# PART 7 – DEFINITIONS

*Chapter 1 – Definitions*

## *Chapter 1 – Definitions*


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## Section 7-101 General definitions and terms.

For the purpose of this Code, certain terms and words are hereby defined as follows: words used in the present tense include the future; words in the masculine gender include the feminine and neuter; words in the singular includes the plural, and the plural includes the singular; the word "shall" is mandatory and not permissive; and the word "person" includes individuals, partnerships, corporations, clubs, or associations. The following words or terms, when applied in this Code, shall carry full force when used interchangeably: lot, plot, parcel, premises or site; used, arranged, occupied, or maintained; sold or dispensed; construct, reconstruct, erect, alter (structurally or otherwise), but not the term maintenance. The word "used" shall be deemed also to include designed, intended or arranged to be used. The word "board" shall mean board of adjustment or design review board, whichever is applicable. The word "commission" shall mean Planning and Zoning Commission or Redevelopment Review Commission, whichever is applicable. "Council" shall mean city council.

## Section 7-102 "A" definitions

*Accessible/Accessibility* means accessible to persons with disabilities, consistent with the Americans with Disability Act (ADA).

*Accessory building* means a detached subordinate building containing an accessory use and situated on the same lot as the primary building. Detached garages, sheds, workshops, and barns are examples of accessory buildings.

*Accessory dwelling* means a small, secondary leaseable housing unit on a lot with a single family dwelling. Accessory dwellings are limited in size and restricted to certain

zone districts. They can be attached to the primary dwelling or not attached. An accessory dwelling may also be located above a garage that is either attached to the primary dwelling or free-standing.

*Accessory structures* means a non-habitable structure, eight (8) feet or less in height, and 120 square feet or less in area.

*Accessory use* means either a subordinate use of a building, other structure, or tract of land under the following situations:

1. Whose use is clearly incidental and customary to the use of the primary building, other structure, or use of land; and

2. Which is located on the same zoned lot with the principal building, other structure, or use of land, and whose use is specifically permitted in a less restricted district.

*Adult arcade* means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

*Adult bookstore or adult video store* means a retail business which devotes more than thirty-three (33) percent of its total display area to any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which predominantly depict or predominantly describe "specified sexual activities".

*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 business which 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 which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of the above types of material.

*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".

*Adult novelty store* means a retail business which offers for sale or rental any instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities," excluding condoms and other birth control and disease prevention products.

*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 bookstore or video store", "adult motion picture theater", "adult theater", "adult cabaret", "adult motel", "escort agency or service", "nude model studio", "sexual encounter center", and "adult novelty store".

*Adult theater* means a theater, concert hall, auditorium, or similar commercial business which regularly features persons who appear in a "state of nudity" or live performances which are predominantly characterized by the exposure of "specified sexual activities" or by "specified anatomical areas".

*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.

*Alteration, exterior* means a physical change to a site that is outside of any buildings. Exterior alteration does not include normal maintenance and repair or total demolition. Exterior improvements include surface parking and loading areas, paved and graveled

areas, and areas devoted to exterior display, storage, or activities. It includes improved open areas such as plazas and walkways. Exterior alteration does include the following:

1. Changes to the facade of a building;

2. Increases or decreases in floor area that result in changes to the exterior of a building;

3. Changes to other structures on the site or the development of new structures;

4. Changes to exterior improvements;

5. Changes to landscaping; and

6. Changes in the topography of the site.

*Amusement game arcade* means a building or portion thereof having within its premises:

1. Ten (10) or more amusement game devices, or

2. Fifteen (15) percent of the net floor area of the primary use or nine (9) or fewer amusement game devices when not utilized in conjunction with a primary commercial use which is permitted by right or as a conditional use. Net floor area for the purpose of this definition is that area available for customer use.

*Amusement game device* means any electrical or mechanical apparatus or device for which payment is charged for use as a game or contest, including video games and pinball machines, but not including:

1. Vending machines;

2. Juke boxes;

3. Pool tables and billiard tables as those terms are used in Section 6.56.010 of Title 6; and

4. Peep show devices as defined in Section 6.80.010 of Chapter 6.80 of Title 6.

*Antenna dish* see "mechanical equipment".

*Apartment house* means any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as the residence of three (3) or more families living independently of each other and where each has cooking facilities.

*Attached single family housing* see "single family dwelling, attached".

*Automobile service station* means a place of business having pumps or storage tanks from which liquid fuel or lubricants are dispensed at retail directly into the motor vehicle. Sales and installation of auto accessories, washing, polishing, inspections, and cleaning may be carried on incidental to the sale of such fuel and lubricants. When a convenience store or restaurant is co-located with a service station, the Development Services Manager may interpret the store or restaurant as another primary use and not incidental to the service station.

*Automobile wrecking yard* see "junkyard".

