

Development Services  
Planning

**October 4, 2005**

**Re: Zoning and Development Code amendments**

Dear Customer,

Attached are Zoning and Development Code amendments adopted through August 18, 2005. Amendments are 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</u>	<u>Insert Page</u>
Ord. No. 2005.42, code text amendments for clarifying and technical changes within Part 1	p. 1-7, 8 p. 1-17, 18	p. 1-7, 8 p. 1-17, 18
Ord. No. 2005.46, code text amendments for clarifying and technical changes within Part 2, including editor's correction	p. 2-1, 2 p. 2-3, 4 p. 2-5, 6	p. 2-1, 2 p. 2-3, 3.1 p. 2-4 p. 2-5, 6
Sec. 2-107, editor's correction	p. 2-11, 12	p. 2-11, 12
Ordinance 2005.36, zoning map amendment from R-3 to R1-PAD	p. 2-17, 18	p. 2-17, 18
Sec. 2-107, editor's correction	p. 2-19, 20 p. 2-29, 30	p. 2-19, 20 p. 2-29, 30
Ord. No. 2005.22, zoning map amendment for a historic overlay	p. 2-45, 46	p. 2-45, 46
Se. 2-107, editor's correction	p. 2-73, 74	p. 2-73, 74
Ord. No. 2005.47, code text amendments for clarifying and technical changes within Part 3	p. 3-7, 8 p. 3-11, 12 p. 3-17, 18 p. 3-19, 20 p. 3-29, 30 p. 3-31, 32	p. 3-7, 8 p. 3-11, 12 p. 3-17, 18 p.3-18.1, 18.2 p. 3-19, 20 p. 3-29, 30 p. 3-31, 32

Amendments

Remove Page

Insert Page

Ord. No. 2005.48, code text amendments for clarifying and technical changes within Part 4, including editor's correction

p. 4-3, 4  
p. 4-5, 6  
p. 4-11, 12  
p. 4-18, 19  
p. 4-21, 22  
p. 4-27, 28  
p. 4-29, 30  
p. 4-35 to 38  
p. 4-39 to 47  
p. 4-50, 51  
p. 4-54, 55  
p. 4-58, 59  
p. 4-62 to 65  
p. 4-68 to 71

p. 4-3, 4  
p. 4-5, 6  
p. 4-11, 12  
p. 4-18, 19  
p. 4-21, 22  
p. 4-27, 28  
p. 4-29, 30  
p. 4-35 to 38  
p. 4-39 to 47  
p. 4-50, 51  
p. 4-54, 55  
p. 4-58, 59  
p. 4-62 to 65  
p. 4-68 to 71

Sec. 5-302(B), editor's correction

p. 5-7, 8

p. 5-7, 8

Ord. No. 2005.49, code text amendments for clarifying and technical changes within Part 6, including editor's correction

p. 6-3, 4  
p. 6-13, 14  
p. 6-37 to 40

p. 6-3, 4  
p. 6-13, 14  
p. 6-37 to 40

Ord. No. 2005.50, code text amendments for clarifying and technical changes within Part 7, including editor's correction

p. 7-1, 2  
p. 7-7, 8  
p. 7-19, 20  
p. 7-23, 24  
p. 7-27 to 32

p. 7-1, 2  
p. 7-7, 8  
p. 7-19, 20  
p. 7-23, 24  
p. 7-27 to 32

Appendix D. Art in Private Development Guidelines

All of App. D

New App. D

Appendix G. Consanguinity Chart

G-1, H-1

G-1

Appendix H. Fee Schedule

H-2, H-3

H-1 to H-4

Appendix I. Zoning Administrator Opinions

I-1, J-1

I-1

Appendix J. Disposition Table

J-1, J-2

### Section 1-203 Compliance and Scope.

- A. **Compliance.** Land and *structures* may be used or developed by construction, reconstruction, *alteration*, occupancy, use or otherwise, only as allowed in this Code. No *subdivision* plat shall be recorded or no building permit shall be issued without compliance with the provisions of this Code.
- B. **Obligation by Successor.** The requirements of this Code apply to the owner(s) of record, *persons* undertaking the *development* or use of land, and to those *persons'* successors in interest.
- C. **Most Restrictive Regulations Apply.** Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.
- D. **Variances.** *Variances* shall be governed by the provisions of Section 6-309.
- E. **Transfer of Development Standards Prohibited.** No *lot* area, *yard*, *landscape*, open space, off-street *parking* or loading area, or other feature which is required by this Code for one use shall be a required *lot* area, *yard*, *landscape*, open space, or off-street *parking* or loading area for another use, except as otherwise specifically allowed by this Code.

### Section 1-204 Conformance with General Plan.

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

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

### Section 1-205 Use of Real Property.

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

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

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

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

### Section 1-207 Building Permit and Certificate of Occupancy.

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

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

- B. Certificate of Occupancy.** To ensure completion of a *building* in the manner approved by the city, the *building* shall not be occupied and a use shall not begin until the Development Services Department/Building Safety has issued a final inspection or certificate of occupancy. In the case of *mixed use* development in the MU-Ed zoning district, the *Public University* shall inspect shell buildings and tenant improvements (for *Public University* and *Public University* related uses) for conformance to all of the applicable land use and development standards and shall certify that all construction has been built in accordance with the City Building Codes.
- C. Prior to Final Completion.** Prior to the final completion of all work, a temporary certificate of occupancy may be issued for the *structure* or a portion thereof, conditioned upon further work being completed by a date certain and guaranteed, as applicable.

### Section 1-208 Official Action.

- A. Official Action.** All officials, departments, divisions, and employees of the city vested with authority to issue permits or grant approvals shall adhere to and require conformance with this Code.
- B. Notice.** The failure of any *person* to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code, except as otherwise determined by the City Attorney.

- E. Board of Adjustment – Reconsideration.** Reconsideration of Board of Adjustment decisions shall comply with Part 6, Chapter 7, Re-Application and Reconsideration of Decisions.

## **Section 1-307 Planning and Zoning Commission.**

- A. Planning and Zoning Commission – Creation and Purpose.** The Planning and Zoning Commission is created to hold public hearings to provide analysis and recommendations to the City Council and to render final decisions on specified development applications as noted in Section 1-307(B). The purpose of the Planning and Zoning Commission is to review all aspects of a proposed and future development including, but not limited to, present and projected growth of the city, site planning and the relationship of the development to the surrounding environment and the community. The Planning and Zoning Commission assists the City Council with advice and recommendations 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, as described below. The Planning and Zoning Commission recognizes 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 health, safety and general welfare.

**State law reference—** A.R.S. 9-461.02. Planning commission; creation; limitations.

- B. Planning and Zoning Commission – Duties and Powers.** The Planning and Zoning Commission shall have the duty to carry out the provisions and intent of the General Plan and this Code. The Planning and Zoning Commission has concurrent jurisdiction with and subject to the Redevelopment Review Commission in accordance with Section 1-308 and Table 6-101A or the Joint Review Commission in accordance with Section 1-310.

1. **Final Decision-making Powers.** The Planning and Zoning Commission shall have the power to make final decisions and hold public hearings and public meetings to review and approve, continue, deny, or approve with conditions the following requests:
  - a. Use Permit applications pursuant to Section 6-308;
  - b. Preliminary Subdivision Plats pursuant to Section 6-307;
  - c. Appeals from the Development Services Manager, or designee, regarding minor modifications to approved Planned Area Development Overlays, or minor modifications to conditions of approved Planned Area Development Overlays; and
  - d. Appeals from the Development Services Manager, or designee, regarding Shared Parking applications.

2. **Recommendation Powers.** The Planning and Zoning Commission shall have the power to recommend to the City Council and hold public 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 Planning and Zoning Commission may prescribe in connection with any application such conditions as the Planning and Zoning 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 Planning and Zoning Commission condition shall be a violation of this Code.

**C. Planning and Zoning Commission – Organization.**

1. The Planning and Zoning Commission shall consist of seven (7) regular members and two (2) alternate members. Whenever regular members are unable to attend or must decline due to conflict of interest, the alternate members shall serve at the board hearings. All members shall be a resident of the city, and shall be appointed by the Mayor with approval of the City Council. Each Planning and Zoning 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) 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 Planning and Zoning 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 Planning and Zoning Commission shall serve without compensation;
2. The Planning and Zoning 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;

# PART 2 – ESTABLISH ZONING DISTRICTS

## *Chapter 1 – Zoning Districts*

Section 2-101	Purpose
Section 2-102	Residential Districts
Section 2-103	Commercial and Mixed-Use Districts
Section 2-104	Office/Industrial Districts
Section 2-105	Overlay Districts
Section 2-106	Location and Boundaries of Districts
Section 2-107	City of Tempe Zoning Map

## CHAPTER 1 – ZONING DISTRICTS

### Section 2-101 Purpose.

The General Plan establishes land use designations for Residential, Commercial, Mixed-Use, Industrial, and residential *density* ranges from low to high *density*. This Code designates zoning districts to promote compatibility between land uses, *buildings* and *structures*; efficient use of land; transportation options and *accessibility*, promote economic vitality; and maintain crime prevention and safety. The districts classify, regulate and restrict uses, as well as combine uses and encourage the location of compatible land uses close to one another. The district regulations provide *development* standards pertaining to the *intensity* of land uses and *development*, height and bulk of *buildings* and *structures*, and area of *yards* and other open areas between *buildings* and *structures*.

