

Development Services Department  
Planning Division

**July 30, 2007**

**Re: Zoning and Development Code amendments**

Included are Zoning and Development Code amendments adopted through June 28, 2007. Amendments are typically effective thirty (30) calendar days after the adoption date. Please make the following changes as noted below to the Code book that you have.

<u>Amendments</u>	<u>Remove Page(s)</u>	<u>Insert Page(s)</u>
Table of Contents	I, II and V, VI	I, II and V, VI
Ord. No. 2006.82, code text amendment for Section 1-312.	p. 1-21, 22	p. 1-21, 22
For multiple zoning map amendments within Section 2-107.	p. 2-3, 3.1 p. 2-11 to 20 p. 2-27, 28 p. 2-31 to 36 p. 2-47, 48 p. 2-51, 52 p. 2-61, 62	p. 2-3, 3.1 p. 2-11 to 20 p. 2-27, 28 to 2-31 to 36 p. 2-47, 48 p. 2-51, 52 p. 2-61, 62
Ord. No. 2007.01, code text amendment for Section 3-403.	p. 3-9 to 12	p. 3-9 to 12
Ord. No. 2007.36, code text amendment for Sections 3-202, 3-401, and 3-423.	p. 3-15, 16 p. 3-19 to 24 p. 3-29 to 32	p. 3-15, 16 p. 3-19 to 24 p. 3-29 to 32
Ord. No. 2006.82, code text amendment for Sections 3-202, 3-412, and 3-418.	p. 3-35, 36	p. 3-35, 36
Ord. No. 2006.82, code text amendment Sections 4-203, 4-502, and 4-903.	p. 4-9, 10 p. 4-21, 22 p. 4-63.1 to 65 p. 4-70, 71	p. 4-9, 10 p. 4-21, 22 p. 4-63.1-65 p. 4-70, 71
Ord. No. 2006.82, code text amendment for Section 5-403.	p. 5-1, 1.1 p. 5-9 to 13	p. 5-1, 1.1 p. 5-9 to 13.1
Ord. No. 2006.82, code text amendment for Sections 6-304, 6-309, and 6-312.	p. 6-15, 16 p. 6-23 to 26	p. 6-15, 16 p. 6-23 to 26
Ord. No. 2007.01, code text amendment for Section 7-102.	p. 7-3, 4	p. 7-3, 4
Ord. No. 2007.36, code text amendment for Section 7-109.	p. 7-9 to 14	p. 7-9 to 14
Ord. No. 2006.82, code text amendment for Sections 7-105.		
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## Section 1-312 Development Review Commission.

- A. Development Review Commission – Creation and Purpose.** The Development Review Commission is created to hold public meetings and hearings, to provide analysis and recommendations to the City Council regarding general land use policies and applications where the Commission has recommendatory power, and to render final decisions on specified applications where the Commission has final decision-making power, including, but not limited to, all aspects of a proposed and future development. The Development Review Commission recognizes that the creation of a desirable environment throughout the city for residents, business, and industry is a prime requisite for the interdependence of land values, aesthetics, and good site planning, by promoting harmonious, safe, attractive and compatible development that is therefore considered to be in the best interest of public health, safety, and general welfare.
- B. Development Review Commission – Duties and Powers.** The Development Review Commission shall have the duty to carry out the provisions and intent of the General Plan and this Code.
1. **Final Decision-making Powers.** The Development Review Commission shall have the power to make final decisions and hold public meetings and public hearings to review and approve, continue, deny, or approve with conditions the following requests:
    - a. Preliminary Subdivision Plats pursuant to Section 6-307;
    - b. Major Development Plan Review applications pursuant to Section 6-306;
    - c. Major modification to a *development plan* review or major modification to conditions of approved *development plans* pursuant to Sections 6-306 and 6-312;
    - d. Appeals from the Hearing Officer, regarding use permits pursuant to Part 6, Chapter 8, Appeals;
    - e. Appeals from the Development Services Manager, or designee, pursuant to Part 6, Chapter 8, Appeals, regarding the following:
      1. Minor modifications to approved Planned Area Development Overlays, or minor modifications to conditions of approved Planned Area Development Overlays;
      2. Shared parking applications;
      3. Minor *development plan* review applications pursuant to Part 6, Chapter 8, Appeals; and
      4. Minor modifications to approved *development plan* review, or minor modifications to conditions of approved *development plans*.

2. **Recommendation Powers.** The Development Review Commission shall have the power to recommend to the City Council and hold public meetings and hearings to review and approve, continue, deny, or approve with conditions the following requests:
  - a. General plan amendment and major amendment applications pursuant to Section 6-302;
  - b. Zoning map amendment (re-zoning) and overlay district applications pursuant to Sections 6-304 and 6-305;
  - c. Code text amendment applications pursuant to Section 6-304;
  - d. Historic Preservation applications pursuant to §14A-4 of the City Code; and
  - e. Major modifications to approved Planned Area Development Overlays, or major modifications to conditions of approved Planned Area Development Overlays pursuant to Sections 6-312.
3. The Development Review Commission may prescribe in connection with any application such conditions as the Commission deems necessary in order to fully carry out the provisions and intent of this Code, pursuant to Part 6, Chapter 6, Conditions of Approval. Violation of any Development Review Commission condition shall be a violation of this Code.

**C. Development Review Commission – Organization.**

1. The Development Review Commission shall consist of seven (7) regular members and three (3) alternate members. Whenever a regular member is unable to attend or must decline due to conflict of interest, an alternate member shall serve at the Commission hearing. All members shall be a resident of the city, and shall be appointed by the Mayor with approval of the City Council. Each Development Review Commission member shall serve a term of three (3) years, unless they submit written resignation to the Mayor and City Council, or unless sooner removed by the Council, and their term shall be staggered so that the terms of at least two (2), but not more than three (3) regular members conclude in any given year. No member shall serve more than two (2) complete consecutive terms. Nothing herein shall affect the expiration of the current terms of the Development Review Commission. Vacancies for the unexpired term of a member shall be filled by the Mayor with approval of the City Council. The members of the Development Review Commission shall serve without compensation;
2. At least three (3) regular members of the Commission and one (1) alternate member shall be currently practicing in the field of architecture, landscape architecture, urban planning, land use law, real estate, engineering, or otherwise qualified by a design background, training, experience, or similar related field;
3. The Development Review Commission shall elect a chairperson and vice-chairperson from among its own regular members who shall have power to administer oaths, take evidence, and set consent agendas;

**Section 2-103 Commercial and Mixed-Use Districts.**

Commercial and *mixed-use* districts include the following:

- A. City Center (CC) (previously designated as CCD, Central Commercial District)
- B. Commercial Shopping and Service (CSS) (previously designated as CCR, C-1 and C-2 districts)
- C. Mixed-Use, Low-Medium Density (MU-1) (requires a PAD Overlay)
- D. Mixed-Use, Medium Density (MU-2) (requires a PAD Overlay)
- E. Mixed-Use, Medium-High Density (MU-3) (requires a PAD Overlay)
- F. Mixed-Use, High Density (MU-4) (requires a PAD Overlay) (previously designated as MG district)
- G. Mixed-Use Educational (MU-Ed)
- H. Planned Commercial Center Neighborhood (PCC-1)
- I. Planned Commercial Center General (PCC-2)
- J. Regional Commercial Center (RCC)
- K. Residential/Office (R/O)

**Section 2-104 Office/Industrial Districts.**

Office/Industrial districts include the following:

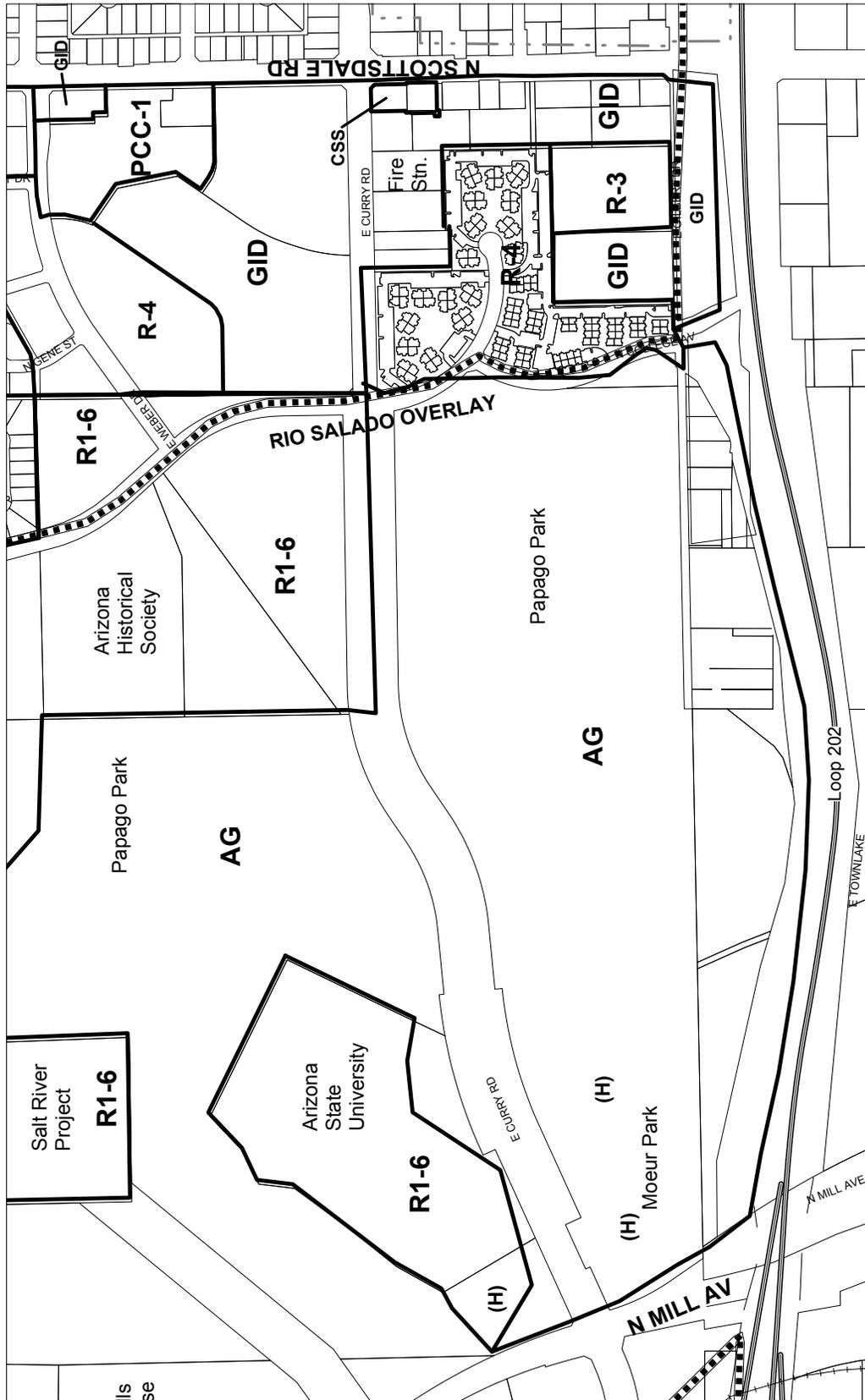
- A. Light Industrial District (LID) (previously designated as IBD district)
- B. General Industrial District (GID) (previously designated as I-1 and I-2 districts)
- C. Heavy Industrial District (HID) (previously designated as I-3 district)

**Section 2-105      Overlay Districts.**

*Overlay districts* include the following:

- A.      Rio Salado Overlay District
- B.      Southwest Tempe Overlay District
- C.      General Industrial Overlay District (previously designated as I-1, I-2, C-1 overlay district)
- D.      Planned Area Development Overlay District
- E.      Historic Overlay Districts
- F.      Transportation Overlay District

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.



3N	11N	14N
9N	10N	15N
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**ZONING MAP LEGEND**

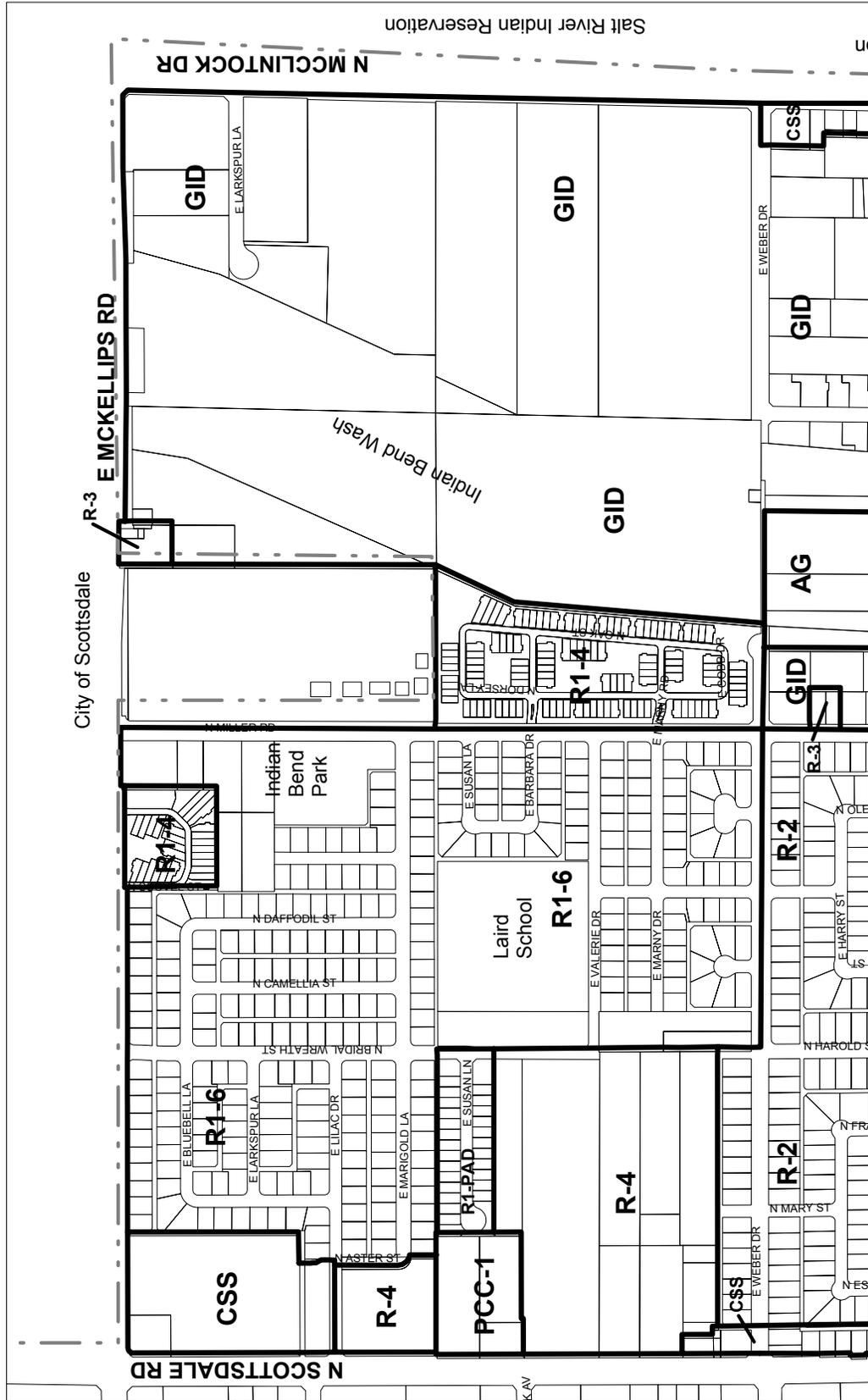
**RESIDENTIAL**  
 AG: Agricultural  
 R-2: Multi-Family Residential  
 R-3R: Multi-Family Residential Restricted  
 R-3: Multi-Family Residential Limited  
 R-4: Multi-Family Residential General  
 R-5: Multi-Family Residential High Density  
 MHS: Manufactured Housing Subdivision  
 RWH: Mobile Home Residence  
 TP: Trailer Park  
 R-1-4: Single-Family Residential  
 R-1-5: Single-Family Residential  
 R-1-6: Single-Family Residential  
 R-1-7: Single-Family Residential  
 R-1-8: Single-Family Residential  
 R-1-10: Single-Family Residential  
 R-1-15: Single-Family Residential  
 R-1-PAD: Single-Family Residential

**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  
 MU-3: Mixed Use, Medium-High Density  
 MU-4: Mixed Use, High Density  
 MU-Ed: Mixed Use Educational

**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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3N		
10N	11N	
15N	14N	13N