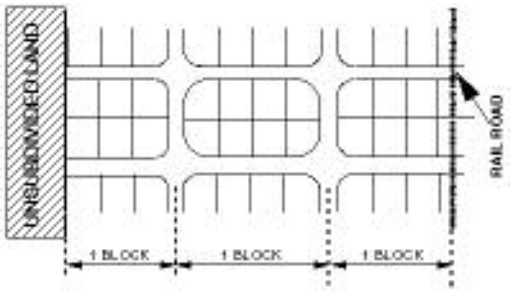
## Section 7-103 "B" definitions

*Bar* means an establishment, including, but not limited to, a cocktail lounge, discotheque, night club or tavern, the main use of which is to serve spirituous liquors for on-site consumption. Such a facility may serve food, provide dancing and entertainment as well as operate equipment commonly found in a video or live arcade, as an accessory use (s) to the bar. See also, *Pub*.

*Bed and breakfast inn* means a use providing lodging and meals for guests in not more than 5 bed rooms on a daily or weekly basis in an operator- or owner-occupied dwelling that is primarily used for this purpose. The use is operated as a commercial enterprise, provides direct bookings from the public, and includes inns that operate restaurants offering meals to overnight guests.

*Billiards hall* means an establishment containing four (4) or more billiard tables and which may indulge in the sale of alcoholic beverages, as well as the operation of equipment commonly found in a video arcade.

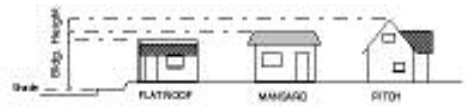
*Block* means that property abutting one side of a street and lying between the two (2) nearest intersecting streets, or nearest intersecting street and railroad right-of-way, unsubdivided land, or waterways, but not an alley, of such size as to interrupt the continuity of development on both sides thereof.

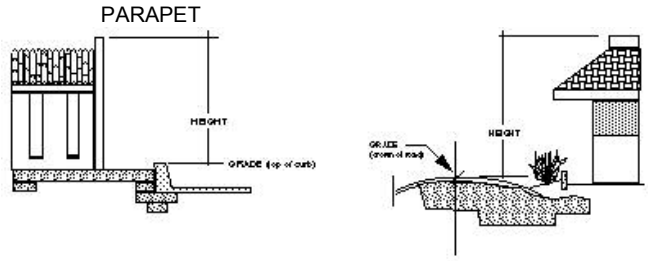



*Building* means any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, or property of any kind. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building.

*Building, enclosed* means a structure completely enclosed by a roof and walls of approved construction.

*Building, height* means the vertical distance measured from the grade or top of curb to the highest point of the roof, including any parapet.




*Building, main (also referred to as the primary building)* means a building where the principal use of the lot is conducted. In any residential district, any dwelling shall be the main building of the lot; except where an accessory dwelling exists, only one dwelling, the primary dwelling, shall be deemed the main building.

*Building addition* means any extension or increase in floor area or height of a structure.

## Section 7-104 "C" definitions

*Call center* means any place of business where the primary activity is telephone or computer solicitation, survey, or other function that is similar.

*Car wash* means a car washing facility; it includes both automated and non-automated facilities, self-serve and full-serve (i.e., with and without employees on-site). Windshield repair as an accessory use.

*Car wash, automated* means a conveyer or automated type car washing facility that may or may not have any employees on-site.

*Church* means a permanently located building where persons regularly assemble for religious worship and which is maintained and controlled by a religious body to sustain public worship, and church-related uses. See a "place of worship".

*Clinic* means a building in which one or more physicians work including supplying pharmaceutical and optical needs, conducting medical tests, or other common ancillary uses to a medical office, without overnight patient occupancy; servicing humans (medical, dental) and small animals (veterinary).

*Club, private* means an institution used for athletic, social or recreational purposes and operated by a private nonprofit organization, membership to which is by written invitation and election according to qualifications in the club's charter or bylaws and the use of which is generally restricted to members and their guests.

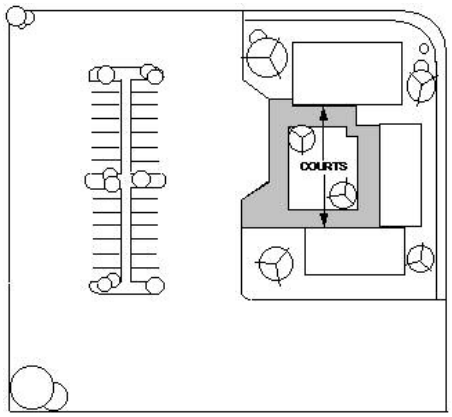
*Common wall* means the abutting walls of two buildings.

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

*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.

*Court* 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.




*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.

## Section 7-105 "D" definitions

*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 "exterior improvements".

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

*Density* means the ratio of dwelling units per acre. Allowable density is based on gross site area (i.e., parcel area, including areas required to be dedicated for public purposes).

*Density, allowable* means the ratio of dwelling units per gross site area.

*Disabled* means a person who:

1. Has a physical or mental impairment which substantially limits one 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, "disabled" 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.

*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 attached dwelling units on one 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

*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.