### Section 2-102 Residential Districts.

Residential districts include the following:

- A. Agricultural (AG)
- B. Single-Family Residential (includes: R1-15, R1-10, R1-8, R1-7, R1-6, R1-5, and R1-4)
- C. Single-Family Residential Planned Area Development (R1-PAD) (requires a PAD Overlay)
- D. Multi-Family Residential (R-2)
- E. Multi-Family Residential Restricted (R-3R)
- F. Multi-Family Residential Limited (R-3)
- G. Multi-Family Residential General (R-4)
- H. Multi-Family Residential High Density (R-5)
- I. Manufactured Housing Subdivision (MHS)
- J. Mobile Home Residence (RMH)
- K. Trailer Park (TP)

**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. Borden Homes Historic Overlay District



## Section 2-106 Location and Boundaries of Zoning Districts.

- A. Location.** The location and boundaries of the use districts are established as they are shown on a map, entitled "City of Tempe Zoning Map" and amendments thereto adopted after the effective date of these regulations, which map and amendments are hereby declared to be a part of this ordinance.
1. District boundary lines are intended to follow *street, alley, lot or property lines* existing at the time of passage of this Code, except where the zoning map clearly shows the boundary lines not following one of these features.
  2. Where uncertainty exists as to the boundaries of any of the zoning districts shown on the Zoning Map, the following rules shall apply. Where more than one of the following rules are applicable in any given situation, the first enumerated applicable rule shall prevail:
    - a. Where a district boundary line is shown by a specific dimension, such specific dimension shall control;
    - b. Where a district boundary line is located within or along a street, alley, right-of-way or waterway channel, the district boundary line shall be deemed to be inclusive to the centerline of such street, alley, right-of-way or waterway channel or extensions thereof or there from;
    - c. Where a district boundary line is shown as approximately following platted lot lines, the district boundary line shall be deemed to coincide with such platted lot lines; or
    - d. Where the application of the above rules does not clarify the district boundary location, then the Zoning Administrator shall determine the location.
- B. Annexations.** Territory annexed to the city subsequent to the effective date of this Code shall, upon the date that the annexation becomes effective, automatically become zoned as an AG, agricultural district. Territories annexed with AG zoning shall remain AG until such time as the City Council adopts a different zoning district for the annexed area. Any property owner of land annexed into the city may apply for a rezoning classification at no charge within one (1) year of the date of annexation.
- State law reference** – A.R.S. 9-471, Annexation of Territory; procedures; notice; petitions; access to information; restrictions
- C. Default.** Those parcels without zoning designation on the Zoning Map and without any record of a zoning classification are zoned as an AG, agricultural district.

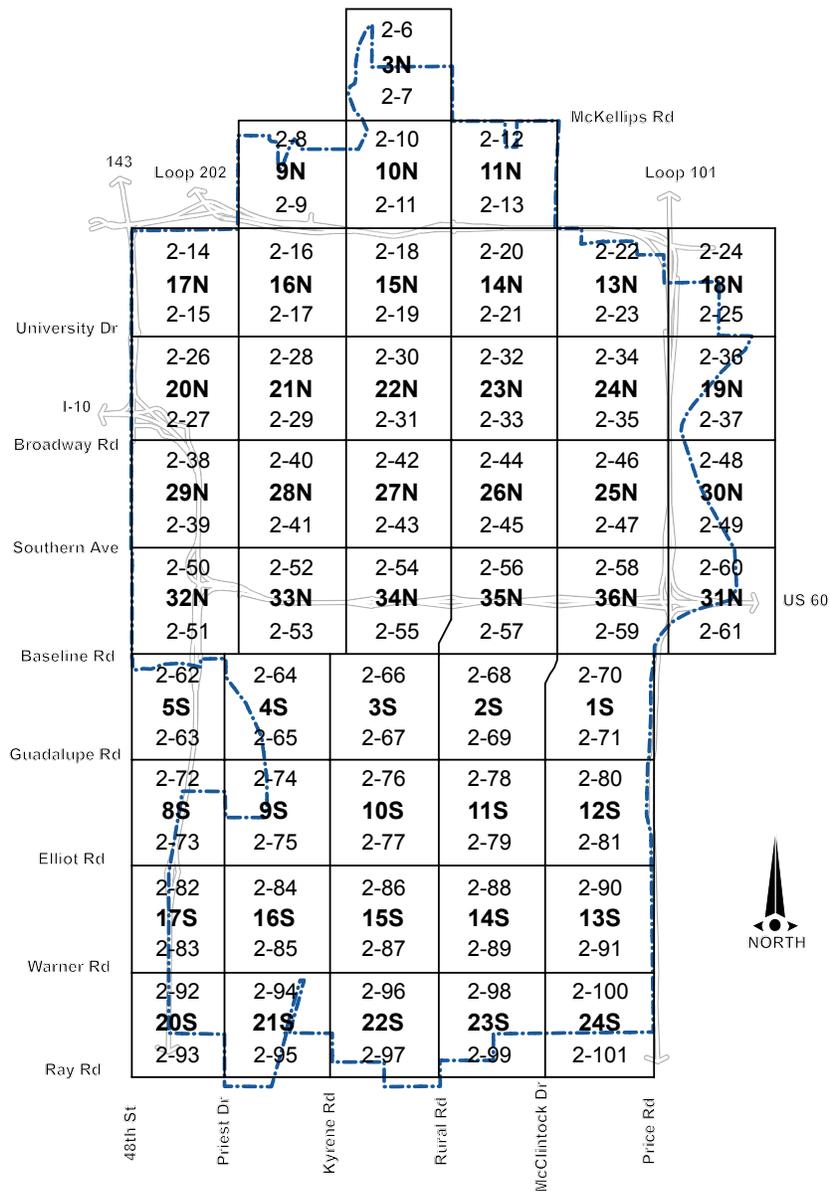
## Section 2-107 City of Tempe Zoning Map.

The locations and boundaries of the zoning districts are established as they are shown on the map entitled "City of Tempe Zoning Map".

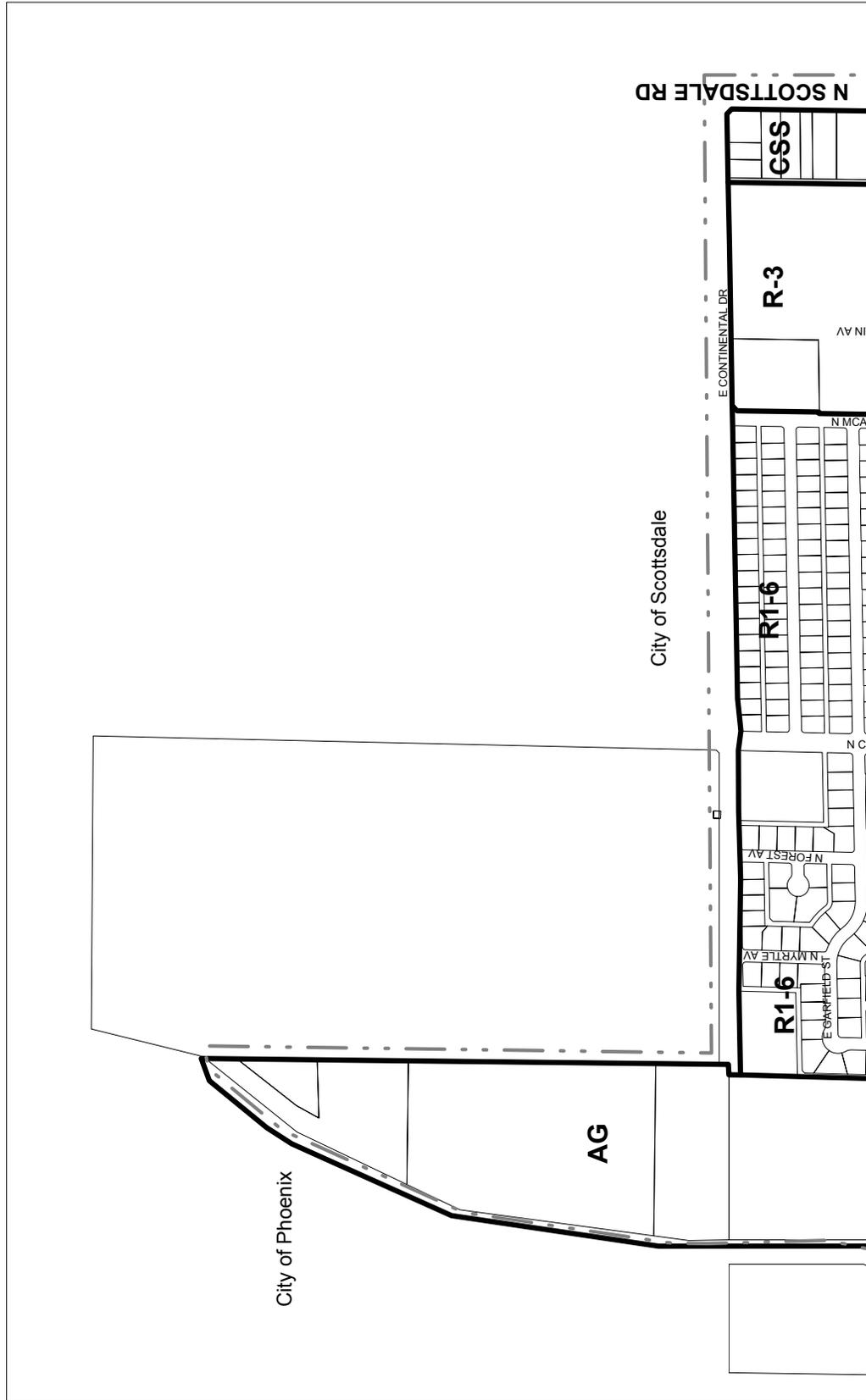
The City of Tempe is comprised of sections within the Zoning Map. Each section has been divided into two areas, the north half and the south half. Each half is represented by the page number within this Code. Refer to the Zoning Map Index below, to identify the page number of the corresponding Zoning Map.