**ZONING MAP LEGEND**

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 AG: Agricultural  
 R-1-4: Single-Family Residential  
 R-1-5: Single-Family Residential  
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**COMMERCIAL / MIXED USE**  
 R-2: Multi-Family Residential  
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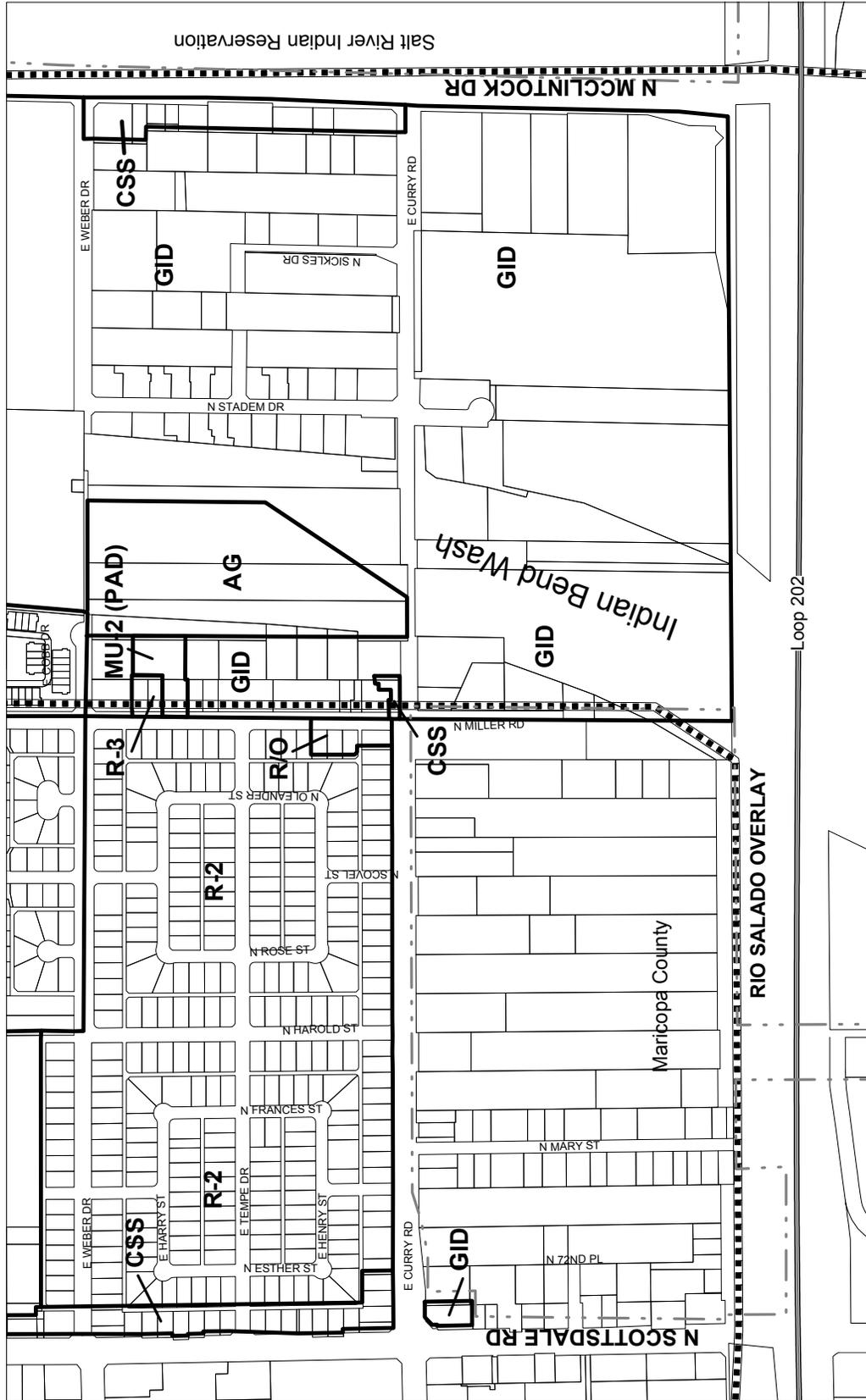
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3N		
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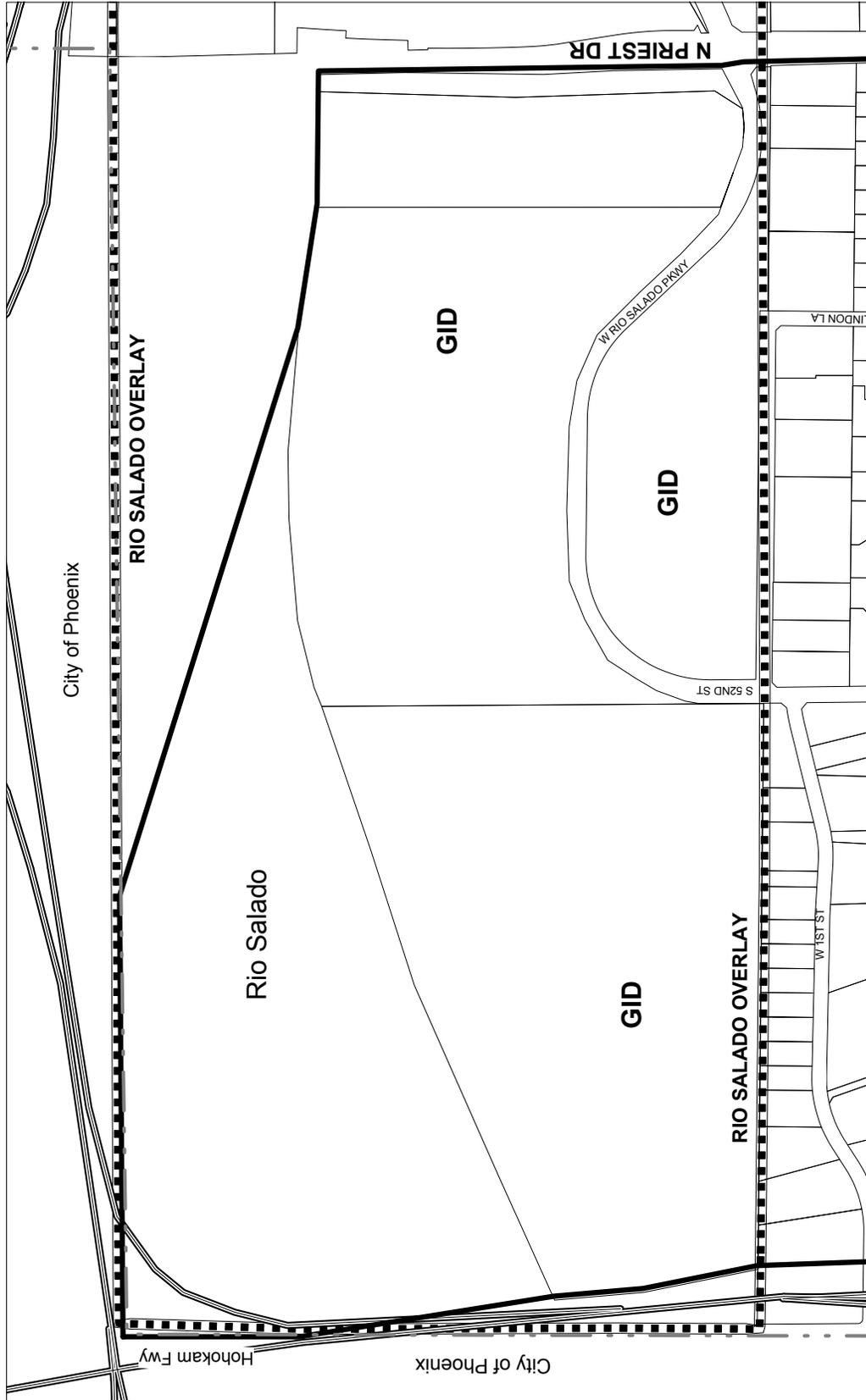
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**PLANNED AREA DEVELOPMENT OVERLAY**  
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 City Limits

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9N	16N	21N
	17N	20N



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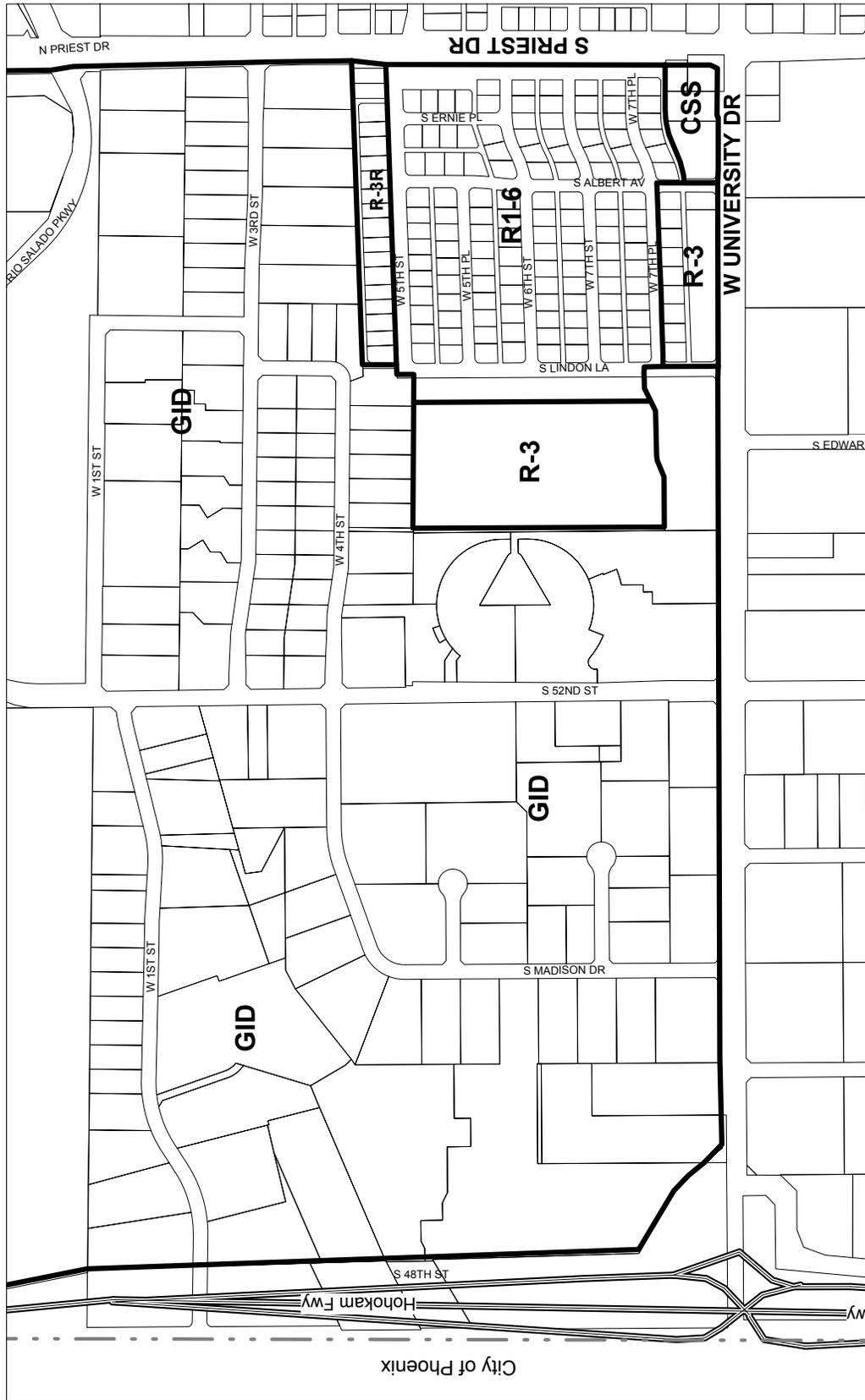
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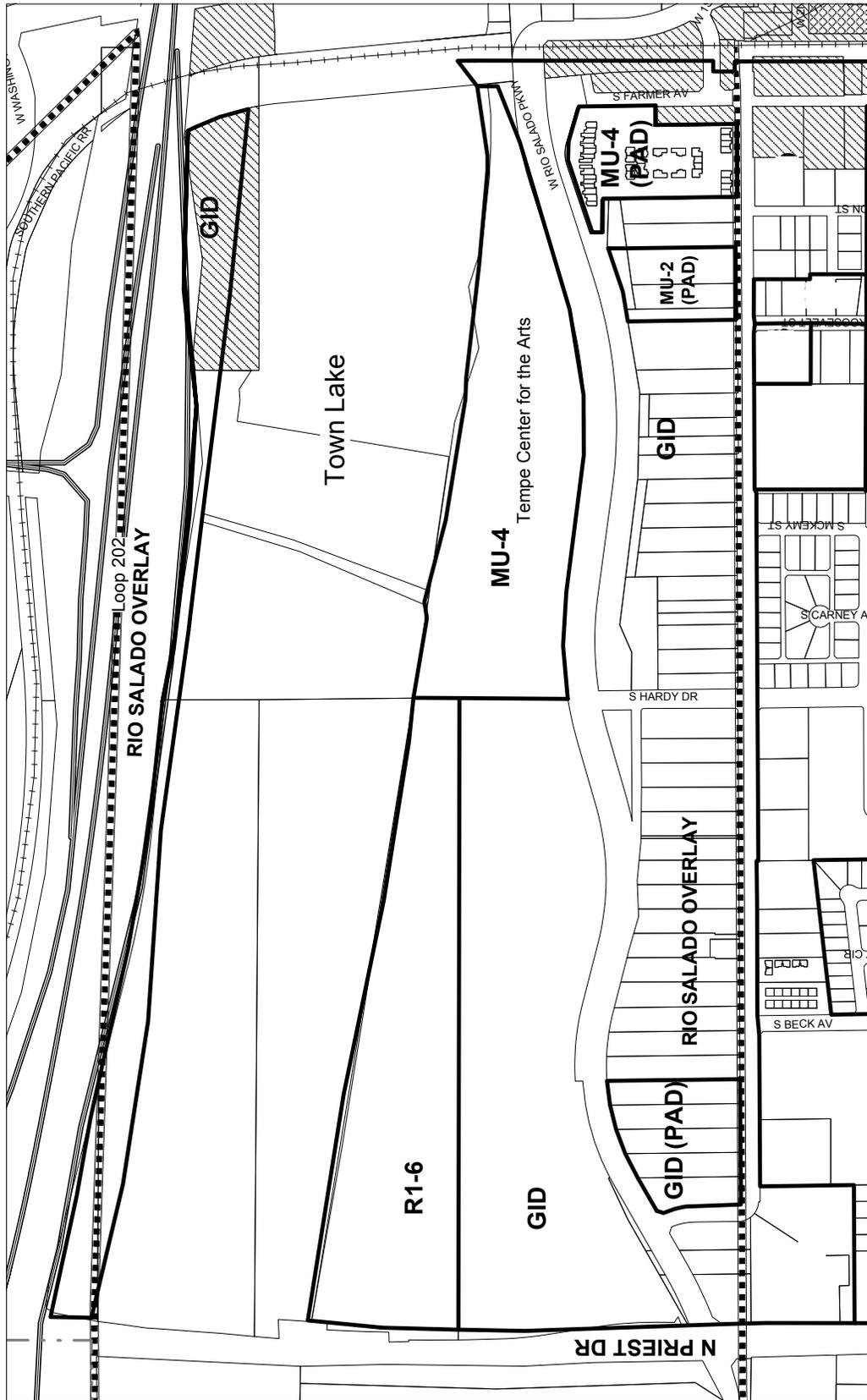
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17N	15N
20N	22N
<b>16N</b>	



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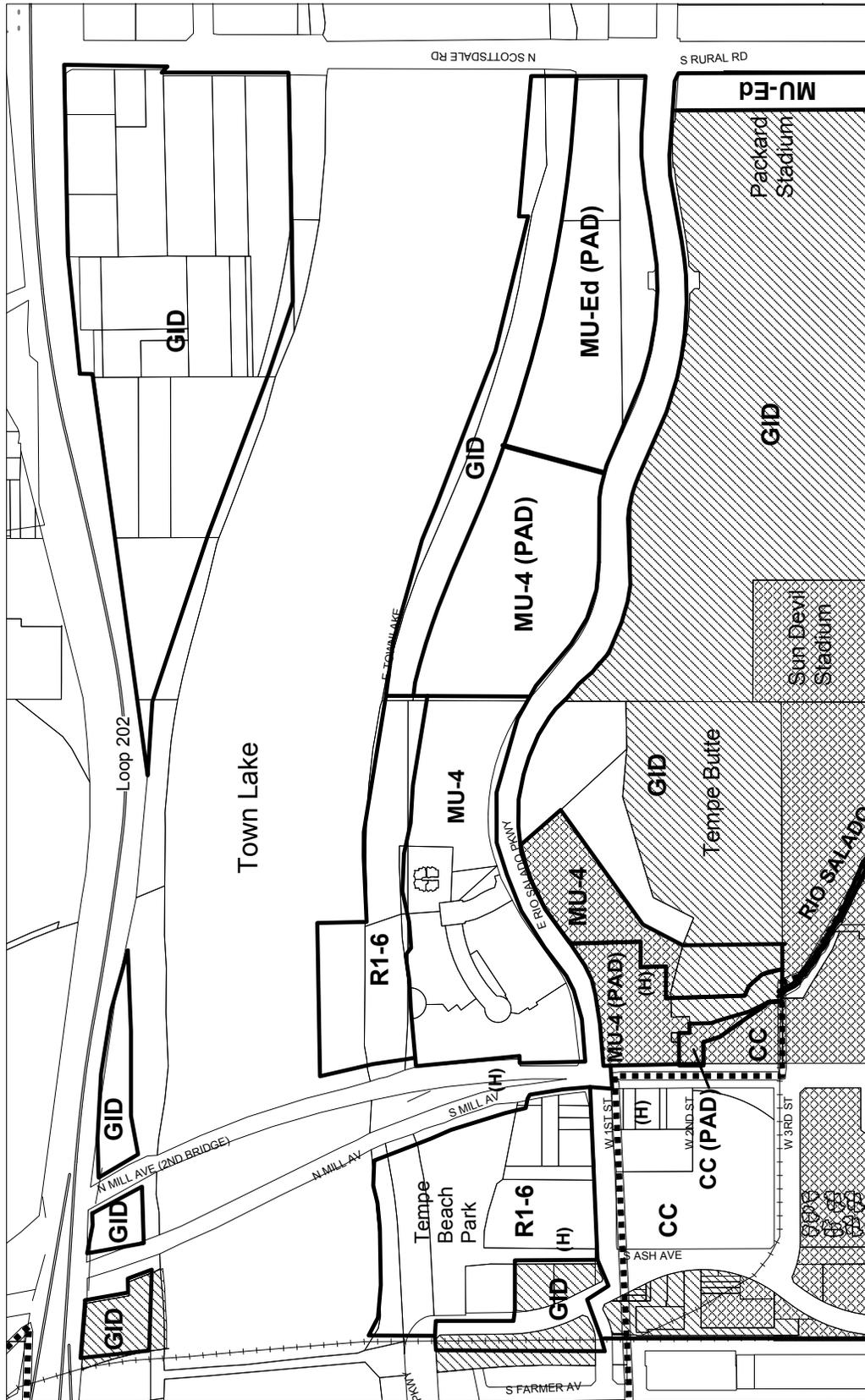
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9N	10N	11N
16N	15N	14N
21N	22N	23N



**ZONING MAP LEGEND**

**RESIDENTIAL**  
 AG: Agricultural  
 R1-4: Single-Family Residential  
 R1-5: Single-Family Residential  
 R1-6: Single-Family Residential  
 R1-7: Single-Family Residential  
 R1-8: Single-Family Residential  
 R1-10: Single-Family Residential  
 R1-PAD: Single-Family Residential

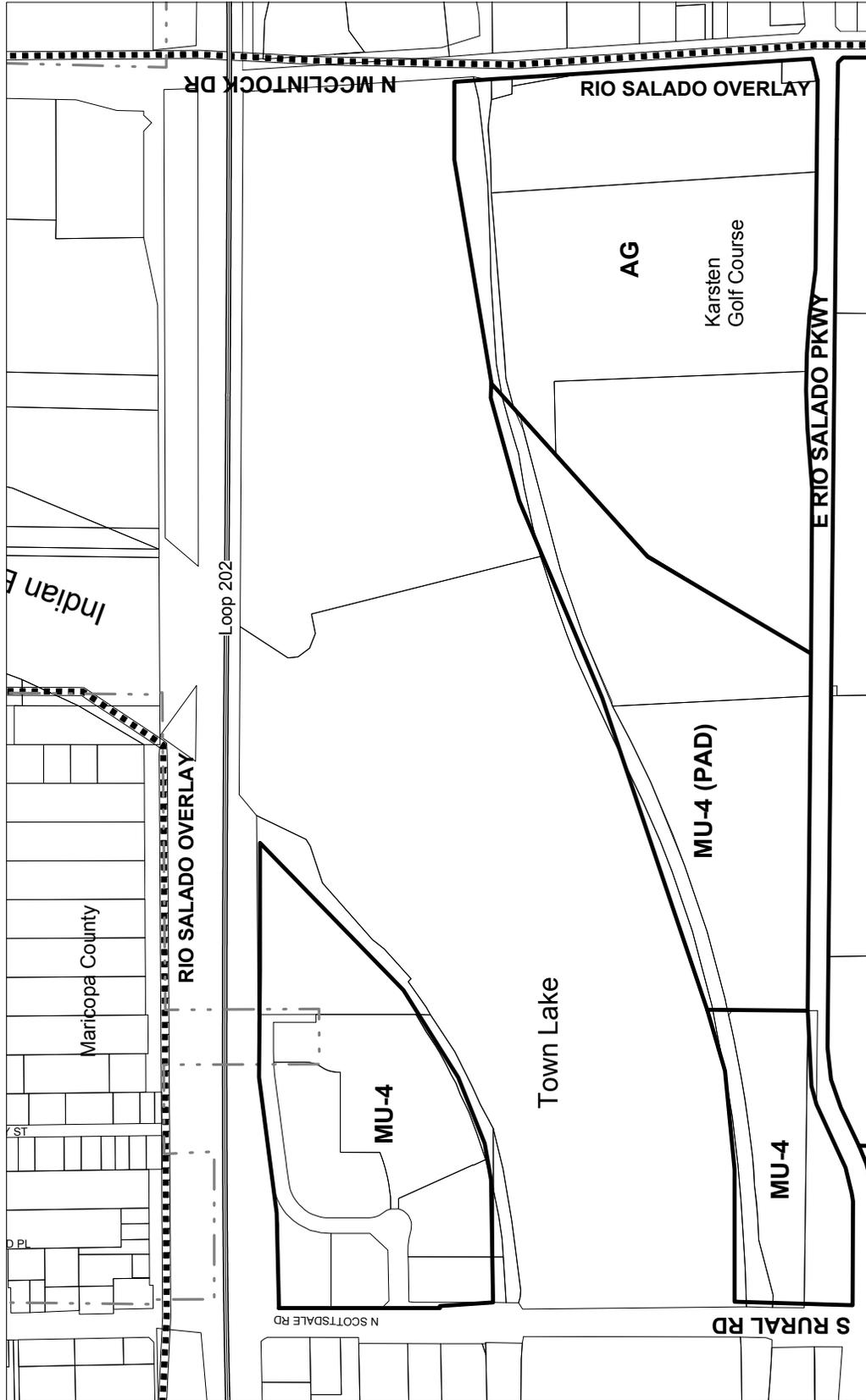
**COMMERCIAL / MIXED USE**  
 R: Residential Office  
 CCS: Commercial Shopping and Services  
 CC: City Commercial District  
 PCC-1: Planned Commercial Center Neighborhood  
 PCC-2: Planned Commercial Center General  
 RCC: Regional Commercial Center  
 MU-1: Mixed Use: Low-Medium Density  
 MU-2: Mixed Use: Medium Density  
 MU-3: Mixed Use: Medium-High Density  
 MU-4: Mixed Use: High Density  
 MU-Ed: Mixed Use Educational

**INDUSTRIAL**  
 LI: Light Industrial District  
 GID: General Industrial District  
 HID: Heavy Industrial District

**Other:**  
 TOD Corridor  
 TOD Station Area  
 (PAD): Planned Area Development Overlay  
 (H): Historic Property  
 City Limits



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.