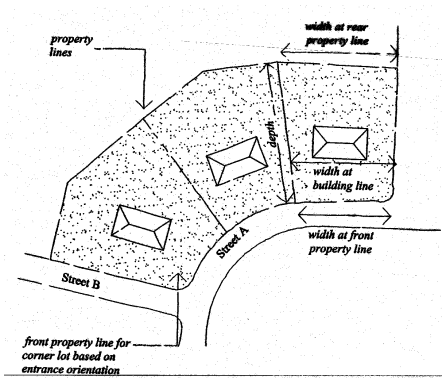
**City code reference**—See TCC §16A-56, escort definitions and rules.

## Section 7-107 "F" definitions

*Family* means:

1. One or more persons related by blood, adoption or marriage 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 blood, adoption, or marriage living together in a dwelling unit.




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

## 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.

*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 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 18.

*Guest quarters* – means an attached building used to house guests of the occupants of the main building, and which shall not be rented or leased, separate from the main building. Such quarters shall be limited to a breezeway with a maximum connection distance of twenty-four (24) feet with a minimum width of eight (8) feet or a carport or garage, and shall be connected by the same roof structure. Guest quarters may provide cooking facilities.

*Guest room or sleeping room* means a room which is designed or intended for occupancy by not more than two (2) persons, but in which no provision is made for cooking and does not include dormitories for sleeping purposes. All points of ingress or egress to such room shall be located through the main residence of which such room is an integral part; this excludes doors opening to patios or balconies that are part of the main residence.

## Section 7-109 "H" definitions

*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) guest rooms.

## Section 7-110 "I" definitions

*Industrial Service* means a cleaning, repair, landscaping, or similar service catering to commercial or industrial customers.

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

*Intersection* means the intersection of two 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 landscaping.

## Section 7-111 "J" definitions

*Junkyards* 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 boarded or cared for commercially, exclusive of dental, medical or surgical care.

**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.

*Landscape, water intensive* means bodies of water, water features, turf, and non-native plants that require substantial water to survive.

*Landscape plan* means a plan prepared to scale showing elements such as trees, shrubs, ground cover, vines, sculpture, all walls, lighting, other organic and inorganic materials and an automatic irrigation system. The plan shall include a plant list, indicating the size and name, both botanical and "generic", of all plant material to be used.

*Laundry facility, self-service* means a laundromat or similar business where customers wash their clothes.

*Laundry facility, full-service* means a business where clothes cleaning, tailoring, and similar services are performed by employees, and may include delivery service.

*Laundry facility, industrial* means a full-service laundry facility that is greater than 5,000 square feet in floor area.

*Lighting/Photometrics plan* means a plan prepared to scale showing the layout and details of lighting and photometrics, including the type and location of all materials used; the plan is overlaid on a screened landscape plan to avoid conflicts between lights and other features.

*Live/Work* means a residential occupancy, by a single housekeeping unit, of one or more rooms or floors in a building, which includes:

1. Cooking space and sanitary facilities in conformance with city building standards;

2. Adequate working space accessible from the living area, reserved for, and regularly used by, one or more persons residing therein; and

3. Working space uses that conform to the standards in Section 3-409.

*Lodge* see "club, private".

*Lot* means a parcel of land, or two (2) contiguous parcels, to be used as a unit under provisions of this Code, as shown in the records of the Maricopa County Recorder's office, and having its principal frontage on a city approved access way. In any district where a half-street has been dedicated not less than twenty-five (25) feet in width, lots facing on such half street shall be deemed to have frontage on a street. Where two (2) lots are to be built upon as one site, a lot-tie affidavit shall be recorded through the Development Services Department. More than two lots shall require a subdivision.

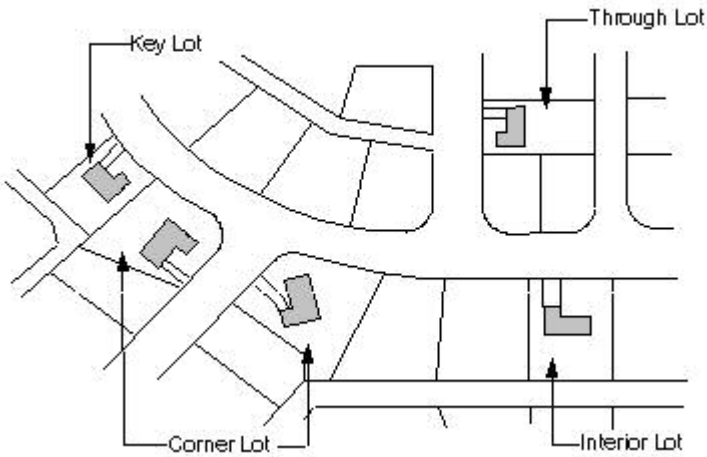
*Lot, corner* means a lot abutting on two (2) or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five degrees (135°). A corner lot shall be considered to be in that block in which the lot fronts.