The zoning boundaries as shown on the City of Tempe Zoning Map represent the zoning designation related to a parcel or lot. This information is based on the Development Services Department zoning records. This document may be relied upon for general zoning district boundaries, but the City of Tempe is not responsible for situations requiring a field verification or legal description.

**Figure 2-107 Zoning Map Index**



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	10N	11N
		9N	



**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

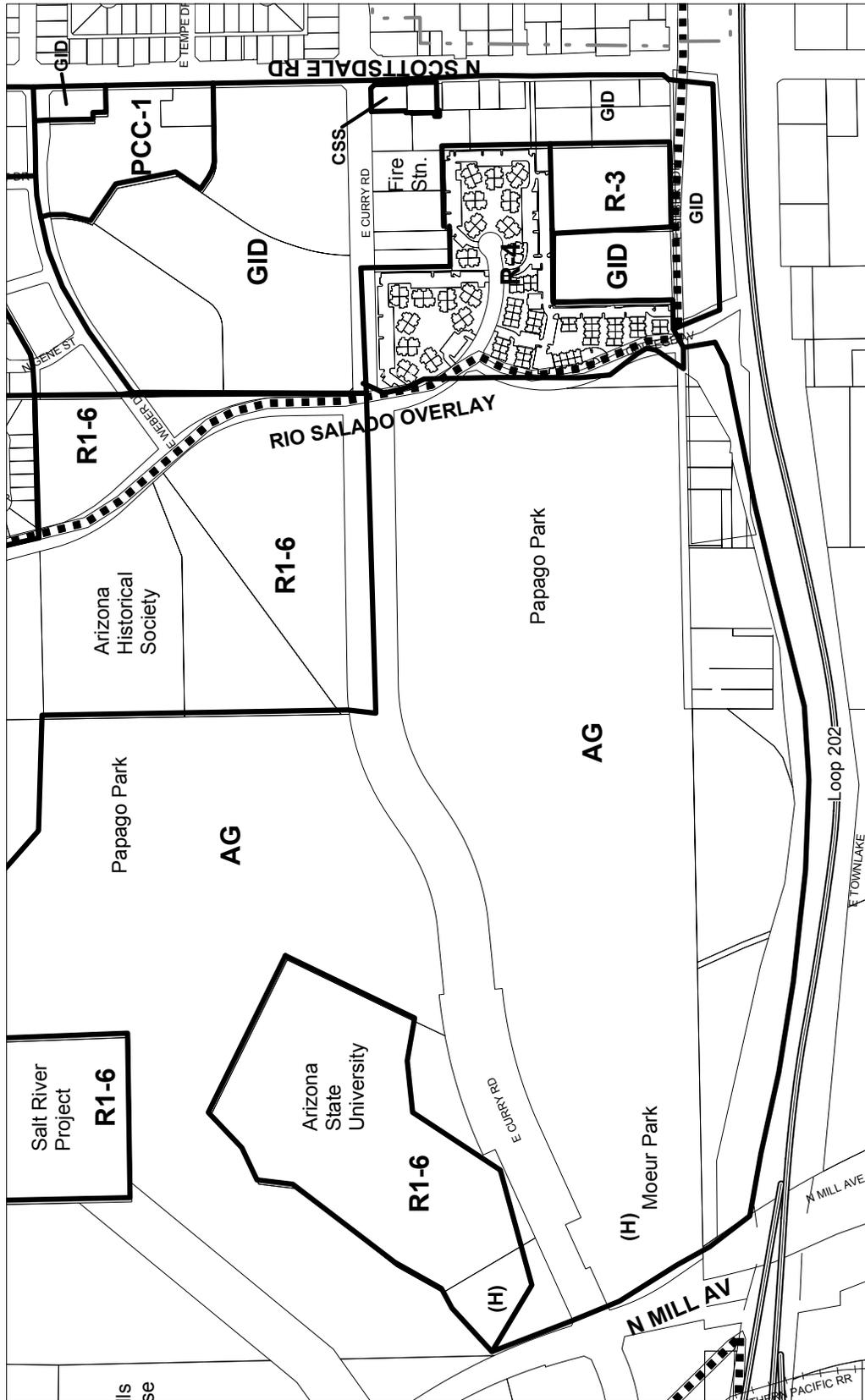
**R-2:** Multi-Family Residential  
**R-3R:** Multi-Family Residential Restricted  
**R-3:** Multi-Family Residential Limited  
**R-4:** Multi-Family Residential General  
**R-5:** Multi-Family Residential High Density  
**MHS:** Manufactured Housing Subdivision  
**RWH:** Mobile Home Residence  
**TP:** Trailer Park

**COMMERCIAL / MIXED USE**  
 RIO: 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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9N	10N	11N
16N	15N	14N



**ZONING MAP LEGEND**

**RESIDENTIAL**  
 AG: Agricultural  
 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

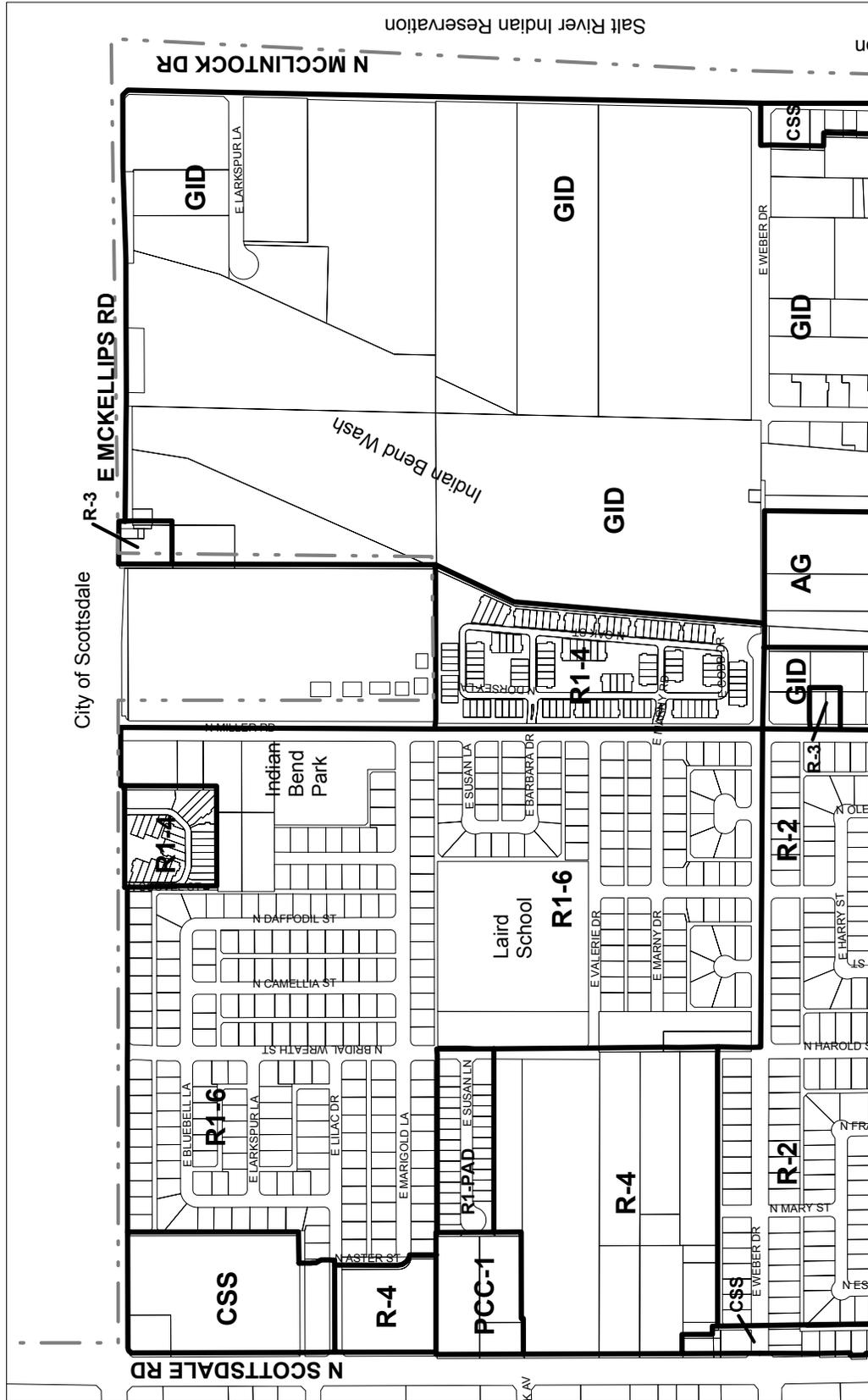
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 MU-Ed: Mixed Use Educational