10N	11N	13N	24N
15N	14N	23N	



**ZONING MAP LEGEND**

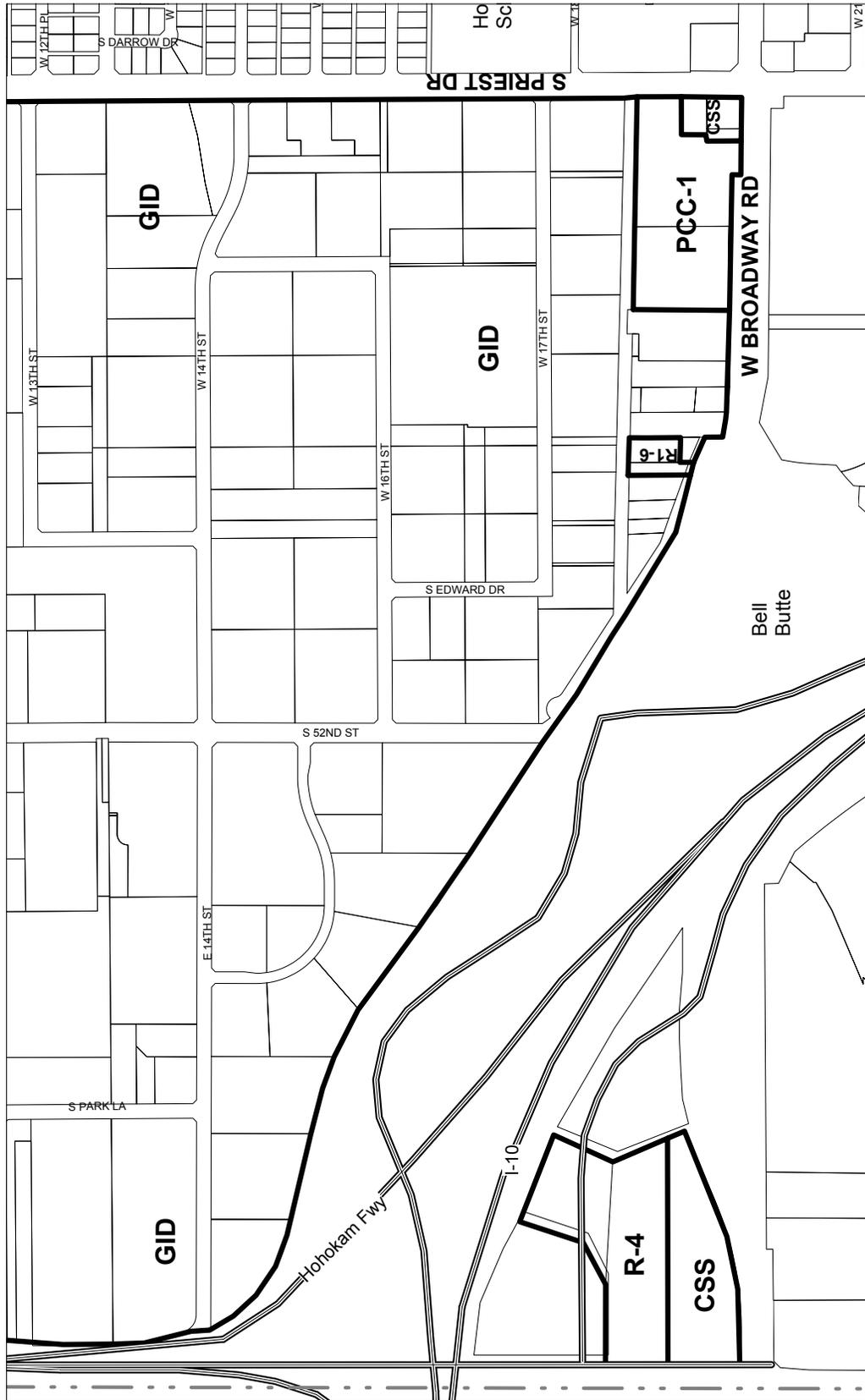
**RESIDENTIAL**  
 R-2: Multi-Family Residential  
 R-3R: Multi-Family Residential Restricted  
 R-3: Multi-Family Residential Limited  
 R-4: Multi-Family Residential General  
 R-5: Multi-Family Residential High Density  
 MHS: Manufactured Housing Subdivision  
 RMH: Mobile Home Residence  
 TP: Trailer Park  
 R1-4: Single-Family Residential  
 R1-5: Single-Family Residential  
 R1-6: Single-Family Residential  
 R1-7: Single-Family Residential  
 R1-8: Single-Family Residential  
 R1-9: Single-Family Residential  
 R1-10: Single-Family Residential  
 R1-PAD: Single-Family Residential

**COMMERCIAL / MIXED USE**  
 CS: Commercial/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  
 MU-3: Mixed Use, Medium-High Density  
 MU-4: Mixed Use, High Density  
 MU-Ed: Mixed Use Educational

**INDUSTRIAL**  
 IUD: Light Industrial District  
 GID: General Industrial District  
 HID: Heavy Industrial District

**Other Symbols:**  
 TOD Corridor (diagonal lines)  
 TOD Station Area (cross-hatch)  
 (PAD): Planned Area Development Overlay  
 (H): Historic Property  
 City Limits (dashed line)

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.



16N	17N	20N	21N	28N



**ZONING MAP LEGEND**

**RESIDENTIAL**  
 AG: Agricultural  
 R1-4: Single-Family Residential  
 R1-5: Single-Family Residential  
 R1-6: Single-Family Residential  
 R1-7: Single-Family Residential  
 R1-8: Single-Family Residential  
 R1-10: Single-Family Residential  
 R1-15: Single-Family Residential  
 R1-PAD: Single-Family Residential

**R-2: Multi-Family Residential**  
 R-3R: Multi-Family Residential Restricted  
 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

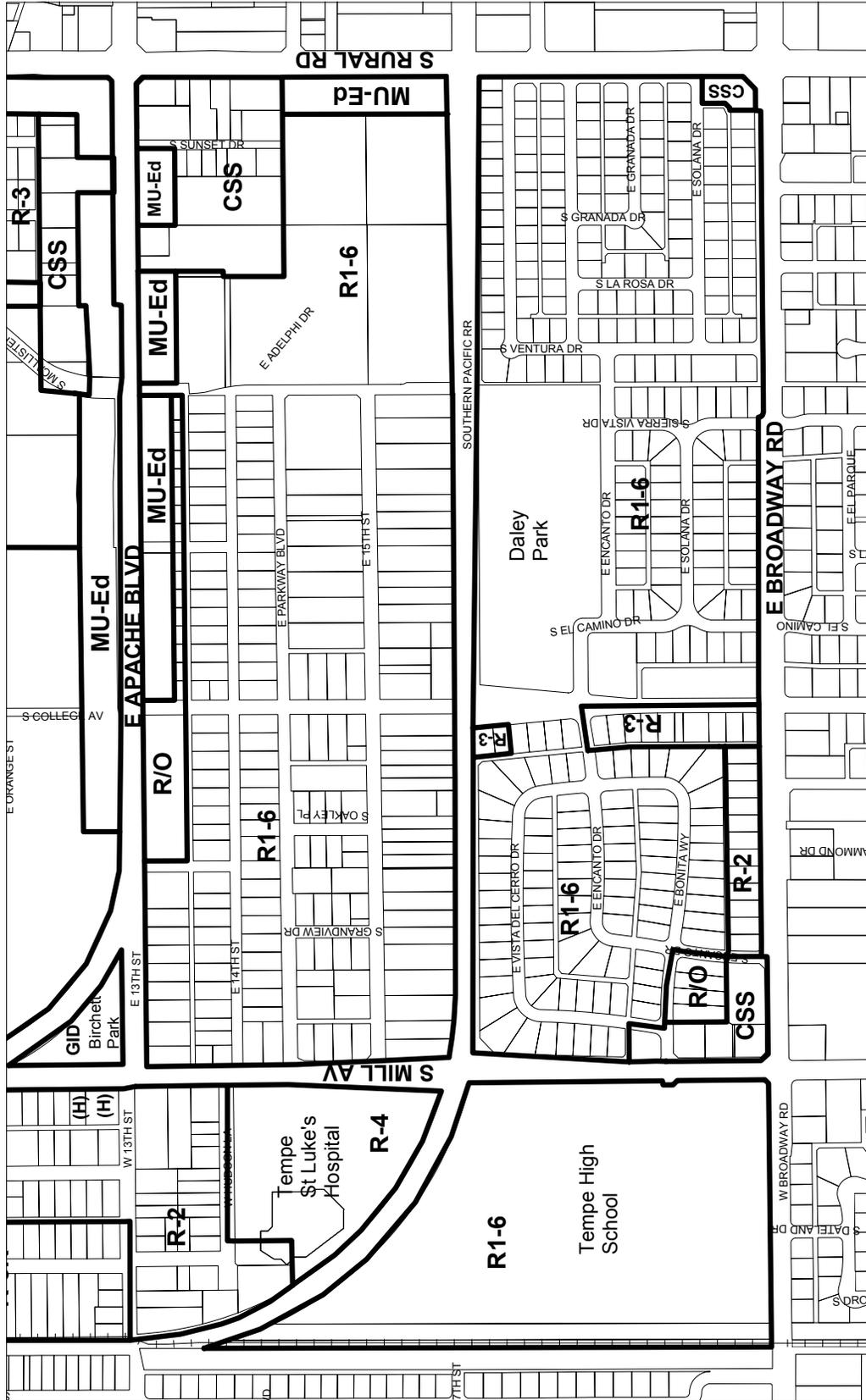
**COMMERCIAL / MIXED USE**  
 P/C: Residential/Office  
 CSS: Commercial Shopping and Services  
 CC: City Center  
 PCC-1: Planned Commercial Center Neighborhood  
 PCC-2: Planned Commercial Center General  
 RCC: Regional Commercial Center  
 MU-1: Mixed Use, Low-Medium Density  
 MU-2: Mixed Use, Medium Density  
 MU-3: Mixed Use, Medium-High Density  
 MU-4: Mixed Use, High Density  
 MU-Ect: Mixed Use Educational

**INDUSTRIAL**  
 LID: Light Industrial District  
 GID: General Industrial District  
 HID: Heavy Industrial District

(PAD): Planned Area Development Overlay  
 (H): Historic Property  
 City Limits



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16N	15N	14N
21N	22N	23N
28N	27N	26N



**ZONING MAP LEGEND**

**RESIDENTIAL**  
 AG: Agricultural  
 R1-4: Single-Family Residential  
 R1-5: Single-Family Residential Limited  
 R1-6: Single-Family Residential General  
 R1-7: Single-Family Residential High Density  
 R1-8: Single-Family Residential High Density  
 R1-10: Single-Family Residential  
 R1-15: Single-Family Residential  
 R1-PAD: Single-Family Residential

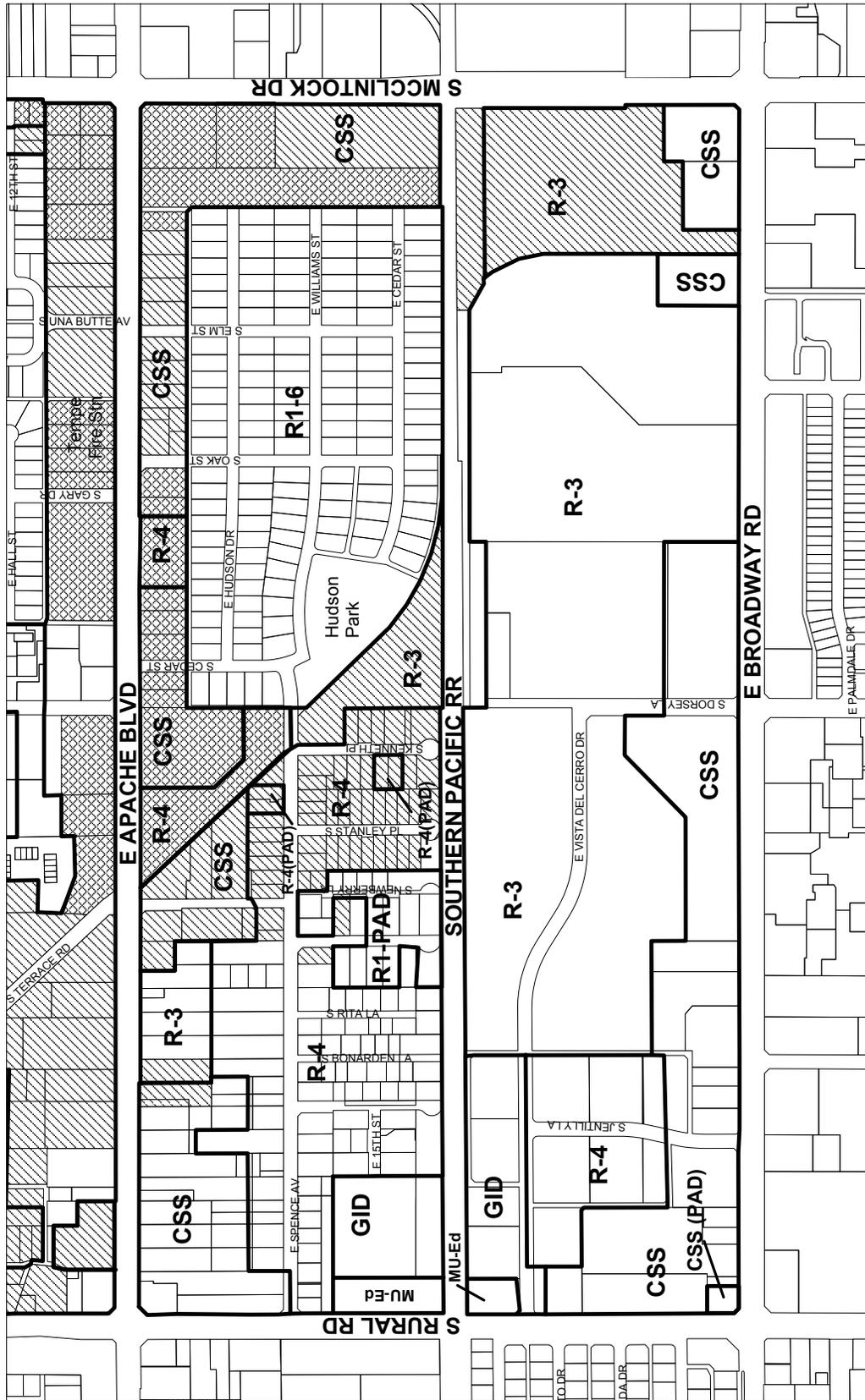
**COMMERCIAL / MIXED USE**  
 R/O: Residential/Office  
 CSS: Commercial Shopping and Services  
 CC: City Center  
 PCC-1: Planned Commercial Center Neighborhood  
 PCC-2: Planned Commercial Center General  
 RCC: Regional Commercial Center  
 MU-1: Mixed Use, Low-Medium Density  
 MU-2: Mixed Use, Medium Density  
 MU-3: Mixed Use, High Density  
 MU-4: Mixed Use, High Density  
 MU-Ed: Mixed Use Educational

**INDUSTRIAL**  
 LID: Light Industrial District  
 GID: General Industrial District  
 HID: Heavy Industrial District

**Other:**  
 TOD Corridor  
 TOD Station Area  
 (PAD): Planned Area Development Overlay  
 (H): Historic Property  
 City Limits



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**ZONING MAP LEGEND**

- RESIDENTIAL**  
 AG: Agricultural  
 R1-4: Single-Family Residential  
 R1-5: Single-Family Residential  
 R1-6: Single-Family Residential  
 R1-7: Single-Family Residential  
 R1-8: Single-Family Residential  
 R1-10: Single-Family Residential  
 R1-PAD: Single-Family Residential

- R-2: Multi-Family Residential  
 R-3R: Multi-Family Residential Restricted  
 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  
 POC-1: Planned Commercial Center Neighborhood  
 POC-2: Planned Commercial Center General  
 RCC: Regional Commercial Center  
 MU-1: Mixed Use, Low-Medium Density  
 MU-2: Mixed Use, Medium Density  
 MU-3: Mixed Use, Medium-High Density  
 MU-4: Mixed Use, High Density  
 MU-Ed: Mixed Use Educational

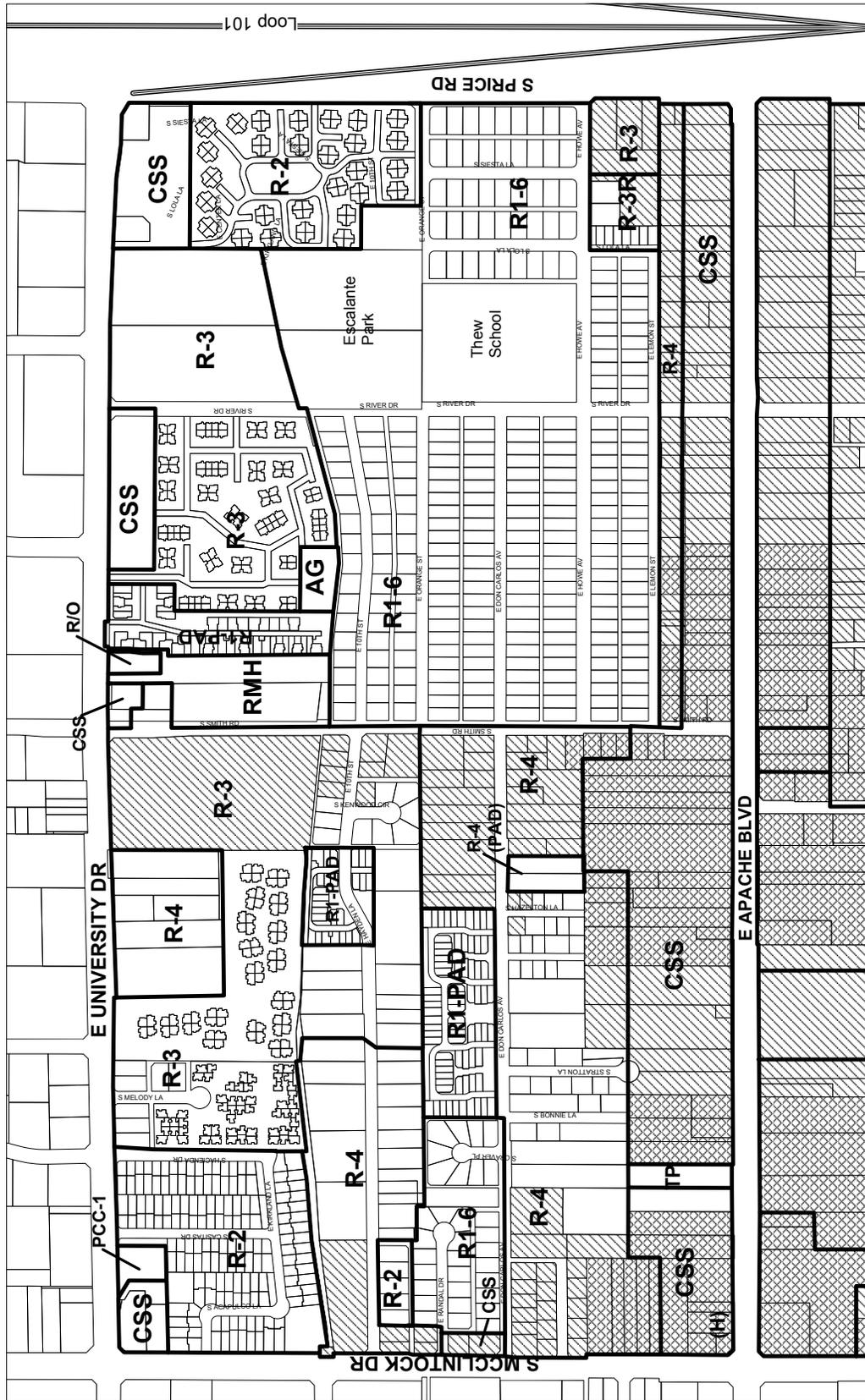
- INDUSTRIAL**  
 I/D: Light Industrial District  
 G/D: General Industrial District  
 H/D: Heavy Industrial District

- TOD Corridor  
 TOD Station Area  
 (PAD): Planned Area Development Overlay  
 (H): Historic Property  
 City Limits