*Lot coverage (except as noted in Table 4-202C)* means the area of a lot covered by a building or buildings expressed as a percentage of the total lot area, and measured from the exterior faces of foundation wall, slab and/or footings, and not including the sum of the several floors of a multistory building or canopies, arcades, porticos, awnings, or similar unenclosed structures.

*Lot, interior* means a lot having one side abutting on a street.

*Lot, key* means an interior lot, one side of which is contiguous, or separated only by an alley, to the rear line of a corner lot.

*Lot, through* means a lot abutting two (2) parallel or approximately parallel streets.



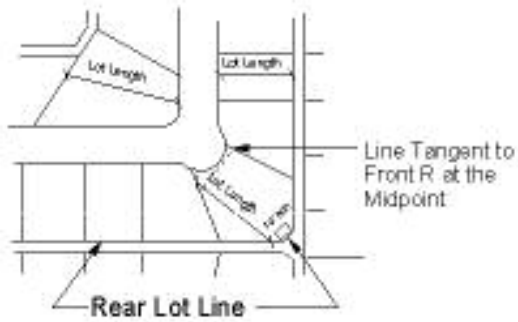

*Lot dimensions* means the following:

1. *Lot length*. The length of a lot shall be:

a. If the front and rear lot lines are parallel, the perpendicular distance between front and rear lot lines;

b. If the front and rear lot lines are not parallel, the distance between the midpoint of the front lot line and the midpoint of the rear lot line; and

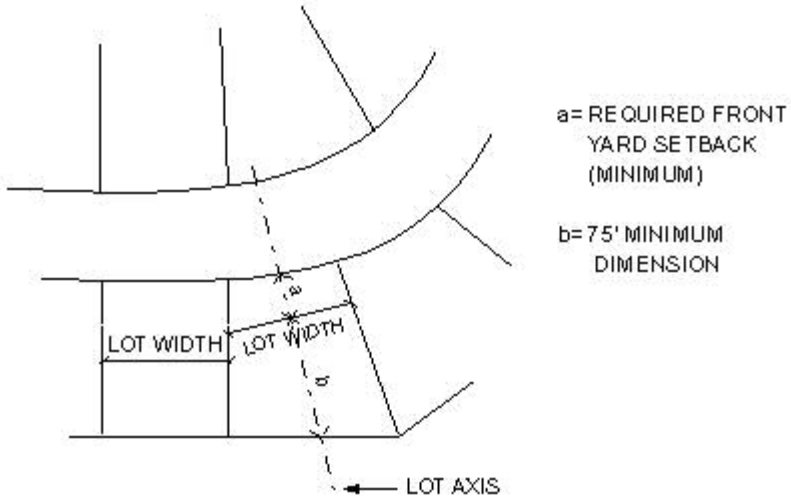
c. If the side lot lines are not parallel, the shortest distance between the front lot line and a line parallel to the front lot line, not less than ten (10) feet long lying wholly within the lot.




2. *Lot width.* The width of a lot shall be:

a. If the side lot lines are parallel, the shortest distance between these side lines; and

b. If the side lot lines are not parallel, the width of the lot shall be the length of a line measured perpendicular to the axis of the lot at a point which is equal to the required front yard setback for the district in which located. Such lot shall have a minimum length of seventy-five (75) feet beyond the point of required lot width. The axis of a lot shall be a line joining the midpoints of the front and rear lot lines.



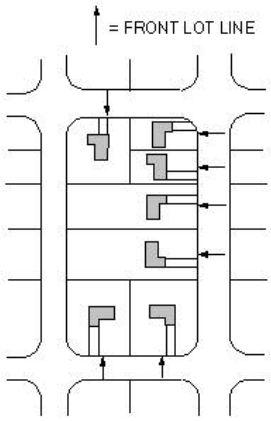

*Lot line (property line)* means the following:

1. *Front*. The front lot line of a lot shall be determined as follows:

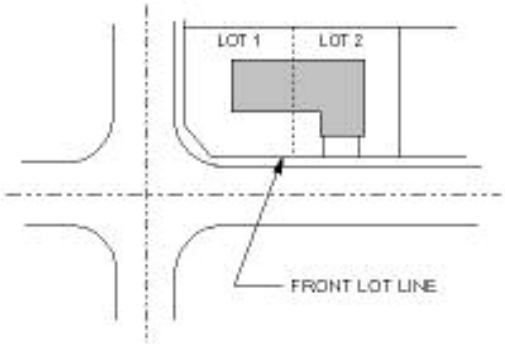
   a. *Corner lot*. The front lot line of a corner lot shall be the shorter of the two (2) lines adjacent to the streets. Where lines are equal, the front line shall be that line which is obviously the front by reason of the prevailing frontage of the other lots on the block. If such front is not evident, then either may be considered the front of the lot but not both;

   b. *Interior lot*. The front lot line of an interior lot shall be the line coterminous with the street frontage; and

   c. *Through lot (reverse frontage)*. The front lot line of a through lot shall be that line which is the front by reason of the prevailing frontage of the other buildings on the block. Where such front lot line is neither evident nor established by a recorded plat, the zoning administrator shall determine the front lot line. Such a lot over two hundred (200) feet deep may be considered, for the purposes of this definition, as two (2) lots each with its own frontage, but this definition does not constitute a lot split.