**INDUSTRIAL**  
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 HID: Heavy Industrial District

**Other:**  
 R-2: Multi-Family Residential  
 R-3R: Multi-Family Residential Restricted  
 R-4: Multi-Family Residential Limited  
 R-5: Multi-Family Residential High Density  
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**Overlays:**  
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3N		
10N	11N	
15N	14N	13N



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 R-1-6: Single-Family Residential Limited  
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 R-1-8: Single-Family Residential  
 R-1-10: Single-Family Residential  
 R-1-15: Single-Family Residential  
 R-1-PAD: Single-Family Residential

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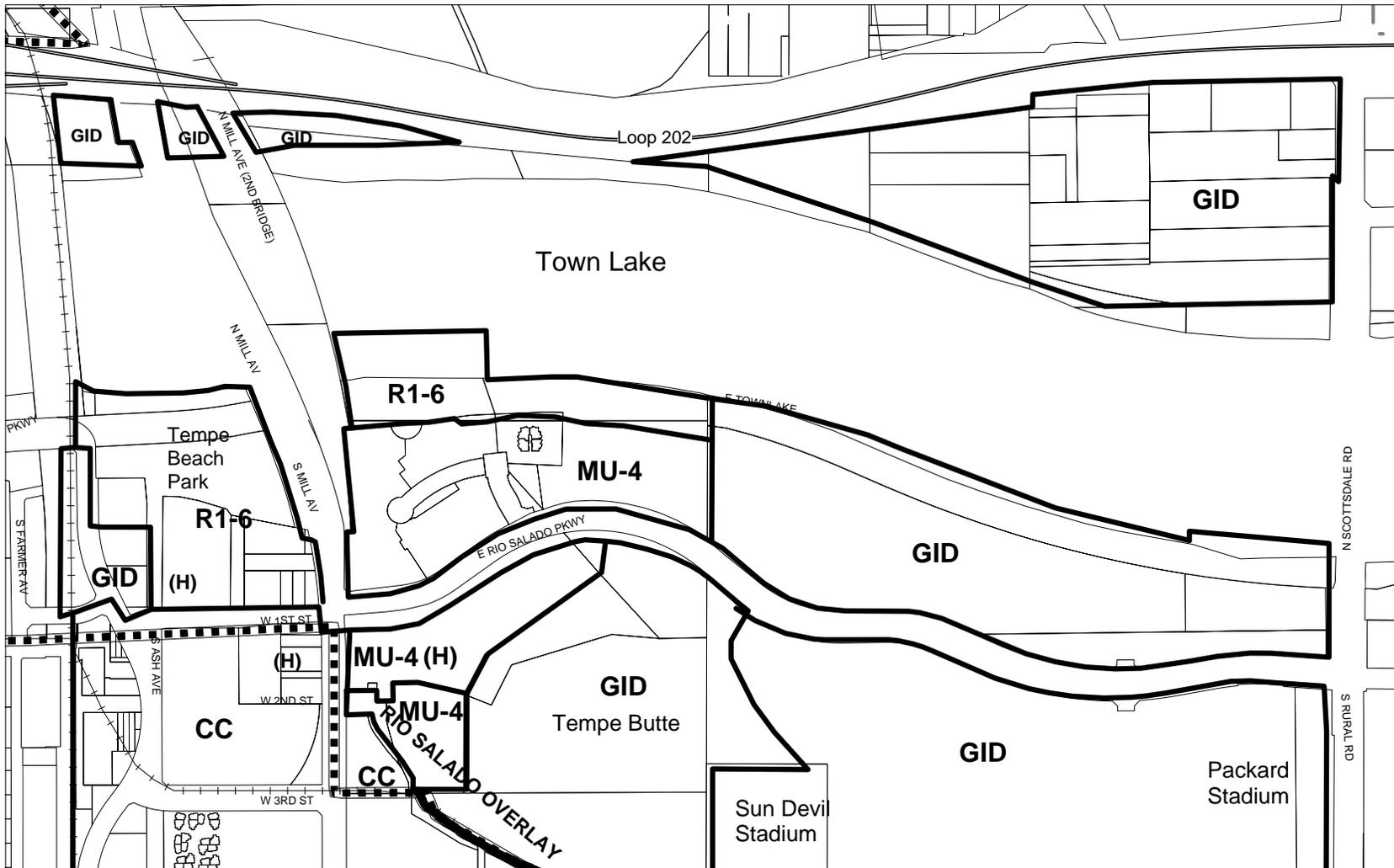
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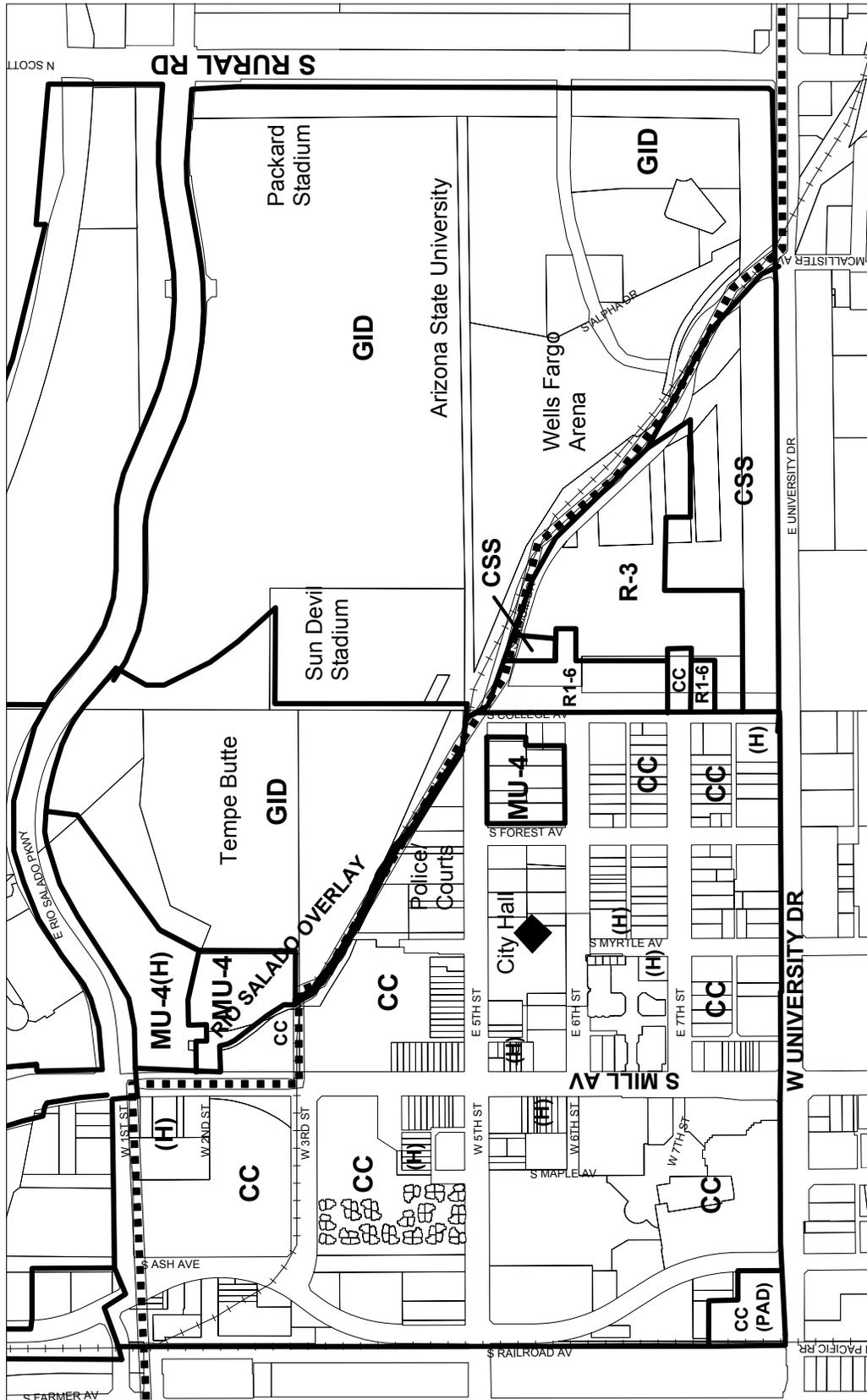
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9N	10N	11N
16N	15N	14N
21N	22N	23N