15N	14N	13N
22N	23N	24N
27N	26N	25N

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14N	13N	18N
23N	24N	19N
26N	25N	30N



**ZONING MAP LEGEND**

**RESIDENTIAL**  
 AG: Agricultural  
 R-2: Multi-Family Residential  
 R-3R: Multi-Family Residential Restricted  
 R-3: Multi-Family Residential Limited  
 R-4: Multi-Family Residential General  
 R-5: Multi-Family Residential High Density  
 R-7: Single-Family Residential  
 R-8: Single-Family Residential  
 R-10: Single-Family Residential  
 R-1-PAD: Single-Family Residential

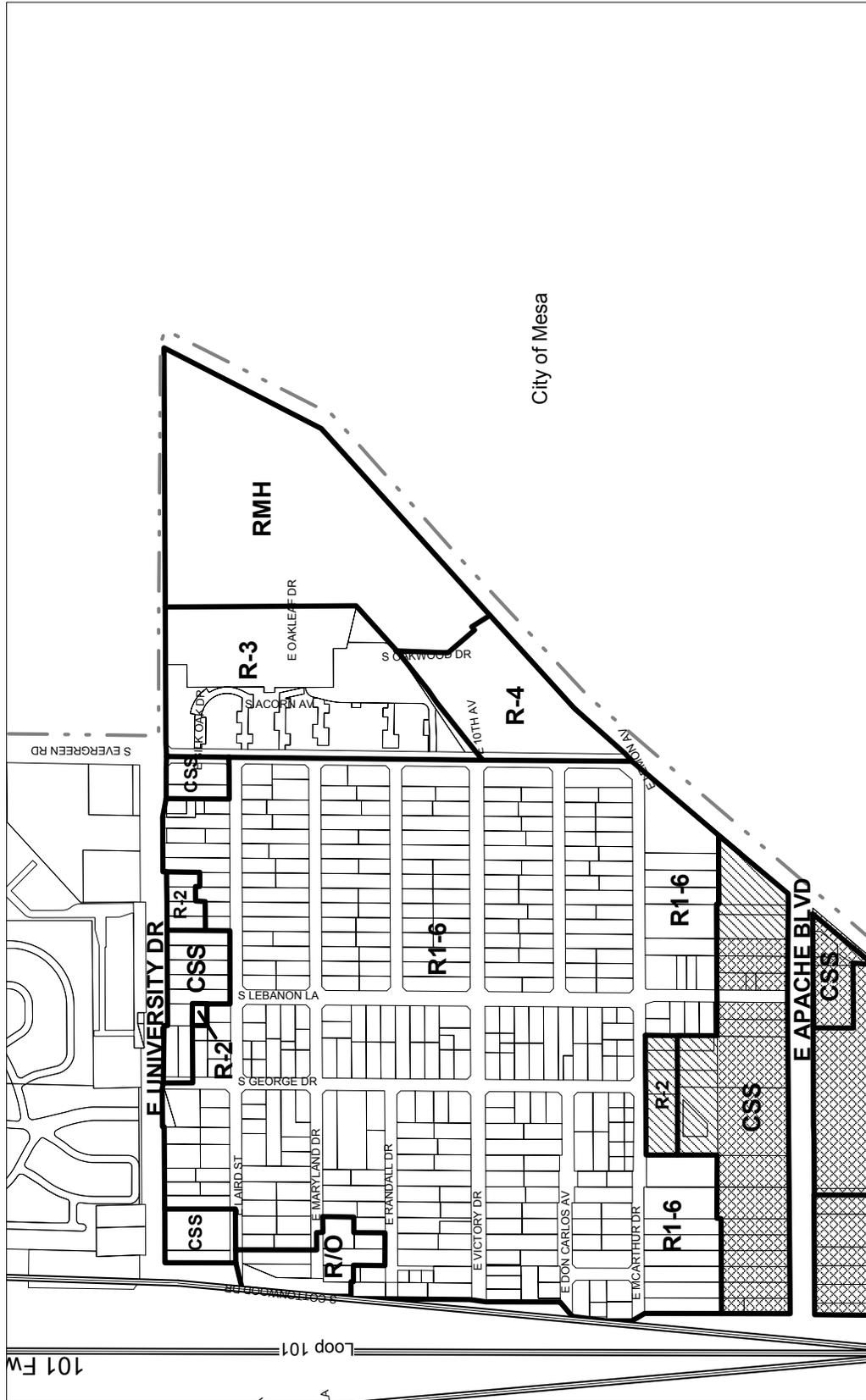
**COMMERCIAL / MIXED USE**  
 PCC: Commercial/Office  
 CSS: Commercial Shopping and Services  
 CC: City Center  
 PCC-1: Planned Commercial Neighborhood  
 PCC-2: Planned Commercial Center General  
 RCC: Regional Commercial Center  
 MU-1: Mixed Use, Low-Medium Density  
 MU-2: Mixed Use, Medium Density  
 MU-3: Mixed Use, Medium-High Density  
 MU-4: Mixed Use, High Density  
 MU-Ec: Mixed Use Educational

**INDUSTRIAL**  
 IUD: Light Industrial District  
 GID: General Industrial District  
 HID: Heavy Industrial District

**Other:**  
 RMH: Manufactured Housing Subdivision  
 TP: Trailer Park  
 TOD: TOD Station Area  
 (PAD): Planned Area Development Overlay  
 (H): Historic Property  
 City Limits



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13N	18N
24N	19N
25N	30N



**ZONING MAP LEGEND**

**RESIDENTIAL**  
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 R1-6: Single-Family Residential  
 R1-7: Single-Family Residential  
 R1-8: Single-Family Residential  
 R1-10: Single-Family Residential  
 R1-15: Single-Family Residential  
 R1-PAD: Single-Family Residential

R-2: Multi-Family Residential  
 R-3R: Multi-Family Residential Restricted  
 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

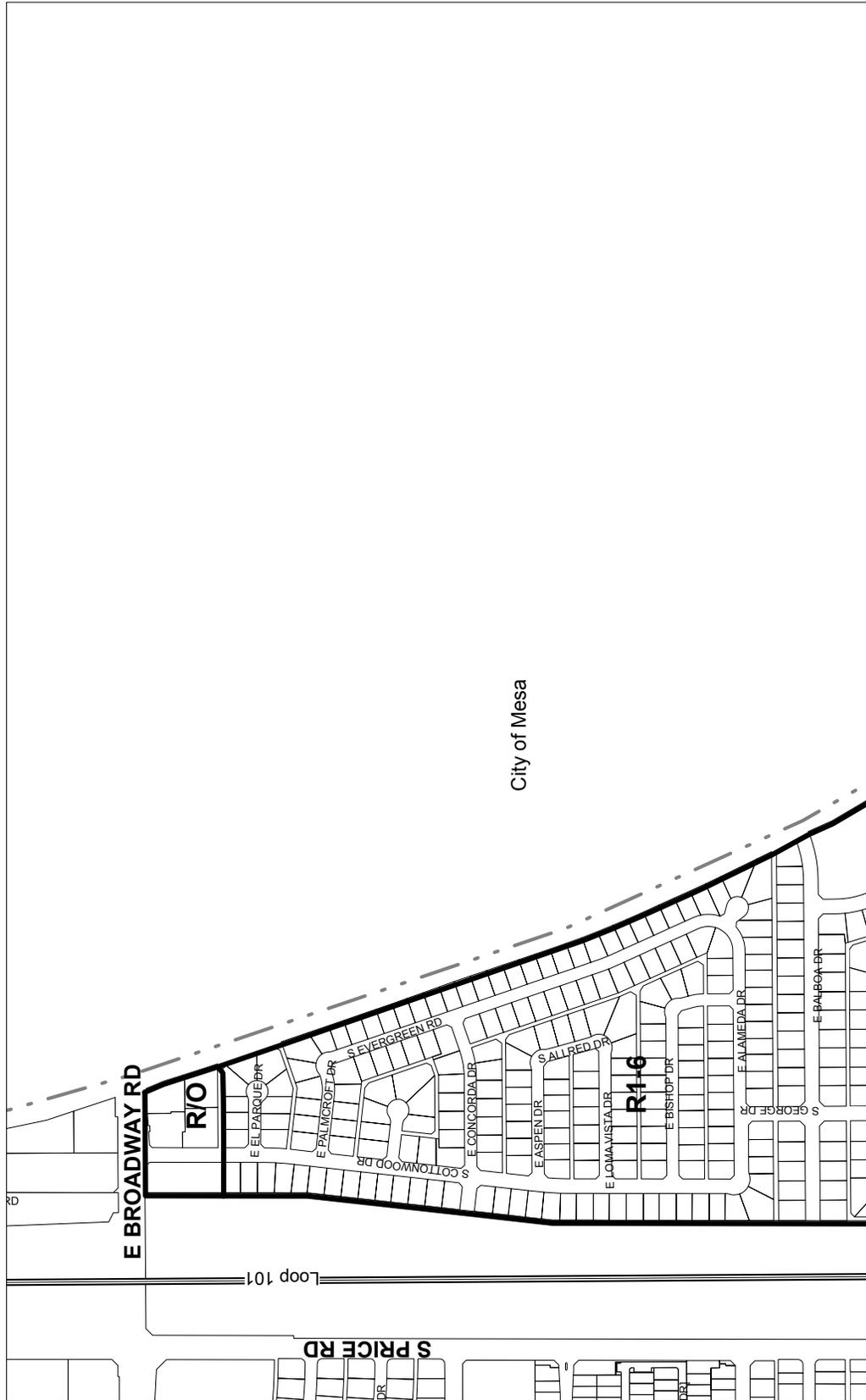
MU-1: Mixed Use, Low-Medium Density  
 MU-2: Mixed Use, Medium Density  
 MU-3: Mixed Use, Medium-High Density  
 MU-4: Mixed Use, High Density  
 MU-Ec: Mixed Use Educational

**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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**ZONING MAP LEGEND**

- RESIDENTIAL
- AG: Agricultural
- R1-4: Single-Family Residential
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- R1-6: Single-Family Residential
- R1-7: Single-Family Residential
- R1-8: Single-Family Residential
- R1-10: Single-Family Residential
- R1-15: Single-Family Residential
- R1-PAD: Single-Family Residential

- R-2: Multi-Family Residential
- R-3R: Multi-Family Residential Restricted
- 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
- MU-3: Mixed Use, Medium-High Density
- MU-4: Mixed Use, High Density
- MU-Ed: Mixed Use Educational

- INDUSTRIAL
- LID: Light Industrial District
- GID: General Industrial District
- HID: Heavy Industrial District

(PAD): Planned Area Development Overlay  
(H): Historic Property  
City Limits

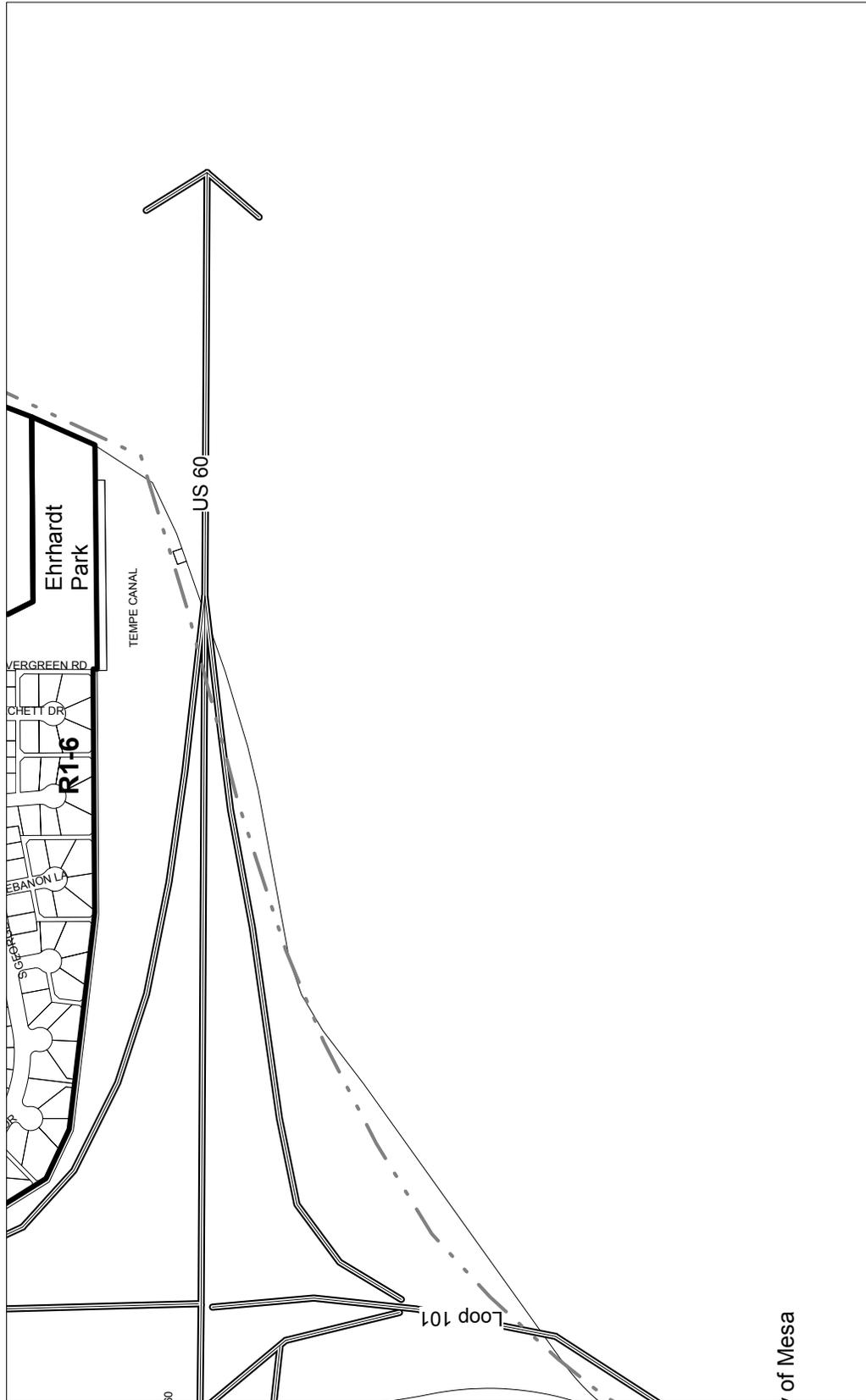
24N	19N	
25N	30N	
36N	31N	







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.



25N	30N	
36N	31N	
	1S	



**ZONING MAP LEGEND**

**RESIDENTIAL**  
 AG: Agricultural  
 R1-4: Single-Family Residential  
 R1-5: Single-Family Residential  
 R1-6: Single-Family Residential  
 R1-7: Single-Family Residential  
 R1-8: Single-Family Residential  
 R1-9: Single-Family Residential  
 R1-10: Single-Family Residential  
 R1-PAD: Single-Family Residential

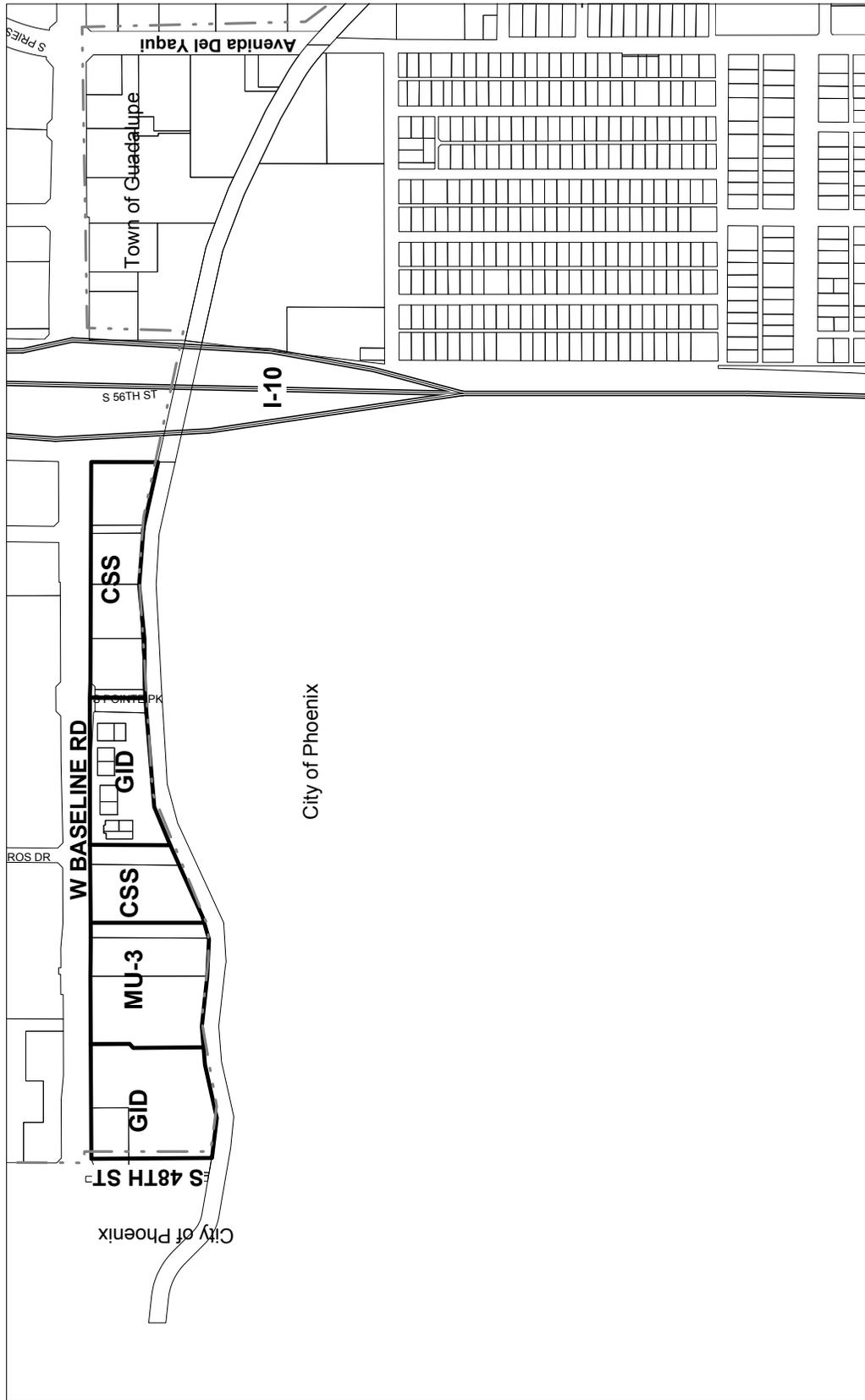
**COMMERCIAL / MIXED USE**  
 MU-1: Mixed Use, Low-Medium Density  
 MU-2: Mixed Use, Medium Density  
 MU-3: Mixed Use, Medium-High Density  
 MU-4: Mixed Use, High Density  
 MU-Ed: Mixed Use Educational

**INDUSTRIAL**  
 LID: Light Industrial District  
 GID: General Industrial District  
 HID: Heavy Industrial District

**Other Districts:**  
 R-2: Multi-Family Residential  
 R-3R: Multi-Family Residential Restricted  
 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

**Overlays:**  
 (PAD): Planned Area Development Overlay  
 (H): Historic Property City Limits

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.