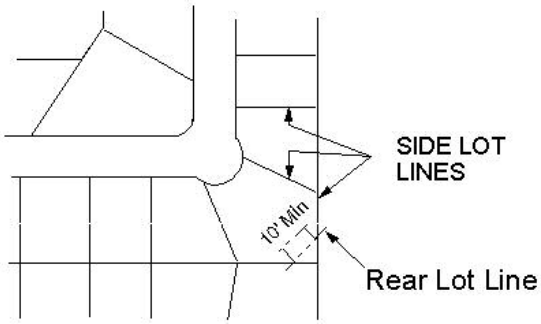



Where two (2) or more lots are used as a building site and where the main building crosses lot lines, then the entire area shall be considered as one lot, except that the front of the parcel shall be determined to be the front of the individual lots as originally platted or laid out. Exception: the lots shall be considered as separate lots when the applicable building code standards are met (i.e., as in the case of uses with common walls).




2. *Rear*. The rear lot line of a lot is that lot line opposite to the front lot line. Where the side lot lines meet in a point (if a radius, an extension of side lot lines to an intersecting point), the rear lot line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint.

3. *Side*. The side lot lines are those lot lines connecting the front and rear lot lines.




## Section 7-114 "M" definitions

*Maintenance* means the replacing of a part, or parts, or the general periodic upkeep, of buildings, structures, landscaping, and lighting, made unusable or deteriorated by ordinary wear or tear, vandalism, or by the weather that does change form, materials, or color.

*Manufactured building* means a transportable building that is manufactured specifically to be transported and placed on a building site. Includes manufactured homes, mobile homes, manufactured office and storage buildings, and similar buildings.

*Manufactured home* means a transportable single-family dwelling conforming to the Manufactured Housing Construction and Safety Standards Code of the United States Department of Housing and Urban Development.

*Mechanical equipment* means any equipment ancillary to the function of a structure including, but not limited to, heating or cooling equipment; pool pumps and filters; electrical equipment, transformers, satellite receiving earth stations, including dishes and antennas; vaults and cabinets for telecommunication towers; solar heating/cooling devices; exhaust stacks and roof vents; and similar equipment.

*Mezzanine* means an intermediate building story that projects in the form of a balcony.

*Mini-warehouse* means a commercial use in which enclosed storage space divided into separate compartments no larger than five hundred (500) square feet in area is provided for use by individuals to store personal items or by businesses to store material for operation of a business establishment at another location.

*Mixed-Use* means the combination on a site of residential uses with commercial or industrial uses.

*Mobile home* means a dwelling unit built on a chassis in excess of eight (8) feet in width and forty (40) feet in length and containing complete electrical, plumbing and sanitary facilities, and designed to be installed on a temporary or a permanent foundation for permanent living quarters.

*Mobile home park* means a development providing rental or individually-owned spaces for occupancy by mobile homes, together with certain accessory buildings and uses provided for the benefit and enjoyment of the residents of the park.

*Mobile home subdivision* means a single family subdivision that is to be used specifically as single family residential uses, for mobile homes. Expressly prohibited for residential purposes are buses, recreational vehicles, motor homes, campers, trailers and other similar vehicles.

*Model homes* means single family residential homes built and used by developers for the initial purpose of showing prospective buyers similar type homes for sale. Model homes are not used for residential purposes until the home is sold for this use.

*Motel* see "hotel".

*Motor vehicle* see “vehicle, motor”.

*Multi family dwelling* means two or more dwelling units in one structure.

## Section 7-115 “N” definitions

*Non-conforming situation* means a use or development that does not conform to a code standard.

*Non-conforming development* means a development that does not fully comply with a code standard because of setbacks, building height, lot coverage, signs, landscapes, or with some other standard of this code.

*Non-conforming use* means a use that is not permitted outright and has not received conditional approval (e.g., use permit) in the district, but was lawfully established prior to it becoming nonconforming.

*Nude model studio* means a place where the primary use involves a person who regularly appears in a "state of nudity" or displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who transfer any form of consideration.

*Nudity/state of nudity* means the act of exposing, or failing to opaquely cover, a human anus, genitals, or the areola of a female breast.

*Nursery and day care, in home* means the use of a residence for the purpose of day care of children.

*Nursery and day care school* means any use, regulated by the State of Arizona, for day care of children and accommodating more than ten (10) children. Some instructions may be offered in connection with such care. The use shall not be considered a "school" within the meaning of this Code.

## Section 7-116 "O" definitions

*Office* means a place where a particular kind of business is transacted or a service is supplied, excluding retailing, according to the following:

1. A place in which functions, such as consulting, record keeping, or clerical work are performed; or

2. A place in which a professional person (e.g., a physician or lawyer) conducts professional services.

*On-site lighting* means any illumination source or illumination device, except lighting used for signs, that is located on a lot and is visible from outside the building(s) on the lot.