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21N	22N	23N



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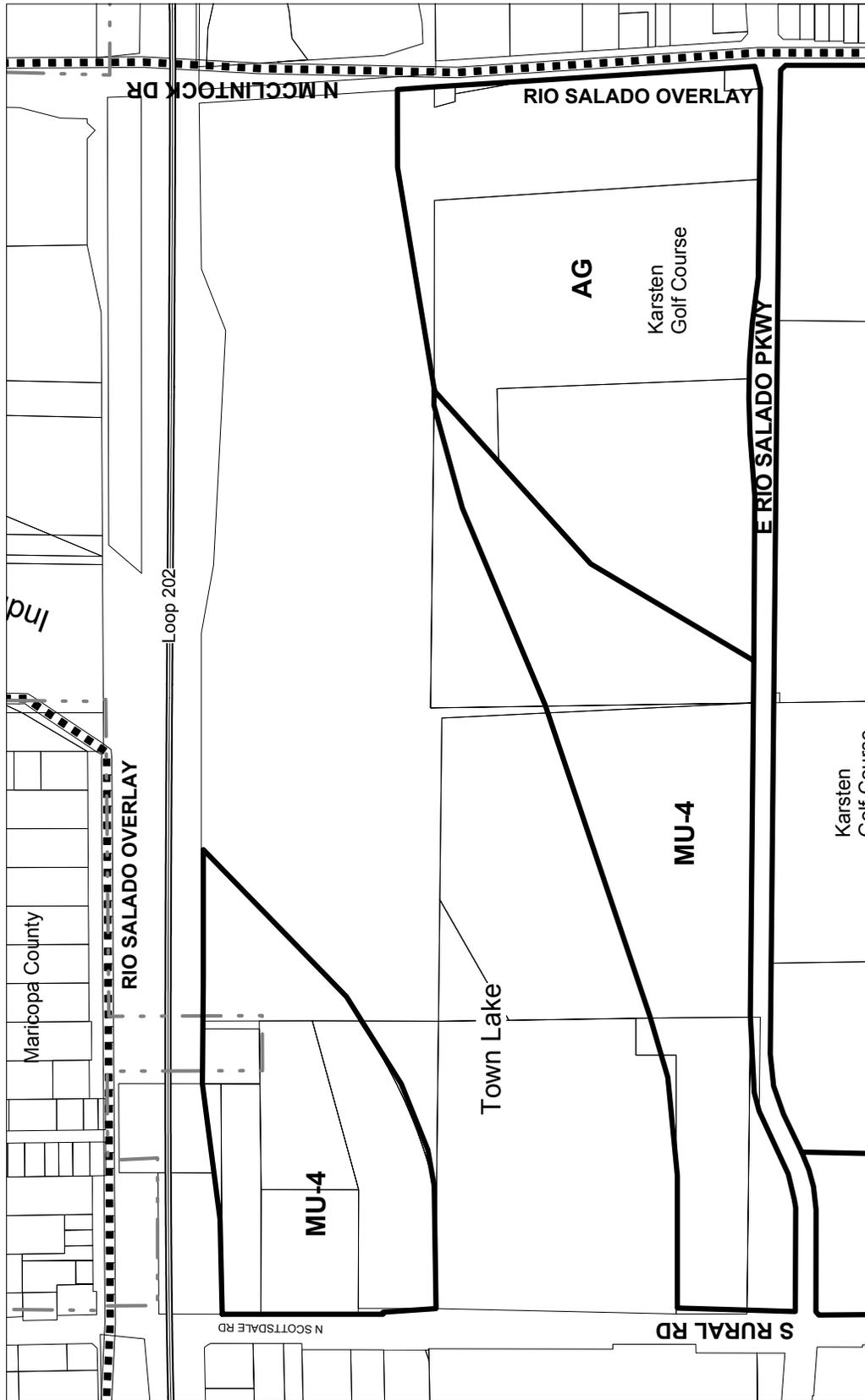
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**PLANNED AREA DEVELOPMENT OVERLAY**  
 (PAD): Planned Area Development Overlay  
 (H): Historic Property

City Limits

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10N	11N	
15N	14N	13N
22N	23N	24N



**ZONING MAP LEGEND**

<p><b>RESIDENTIAL</b></p> <ul style="list-style-type: none"> <li>AG: Agricultural</li> <li>R1-4: Single-Family Residential</li> <li>R1-5: Single-Family Residential</li> <li>R1-6: Single-Family Residential</li> <li>R1-7: Single-Family Residential</li> <li>R1-8: Single-Family Residential</li> <li>R1-9: Single-Family Residential</li> <li>R1-10: Single-Family Residential</li> <li>R1-PAD: Single-Family Residential</li> </ul>	<ul style="list-style-type: none"> <li>R-2: Multi-Family Residential</li> <li>R-3R: Multi-Family Residential Restricted</li> <li>R-4: Multi-Family Residential Limited</li> <li>R-5: Multi-Family Residential General</li> <li>R-6: Multi-Family Residential High Density</li> <li>MHS: Manufactured Housing Subdivision</li> <li>RMH: Mobile Home Residence</li> <li>TP: Trailer Park</li> </ul>	<p><b>COMMERCIAL / MIXED USE</b></p> <ul style="list-style-type: none"> <li>CS: Residential/Office</li> <li>CSS: Commercial Shopping and Services</li> <li>CC: City Center</li> <li>PCC-1: Planned Commercial Center Neighborhood</li> <li>PCC-2: Planned Commercial Center General</li> <li>RCC: Regional Commercial Center</li> <li>MU-1: Mixed Use, Low-Medium Density</li> <li>MU-2: Mixed Use, Medium Density</li> <li>MU-3: Mixed Use, Medium-High Density</li> <li>MU-4: Mixed Use, High Density</li> <li>MU-Ed: Mixed Use Educational</li> </ul>	<p><b>INDUSTRIAL</b></p> <ul style="list-style-type: none"> <li>LID: Light Industrial District</li> <li>GD: General Industrial District</li> <li>HID: Heavy Industrial District</li> </ul>
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(PAD): Planned Area Development Overlay  
(H): Historic Property  
City Limits