32N	33N
8S	9S
5S	4S



**ZONING MAP LEGEND**

**RESIDENTIAL**  
 AG: Agricultural  
 R1-4: Single-Family Residential  
 R1-5: Single-Family Residential  
 R1-6: Single-Family Residential  
 R1-7: Single-Family Residential  
 R1-8: Single-Family Residential  
 R1-9: Single-Family Residential  
 R1-10: Single-Family Residential  
 R1-PAD: Single-Family Residential

**COMMERCIAL / MIXED USE**  
 RU: 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  
 MU-3: Mixed Use, Medium-High Density  
 MU-4: Mixed Use, High Density  
 MU-Ec: Mixed Use Educational

**INDUSTRIAL**  
 LID: Light Industrial District  
 GID: General Industrial District  
 HID: Heavy Industrial District

**Other Symbols:**  
 TOD Corridor  
 TOD Station Area  
 (PAD): Planned Area Development Overlay  
 (H): Historic Property  
 City Limits

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

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

<b>Table 3-202A – Permitted Land Uses (R/O, CSS, CC, PCC, RCC)</b>						
Uses	Status of Use District					
	R/O	CSS	CC	PCC-1	PCC-2	RCC
Accessory Use (see Section 7-102, Definitions)	P	P	P	P	P	P
Animal Kennel	N	U	U	U	U	U
Amateur Radio Antennas [Section 3-422]						
35 feet in height or less	S	S	S	S	S	S
Over 35 feet in height	U(S)	U(S)	U(S)	U(S)	U(S)	U(S)
Brewery, ancillary to a bar (a)	N	P	P	P	P	P
Cemeteries, Crematoriums and Mausoleums	N	U	U	U	U	N
Childcare Centers: Nursery Schools, Day Care Centers, similar	P	P	P	P	P	P
Clinic (medical, dental, veterinary (small animals))	P	P	P	P	P	P
Plasma donation center	U	U	U	U	U	U
Clubs						
Bar (indoor or outdoor), tavern, or nightclub (a)	N	U	U	U	U	P
Lodge or similar organization (a)	N	P	P	P	P	P
Teen night club (a)	N	U	U	U	U	U
Conference/Assembly (convention center)	N	P	P	P	P	P
Construction Offices and Sheds, Appurtenant Signs and Storage; Temporary – incidental to a construction project only for the duration of such project; not to exceed 24 months	P	P	P	P	P	P
Entertainment	N	U	U	U	U	P
Amusement businesses (a)	N	U	U	U	U	P
Outdoor (permanent use)	N	U	U	U	U	U
Theater or similar use	N	P	P	P	P	P
Fitness Centers: e.g. Heath Club, Fitness Studio	N	P	P	P	P	P
Heliport	N	U	U	U	U	U
Hospitals, Sanitariums, Nursing Homes: e.g. Orphanages, Institutions [Section 3-413]	N	U(S)	U(S)	U(S)	U(S)	U(S)
Hotels and Motels (a)	N	U	P	U	U	P

**Key:**

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

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

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

Uses	Status of Use District					
	R/O	CSS	CC	PCC-1	PCC-2	RCC
Live-Work [Section 3-414]	S	N	S	U(S)	U(S)	N
Mini-Warehouse/Rental Storage Facilities [Section 3-415]	N	U(S)	N	U(S)	U(S)	S
Offices	P	P	P	P	P	P
Outdoor Storage of equipment, goods, or materials	N	N	N	U	U	U
Parking Facilities, Commercial						
Surface	N	U	U	P	P	P
Structure	N	U	P	U	U	P
Places of Worship – (except tents and other temporary structures or buildings not permitted) including childcare, Sunday school uses which are ancillary to main use	P	P	P	P	P	P
Childcare center, private or charter school not ancillary to main use	U	U	U	U	U	U
Public Uses						
Civic facilities (e.g., post office, library, city office, customer serving)	P	P	P	P	P	P
Municipal Facilities (maintenance, repair and storage)	N	U	U	U	U	U
Open space, parks, similar uses (See also, Schools)	P	P	P	P	P	P
Radio and Television Studios with Receiving and Transmitting Towers	N	U	N	U	U	P
Resale Items	N	U	U	U	U	U
Antiques	N	U	U	U	U	U
Pawn Shops	N	U	U	U	U	U
Second Hand Stores	N	U	U	U	U	U
Residential, caretaker residence	P	P	P	P	P	P
Residential (all types)	P	U	P	U	U	U
Restaurants (a)	N	P	P	P	P	P
Entertainment as accessory use (a)	N	U	U	U	U	P
Outdoor dining (a)	N	P	P	P	P	P
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

**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

<b>Table 3-202A – Permitted Land Uses (R/O, CSS, CC, PCC, RCC)</b>						
Uses	Status of Use District					
	R/O	CSS	CC	PCC-1	PCC-2	RCC
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
with 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 retail display [Section3-418]	N	U(S)	S	U(S)	U(S)	U(S)
Outdoor retailing [Section 3-417]	N	U(S)	U(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	U	U	U	U	U	U
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 therapist	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 shops, body piercing	N	U	U	U	U	U
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

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
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
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)
<b>Schools</b>					
Charter	U	U	U	U	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
<b>Services [See Appendix M.]</b>	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 therapist	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 shops, body piercing	N	N	U	U	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)

**Key:**

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

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

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

MU-Ed = Mixed Use Educational

## 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.

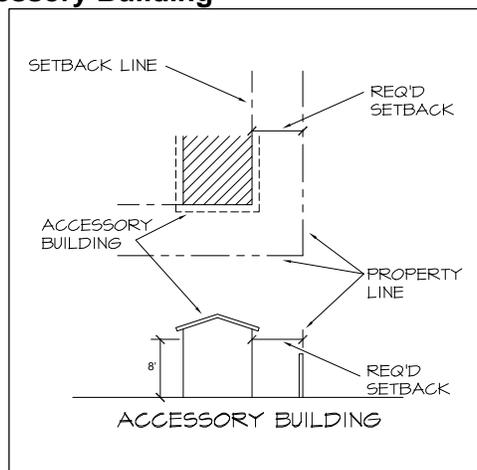
**City code reference**—See TCC §14A, Historic Preservation Ordinance.

## CHAPTER 4 – SPECIAL USE STANDARDS

### Section 3-401 Accessory Buildings, Uses and Structures.

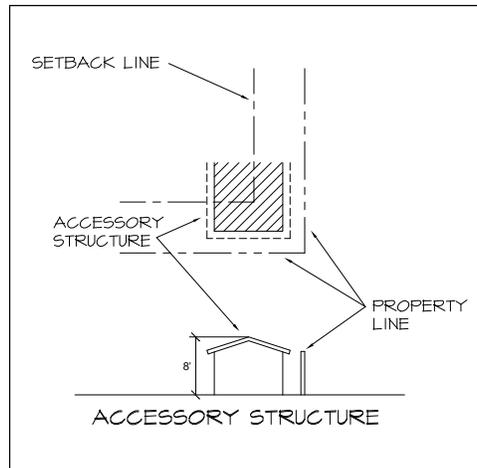
- A. Applicability.** *Accessory buildings, uses and structures* shall be incidental to the principal use. They must occupy less floor area, cover less *lot* area, and have a use that is secondary to the primary *structure(s)* and use(s) on the property. *Buildings, structures* (e.g., fence, carport, deck, etc.), and uses may all function as “accessory,” subject to the provisions below.
- B. Accessory Uses:** *Accessory buildings* may be used for *home occupations* in reference to Section 3-412.
- C. Accessory Building.** Buildings that exceed two hundred (200) s.f. in area or eight (8) feet in height are *accessory buildings* (e.g., freestanding garages, large sheds, workshops, etc.). Such buildings shall not be used for sleeping or living purposes, shall not have cooking facilities, are limited to the height of the existing residence, and must meet the *setbacks* for the district.
- 1. Use Permit.** A *use permit* is required for *accessory buildings* in the AG and all Single-Family Residential Districts.
  - 2. Setback Reduction.** The rear *yard setback* for an *accessory building* may be reduced when adjacent to a dedicated public alley. *Setback* requirements shall be measured from the midpoint of the alley.

**Figure 3-401 C. Accessory Building**



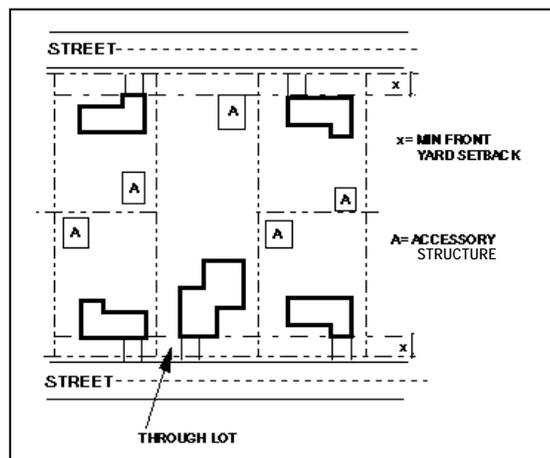
- D. Accessory Structure.** An accessory structure (e.g., ramadas, small sheds) shall be located no closer to the front *property line* than the front *yard building setback*, be limited to a maximum two hundred (200) s.f. in area, and shall be equal to or less than eight (8) feet in height. A structure that exceeds the maximum area or height shall be considered an *accessory building* for the purpose of this Code. An accessory structure may encroach into the rear, side, and street side *yard setbacks*, provided that required separation for fire protection is provided and the following standards are met:

**Figure 3-401 D1. Accessory Structure**



1. On a *lot* in the AG district, an accessory structure shall not be located closer than twenty (20) feet from rear and side *property lines*;
2. On a *through lot*, an accessory structure shall not be located closer to the rear *property line* than the distance required for front *yard building setback*; and

**Figure 3-401 D2. Through Lot**



3. On a residential *lot* in the AG district, a shelter for the keeping of animals or fowl may be erected to the maximum height allowable for the main *building* in that district.

**Section 3-402 Accessory Dwellings. [reserved]**

### Section 3-403 Adult-Oriented Businesses.

- A. Purpose.** It is recognized that there are some uses, which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several such uses are concentrated under circumstances having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to insure that these adverse secondary effects will not contribute to the blighting or downgrading of the existing surrounding neighborhood. These special regulations are itemized in this section. The purpose of the regulation is to promote the health, safety, and general welfare of the citizens of the city by preventing a concentration of these uses in any one area. It is not the intent of this Code to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented *entertainment* to their intended market. Further, it is not the intent of this Code to permit any use or act, which is otherwise prohibited or made punishable by law.

**Cross reference**—See also the following definitions in Part 7 of this Code: *adult-oriented business, adult arcade, adult retail store, adult cabaret, adult motel, adult motion picture theater, adult service, adult service business, adult theater, adult video facility, escort, escort agency, nude model studio, nudity/state of nudity, sexual encounter center, specified anatomical areas and specified sexual activities.*

**City code reference**—See TCC §16A-56, *escort* definitions and rules; TCC §16A-112 et seq., *adult-oriented businesses.*

**State law reference** – A.R.S. 13-1422, Adult oriented businesses; location; hours of operation; injunction; classification; definitions

- B. Location Requirements.** *Adult-oriented businesses* are allowed in the GID and HID zoning districts, subject to the following:

1. No *adult-oriented business* shall be operated or maintained within 1,320 feet from the defined provisions located in Section 3-403(B)(1)(a-g) below. Measurements shall be made in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing an *adult-oriented business* to the nearest point on the property line of a parcel containing the following:
  - a. Another *adult-oriented business*;
  - b. Child care facility;
  - c. *Public, private or charter school*;
  - d. A *church*, synagogue, temple or similar religious worship *building*;
  - e. A library, a public playground, a public community *building*, a public recreational facility, or a private recreational facility where minors are permitted;

- f. An establishment having an Arizona spirituous liquor license with any of the following classifications: *Bar* (Series 06); Beer and Wine Bar (Series 07) or the equivalent of such licenses; or
  - g. A residential district or the *property line* of a *lot* devoted to a residential use in any zoning district.
2. Any *adult-oriented business* that fails to comply with this section but which was lawfully operating before City Code Chapter 16A Article VI, took effect shall not be deemed to be in violation of this Code. However, such business will not be permitted to be increased, enlarged, extended or altered except the business may be changed so as to fully comply with this Code. An *adult-oriented business* lawfully operating is not rendered in violation of this Code by the location, subsequent to the grant or renewal of the license herein, of any of the premises identified in subsection 1 above. (Ord. No. 95.49, 12-14-95)

**C. Operation Requirements.** Any *adult-oriented business* shall comply with the following requirements, as well as those contained in Tempe City Code, Chapter 16A 112 through 135:

- 1. Security plan required;
- 2. For the prevention of the spread of sexually transmitted disease, no partitions between *subdivisions* of a room, portion or part of a *building, structure* or premises may have an aperture which is designed or otherwise constructed to permit sexual activity between persons on either side of the partition; and
- 3. No booths, stalls, or partitioned portions of a room, or individual rooms, used for the viewing of motion pictures or other forms of *entertainment*, shall have doors, curtains or portal partitions, but all such booths, stalls, partitioned portions of a room, or individual rooms so used shall have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of *entertainment* are visible from the adjacent public rooms, but such lighting shall not be of such *intensity* as to prevent the viewing of the motion pictures or other offered *entertainment*.
  - a. The words "booth, stalls, partitioned portions of a room or individual rooms" mean such enclosures as are specifically offered to the public or members of that establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business the *entertainment* to be viewed within the enclosure; which shall include, without limitation, such enclosures wherein the *entertainment* is dispensed for a fee, but a fee is not charged for mere access to the enclosure;

- b. The words "booths, stalls, partitioned portions of a room or individual rooms" do not mean such enclosures that are private *offices* used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing *entertainment* for a fee, and are not open to any persons other than employees;
- c. The words "doors, curtains or portal partitions" mean full, complete, nontransparent closure devices through which one cannot see or view the activity taking place within the enclosure; and
- d. The words "open to adjacent public room so that the area inside is visible to persons in the adjacent public room" shall mean either the absence of any "door, curtain or portal partition" or a door or other device which is made of clear, transparent material such as glass, plexiglass or other such material meeting building code and safety standards, extending from the floor to the top of the door frame, exclusive of the door or device framing itself, so that the activity inside the enclosure may be viewed or seen by persons outside the enclosure.

**D. Prohibited Uses.** *Sexual encounter centers*, as defined in this Code, are prohibited from all zoning districts within the boundaries of the City of Tempe.

### **Section 3-404      Agricultural Uses.**

Agricultural uses, as provided in subsections below, are permitted in the AG district and shall conform to the following standards:

- A. Farming.** Farming, including all types of agriculture and horticulture, such as flower, vegetable and field crops, berry and bush crops, tree crops, and orchards, and their storage.

- B. Livestock.** The keeping of livestock, including cattle, horses, sheep, goats or similar animals except the keeping of swine. The number of such livestock permitted shall be calculated on the basis of one horse, cow or similar animal, or two (2) sheep, goats or similar animal for each six thousand (6,000) square feet of net *lot* area after deducting one-half (1/2) acre for the home site. The total aggregate of all such animals permitted shall be twenty-four (24). Animals of six (6) months or younger shall not be counted.
- C. Apiaries.** Apiaries, upon the following conditions:
1. Occupied bee hives shall be at least two hundred (200) feet from any existing *dwelling* on another property;
  2. Occupied bee hives shall have a minimum separation of fifty (50) feet to any *property line*;
  3. Occupied bee hives shall have a minimum separation of one hundred fifty (150) feet to any *street* or *bridle path*; and
  4. Apiaries shall require a *use permit*.
- D. Grazing.** The grazing and keeping of cattle, sheep or horses, except swine on a site of five (5) or more acres; including the supplementary feeding of such cattle, sheep, or horses, provided such grazing is not a part of, nor conducted in conjunction with any dairy or livestock sales *yard* located on the same premises.
- E. Processing of Farm Products.** Farming and processing of farm products, customarily conducted on farms, is permitted subject to a use permit, on a site five (5) acres or more.
- F. Horse Stables.** A commercial horse stable may be permitted with a minimum net site of ten (10) acres or more.
- G. Keeping of Horses.** The keeping of horses for residential use is permitted in the AG district subject to Section 3-404(B). Keeping of horses in the R1-15 and R1-10 district are permitted subject to a use permit provided the following conditions are met:
1. The zoning for such property was in effect prior to 1/20/85;
  2. The rear *yard* of site with R1-15 and R1-10 districts abuts property in the agricultural district and the conditions, covenants and restrictions of such agriculturally zoned property permits the keeping of horses;
  3. The *lots* in the R1-15 and R1-10 districts are not less than thirty thousand five hundred (30,500) square feet in area;
  4. The minimum distance from the rear of the *dwelling* unit to the rear *property line* is not less than two hundred (200) feet;
  5. The *lots* in the R1-15 and R1-10 districts are located south of Elliot Road; and

## Section 3-412 Home Occupation.

- A. Purpose.** *Home occupation* allows small commercial ventures for which the leasing of commercial quarters is not cost effective and which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence.
- B. Applicability.** *Home occupations* are permitted in all residential *dwellings* as an *accessory use* (see Section 7-102 for definition), subject to any of the following standards indicated to protect the residential character of Tempe's neighborhoods. Deviation from any provision noted below shall be considered a violation of this Code.
- 1. Appearance of Residence.**
    - a. The *home occupation* shall be restricted to lawfully-built enclosed *buildings* and be conducted in such a manner as not to give an outward appearance of a business.
    - b. The *home occupation* shall not result in any structural *alterations* or additions to a *building* that will change its primary use or building code occupancy classification.
    - c. The *home occupation* shall not violate any conditions of *development* approval (i.e., prior development permit approval).
    - d. Products and or equipment produced or used by the *home occupation* shall not be displayed or visible from outside any *building*.
    - e. No offensive noise, vibrations, smoke, dust, odors, heat or glare shall be produced.
  - 2. Storage.**
    - a. On-site storage and use of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
    - b. Inventory, products, equipment, fixtures, and activities associated with the *home occupation* shall be allowed in any *building*, provided that the *building* conforms to the provisions under Section 3-412(A).
  - 3. Employees.**
    - a. A *home occupation* shall have no more than three (3) individuals working within a residence for the purpose of the business.
    - b. No more than one (1) person, who is not a *family* member residing within the *dwelling* located on the *home occupation* site, may be permitted to work for the benefit of the *home occupation*.

- c. Additional individuals may be employed by or associated with the *home occupation*, so long as they do not report to work or pick up/deliver at the home.
  - d. The *home occupation* site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.
- 4. Signs.** *Home occupations* shall not display an *identification sign* for the purpose of the business.
- 5. Vehicles, Parking and Traffic.**
- a. Vehicles associated with the *home occupation* must comply with TCC Section 21-4.
  - b. There shall be no more than three (3) commercial vehicle deliveries to or from the *home occupation* site daily. There shall be no commercial vehicle deliveries during the hours of 8 p.m. to 7 a.m.
  - c. There shall be no more than one (1) client or customer vehicle on the premises at any one (1) time and the activity shall not generate traffic beyond that normal in its district.
- 6. Business Hours.** Clients or customers are permitted at the *home occupation* from 7 a.m. to 8 p.m. only. Additional hours of operation for such use shall require the approval of a *use permit*.
- 7. Prohibited Uses.** A *home occupation* shall not include the sale of commodities on premises nor the following: clubs, barber shops, beauty parlors, commercial stables, veterinary offices, hospitals, hotels, motels, kennels, restaurants, motor vehicle repairing, massage parlors, and any use that does not conform to the provisions in Section 3-412(A-F).

### **Section 3-413 Hospitals, Sanitariums, and Nursing Homes.**

Any *building* used for one (1) or more of the following uses shall be not less than fifty (50) feet from the *lot line* of any adjoining property: *Hospitals* or sanitariums for the treatment of human ailments, nursing or convalescent homes, orphanages, and institutions for the mentally *disabled*, epileptic, drug or alcoholic patients; homes for the aged, without cooking facilities in individual *dwelling* units; and related institutions of an educational, religious, or philanthropic nature.

**Section 3-414 Live-Work.**

*Live-work* is permitted in all *Mixed-Use* (MU) districts and in the CC and R/O districts, and is permitted with a *use permit* in the PCC-1, PCC-2, and all multi-family districts. *Live-work* is permitted to provide a housing and employment option that is transportation efficient and low-impact on adjacent neighborhoods. *Live-work* uses are subject to the standards for *home occupations* in Section 3-412, with the following exceptions:

- A. **Employees.** Two (2) employees, in addition to the *family* members residing in the *dwelling*, may work on premises. Additional employees may be authorized subject to the provisions of a *use permit*;
- B. **Signs.** *Signs* are permitted that do not exceed two (2) square feet of combined area for all *signs* and comply with the standards for commercial use *signs* in 4-902.
- C. **Vehicles, Parking and Traffic.** All *live-work* units in the Mixed-Use districts, CC, PCC-1, and PCC-2 districts are exempt from the standards in Section 3-412(E). All *live-work* units in the R/O and Multi-Family districts shall comply with Section 3-412(E).



