6, R1-5 and R1-4 (excluding AG, agricultural and R1-PAD). Such development plan shall show all parking areas, loading and refuse areas, drives, access ways, location and dimensions of buildings and structures, all elevations of such buildings and landscaping. This hearing shall take the form of a public hearing in accordance with the provisions of Part 6 of this Code. Variances and use permits may be applied for in conjunction with the plans. Development plans will be evaluated by the planning commission in accordance with the intent of ensuring that an appropriate transition between the LID zoning district and the adjacent residential uses is provided, while allowing the use of the property as permitted by the zoning code.

Section 5-403 Uses Requiring a Use Permit.

A. Uses Requiring a Use Permit. All uses shall be subject to the regulations of the underlying district and in addition the following uses shall be subject to a use permit:

1. Any use that includes the use of trucks in excess of five (5) ton capacity before 6:00 a.m. or after 10:00 p.m.;

2. Any use that requires a type H occupancy based upon the Uniform Building Code (storage of hazardous materials);

3. Body shops and private garages (repair facilities); and

4. Any use not appearing in this Code which is similar to these uses, as determined by the zoning administrator, may be permitted upon securing a use permit.

Section 5-404 Boundaries.

The boundaries of the industrial buffer overlay district shall include LID zoned properties where they are adjacent to or separated only by an alley, tract, easement or canal from a one family residential district (excluding AG, agricultural and R1-PAD).