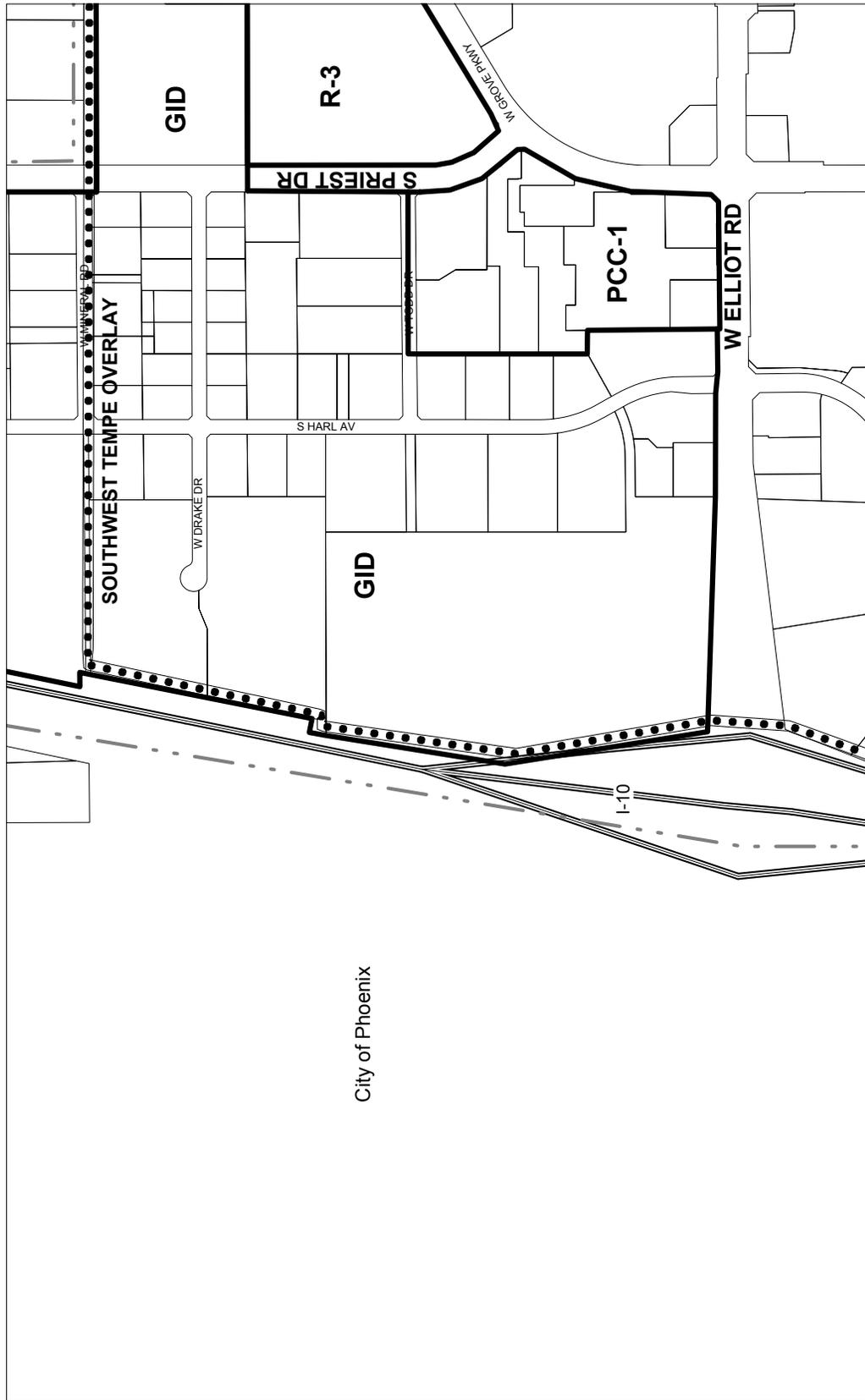








NOTE: This map represents the zoning related to a parcel or lot, but the City of Tempe is not responsible for situations requiring a field verification or legal description. This information should not be relied upon without staff verification.



5S	4S
8S	8S
17S	16S



**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

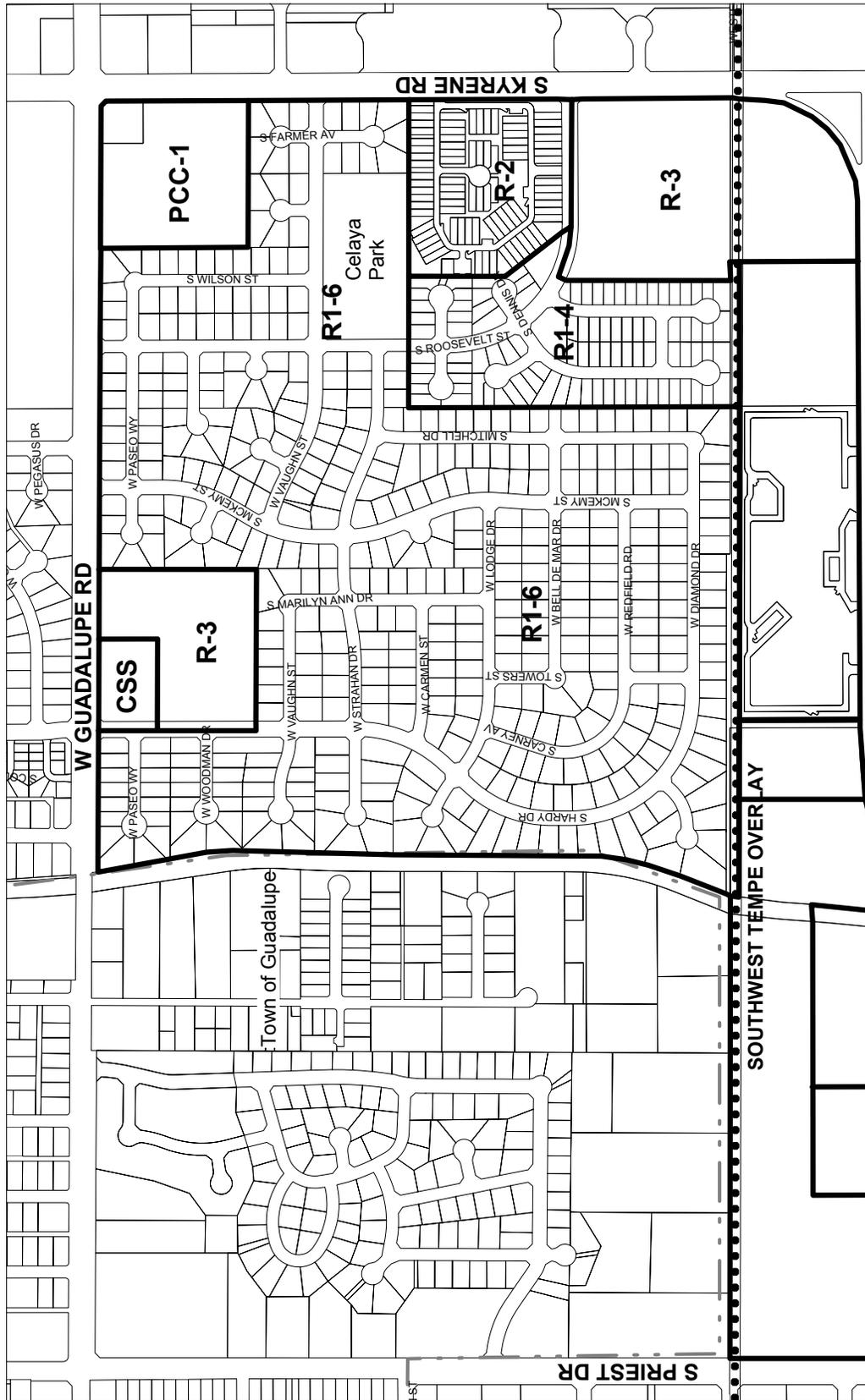
R-2: Multi-Family Residential  
 R-3R: Multi-Family Residential Restricted  
 R-3: Multi-Family Residential Limited  
 R-4: Multi-Family Residential General  
 R-5: Multi-Family Residential High Density  
 MU-S: Manufactured Housing Subdivision  
 RW: Mobile Home Residence  
 TP: Trailer Park

**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**  
 LI: Light Industrial District  
 GI: General Industrial District  
 HI: Heavy Industrial District

(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.



3S	4S	5S
10S	9S	8S
15S	16S	17S



**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  
 RWH: 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

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

## CHAPTER 2 – PERMITTED USES IN COMMERCIAL AND MIXED-USE DISTRICTS

### Section 3-201 Purpose and Applicability.

- A. Purpose.** The commercial and *mixed-use* districts are established to provide a mixture of complimentary land uses including *retail, offices, commercial services, Public Universities, Public University related uses, civic uses,* and housing. These districts are intended to create economic and social vitality and to encourage trip reduction; and encourage pedestrian circulation as an alternative to driving and provide employment and housing options.
- B. Applicability.** Commercial and *mixed-use* districts fall under the following categories:
1. Residential/Office (R/O). The R/O district allows professional and administrative *services, live-work,* and limited *retail* uses on small parcels located between higher *intensity* commercial and multi-use zones and residential zones;
  2. Commercial Shopping and Services (CSS) (previously designated as CCR, C-1 and C-2 districts). The CSS district is intended to meet the daily shopping and *service* needs of Tempe's neighborhoods;
  3. City Center (CC) (previously designated as CCD). The CC district fosters employment and livability in Tempe's city center by providing *retail, offices,* moderate- and high-*density* residential uses, *entertainment, civic uses,* and cultural exchange in a *mixed-use* environment that supports the public investment in transit and other public facilities and *services*. This district may also be considered mixed-use when the design provides a mix of uses for the purposes of implementing the General Plan Land Use;
  4. Planned Commercial Center (PCC-1, PCC-2). The PCC districts are for neighborhood (PCC-1) or general (PCC-2) retailing, *services* and *entertainment* uses oriented to serve the needs of the neighborhood, community or the metropolitan region. Residential uses may be allowed subject to a *use permit* for the purpose of *revitalizing* an existing commercial center;
  5. Regional Commercial Center (RCC). The RCC district provides regional shopping facilities in locations deemed appropriate to serve large demographic areas; and
  6. Mixed-Use Commercial and Residential [MU-1, MU-2, MU-3, MU-4 (MU-4 previously designated as MG)]. All MU zone districts require the integration of commercial and residential uses to support pedestrian circulation and transit as alternates to driving, and to provide employment and housing options. MU districts allow a range of *development* intensities and uses including, but not limited to: personal and professional *services,* institutional and *civic uses, retail, multi-family dwellings, attached single-family dwellings,* and *mixed-use buildings* and *building* sites. All *mixed-use* districts require a PAD Overlay for processing.