### Section 3-415 Mini-Warehouse/Rental Storage Facilities.

*Mini-warehouse/rental storage facilities are for storage purposes only. No retailing is permitted from a rented storage unit.*

### Section 3-416 Mobile Homes.

- A. **Dwelling.** *A mobile home, recreational vehicle, or similar vehicle shall not be considered a dwelling unit, nor occupied as such, unless located in a trailer or mobile home park, except as noted herein.*
- B. **Access.** *A minimum of two (2) vehicular entrances shall be provided for each mobile home park, mobile home subdivision, and trailer park development. One (1) entrance may be kept closed to the general public if provision is made for emergency access and if this entrance is not necessary to accommodate the volume of traffic generated by uses on the site.*
- C. **Perimeter Walls.** *Perimeter boundaries of all mobile home parks, mobile home subdivisions and trailer parks shall have a perimeter wall with a minimum height of eight (8) feet, measured from the highest adjacent grade within twenty (20) feet. The wall shall be of masonry or concrete construction, with architectural texture, finish, and color to be compatible with other buildings in the vicinity. The perimeter wall shall be designed to create an attractive appearance, incorporating elements such as recesses, piers, pilasters, contrasting courses and texture. The area between the wall and the public street shall be landscaped, and the wall may contain pedestrian access gate(s), as approved through development plan review. Street frontage landscape areas of mobile home and trailer park developments shall be maintained by the mobile home or trailer park operators.*

### Section 3-417 Outdoor Retailing.

- A. **Purpose.** *To allow sales of merchandise for a limited and temporary time without use of a permanent structure.*
- B. **Applicability.** *Outdoor retailing is allowed subject to a use permit and the following regulations:*
  - 1. *Must be on the site specified by the use permit and outside of the public right-of-way;*
  - 2. *Must have property owner's written authorization;*
  - 3. *Outdoor retailing shall not occupy required parking areas, pedestrian paths, landscaped areas, or vehicular driveways (including fire lanes);*
  - 4. *Any outdoor retailing must allow for a minimum six (6) foot wide pedestrian path across any building frontage and to and from all building entrances and exits;*

5. The applicant must be in compliance with all regulations related to such permit and all applicable codes and laws;
6. Sound amplification may not be used for sales demonstrations; and
7. Outdoor retailing signage size and location shall be established by the *use permit*.

### **Section 3-418 Outdoor Retail Display.**

- A. Purpose.** The purpose of this section is to allow a business or tenant to display an incidental amount of merchandise adjacent to the exterior of a *building*.
- B. Applicability.** Outdoor displays are allowed, subject to the following regulations:
1. Displays in city right-of-way are subject to an encroachment permit or lease;
  2. Displays shall not occupy required *parking* areas, pedestrian paths, *landscaped* areas, or vehicular driveways (including fire lanes);
  3. Displays shall be located within three (3) feet of the business space;
  4. Any display must allow for a minimum six (6) foot wide pedestrian path across the *building* frontage and to and from all *building* entrances and exits;
  5. Displays are limited to the normal hours of operation, unless otherwise authorized by condition;
  6. Solid display *structures* are limited to four (4) feet in height and total display area shall not obscure more than twenty five percent (25%) of window area;
  7. Display merchandise shall be the same as that sold inside the store;
  8. Sound amplification may not be used for sales demonstrations;
  9. Outdoor *retail* display signage shall not exceed a total of three (3) square feet; and
  10. Sale or transaction of display items shall be made inside the place of business.

## Section 3-422 Amateur Radio Antennas

Amateur radio antennas for non-commercial use.

- A. Antennas Permitted.** Amateur radio antennas are permitted in all zoning districts subject to the following standards:
1. Antenna *structures* are allowed up to thirty-five (35) feet in height;
  2. Antenna *structures* shall comply with *setback* standards for the zoning district in which it is located and in all residential zoning districts, shall be located in the rear half of the *lot*;
  3. Antennas, including support *structures*, shall not extend beyond the *property line*; and
  4. When a Federally Licensed Radio Amateur no longer occupies the subject property, the antenna *structure* shall be removed.
- B. Antennas with a Use Permit.** All amateur radio antennas that exceed thirty-five (35) feet in height shall require approval of a *use permit*. Such antennas shall be of telescoping design and lowered to a height of no more than thirty-five (35) feet when not in use. In no event shall an amateur radio antenna exceed the height of seventy-five (75) feet.

## Section 3-423 Use Separation Requirements.

- A. Non-Chartered Financial Institutions.**
1. *Non-chartered financial institutions* shall not be located on a *lot* within 1,320 feet, measured by a straight line in any direction, from the lot line of another *non-chartered financial institution*.
  2. *Non-chartered financial institutions* shall not be located on a lot within five hundred (500) feet, measured by a straight line in any direction, from the lot line of a residential district.
  3. The requirements pursuant to Section 3-423(A) shall also apply to *Non-chartered financial institutions* which are ancillary to another existing or permitted use.
- B. Auto Title Loan.** *Auto Title Loan* businesses shall not be located on a *lot* within 1,320 feet, measured by a straight line in any direction, from the lot line of another *auto title loan*. The requirements in this section shall also apply to *auto title loan* businesses which are ancillary to another existing or permitted use.
- C. Tobacco Retailer.** *Tobacco Retailers* shall not be located on a lot within 1,320 feet, measured by a straight line in any direction, from the lot line of a *charter school, private school, or public school*, which provides elementary or secondary education. *Instructional or vocational schools* are excluded from the separation requirement.

## CHAPTER 5 – NON-CONFORMING USE OR DEVELOPMENT

### Section 3-501 Purpose.

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

### Section 3-502 General Provisions.

- A. **Legal Non-Conforming Uses and Non-Conforming Developments.** Nothing in this Code shall affect existing property or the right to its continued use for the purpose used at the time the Code takes effect, nor to make any reasonable repairs or *alterations* in *buildings* or property used for such legal existing purpose.
- B. **Approved Projects.** Nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any *building* for which a *building* permit has been lawfully issued prior to the effective date of adoption or amendment of this Code.

### Section 3-503 Legal Non-Conforming Development.

All *developments* may be maintained but shall not be re-erected, relocated, or replaced unless brought into compliance with this Code.

### Section 3-504 Legal Non-Conforming Use.

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

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

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

## Section 4-203 Development Standards for Commercial and Mixed-Use Districts.

Tables 4-203A and 4-203B, respectively, provide the development standards for commercial districts and mixed-use districts.

<b>Table 4-203A – Development Standards in Commercial Districts (1)</b>							
<b>Standard</b>	<b>R/O</b>	<b>CSS (2)</b>	<b>CC</b>	<b>PCC-1</b>	<b>PCC-2</b>	<b>RCC</b>	<b>Use Permit Standard</b>
Residential Density (DU/acre)	10	20 (U)	NS	15 (U)	25 (U)	0	NA
Building Height [Exceptions, see Section 4-205(A)]							
Building Height Maximum	30 ft	35 ft	50 ft	35 ft	40 ft	75 ft	20%
Building Height Step-Back Required Adjacent to SF or MF District, [Section 4-404, Building Height Step-Back]	No	No	Yes	Yes	Yes	No	NA
Maximum Lot Coverage (% of net site area)	35%	50%	NS	50%	50%	50%	20%
Minimum Landscape Area (% of net site area)	30%	15%	NS	15%	15%	15%	10%
Setbacks (a) [Exceptions, see Section 4-205(B)]							
Front	15 ft	0 ft	0 ft	0 ft	0 ft	25 ft	10%
Parking	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	10%
Side							
Building Wall	10 ft	0 ft	0 ft	30 ft	30 ft	25 ft	10%
Common Wall	10 ft	0 ft	0 ft	0 ft	0 ft	25 ft	10%
Rear – Building Wall	10 ft	10 ft	0 ft	30 ft	30 ft	25 ft	10%
Street Side	10 ft	0 ft	0 ft	0 ft	0 ft	25 ft	10%
Parking	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	10%

NS = No Standard. NA = Not Applicable. (U) = Denotes *use permit* requirement in those districts.

(1) An *overlay district* may modify the above standards. See Part 5.

(2) CSS district formerly known as CCR, C-1 and C-2 districts.

(a) See also, Section 3-401 for *setbacks* applying to *accessory structures* and *buildings*.

**Table 4-203B – Development Standards in Mixed-Use Districts**

Standard	MU-1 (1)	MU-2 (1)	MU-3 (1)	MU-4 (1) (2)	MU-Ed	Use Permit Standard
Residential Density (DU/acre)	10	15	25	NS	NS	NA
Building Height (feet) [Exceptions, see Section 4-205(A)]						
Building Height Maximum	35 ft	40 ft	50 ft	NS	NS	20%
Building Height Step-Back Required Adjacent to SF or MF District [Section 4-404, Building Height Step-Back]	Yes	Yes	Yes	Yes	(3)	NA
Maximum Lot Coverage (% of net site area)	NS	NS	NS	NS	NS	NA
Minimum Landscape Area (% of net site area)	NS	NS	NS	NS	NS	NA
Setbacks (feet) (a) [Exceptions, see Section 4-205(B)]						
Front						
Building Wall	NS	NS	NS	NS	NS	NA
Parking	20 ft	20 ft	20 ft	20 ft	20 ft	
Side						
Building Wall	NS	NS	NS	NS	NS	NA
Street Side						
Building Wall	NS	NS	NS	NS	NS	NA
Parking	20 ft	20 ft	20 ft	20 ft	20 ft	
Rear						
Building Wall	NS	NS	NS	NS	NS	NA

NS= No Standard. NA = Not Applicable.

(1) Requires PAD Overlay with initial zoning.

(2) MU-4 district formerly known as MG district.

(3) Development and uses other than *Public University uses* or *Public University related uses* that are adjacent to or separated by an alley from a *residential use* shall not exceed thirty (30) feet in height.

(a) See also, Section 3-401 for *setbacks* applying to *accessory structures* and *buildings*.

## CHAPTER 5 – ACCESS AND CIRCULATION

### Section 4-501 Purpose and Applicability.

- A. **Purpose.** The purpose of Chapter 5 is to implement the Comprehensive Transportation Plan and ensure that *developments* provide safe and efficient access and circulation for pedestrians (including ADA and transit *accessibility*), *motorized vehicles*, and bicycles.
- B. **Applicability.** Section 4-502 provides standards for vehicular access and circulation. Section 4-503 provides standards for pedestrian and bicycle access and circulation. These standards apply to all development, except single-family, except as noted herein, and are intended to be used in conjunction with the standards for *buildings*, *landscapes*, and *streets*, as provided in other chapters of this Code.

### Section 4-502 Motor Vehicle Access and Circulation Standards.

- A. **Purpose.** This section provides for vehicle ingress and egress, internal circulation, and transportation demand management options within *developments*. Vehicular access and circulation must be properly designed so that city's *street* system will be able to accommodate traffic at an acceptable level of *service*. Thus, this section is intended to balance the right of reasonable access to private property with safe and efficient travel. *Streets* have been categorized in the Comprehensive Transportation Plan by function, and classified for access purposes based upon their level of importance and function. Regulations have been applied to these roadways for the purpose of mitigating traffic demand and reducing traffic accidents, personal injury, and property damage attributable to access systems, and to thereby improve the safety and operation of the *street* network. These regulations further the orderly use of land, protect community character, provide universal pedestrian and bicycle access, and conserve natural resources by promoting well-designed road and access systems.
- B. **City Approval of Access Required.** Access to a *public street* requires approval by the Public Works Manager based on the standards contained in this Code and the City of Tempe Public Works Standard Details.
- C. **Traffic Impact Analysis.** The city may require a traffic impact analysis prepared by a registered engineer to determine access, circulation, transportation demand management, and other reasonable transportation system mitigation requirements in reviewing a land use or *development* application. This analysis shall generally conform to the city's Policy for Transportation Impact Studies (Transportation Division), as amended.
- D. **Access Location Options.** One (1) or more of the following access locations shall be required by the city, consistent with the city's access spacing standards in Section 4-502(G), and based on land use or development review (list is prioritized):
  1. Access through adjacent property when cross-access easement is provided;

2. Access from arterial *street* in conformance with access spacing standards;
3. Access through *alleys* is permitted subject to the provisions under Section 4-502(E);
4. Access through existing or proposed side *street*, if a *corner lot* or double frontage *lot*;
5. Access from frontage *street* (parallel to arterial or freeway); and
6. Site specific combination of above options.

**E. Number of Access Points.**

1. For single-family and two (2) *family (duplex)* residential lots which front on collector or arterial streets, only one (1) *street* access point is permitted per *street* frontage. Any modification of this standard shall be determined by the Public Works Manager, or designee. There is no restriction on the number of access points to *alleys*.
2. For multi-family, commercial, office/industrial, public facility, and institutional *developments*, the number of *street* access points shall be minimized to protect the function, safety and operation of the *street* system. Shared access may be required in *new developments*.

**F. Access – Ingress and Egress.**

1. All *parking* areas shall be designed so as to provide ingress and egress from a *public street* by forward motion of the vehicle. Single-family *developments*, or multi-family *developments* with eight (8) or fewer *dwelling* units, when located on a local residential *street*, are exempt from this requirement;
2. Using an *alley* for access to a non-single *family use parking* area opposite any single-family (R1) zoning district is permitted only when part of an approved *use permit*. If a *use permit* is granted, then the *alley* must have a paved surface as approved through Development Plan Review and based on the City of Tempe Public Works Department Standard Details or alternate materials as approved by Public Works;
3. All off-*street parking* areas shall have access to a *public street* by means of a paved driveway that extends a minimum of twenty (20) feet from the *public street* right-of-way to the *parking* area. All *parking* areas shall be *setback* from the *public street* right-of-way by a minimum of twenty (20) feet; and
4. Where an entry gate or guardhouse controls vehicle access or egress, a stacking lane shall be provided as recommended by the Public Works Manager or his or her designee. The stacking lane shall not interfere with vehicle maneuvering, traffic flow of aisles, *streets*, bike paths, *parking* spaces, and sidewalks.

**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; and
2. 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.
  - 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. 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;

- 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 Development Services Manager, 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.

# PART 5 – OVERLAY ZONING DISTRICTS

## ***Chapter 1 – Rio Salado Overlay District***

Section 5-101	Purpose
Section 5-102	Boundaries
Section 5-103	General Regulations
Section 5-104	Additional Information and Regulations

## ***Chapter 2 – Southwest Tempe Overlay District***

Section 5-201	Purpose
Section 5-202	Boundaries
Section 5-203	General Regulations
Section 5-204	Prohibited Uses
Section 5-205	Special Regulations, Building Design
Section 5-206	Yard, Height, Area and Density Requirement

## ***Chapter 3 – General Industrial Overlay District***

Section 5-301	Purpose
Section 5-302	Boundaries
Section 5-303	General Regulations
Section 5-304	Uses Requiring a Use Permit

## ***Chapter 4 – Planned Area Development Overlay District***

Section 5-401	Purpose
Section 5-402	Applicability
Section 5-403	General Regulations

## ***Chapter 5 –Historic Overlay Districts***

Section 5-501	Purpose
Section 5-502	Boundaries
Section 5-503	General Regulations

## **Chapter 6 – Transportation Overlay District**

Section 5-601	Purpose
Section 5-602	Boundaries
Section 5-603	Applicability
Section 5-604	Permitted Uses in Residential Districts
Section 5-605	Permitted Uses in Commercial, Industrial and Mixed-Use Districts
Section 5-606	Ground Floor Uses Required
Section 5-607	Permitted Uses Subject to a Use Permit
Section 5-608	Prohibited Uses
Section 5-609	Non-Conforming Use or Development
Section 5-610	Development Standards for Residential Districts
Section 5-611	Development Standards for Commercial, Mixed-Use and Industrial Districts
Section 5-612	Pedestrian Oriented Design Standards

**Section 5-304 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 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 the uses listed above, as determined by the Zoning Administrator, may be permitted upon securing a use permit.

## CHAPTER 4 – PLANNED AREA DEVELOPMENT OVERLAY DISTRICT

### Section 5-401 Purpose.

The purpose of *Planned Area Development Overlay Districts* is to accommodate, encourage and promote innovatively designed *developments* involving residential and/or non-residential land uses, which form an attractive and harmonious unit of the community. Such a planned *development* may be designed as a large-scale separate entity, able to function as an individual community, neighborhood, or *mixed-use development*; as a small-scale project which requires flexibility because of unique circumstances or design characteristics; or as a transitional area between dissimilar land uses.

This zoning designation recognizes that adherence to a traditional pattern of *development* standards, (i.e. height, *setback*, *lot coverage*) space, bulk and use specifications contained elsewhere in this Code would preclude the application of the more flexible PAD concept. Therefore, where PAD zoning is deemed appropriate or necessary, traditional zoning regulations are replaced by performance considerations to fulfill the objectives of the General Plan. The PAD *overlay district* may be tailored to meet the specific *development* representations of an application. Hence one PAD overlay may vary considerably from another overlay.

### Section 5-402 Applicability.

The *Planned Area Development Overlay District* may be applied to any zoning district in the City of Tempe. A PAD Overlay District may not be used for an individual detached single *family dwelling*.

### Section 5-403 General Regulations.

- A. **Land Use.** All uses shall comply with underlying zoning district.
- B. **Density.** The PAD Overlay District shall not modify densities allowed by the underlying zoning district.
- C. **Development Standards.** The PAD Overlay District may establish alternate *development* standards (except *density*) for those standards found in Tables 4-202A, 4-202B, 4-202C, 4-203A, 4-203B, 4-204, Section 4-205, and parking standards found in Table 4-603E. Standards developed through the PAD Overlay District process shall be appropriate to the location and context for the site for which the project is proposed. Standards created through the PAD Overlay should also assist in the fulfillment of the goals, objectives and policies in the General Plan.
- D. **Modifications to PAD Overlay Standards.** Once development standards are established through the PAD Overlay they may be amended only through the PAD Overlay modification process set forth in Section 6-312.

# CHAPTER 5 – HISTORIC OVERLAY DISTRICTS

## Section 5-501 Purpose.

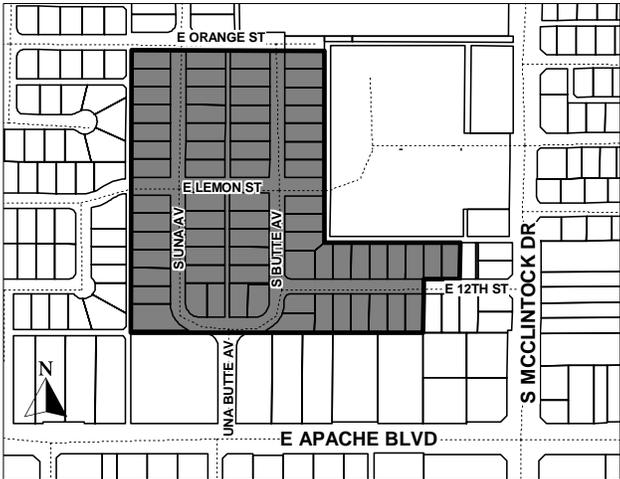
The purpose of Historic Overlay Districts is to provide protection for significant properties which represent important aspects of Tempe's heritage, to enhance the character of the community by taking such properties and sites into account during development, and to assist owners in the preservation and restoration of their properties.

## Section 5-502 Boundaries.

The following locations and boundaries are designated as Historic Overlay Districts within the City of Tempe. These district maps are located in Section 2-107, City of Tempe Zoning Map, respectively.

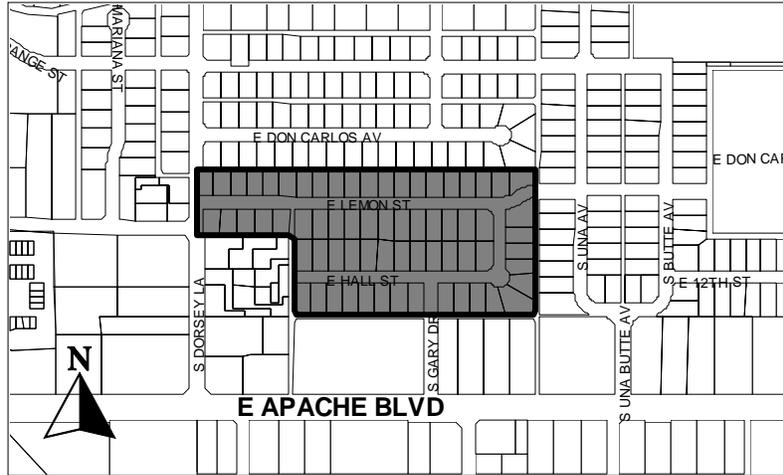
- A. **Borden Homes.** The location and boundaries of the Borden Homes Historic Overlay District are established as shown on the map entitled "Zoning Map, City of Tempe", dated June 2, 2005, as amended. Properties in the Borden Homes Historic Overlay District include lots 1 through 7, 9 through 50, 52 through 63, and 72 through 79 of Borden Homes according to Book 40 of Maps, Page 3, Maricopa County Recorder.