*Open space, usable* means an open space which is of appropriate size, shape, location, and topographic siting so that it provides landscaping, pedestrian access, or opportunity for outdoor recreational activity. Parking areas and driveways are not usable open spaces, except as permitted for convertible use with parking and/or open space (e.g., plaza).

*Outdoor dining* means ***[City to provide]***

*Overlay district* means a special zoning district that includes regulations which modify regulations in another zoning district with which the overlay zoning district is combined. Overlay zoning districts and regulations shall be adopted pursuant to Arizona Revised Statute Section 9-462.04.

## Section 7-117 "P" definitions

*Parking* means parking areas for licensed motor vehicles or bicycles, as provided in Section 4-407 et seq.

*Parking affidavit* means a document provided by and filed with the development services department that transfers the rights to the unqualified availability of a specific number of parking spaces from one property (which can no longer take credit for them) to another for as long as the spaces are required by ordinance.

*Parking lot* means a parcel of land upon which vehicle parking is provided in conformance with the parking regulations contained in Part 3.

*Parking lot, pay lot* means a parking lot where the general public may park a motor vehicle by paying a charge or fee for the usage. Includes public and private parking lots.

*Parking, surface* means a parking area for motor vehicles where there is no gross building area below the parking area and no gross building area or roof above it. Area occupied by small, permanent buildings, such as booths used by parking attendants, is not parking area. Temporary vending carts are not gross building area.

*Parking, structured* means a covered structure or portion of a covered structure that provides parking areas for motor vehicles. Parking on top of a structure, where there is gross building area below the parking, but nothing above it, is structured parking. The structure can be the primary structure for a Commercial Parking facility or be accessory to multi-dwelling residential, commercial, employment, industrial, institutional, or other structures. A structure that is accessory to a single-dwelling residential structure (including houses, attached houses, duplexes, mobile homes, or houseboats) is a garage and is not included as structured parking. See also Garage, Parking Area, and Underground Parking.

*Pets* means ***[City to Provide]***

*Photometrics plan* means an engineered point by point illumination plan that shows expected security lighting levels in foot-candles of light every ten (10) feet on center. A photometry plan is required to provide lighting levels for the entire site.

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

*Planned area development (PAD)* means an application that modifies the standards of the base zone district(s) and is processed under the Planned Area Development (PAD) procedures in Section 6-305.

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

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

*Public art* means objects such as sculpture, water feature(s) or other multidimensional design that is viewed by the general public. The object(s) are to be located in spaces visible or accessible to the public in general so as to be enjoyed by the community at large, and are not to be a business logo or address marquee. Public art can also be used to enhance site safety and security. See also, criteria for public art approval in Part 4.

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

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

## Section 7-118 "Q" definitions

[reserved]

## Section 7-119 "R" definitions

*Recreational vehicle (RV)* means any motor vehicle that is designed or customarily used for sleeping or camping.

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

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

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

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

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

## Section 7-120 "S" definitions

*School* means any building, portion of building, or group of buildings which is designed, constructed, and used for education or instruction in any branch of knowledge. See below for varying types of schools. See also "tutoring center."

1. "Public school" means any building, portion of building, or group of buildings used for elementary or secondary or higher education that secures the major part of its funding from a governmental agency and is not a charter school.

2. "Private school" means any building, portion of building, or group of buildings used for elementary or secondary or higher education that does not secure the major part of its funding from a governmental agency, or is a charter school.

3. "Charter school" means a private school operating under a contract with a public school district.

4. "Vocational school" means a school that primarily teaches usable skills to prepare students for jobs in a trade. Also may be known as a business school/college or trade school.

5. "Dance, music, art, martial arts school" means a school that primarily teaches skills in the fine arts, performing arts, and martial arts.

*Screening device* means any landscaping or structure intended to fully or partially conceal an activity or mechanical element from view, adjacent uses, properties or streets.

*Second story, single family* means any floor level that is above the ground or main floor of the dwelling, except mezzanines per building code.

*Service* means useful labor that does not produce a tangible commodity.

*Setback* means the least horizontal distance between a building, structure, or wall, and a property line.

*Sexual encounter center* means a non-medical business which offers for any form of consideration:

1. Activities between persons when one or more of the persons is in a "state of nudity"; or

2. The matching and/or exchanging of persons for "specified sexual activities".

*Sign* means any device providing identification, advertising or directional information for a specific business, group of businesses, service, product, brand, person, organization, place or building. Including in this definition of signs are: graphic devices such as logos, trademarks, and attention attracting objects such as wind-driven spinners and portable sign devices, logo sculpture and, banners, balloons, streamers, strobe lights, flags, inflatable structures, projected picture signs, holographic projection signs, laser projected designs/images/copy and other attention attracting media and devices. Signs on buses, taxis, etc., are not exempt.