- a. The MU-1 district allows low to medium *density* housing to be combined with commercial, *office* and *public uses* that serve the neighborhood. Residential uses are allowed up to ten (10) units per acre. Permitted commercial uses are limited to those that are compatible with low to medium *density* housing.
  - b. The MU-2 district allows medium *density* housing to be combined with commercial, *office* and *public uses* that serve the neighborhood. Residential uses are allowed up to fifteen (15) units per acre. Permitted commercial uses include those that are allowed in the MU-1 district, and some *hotels*, *motels* and lodging when approved with a *use permit*.
  - c. The MU-3 district allows medium to high *density* housing to be combined with commercial, *office* and *public uses* that serve the neighborhood and/or community. Residential uses are allowed up to twenty-five (25) units per acre. Permitted commercial uses include those that are allowed in the MU-1 and MU-2 districts, and *hotels* and *motels* (permitted); and *hospitals*, commercial *parking*, and *retail*, and *restaurant* uses with drive through facilities when approved with a *use permit*.
  - d. The MU-4 district (previously designated as MG district) allows unlimited housing *density* in a *mixed-use* setting with commercial, *office*, and *public uses*. *Development intensity* in the MU-4 district is established through the PAD Overlay process and must be consistent with the General Plan and the city's ability to provide public facilities.
7. Mixed Use Educational (MU-Ed). Only properties owned by a *public university* may utilize the MU-Ed zoning district and the Joint Review Committee processing. In the event MU-Ed zoned land ownership is transferred by the *public university* to another entity that is not a *public university*, either the *public university* or the new entity shall apply to the city for the appropriate zoning classification. In no event shall the MU-Ed criteria, standards, or process be available to an entity other than a public university. However, if MU-Ed zoned land is leased to an entity that is not a Public university, Improvements on such land shall be subject to the MU-Ed Zoning District regulations and process.

- 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.

*Commercial Use*, Residential Use and Mixed-Use development within the MU-Ed district shall conform to the design review criteria as adopted by ASU and applicable Development Standards in Part 4. The Joint Review Committee will determine the criteria to be applied. Uses permitted under this Chapter shall utilize the applications and review procedures in Part 6.

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

<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>
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 [Section 3-418]	N	N	S	N	N	N
Outdoor retailing [Section 3-417]	N	U(S)	U(S)	U(S)	U(S)	U(S)
Tire store	N	U	U	U	U	U
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
Barber/ beauty salon	P	P	P	P	P	P
Financial institution (without drive through)	P	P	P	P	P	P
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

## Section 3-302 Permitted Uses in Office/Industrial Districts.

Table 3-302A identifies land uses according to permit status. See key below the table:

<b>Table 3-302A Permitted Land Uses (LID, GID, HID)</b>			
Uses	Districts		
	LID	GID	HID
Accessory Use	P	P	P
Adult Businesses [Section 3-403]	N	S	S
Amateur Radio Antennas [Section 3-422]			
35 feet in height or less	S	S	S
Over 35 feet in height	U(S)	U(S)	U(S)
Animal Kennels, and Animal Hospitals	N	P	P
Ball Bearing, Boxes or Cabinets Manufacturing	N	U	P
Cement and Paving Material Mixing Plant	N	N	P
Cemetery, Crematorium, Mausoleum	N	U	U
Childcare, center: nursery school, daycare center, similar	N	U	U
Chocolate, Cocoa or Coffee Roasting or Manufacturing	N	U	P
Clinics: Medical, Dental and Veterinary	P	P	P
Computer Centers, including Computer Hotels and Similar Technology Facilities	P	P	P
Commercial Uses – allowed in the commercial and mixed-use districts (except outdoor display and residential unless otherwise noted) [Section 3-202]	N	U	U
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
Dispatching, Weighing Station	N	P	P
Electronic Instruments and Devices, Computers, Assembling and Manufacturing	P	P	P
Entertainment	N	U	U
Amusement businesses (a)	N	U	U
Outdoor (permanent use)	N	U	U
Theater or similar use	P	P	P

**Key:**

P = Permitted

S = Permitted with special standards or limitations

U = Use permit required

N = Not permitted

LID = Light Industrial District (previously IBD district)

GID = General Industrial District (previously I-1 and I-2 districts)

HID = Heavy Industrial District (previously I-3 district)

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

<b>Table 3-302A Permitted Land Uses (LID, GID, HID)</b>			
<b>Uses</b>	<b>Districts</b>		
	<b>LID</b>	<b>GID</b>	<b>HID</b>
Exterminator and Insect Poison Manufacturing	N	N	P
Storage, Wholesale and Distribution	N	P	P
Extraction of Sand, Gravel and Other Natural Resources	N	N	U
Farming, Landscaping and Agricultural Supplies and Equipment, Wholesaling and Storage	N	P	P
Foundry Casting Light-Weight, Nonferrous Metal, not Causing Noxious Odors or Fumes	N	U	P
Fuel Distributing Station, Gasoline (bulk plant)	N	U	P
Gasoline and Petroleum Bulk Storage Tanks	N	N	P
Hospitals, Sanitariums, Nursing Homes: e.g. Orphanages, Institutions [Section 3-413]	U(S)	U(S)	U(S)
House-Movers, Equipment Storage or Wrecking Yards	N	N	P
Ice Manufacturing and Cold Storage	N	U	P
Industrial, Scientific, Bio-Technology or Business Research, Development and Testing Laboratories, and Offices	P	P	P
Junkyards	N	N	P
Machine shops	N	P	P
Manufacturing, not causing noxious odors, fumes, noise, dust or vibration	N	P	P
Mini-Warehouse/Rental Storage Facilities [Section 3-415]	N	U(S)	S
Motion Picture/Recording Studios	P	P	P
Offices	P	P	P
Outdoor			
Retailing [Section 3-403]	N	U(S)	U(S)
Storage of equipment, goods, or materials [Section 4-706(F)]	N	S	S
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
Childcare center, private school or charter school not ancillary to main use	U	U	U
Public Uses			
Civic Facilities ( e.g., post office, library, city office, customer serving)	P	P	P
Municipal Facilities (maintenance, repair and storage)	N	P	P
Open space, parks, similar uses (See also, Schools)	P	P	P

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

Uses	Districts		
	LID	GID	HID
Residence – of a caretaker or operator employed on the premises; such residence may include the family of the caretaker	P	P	P
Mobile Home or Trailer	U	U	U
Single- or Multi-Family Dwelling	N	N	N
Retail uses – directly related to the primary industrial use may be permitted, provided they do not exceed 15% of the primary industrial use.	N	P	P
Retail Uses – allowed in the commercial and mixed-use districts (except outdoor display) [Section 3-202]	N	U	U
Rock Crushing, Sand Blasting Yard	N	N	P
Schools			
Charter	N	U	U
Instructional	N	U	U
Private	N	U	U
Public	P	P	P
Vocational	N	U	U
Similar Uses [Section 6-301]	S	S	S
Stadium, Arena	N	U	P
Vehicle			
Auto Body Repair	N	P	P
Auto Salvage, parts, supplies or wrecking	N	N	P
Car Wash	N	U	U
Repair	N	P	P
Sales/Rental (indoor or outdoor)	N	U	U
Service Station	N	U	U
Towed Vehicle Storage	N	P	P

**Key:**

P = Permitted

S = Permitted with special standards or limitations

U = Use permit required

N = Not permitted

LID = Light Industrial District (previously IBD district)

GID = General Industrial District (previously I-1 and I-2 districts)

HID = Heavy Industrial District (previously I-3 district)

<b>Table 3-302A Permitted Land Uses (LID, GID, HID)</b>			
<b>Uses</b>	<b>Districts</b>		
	<b>LID</b>	<b>GID</b>	<b>HID</b>
Warehouse, including distribution centers	N	P	P
Wholesaling, Repairing, Storage, and Rental Activities – in conjunction with a permitted use	N	P	P
Wireless Telecommunication Facilities [Section 3-421]	U(S)	U(S)	U(S)
Wood Products, Manufacturing	N	U	P

**Key:**

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

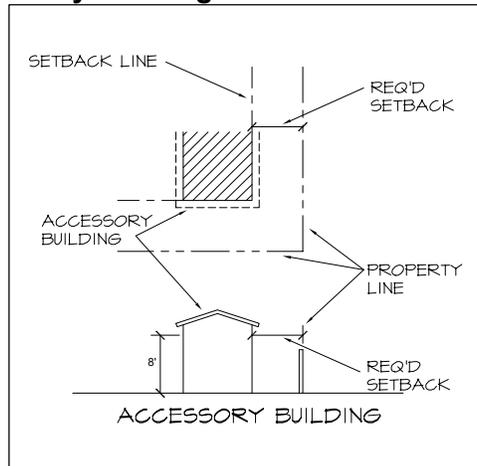
- LID = Light Industrial District (previously IBD district)
- GID = General Industrial District (previously I-1 and I-2 districts)
- HID = Heavy Industrial District (previously I-3 district)

## CHAPTER 4 – SPECIAL USE STANDARDS

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

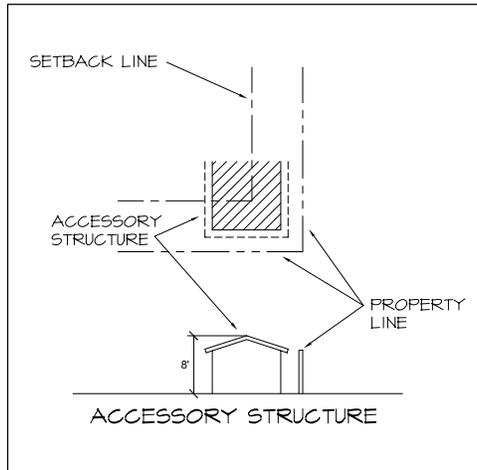
- A. Applicability.** *Accessory buildings, uses and structures* shall be incidental to the principal use. They must occupy less floor area, cover less *lot* area, and have a use that is secondary to the primary *structure(s)* and use(s) on the property. *Buildings, structures* (e.g., fence, carport, 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.