Figure 5-502A. Borden Homes Historic Overlay District



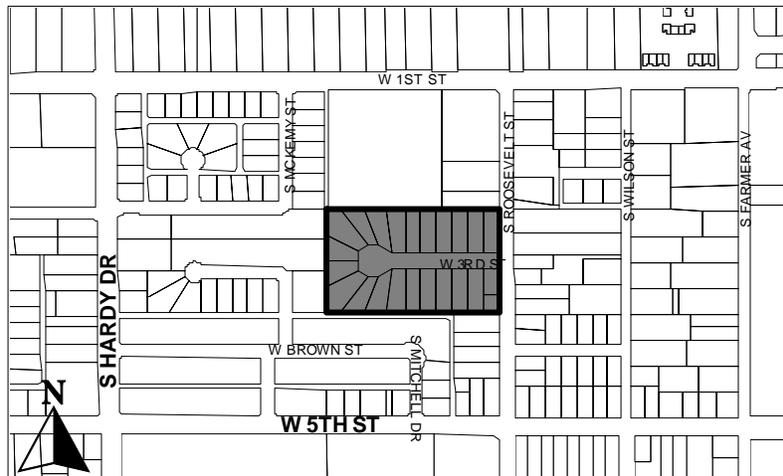
- B. **Tomlinson Estates.** The location and boundaries of the Tomlinson Estates Historic Overlay District are established as shown on the map entitled "Zoning Map, City of Tempe", dated May 4, 2006, as amended. Properties in the Tomlinson Estates Historic Overlay District include lots 1 through 67, of Tomlinson Estates, a subdivision recorded in Book 47 of Maps, Page 36, records of Maricopa County, Arizona.

Figure 5-502B. Tomlinson Estates Historic Overlay District



- C. **Roosevelt Addition.** The location and boundaries of the Roosevelt Addition Historic Overlay District are established as shown on the map entitled “Zoning Map, City of Tempe”, dated August 17, 2006, as amended. Properties in the Roosevelt Addition Historic Overlay District include lots 1 through 22, of Roosevelt Addition to Tempe, according to the plat of record in the office of the Maricopa County Recorder in Book 33 of Maps, Page 42.

Figure 5-502C. Roosevelt Addition Historic Overlay District



**Section 5-503 General Regulations.**

- A. Historic Preservation.** Maintaining the historic character and integrity of properties in Historic Overlay Districts is central to historic designation. Preservation of community cultural resources contributes to the stabilization of neighborhoods and encourages complementary design of alterations and renovations within historic districts, and of contemporary buildings developed on properties adjacent to historic districts. The Tempe Historic Preservation Program has been developed to encourage individuals, companies, and agencies to undertake programs that will preserve the historical, cultural, and architectural heritage unique to Tempe.
- B. Review Procedure and Criteria.** Application requests through Development Services in an Historic Overlay District will be reviewed by the Tempe Historic Preservation Office or the Tempe Historic Preservation Commission in accordance with the provisions of the Tempe Historic Preservation Ordinance. The standard permitting process shall commence upon completion of historic preservation review. Historic Preservation review shall evaluate applications in accordance with development standards or criteria established in the following authorities:
1. Tempe Historic Preservation Ordinance. The provisions contained in Chapter 14A of the Tempe City Code, the Tempe Historic Preservation Ordinance, shall apply to all requests for zoning considerations, construction, or major alterations of buildings or site features. Reasonable and fair regulations are included in this chapter as a means of balancing the rights of property owners and the value to the community for conservation and enhancement of these significant properties and sites. The designation of any property or district shall not inhibit uses as permitted by this Code, as adopted and amended by the City Council.
  2. Historic Property Nomination. Nomination materials, including the application, supporting information, research materials, and Staff reports and recommendations identify character-defining features of the district relating to the historic period of significance. Conservation and enhancement of these character defining features is the basis for historic preservation review.
  3. Design Guidelines. Subsequent to designation of an historic district, the Historic Preservation Commission will, in cooperation with representatives from the respective district, and in order to preserve and enhance the distinctive character of the respective district, adopt design guidelines which shall apply only to the exterior features and general character of contributing properties and alterations thereto, as well as any other new construction within the district as follows:
    - a. District design guidelines will address general aspects such as building materials, massing, scale and proportion of openings and other features, orientation and relative position of buildings and landscape character; as well as specific aspects such as roof forms, textures, color theme, character of signage, window and door types, and other details relative to architectural and landscape styles significant to the district;
    - b. District design guidelines will not regulate maximum building height, maximum lot coverage, minimum setbacks, required landscape, required parking, allowable signs or other provisions of this Code; and

- c. District design guidelines, upon adoption, will be included in the Appendix of this Code.
4. Development Standards. District development standards may be created within designated historic districts through a code text amendment, as part of the public process for developing design guidelines and codifying design review criteria. If adopted, District development standards will be included in this Code.
5. Interim Standards. Following designation of an historic district, and until such time as district specific design guidelines can be adopted, the Commission shall refer to the Secretary of the Interior's Standards for the Treatment of Historic Properties. The Secretary of the Interior's Standards for the Treatment of Historic Properties are common sense principles described in non-technical language. They help protect our cultural resources by promoting consistent preservation practices. Guidelines are given for preservation, rehabilitation, restoration and reconstruction.
6. Cultural Resource Area. Historic Overlay Districts within a Cultural Resource Area, identified on the Tempe General Plan Projected Residential Density map, are considered culturally significant to the character of Tempe, based on the 2001 Post World War II Subdivision Study. It is desirable to maintain the character of these areas, therefore review procedure and criteria undertaken by preservation review shall conform to the Cultural Resource Area objectives set forth in the Tempe General Plan, as amended.

## Section 6-304 Zoning Map Amendments (including Overlay Districts) and Code Text Amendments.

- A. Purpose.** The regulations and boundaries of zoning districts set forth in this Code may be amended whenever deemed necessary to best serve the public interest, and the health, comfort, convenience, safety, and general welfare of the city.
- B. Applicability.** Amendments to the text or zoning map of this Code shall not be made except through the adoption of an amending ordinance by the City Council and following the procedure prescribed in this Code.
- C. Procedure.** An application for zoning map or code text amendment shall be made as a written request submitted to the Development Services Manager, or designee. The written request shall specify the nature of the amendment with pertinent details to explain or support the request. Requests for zoning map or code text amendments shall be taken to the applicable decision-making body, by the owner or owners of real property situated in the city or by any officer, department, board or commission of the city, or by the City Council, under its own motion. In addition the following are required:
1. The applicable recommending body shall review the request and make a recommendation to City Council in a public hearing. The recommendation of approval of any amendment by the recommending body shall be based on a finding of consistency and conformance with the General Plan and may include conditions of approval.
  2. City Council Review and Approval Criteria. The City Council shall conduct at least one public hearing for zoning map and code text amendments. Approval by the City Council of an amendment shall be based on a finding that the zoning amendment is in the public interest and is consistent and conforms with the General Plan. Any approval may be subject to such conditions as the council deems applicable in order to fully carry out the provisions and intent of this Code. Zoning map amendments are subject to legal protest, pursuant to procedures in Section 6-502.

**State law reference**—Zoning amendments, procedures, A.R.S. §9-462.01, §9-462.03, §9-462.04.

## Section 6-305 Planned Area Development Overlay Districts.

- A. Purpose.** The purpose of *Planned Area Development Overlay Districts* is to accommodate, encourage and promote innovatively designed *developments* involving residential and/or non-residential land uses, which form an attractive and harmonious unit of the community. Such a planned *development* may be designed as a large-scale separate entity, able to function as an individual community, neighborhood, or *mixed-use development*; as a small-scale project which requires flexibility because of unique circumstances or design characteristics; or as a transitional area between dissimilar land uses.

This zoning designation recognizes that adherence to a traditional pattern of *development* standards, (i.e. height, *setback*, *lot coverage*) space, bulk and use specifications contained elsewhere in this Code would preclude the application of the PAD concept. Therefore, where PAD zoning is deemed appropriate or necessary, traditional zoning regulations are replaced by performance considerations to fulfill the objectives of the General Plan. The PAD *overlay district* may be tailored to meet the specific *development* representations of an application. Hence one PAD overlay may vary considerably from another overlay.

**B. Applicability.** PAD Overlays may be applied to any zoning district in the City of Tempe and shall be processed as a zoning map amendment. A PAD Overlay District may not be used for an individual detached single *family dwelling*.

**C. Procedure.**

1. PAD Overlay Districts shall be processed to the Development Review Commission or Joint Review Committee, as applicable, using the public hearing procedure. PAD Overlay Districts shall also be processed to the City Council, using the public hearing procedure, after review and recommendation by the decision-making body, or when part of a zoning map amendment or appeal of Redevelopment Review Commission action;
2. Modifications. Once a PAD Overlay District request has been approved, it can be modified or amended per Section 6-312. Questions as to procedure for modifications to existing PADs shall be determined by the Zoning Administrator; and
3. Development Plan Review. *Development Plan Review* approval is required prior to issuance of building permits.

**D. Approval Criteria.** Approval of a PAD Overlay District requires conformance with the standards with the following criteria:

1. The allowable land uses in Part 3;
2. The *development* standards as established as part of the PAD Overlay District process, as well as, the standards allowed by *use permit* in Part 4;
3. Any applicable overlay district provisions in Part 5; and
4. The decision-making body may impose reasonable conditions to ensure conformance with these provisions.

**E. Property Owners Associations.** If a property owners association(s) is required, the covenants, conditions and restrictions shall include all applicable requirements under the Tempe City Code, and shall be reviewed by the City Attorney and Development Services Manager, or designee, to determine if the association will remain responsible for maintaining common areas within the *development*. Such covenants, conditions and restrictions shall be recorded with the Maricopa County Recorder.

**Section 6-309 Variances.**

- A. Purpose.** This section provides for relief from the standards of this Code.
- B. Applicability.** *Variances* are applicable to quantified standards (e.g., *setbacks*, height, *lot* areas, dimensions, etc.) and non-quantified standards. *Variances* are not applicable to guidelines as specifically identified in this Code. A *variance* shall not:
1. Make any changes in the uses and densities permitted in any zoning classification or zoning district; or
  2. Allow relief from any item expressly prohibited by this Code.
- C. Procedure.** Requests for *variances* from the terms of this Code shall be processed as a public hearing procedure to the decision-making body as provided in Section 6-101.
- State law reference** — *Variances*, power to grant, A.R.S. §9-462.06.
- D. Approval Criteria.** A *variance* from the terms of the Zoning and Development Code shall not be authorized unless the decision-making body finds upon sufficient evidence of the following:
1. That special circumstances are applicable to the property, including its size, shape, topography, location, or surroundings; and
  2. The strict application of this Code will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district; and
  3. The adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located; and
  4. A variance may not be granted if the special circumstances applicable to the property are self-imposed by the property owner.
- E. Conditions of Approval.** Any *variance* granted may be subject to such conditions deemed applicable by the decision-making body. *Variances* shall become void if the subject property does not conform to all conditions, requirements, and standards prescribed by the decision-making body as a condition for approval of the *variance*. See also, Section 6-902, Revocation of a Permit/Approval.

- F. Variance Time Limitations.** *Variances* shall be void if the use is not commenced or if a building permit has not been obtained, whichever is applicable, within twelve (12) months of such granting or within the time stipulated by the decision-making body. The time period for a *variance* may be extended in conformance with Section 6-901, and shall only be renewed upon approval of a new *variance* application.

### **Section 6-310 Abatement.**

- A. Purpose.** Abatements shall remove code violations from property.
- B. Applicability.** Refer to Tempe City Code, Chapter 21.
- C. Procedure.** Abatements are processed through the Hearing Officer as a public hearing, with an appeal being heard by the Board of Adjustment, then appealed to the Superior Court.

### **Section 6-311 Shared Parking.**

- A. Purpose.** *Shared parking* allows for different uses on one site to share *parking*, there by increasing flexibility, use, *building* design and other *development plan* criteria.
- B. Applicability.** Any commercial, industrial, civic, or *mixed-use* project may request approval of alternative *parking* space requirements using a *parking* demand study. The application procedures, methodology, specifications, and approval criteria for *parking* demand studies are provided in the Appendix F. See also, Section 4-604.
- C. Procedure.** *Shared parking* applications shall be processed using the administrative review procedure through the Development Services Manager, or designee.
- D. Approval Criteria.** A *shared parking* model shall be reviewed for compliance with the standards of Section 4-604 (See Appendix F, Shared Parking Model).

### **Section 6-312 Modify Approved Development Plan, Use Permit, or Condition of Approval.**

- A. Purpose.** This section allows an applicant to modify an approved plan or condition of approval when a project needs change.
- B. Applicability.** This section applies to all types of applications approved under this Code.
- C. Procedure.** There are four (4) types of modification procedures as follows:
1. **Minor Modifications to Approved Plans.** Minor modifications are processed through an administrative review by the Development Services Manager, or designee. Minor modifications include:

- a. An increase in the *floor area* proposed for non-residential use by less than ten percent (10%) where previously specified, unless such increase fails to meet the development standards;
  - b. A reduction of less than 10 percent (10%) of the area reserved for *landscape, open space*, or outdoor living area, unless such reduction fails to meet the development standards; or
  - c. Changes similar to those listed in subsection (a) and (b) that are not likely to have an adverse impact on adjoining properties, as determined by the Development Services Manager, or designee.
2. Major Modifications to Approved Plans. A major modification is a significant change that exceeds the threshold(s) provided for a minor modification under 6-312(C)(1) or changes the basic intent of the original plans, as determined by the Development Services Manager, or designee. Major modifications shall be processed through the original or appropriate decision-making body.
  3. Minor Modifications to Conditions of Approval. A minor modification, processed through an administrative review, is one that does not change the basic intent of the condition as determined by the Development Services Manager, or designee.
  4. Major Modifications or Elimination of Conditions of Approval. A major modification changes the basic intent of the original condition as determined by the Development Services Manager, or designee, or eliminates the condition. Major modifications shall be processed through the original or appropriate decision-making body.

**D. Approval Criteria.**

1. Minor Modifications. Minor modifications are administrative decisions and may be approved by staff when they meet the basic thresholds defined in this section, and when approval does not cause a violation of any provision of this Code.
2. Major Modifications. The approval criteria for major modifications are the same as for the original decision.
3. Elimination of Conditions of Approval. A request to remove condition(s) of approval shall only be granted if the decision-making body determines that:

- a. The applicant or owner has demonstrated that a mistake of law or fact occurred, and that the mistake was substantial enough to warrant modification or removal of conditions; or
- b. The condition could not be implemented because it is beyond the reasonable control of the applicant and the modification will not require a significant modification of the original decision; or
- c. The circumstances have changed to the extent that the condition(s) is no longer needed or warranted; or
- d. A different condition(s) would better accomplish the purpose of the original condition.

### **Section 6-313      Security Plan.**

- A. Purpose.** The purpose of approving a security plan is to protect the public health, safety, and welfare through crime prevention measures that are tailored to proposed land uses.
- B. Applicability and Procedure.** Security plans are required for the following uses subject to the standards contained in Chapter 26, Article V, Security Plans, of the Tempe City Code:
  - 1. *Bars*, cocktail lounges, taverns, discotheques, nightclubs and similar businesses;
  - 2. *Adult-oriented businesses*;
  - 3. Recreational or amusement businesses, including both indoor and outdoor activities, including pool halls and *video arcades*;
  - 4. *Entertainment* as accessory to *restaurant* facilities, *bars* or similar establishments;
  - 5. Hotels and motels;
  - 6. Convenience stores; and
  - 7. Any other use determined by the Development Services Manager or the Chief of Police, or their designees, to be similar to a use listed immediately above.

Security plans for uses within the MU-Ed District shall be formulated in coordination with the *Public University*.

*Adult cabaret* means a nightclub, bar, restaurant, or similar commercial business which regularly features:

1. Persons who appear in a "state of nudity";
2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

*Adult motel* means a hotel, motel or similar commercial establishment that:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions that depict or describe "specified sexual activities" or "specified anatomical areas" as one of its principal business purposes;
2. Offers a sleeping room for a period of time that is less than ten (10) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

*Adult motion picture theater* means a commercial business where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are predominantly characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

*Adult-oriented business* means the opening or commencement of, or the conversion of an existing business to, or the addition to any other existing business of, or the relocation of any of the following: "adult arcade", "adult retail store", "adult motion picture theater", "adult theater", "adult cabaret", "adult motel", "escort", "escort agency or bureau", "nude model studio", "adult service", "adult service business", and "adult video facility".

*Adult retail store* means a commercial establishment which devotes more than one third (1/3) of its total retail sales floor area<sup>1</sup> to any of the following:

1. The sale or rental, for any form of consideration, books, magazines, periodicals, photographs, films, motion pictures, video cassettes or video reproductions, slides, or other printed or visual matter that predominantly depict or describe "specified sexual activities" or "specified anatomical areas"; or
2. The sale or rental of instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities", excluding condoms and other birth control and disease prevention products; or
3. The regular exclusion of all minors from the premises because of the sexually explicit nature of the items sold, rented or displayed therein.

<sup>1</sup> For the purpose of determining one third (1/3) of the total retail sales floor area, display items shall be clearly separate from the remaining merchandise and shall not be visible from the remaining two thirds (2/3) of the retail sales floor area, separated by a solid non-transparent partition, and shall not be visible from the exterior of the business.

*Adult service* means a dance, performance or other activity, including, but not limited to, service of food or beverages, modeling, posing, wrestling, singing, reading, talking, or listening conducted for any consideration in an adult service business by a person who is nude during all or part of the time that the person is providing the service.

*Adult service business* means a commercial establishment where any adult service is provided to patrons in the regular course of business and as one of the principal business purposes of the establishment, and includes, but is not limited to, a nude model studio as defined in this Code.

*Adult video facility, adult theater or adult arcade*, referred to as *adult video facility* in this Code, means a commercial establishment where, for any consideration, the public is permitted or invited wherein films, motion pictures, video cassette projections, slides, photographs or other visual media predominantly characterized by depiction of "specified sexual activities" or "specified anatomical areas" are shown electronically, electrically, mechanically or by other means in the regular course of business and as a business purpose of the establishment. *Adult video facility* does not include a theater where all viewing occurs in a common area with seating for fifty (50) or more persons.

*Advertising copy* see "sign."

*Alley* means a dedicated right-of-way, other than a street, that provides rear property access or service needs.

*Alteration* means a physical change to a structure or site. Alteration does not include normal maintenance and repair or total demolition. Alteration does include the following:

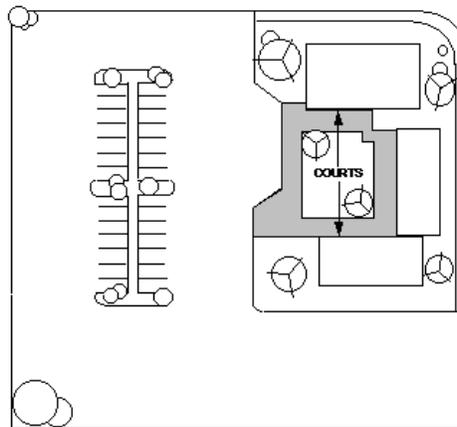
1. Changes to the facade of a building;
2. Changes to the interior of a building;
3. Increases or decreases in floor area of a building;
4. Changes to other structures on the site or the development of new structures;
5. Changes to exterior improvements;
6. Changes to landscaping; and
7. Changes in the topography of the site.

*Condominium* means a building space designated for individual ownership, not including land, together with an interest in any common ownership land or improvements. Real estate is not a condominium unless the undivided interests in the common units are vested in the unit owners. See also “horizontal regime.”

*Contiguous* means in contact with.

*Courtyard* means a space, other than a setback yard, that is open and unobstructed to the sky, and located on the same lot with a building or group of buildings, which bound it on two or more sides and face each other. A court or courtyard typically provides amenities such as gardens, planters, seating, art or similar features. The width of a court shall be its least horizontal dimension as measured from the face of buildings or to columns, posts, overhangs or balconies, as applicable.