1. *Cemetery headstone/marker* means any tablet, grave markers, headstones, statuary or remembrances of persons or events that are noncommercial in nature;

2. *Complexes/centers* means any number of businesses greater than one that share the same site using common points of ingress and egress, or common parking facilities;

3. *Flags* means the state flag, United States flag, corporate flags for registered corporations, flags of foreign nations, flags displaying a business name, trademark, or logo, and decorative flags;

4. *Holiday decorations* means any decorative lighting, bunting, wreaths, laurels, trees, caricatures, and other objects that pertain to a specific traditionally accepted civic, patriotic or religious holiday. This definition does not include balloons;

5. *Roadside memorial* means the same as cemetery headstone/marker, except that such signs are located along street frontages and/or in city right-of-way;

6. *Sign, address* means a sign consisting of numerals and/or letters identifying a property address;

7. *Sign, advertising* means a sign that includes advertising copy or graphics relating to any service, product, person, business, place, activity or organization in addition to simple identification;

    a. *Advertising copy* means copy includes, but is not limited to phone numbers, prices, announcements of sales, business hours, meeting times, individual or specific products or merchandise, and directional information. A business name, trademark, and street address, are not considered advertising copy.

8. *Sign, awning* means a sign, that is printed, painted, or affixed to an awning;

9. *Sign, banner* means a sign, that is painted or displayed upon cloth or other flexible material;

    a. *Civic banner program* means a program administered by the community special event section under direction of the city council that is intended to support the civic and cultural programs of the city through the implementation and use of banners displayed on city property. From time to time the city council may choose to modify the program in order to meet these goals.

10. *Sign, billboard* means the same as off-premise sign;

11. *Sign, boutique direction* means a sign of a temporary nature used to direct traffic to an in-home boutique;

12. *Sign, brand identification* means a sign that advertises a specific product or service that is sold within a business;

13. *Sign, building mounted* means a sign that is directly attached to the face of a building;

14. *Sign, ceased* means a sign that lacks any identifiable content for a period of twelve (12) months or more;

15. *Sign, changeable copy/marquee* is a sign, that utilizes changeable letters, copy, or numerals;

16. *Sign, construction* means a sign that identifies the parties included in a construction project that has been granted a building permit;

17. *Sign, direction* means a sign, that includes copy offering pertinent directional information for the purpose of assisting in the flow of vehicular or pedestrian traffic;

18. *Sign, directory* means a sign that lists the name, use or location within a building, complex, or multi-tenant development;

19. *Sign, fascia* means a sign that is permanently affixed to the horizontal piece covering the joint between the top of a wall and the projecting eaves of the roof;

20. *Sign, flag-mounted* means a sign that projects from the roof or wall of a building perpendicular to a wall surface;

21. *Sign, freestanding* means a sign that is erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of building;

22. *Sign, future development* means a sign, that announces the proposed development of property prior to the issuance of a building permit;

23. *Sign, going out of business* means a sign indicating that the business displaying the sign will cease and be discontinued at a specific location;

24. *Sign, grand opening* means a sign that is utilized to indicate that a new business is now open to the public;

25. *Sign, identification* means a sign that includes as copy only the name of business, place, organization, building, or person it identifies;

26. *Sign, illuminated* means a sign whose surface is lit, internally or externally, and that identifies, advertises or attracts attention to a use or activity on the premise;

27. *Sign, intermittent or flashing* means a sign which by means of electrical devices gives the effect of intermittent movement, or changes to give two or more visual effects, or alternates with a lit and unlit effect;

28. *Sign, lead-in* means a temporary portable sign used to direct pedestrian or vehicular traffic to a home (or residential unit) that is for sale or rent;

29. *Sign, menu board* means a permanently mounted sign advertising the bill of fare for a restaurant, drive-in or drive-through restaurant;

30. *Sign, multi-tenant* means a sign that includes as copy, the names of two (2) or more businesses, places, organizations, buildings or persons it identifies;

31. *Sign, nonconforming* see Section 1-603;

**Legal Reference** – *Outdoor Systems v. City of Mesa, 997 F.2d 604 (9th Cir. 1993)*

32. *Sign, off-premise/off-site* means a sign that directs attention to a business, product, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed. The term off-premise/off-site sign shall include an outdoor advertising sign (billboard) on which space is leased, rented, or donated by the owner thereof to others for the purpose of conveying a commercial or non-commercial message;

33. *Sign, on-premise/on-site* means a sign that directs attention to a business, product, commodity, service, entertainment or attraction sold, offered or existing upon the same lot where such sign is displayed;

34. *Sign, political* means a temporary sign used to advertise the candidacy of an individual, ballot proposition, or to encourage citizens to vote;

35. *Sign, portable* (sandwich sign) means any sign that is not permanently affixed to any structure on a site or permanently ground mounted;

36. *Sign, projecting* means a sign mounted to the façade of a building and extending from the building façade;

37. *Sign, roof-mounted* means a sign that projects above the highest point of the roof line, parapet or fascia of a building;

