

**ORDINANCE NO. O2016.63**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE ZONING AND DEVELOPMENT CODE, PART 3 – LAND USE, SECTIONS 3-202, 3-423, PERTAINING TO PAWN SHOPS GOLD-BUYING STORES AND USE SEPARATION REQUIREMENTS.**

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**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:**

**SECTION 1.** That Section 3-202 of the Zoning and Development Code, pertaining to a portion of Table 3-202A “Resale Items” and “Services”, is hereby amended to read as follows:

<b>Table 3-202A – Permitted Land Uses (R/O, CSS, CC, PCC, RCC)</b>						
<b>Uses</b>	<b>Status of Use District</b>					
	<b>R/O</b>	<b>CSS</b>	<b>CC</b>	<b>PCC-1</b>	<b>PCC-2</b>	<b>RCC</b>
Resale Items	N	U	U	U	U	U
Antiques	N	U	U	U	U	U
Pawn Shops <u>(SEE SECTION 3-423)</u>	N	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>
Second Hand Stores	N	U	U	U	U	U
<u>GOLD-BUYING STORES (SEE SECTION 3-423)</u>	<u>N</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>
Services [See Appendix M.]	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
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
<del>Financial institution, non-chartered</del> <u>DEFERRED PRESENTMENT COMPANIES</u> [Section 3-423]	N	U(S)	U(S)	U(S)	U(S)	U(S)
Massage establishment	U	U	U	U	U	U
Mortuary	N	U	U	U	U	U
Personal or business (e.g. drycleaner, small appliance repair)	N	P	P	P	P	P
Photography Studio, except adult-oriented businesses	N	P	P	P	P	P
Tattoo, body piercing establishment [Section 3-424]	N	U(S)	U(S)	U(S)	U(S)	U(S)

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

Uses	Status of Use District					
	R/O	CSS	CC	PCC-1	PCC-2	RCC
Tutoring/After school learning center	P	P	P	P	P	P
Vehicle based service (e.g. courier, delivery service, taxi and ambulance dispatch)	N	U	U	U	U	U
With drive through (e.g. dry cleaner) [Section 3-408]	N	S	S	S	S	S

**SECTION 2.** That Section 3-202 of the Zoning and Development Code, pertaining to a portion of Table 3-202B “Resale Items” and “Services”, is hereby amended to read as follows:

**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
Resale Items	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>
Antiques	U	U	U	U	U
Pawn Shops (SEE SECTION 3-423)	N	N	N	N	N
Second Hand Stores	N	N	N	N	U
<u>GOLD-BUYING STORES (SEE SECTION 3-423)</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>
Services [See Appendix M.]	P	P	P	P	P
Auto title loan [Section 3-423]	U(S)	U(S)	U(S)	U(S)	U(S)
Barber/Beauty Salon	P	P	P	P	U
Employment agency	U	U	U	U	U
Financial institutions (without drive through)	P	P	P	P	P
<del>Financial institutions, non-chartered</del> <u>DEFERRED PRESENTMENT COMPANIES</u> [Section 3-423]	U(S)	U(S)	U(S)	U(S)	U(S)
Massage establishment	U	U	U	U	U
Mortuary	U	U	U	U	U
Personal or business (e.g. drycleaner, small appliance repair)	P	P	P	P	P
Photography Studio, except adult-oriented businesses	P	P	P	P	P
Vehicle base service (courier, delivery service, taxi and ambulance dispatch)	N	N	N	N	U
Tattoo, body piercing establishment [Section 3-424]	N	N	U(S)	U(S)	N
Tutoring/After school learning center	P	P	P	P	P
With drive through (e.g. dry cleaner) [Section 3-408]	N	S	S	S	U(S)

**SECTION 3.** That Section 3-423 of the Zoning and Development Code, Use Separation Requirements, is hereby amended to read as follows:

**Section 3-423 Use Separation Requirements.**

**A. ~~Non-Chartered Financial Institutions~~ LIMITED FINANCIAL SERVICE BUSINESSES.**

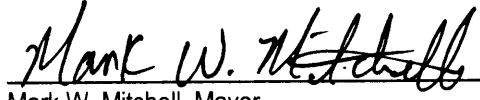
1. LIMITED FINANCIAL SERVICE BUSINESSES SHALL BE DEFINED HEREIN AS DEFERRED PRESENTMENT COMPANIES (PAY DAY LOAN), AUTO TITLE LOAN, PAWN SHOP, OR GOLD-BUYING STORES.
12. ~~Non-chartered financial institutions~~ A LIMITED FINANCIAL SERVICE BUSINESS shall not be located on a lot within 1,320 feet, measured by a straight line in any direction, from the lot line of another non-chartered financial institution LIMITED FINANCIAL SERVICE BUSINESS.
23. ~~Non-chartered financial institutions~~ LIMITED FINANCIAL SERVICE BUSINESSES 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, CHILD CARE CENTER, OR 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.
34. The requirements pursuant to Section 3-423(A) shall also apply to ~~Non-chartered financial institutions~~ DEFERRED PRESENTMENT COMPANIES (PAY DAY LOAN) OR AUTO TITLE LOAN BUSINESSES 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.~~

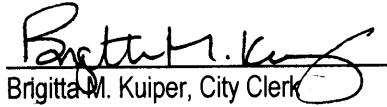
**CB. Tobacco Retailer.** *Tobacco Retailers shall not be located on a lot within 1,320 feet, measured by a straight line in any direction, from the lot line of a charter school, private school, or public school, which provides elementary or secondary education. Instructional or vocational schools are excluded from the separation requirement.*

**SECTION 5.** Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

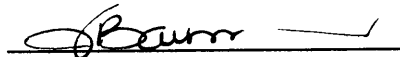
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this 8th day of December, 2016.

  
Mark W. Mitchell, Mayor

ATTEST:

  
Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

  
Judith R. Baumann, City Attorney