**Figure 7-104 A.**



*CPTED or Crime Prevention Through Environmental Design* means the design and use of the built environment to lead to reduced fear and incidence of crime, and an improvement in the quality of life. In Tempe, CPTED is based upon five internationally recognized principles that are basic to crime prevention philosophy, which are Natural Surveillance, Access Control, Activity Support, Territoriality, and Maintenance. See Appendix for further explanation.

*Customer point of service* means any business which includes an entrance, lobby and service area for customers, such as a customer service window, booth or counter.

*Customer service office* means any office that has *customer point of service*.

## **Section 7-105 “D” Definitions.**

*Deferred Presentment Company* means a business that engages in a transaction pursuant to a written agreement in which the licensee accepts a check and agrees to hold the check for at least five calendar days before presentment for payment or deposit. These services are commonly known as Pay Day Loans. See also, *financial institution, non-chartered*.

*Develop* means to construct or alter a structure or to make a physical change to the land including excavations and fills.

*Development* means all improvements on a site, including buildings, other structures, signs, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. See also, "*alteration, exterior*".

*Development, new* means development of a site that was previously unimproved or that has had previously existing buildings demolished.

*Development plan* means a plan prepared to scale, showing all the buildings, site improvements (for example, parking, landscapes, walls, signs, lighting, access and circulation and utilities) and uses proposed for a specific property, consistent with Section 6-306. A development plan provides a precise plan of development which is supported by technical construction documents as necessary to carry out the implementation and enforcement of the development plan.

*Density* means the number of dwelling units per acre.

*Density, allowable* means the number of *dwelling* units allowed within the zoning district multiplied by the number of acres, rounded to the nearest one hundredth (100<sup>th</sup>) decimal place, per *gross site area*.

*Disabilities, person with* means a person who:

1. Has a physical or mental impairment which substantially limits one (1) or more of such person's major life activities;
2. Has a record of having such an impairment; or
3. Is regarded as having such an impairment. However, "person with disabilities" shall not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 U.S.C. 802]), nor shall it include any person whose residency in a group home would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

*Domestic partner* means a person who:

1. Shares your permanent residence;
2. Has resided with you for no less than twelve (12) consecutive months as proven by a lease or common ownership of real property;
3. Is no less than eighteen (18) years of age;
4. Is not a blood relative to who marriage would be prohibited in Arizona;
5. Is not currently married to another person;
6. Does not have any other domestic partner, spouse or spousal equivalent of the same or opposite sex;

7. Has not signed a domestic partner affidavit or declaration designating any other person as their domestic partner within 6 months; and
8. Is financially interdependent with you and has proven such by either common ownership or tenancy of real property and two (2) of the following:
  - a. Common ownership of a motor vehicle;
  - b. Joint bank or credit account; or
  - c. Designation as a beneficiary for life insurance or retirement benefits or under your partner's will or assignment of a durable power of attorney.

*Drive-through use* means a use involving a business that allows for transactions for goods or services without leaving a motor vehicle.

*Drive-through facility* means any window, automatic teller machine, kiosk, cashier or other feature of a business, building or site that is associated with a drive-through use.

*Duplex* means a building with two (2) attached dwelling units on one (1) lot or parcel.

*Dwelling* means an enclosed space providing complete, independent living facilities for a family including permanent provisions for living, sleeping, eating, cooking and sanitation.

## **Section 7-106 "E" Definitions.**

*Employment agency* means a person or business association who recruits or offers to recruit employees for employers. Employment agencies are often called temporary agencies or contract work placement companies, specializing in finding temporary workers for a variety of tasks.

*Entertainment* means a presentation of, or participation in, live singing, dancing, musical instrumentation, dramatic, prosaic or poetic activities or similar activities.

1. Theater or similar use means a building used for movies, symphonic, plays or similar theatrical productions.
2. Amusement means an indoor entertainment or recreational use such as indoor miniature golf, ice rink, rock climbing, bowling or similar recreational or amusement activity.
3. Outdoor, permanent means an outdoor entertainment use such as an amphitheater, outdoor miniature golf, amusement park, or other similar outdoor activity.

*Escort* means a person who agrees or offers, for consideration, to privately model lingerie or to privately perform a striptease for another person; or who offers for pecuniary compensation, dates, socializes, visits, consorts with or accompanies others to or about social affairs, entertainment or private quarters.

*Escort agency or bureau* means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.

**City code reference**—See TCC §16A-56, escort definitions and rules.

## Section 7-107 “F” Definitions.

*Family* means:

1. One (1) or more persons related by the 3<sup>rd</sup> degree of consanguinity, adoption, marriage or as domestic partners as defined in Section 7-105, and not more than two (2) additional persons living together in a dwelling unit; or
2. Not more than three (3) persons who are not related by the 3<sup>rd</sup> degree of consanguinity, adoption, marriage or as domestic partners, living together in a dwelling unit.

*Financial Institution, non-chartered* means a business other than a state or federally chartered bank, credit union, mortgage lender, or savings and loan association, that offers check cashing services and/or loans for payment of a percentage fee for cashing a check or negotiable instrument, “payday loan” businesses that make loans upon assignments of wages received, or businesses that function as deferred presentment companies, which are licensed by the State in accordance with Arizona Revised Statutes or as amended.

*Finished floor* means the lowest occupiable space or floor of a building. Finished floor is not used as a base point for determination of building height (see *grade*).

*Fitness center* means a place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, self-defense, and/or weight control. Fitness centers include, but are not limited to athletic clubs, health clubs, fitness/health studios, and personal training with gym equipment. Such centers may have related activities incidental to the main use like spas.

*Floor Area, Gross* means the sum of all floor areas devoted to an activity (including mezzanines, outdoor retail and dining areas) and the thickness of exterior walls.

*Floor Area, Net* 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.

*Floor Area Ratio* means the ratio of gross floor area above grade on a site to the total net site area.

*Full Cutoff* means zero intensity at or above the horizontal plane (90 degrees above nadir) and limited to a value not exceeding 10% of lamp lumens at 80 degrees above nadir. Often referred to as “fully shielded”.

## **Section 7-108      “G” Definitions.**

*Garage, commercial* means a building designed or used for servicing, repairing, or storing motor vehicles for compensation.

*Garage, private* means a building, or portion thereof, in which motor vehicles used by the tenants on the premises are stored or kept. A private garage may also provide public parking.

*Garage, public parking* means a building, or portion thereof, in which the public may park motor vehicles with or without a fee.

*Geometric shape* means the smallest area of a square, rectangle, circle or triangle used to calculate signage area of a sign face.

*Grade* means the top of curb, or top of crown of a street where no curb exists, as established at the midpoint of the front of the lot used for establishing building heights.

*Group home for adult care, persons with disabilities and child shelter* means a dwelling shared as a primary residence by adult persons or used as a child shelter, and including resident staff who live together as a single housekeeping unit in an environment in which staff persons provide care, education and activities for the residents; but not including medical institutional uses, alcoholism or drug treatment centers, community corrections facilities and adult shelter care facilities. This definition shall not apply to a home for the developmentally disabled as regulated by A.R.S. §36-582 to the extent of state preemption of local zoning regulations. For the purpose of this definition, children are under the age of eighteen (18).

*Ground floor windows* means windows located on the first floor.

*Ground level* means the portion of a building located on the first floor at grade.

*Guest quarters* means an attached or detached building used to house guests of the occupants of the main building, which is not rented or leased independently from the main building.



## **Section 7-109      “H” Definitions.**

*Hardscape* means brick, concrete, wood, tile, paver, or other decorative hard surfaces used outside in lieu of or in conjunction with landscape materials such as trees, shrubs, turf, ground cover wood chips, or gravel.

*Home occupation* means a business activity that is carried out on the same site as a dwelling unit, and which is accessory to the household living use on the site.

*Hospital* means a building where the sick or injured are given in-patient medical or surgical care, including ancillary uses common to medical needs, such as pharmacies and medical labs. (Not a clinic.)

*Horizontal regime* means the three dimensional area in a condominium plat that is under a single ownership.

*Hotel* means a building that contains more than five (5) boarding rooms.

*Hookah lounge* means any business which primarily serves tobacco and related products, whereby patrons share the tobacco from a communal hookah or water pipe which is placed at each table. The business may sell beverages and snacks, but the gross sales of these items shall not exceed that of tobacco and related products.

## **Section 7-110      “I” Definitions.**

*Intensity* means dwelling unit density, employment density and/or floor area ratio, whichever is applicable.

*Intersection* means the intersection of two (2) or more streets, alleys, or combination thereof.

*Irrigation plan* means a plan prepared to scale showing the layout and details of an irrigation system, including the type and location of all materials used.

*Irrigation system* means the combination of elements such as automatic controllers, meters, pressure vacuum breakers, pipes, valves, emitters, bubblers, spray heads, tubing and other materials designed for the purpose of transporting water to landscape improvements.

### **Section 7-111 “J” Definitions.**

*Junkyard* means the use of a lot, or portion thereof, for the outdoor storage, keeping or abandonment of junk, dismantled automobiles or other vehicles, recyclable goods, or machinery, or parts thereof including scrap metals, rags or other scrap materials.

### **Section 7-112 “K” Definitions.**

*Kennel* means any establishment at which dogs and cats are bred or raised for sale or adoption, boarded or cared for commercially, exclusive of dental, medical or surgical care, or pet grooming facilities which do not keep animals overnight.

**City code reference**—See TCC §6-21, definition of kennel.

*Kindergarten* see "nursery school".

*Kitchen* means an enclosed place equipped with cooking facilities.

### **Section 7-113 “L” Definitions.**

*Laboratory* means a building, or portion thereof, used or intended to be used for experimentation, observation, testing or analysis.

*Landfill* means the use of a site for the permanent disposal or storage of rubble, construction debris, waste, miscellaneous by-products and any other materials not naturally found on the site.

*Landscape, landscapes* mean any combination of living plant material such as trees, shrubs, cacti, vegetative ground cover or turf; and structural features such as walkways, fences, walls, pergolas, arbors, gates, benches, plazas, works of art, water features (e.g., reflective pools, fountains, or the like), and similar features. Landscapes also include irrigation systems and any mulches, rock, topsoil, revegetation or the preservation, protection and replacement of existing landscape material.

*Landscape, low water use* means non-plant materials, plant materials native to the Sonoran, Chihuahuan and Mojave deserts, and plant materials with water consumption similar to the native plants.



## ZONING

### City Code, Chapter 35 - Zoning and Development Fees

#### FEE SCHEDULE

a.	Preliminary Review Process:  Single Family  All Others	\$107.00  \$329.00
b.	Administrative Applications:  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  All Other Uses	\$320.00 each         \$320.00 each  \$320.00 each
c.	Variances:  Single Family Dwelling Units  All Other Uses  Unauthorized Construction/Installation	\$372.00 per lot, including use permits  \$1,065.00 each  Twice the normal fees
d.	Use Permits:  Single Family Dwelling Units  All Other Uses  Use Permit Transfer  Unauthorized Activity	\$372.00 per lot, including variances  \$1,065.00 each  See Administrative Applications  Twice the normal fees

e.	Zoning Code Amendments Map  Text	\$2,130.00 Per Classification + \$107.00 Per Net Acre*  \$2,130.00  *Rounded To The Nearest Whole Acre
f.	Planned Area Development Overlays   Amendments	\$2,663.00 For Under 1 Acre + Use Permit Fees As Applicable  \$5,325.00 For 1 Acre And Over + Use Permit Fees As Applicable  \$1,332.00 For Under 1 Acre + Use Permit Fees As Applicable  \$2,663.00 For 1 Acre And Over + Use Permit Fees As Applicable
g.	Subdivision, Including Condominiums:  Preliminary / Finals / Amendment  Lot Splits / Lot Line Adjustments	\$2,130.00 + \$21.00 Per Lot or Condo Unit  See Administrative Applications
h.	Continuance at Applicant's Request After Legal Advertising And Public Notice	\$107.00
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	\$1,598.00 For 5 Acres Or Less  \$2,130.00 Over 5 Acres  \$533.00 \$213.00 \$213.00 \$320.00 \$320.00 Same As Original Fee Twice The Normal Fees

j.	Appeals Tempe Residential Property Owner Request	\$320.00 \$100.00
k.	Sign Permits:  One Sign Each Additional Sign Unauthorized Installation of Sign(s) Grand Openings, Going Out Of Business, Significant Event	Fees include Plan Review, the initial Inspection and one Re-inspection  \$213.00 \$80.00 Twice the normal fees may be charged \$107.00
l.	General Plan Amendments:  <u>Amendment</u> Text Change Map Change  <u>Major Amendment</u> Map Change	  \$2,130.00 \$2,130.00 + \$107.00 per gross acre  \$5,325.00 + \$107.00 per gross acre
m.	Public Notice Signs  Neighborhood Meeting Sign	  \$14.00 (Includes One Sign And Two Stakes For Self Posting)
n.	Zoning Verification Letter	\$267.00

**NOTE:** All zoning and development fees within the Apache Boulevard Redevelopment Area may be reduced up to 50% for the following listed uses or other uses with a recommendation of the Apache Boulevard Project Area Committee by the City Council under conditions contained within a development agreement:

- Grocery Store
- Pharmacy
- Hardware Store
- Child Care Center
- Family Doctors / Medical Specialist Offices
- General Household Goods and Services Businesses (dry cleaner, shoe repair, etc.)
- Artisans Studios or Schools
- Arts Center or Art Gallery
- For-Sale Housing not to exceed 24 dwelling units per acre maximum and initially restricted to sales to individual owner / occupant buyers. For-Sale housing would also require a subdivision plat (or condo), and each unit must be individually metered for water, electric, gas, and any other applicable utilities.

<b>Ordinance Number</b>	<b>Adoption Date</b>	<b>Subject or Description</b>	<b>Location in Code</b>
2005.80	Dec. 1, 2005	Code text amendment for extension of the Redevelopment Review Commission	Sec. 1-308
2005.90	Dec. 1, 2005	Code text amendment for use permit and special use standards for Deferred Presentment Companies, including a definition	Sec. 3-202 Sec. 3-423 Sec. 7-105
2005.91	Dec. 1, 2005	Code text amendment for use permits for Auto Title Loan with special use standards, Employment Agency, Plasma Donation Center, Rent-to-Own, and Tobacco Retailer; including definitions for such uses	Sec. 3-202 Sec. 3-423 Sec. 7-102 Sec. 7-106 Sec. 7-117 Sec. 7-119 Sec. 7-121
2005.41	Sept. 15, 2005	Zoning Map Amendment from GID to CSS	Sec. 2-107
2005.81	Jan. 5, 2006	Code Text Amendment for the creation of the Development Review Commission within Part 1	Sec. 1-303 Sec. 1-304 Sec. 1-305 Sec. 1-306 Sec. 1-310 Sec. 1-311 Sec. 1-312
2005.82	Jan. 5, 2006	Code Text Amendment for the creation of the Development Review Commission within Part 5	Sec. 5-103
2005.83	Jan. 5, 2006	Code Text Amendment for the creation of the Development Review Commission within Part 6	Sec. 6-101 Sec. 6-202 Sec. 6-302 Sec. 6-304 Sec. 6-305 Sec. 6-306 Sec. 6-307 Sec. 6-308 Sec. 6-402 Sec. 6-403 Sec. 6-406 Sec. 6-803
2005.84	Jan. 5, 2006	Code Text Amendment for the creation of the Development Review Commission within Part 7	Sec. 7-101
2005.78	Jan. 19, 2006	Zoning Map Amendment from GID to R1-4	Sec. 2-107
2006.07	Feb. 16, 2006	Zoning Map Amendment to PAD Overlay	Sec. 2-107
2006.08	Feb. 16, 2006	Zoning Map Amendment from AG to R-3	Sec. 2-107
2006.03	Feb. 16, 2006	Zoning Map Amendment to PAD Overlay	Sec. 2-107

<b>Ordinance Number</b>	<b>Adoption Date</b>	<b>Subject or Description</b>	<b>Location in Code</b>
2006.06	Mar. 2, 2006	Zoning Map Amendment from GID to MU-4(PAD)	Sec. 2-107
2006.04	Mar. 23, 2006	Zoning Map Amendment from GID to R-4	Sec. 2-107
2006.15	Mar. 23, 2006	Zoning Map Amendment to PAD Overlay	Sec. 2-107
2006.17	May 4, 2006	Code Text Amendment for the Tomlinson Historic Overlay District, including a Zoning Map Amendment	Part 5; Sec. 2-107
2006.18	May 4, 2006	Zoning Map Amendment for a Historic Overlay	Sec. 2-107
2006.19	May 4, 2006	Zoning Map Amendment for a Historic Overlay	Sec. 2-107
2006.29	June 1, 2006	Zoning Map Amendment from RMH to R-4	Sec. 2-107
2006.35	June 1, 2006	Code Text Amendment for the Transportation Overlay District, including a Zoning Map Amendment	Sec. 5-602 Sec. 2-107
2005.79	June 15, 2006	Zoning Map Amendment from GID to R-4	Sec. 2-107
2006.43	Aug. 17, 2006	Zoning Map Amendment for a Historic Overlay	Sec. 2-107
2006.42	Aug. 17, 2006	Zoning Map Amendment for the Roosevelt Addition Historic Overlay District	Sec. 2-107
2006.68	Oct. 19, 2006	Zoning Map Amendment from CSS, R1-6, R-3 (TOD) to MU-4(PAD)(TOD)	Sec. 2-107
2006.58	Sep. 7, 2006	Zoning Map Amendment from GID to MU-2(PAD)	Sec. 2-107
2006.59	Sep. 7, 2006	Zoning Map Amendment from CSS to MU-4 (PAD)(TOD)	Sec. 2-107
2006.67	Sep. 7, 2006	Zoning Map Amendment from GID to LID	Sec. 2-107
2006.86	Dec. 14, 2006	Zoning Map Amendment from AG to CSS	Sec. 2-107
2006.82	Jan. 4, 2007	Code Text Amendment for Outdoor Retail Display, Home Occupations, Parking Setbacks, Access Points, Signs, PAD Parking Standards, Variances, Major Modifications, and Density definitions	Sec. 1-312 Sec. 3-202 Sec. 3-412 Sec. 3-418 Sec. 4-203 Sec. 4-502 Sec. 4-903 Sec. 5-403 Sec. 6-304 Sec. 6-309 Sec. 6-312 Sec. 7-105

<b>Ordinance Number</b>	<b>Adoption Date</b>	<b>Subject or Description</b>	<b>Location in Code</b>
2006.88	Jan. 4, 2007	Zoning Map Amendment from R/O, R-3, and CSS to R-4	Sec. 2-107
2007.01	Feb. 2, 2007	Code Text Amendment for Adult-Oriented Businesses	Sec. 3-403 Sec. 7-102
2007.06	Feb. 15, 2007	Zoning Map Amendment from R-3 to R-4(PAD)	Sec. 2-107
2007.09	Mar. 1, 2007	Zoning Map Amendment from GID to GID(PAD)	Sec. 2-107
2007.08	Mar. 1, 2007	Zoning Map Amendment from MU-4/CC to MU-4/CC (PAD)	Sec. 2-107
2007.11	Mar. 22, 2007	Zoning Map Amendment from R-4 to R-4(PAD)	Sec. 2-107
2007.15	Apr. 5, 2007	Zoning Map Amendment from CC to CC(PAD)	Sec. 2-107
2007.17	May 17, 2007	Zoning Map Amendment for MU-4(PAD)	Sec. 2-107
2007.26	June 28, 2007	Zoning Map Amendment from R-2 to R-2(PAD)	Sec. 2-107
2007.29	June 28, 2007	Zoning Map Amendment from R-2 to R1-PAD	Sec. 2-107
2007.27	June 28, 2007	Zoning Map Amendment from GID/CSS to MU-4(PAD)	Sec. 2-107
2007.25	June 28, 2007	Zoning Map Amendment from CSS to CSS(PAD)	Sec. 2-107
2007.24	June 28, 2007	Zoning Map Amendment from PCC-1 to PCC-1(PAD)	Sec. 2-107
2007.36	June 28, 2007	Code Text Amendments for tobacco retailers and accessory building setbacks	Sec. 3-202 Sec. 3-401 Sec. 3-423 Sec. 7-109
2007.38	June 28, 2007	Zoning Map Amendment from MU-Ed to MU-Ed(PAD)	Sec. 2-107
2007.37	June 28, 2007	Zoning Map Amendment from MU-Ed to MU-4(PAD)	Sec. 2-107