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

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

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

41. *Sign, significant event* means an anniversary, business opening, change in ownership or management, or similar event as approved by the Zoning Administrator;

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

43. *Sign, subdivision advertising* means a temporary sign used to advertise a recorded subdivision;

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

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

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

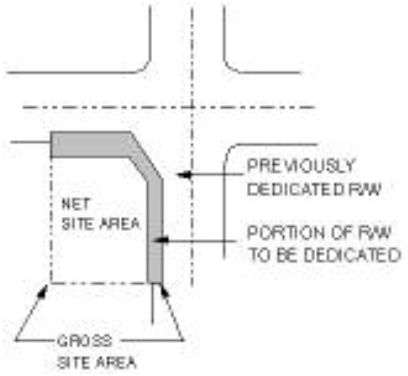
46. *Sign, window* means a sign or signage placed in a window so as to attract the attention of persons outside of the building where the sign or signage is placed;

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

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

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

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




*Site plan* means a plan prepared to scale, showing all the uses proposed for a specific property, consistent with Section 6-302.

*Specified anatomical areas* means a human anus, genitals, or areola of a female breast, when less than opaquely covered.

*Specified sexual activities* means and includes any of the following:

1. The fondling or other erotic touching of the human anus, genitals or female breast;

2. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;

3. Masturbation, actual or simulated;

4. Human genitals in a state of sexual arousal; or

5. Excretory functions as part of or in connection with any of the activities set forth in (1) through (4) above.

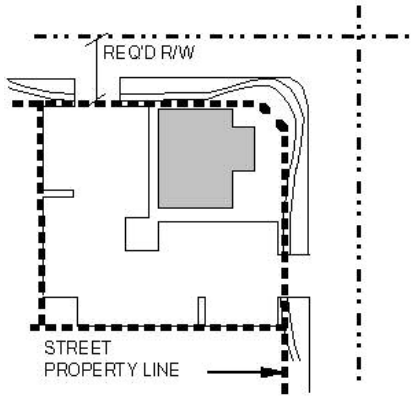
*Station area* means an area lying within 1,500 feet of a light rail transit station, as defined in Section 5-102.

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

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

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

*Street property line* means the boundary which separates the required or actual street right-of-way, whichever is greater, whether dedicated or not, from abutting property according to the City of Tempe Street Standards. See Appendix B4.




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

*Subdivision* means the land divided into two (2) or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two (2) parts. *Subdivision* also includes any condominium, community apartment, townhouse or similar project containing two (2) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.

**City code reference**—See TCC §30, Subdivisions.

## Section 7-121 "T" definitions

*Tourist court* see "hotel".

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

*Trailer* means any platform or frame with wheels that is designed or customarily used to carry personal property and for being drawn or towed by a motor vehicle.

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

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

## Section 7-122 "U" definitions

*Use permit* means a permit granted to a property owner or lessee to conduct a use allowed conditionally.

**Cross reference**—See also Part 4, use permits.

## Section 7-123 "V" definitions

*Variance* means a license, granted by a city board to deviate from a regulation of the city's Code.

*Vehicles, motor* means vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles with motive power.

*Vehicle repair, major* means an automotive retail sales and service use in which one (1) or more of the following activities are carried out:

1. Reconditioning of any type of motorized vehicle, including any repairs made to vehicles over ten thousand (10,000) pounds gross vehicle weight;

2. Collision services, including body, frame or fender straightening or repair;

3. Overall painting of vehicles or painting of vehicles in a paint shop;

4. Dismantling of motorized vehicles in an enclosed structure.

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

*Video arcade* see "amusement game arcade".

**Cross reference**—See also Section 6-311, variances.

## Section 7-124 "W" definitions

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

1. *Commercial:* any warehouse that is available for lease, either as individual storage units (e.g., miniwarehouse), or as a whole facility.

2. *Industrial:* any warehouse that is ancillary to an industrial use, either on-site or off-site.

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

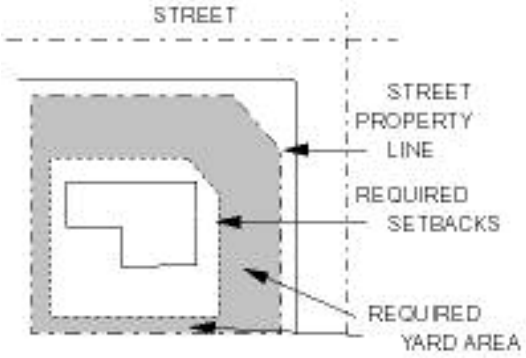
*Wireless Telecommunication Facilities (WTF)* means an unstaffed facility for the transmission and reception of radio or microwave signals for commercial communications. WTFs are composed of two or more of the following components: (1) antenna; (2) support structure; (3) equipment enclosures; and (4)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

## Section 7-125 "X" definitions

[reserved]

## Section 7-126 "Y" definitions

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




## Section 7-127 "Z" definitions

*Zero-lot line* means a use with at least one side yard setback equal to "0".