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



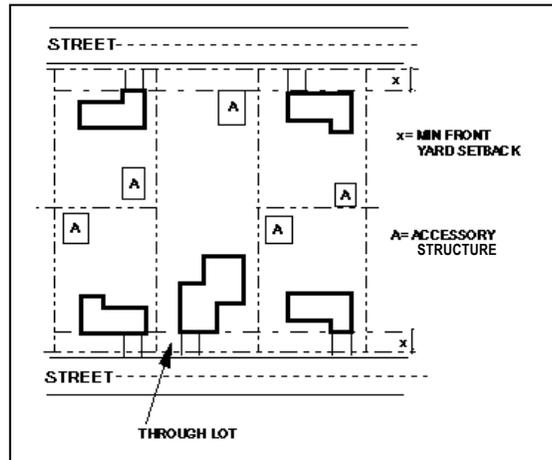
- D. Accessory Structure.** An *accessory structure* (e.g., ramadas, small sheds) shall be located no closer to the front *property line* than the front *yard building setback*, be limited to a maximum two hundred (200) s.f. in area, and shall be equal to or less than eight (8) feet in height. A structure 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 3-412 Home Occupation.

*Home occupation* is a permitted use subject to administrative review to allow 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. *Home occupations* are permitted in all residential *dwellings* as an *accessory use* (see Section 7-102 for definition), subject to the following standards to protect the residential character of Tempe's neighborhoods:

### A. Appearance of Residence.

1. 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;
2. 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;
3. The *home occupation* shall not violate any conditions of *development* approval (i.e., prior development permit approval);
4. Products and or equipment produced or used by the *home occupation* shall not be displayed or visible from outside any *building*; and
5. No offensive noise, vibrations, smoke, dust, odors, heat or glare shall be produced.

### B. Storage.

1. On-site storage and use of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
2. 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).

### C. Employees.

1. A *home occupation* shall have no more than three (3) individuals working within a residence for the purpose of the business.
2. 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* with the approval of a *use permit*.
3. 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.

4. 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.
- D. Signs.** *Home occupations* shall not display an *identification sign* for the purpose of the business.
- E. Vehicles, Parking and Traffic.**
1. Vehicles associated with the *home occupation* must comply with TCC Section 21-4.
  2. 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.
  3. 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.
- F. 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*.
- G. 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 in the CC district only, 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;
  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.

## CHAPTER 1 – DEVELOPMENT STANDARD ADMINISTRATION

### Section 4-101 Purpose and Applicability.

- A. Purpose.** Part 4 provides standards for *development density*, height, *setbacks*, *lot coverage*, *building design*, *parking*, *landscape*, access and circulation for pedestrians and vehicles, signs, lighting, and infrastructure. The intent of these regulations is to minimize land use conflicts, conserve and enhance design character and aesthetic values throughout the city; support crime prevention and safety including *accessibility* for *persons with disabilities*; and provide multi-modal transportation options for the general public.
- B. Applicability.** Unless otherwise noted, all uses and *developments* shall conform to Part 4, Development Standards. Additionally, except for *density*, an increase in the defined maximum standards and/or a decrease in the required minimum standards in Tables 4-202A, 4-202B, 4-202C, 4-203A, 4-203B, 4-204 may be allowed up to the percentages noted in designated tables subject to a *use permit* and are considered a *development* standard of Part 4 of this Code.

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

### Section 4-102 General Regulations and Approval Criteria.

- A. Commencement of Use or Development.** A *development* shall not be constructed, or a use commenced, except after its applications or plans are approved by the city in conformance with this Code.
- B. Variances to Part 4.** Deviations from the standards set forth in Part 4 require approval of a *variance(s)* under Section 6-309.
- C. Conformance to Approved Plans Required.** Any expansion of *building* or use, or *development* of land, shall conform to plans approved under Part 6. When an approval under Part 6 is required, the city or, in the case of the MU-Ed District, *Public University* may not issue a site development permit, a building permit, electrical permit or a mechanical permit for the project until the approval has been granted.
- D. Completion of Use or Development.** Prior to issuance of a final inspection, letter of compliance or a (temporary) certificate of occupancy, all required improvements shall be installed in accordance with plans approved by the Development Services Department or in the case of the MU-Ed District, *Public University*. Refer to Section 1-207.

**E. Maintenance.**

1. The owner or owner's association, or the lessee of the site, as applicable, shall maintain the *development* and property in conformance with the plans approved by the city. Any deterioration shall be considered a violation of this Code and any applicable ordinances.
2. Any *landscape* feature required in this section that does not survive, function properly, or is in need of repair, shall be replaced within thirty (30) days of its demise or damage. The Development Services Manager, or designee, may approve an extension when requested in writing, based on conflicts arising from construction activity, seasonal availability of materials, or a similar hardship.
3. *Landscape* features, lighting, walls, screening devices or other features installed in conformance with Part 4 of this Code shall not be modified or removed without prior approval by the Development Services Manager, or designee. The removal or destruction of such features without prior approval by the Development Services Manager, or designee, shall constitute a violation of this Code. In such case, the owner shall be required to replace said feature(s) with those of like size and quality, or alternate material may be approved by the Development Services Manager, or designee.
4. Improvements required under Part 4 of this Code shall be reasonably maintained.
5. Plant material and trees shall be pruned to promote a healthy growth pattern, natural characteristic form, and maximize shade.
6. The lack of *maintenance* shall constitute a violation of this Code, penalties for which are provided in Section 1-201.

**Section 4-103 Reference to Other Design Guidelines and Standards.**

- A. Overlay Districts.** The *overlay district* design and development standards contained in Part 5 are also applicable within *overlay districts*. When conflicts occur between the standards in Part 5 and Part 4, the standards in Part 5 shall apply.
- B. Design Guidelines.** The Appendix contains design guidelines that supplement the standards under Chapter 4, Building Design; Chapter 5, Access and Circulation; Chapter 6, Parking; Chapter 7, Landscape and Walls; and Chapter 8, Lighting. The guidelines are intended to be flexible and encourage creativity in design. Where conflicts exist between the guidelines and specific Code standards, the Code standards, where applicable, shall take precedence over the guidelines; the Development Services Manager, or designee, has the authority to make interpretations to resolve such conflicts.

## CHAPTER 2 – GENERAL DEVELOPMENT STANDARDS

### Section 4-201 Purpose and Applicability.

This chapter provides general standards for *development density*, *building height*, *lot coverage*, *setbacks* and clear vision areas for all base zoning districts. General development standards for Tempe's *overlay districts* are provided in Part 5.

- A. Use Permit Standard.** The use permit standard allows a change in the general development standards by a specified percentage within Sections 4-202, 4-203, and 4-204. This request is subject to obtaining a use permit, pursuant to the provisions found in Section 6-308. Fractional numbers of a percentage shall be determined, pursuant to Section 1-209.
- B. Density.** When a zoning district has a residential density of no standard (NS), the proposed density must conform to the General Plan Projected Residential Density map. Any deviation from the General Plan map shall require processing of an amendment, pursuant to Section 6-302.

## Section 4-202 Development Standards for Residential Districts.

Tables 4-202A, 4-202B, and 4-202C, respectively, provide the development standards for Tempe's single-family residential and agricultural districts, multi-family residential districts, and *mobile home* districts.

**Table 4-202A – Development Standards in Agricultural and Single-Family Districts(1)**

Standard	AG	R1-15	R1-10	R1-8	R1-7	R1-6	R1-5	R1-4	R1-PAD	Use Permit Standard
Density (DU/Acre)	1	2.40	2.80	3.35	3.75	4	6	8	NS	NA
Minimum Net Site Area (square feet) per Dwelling	43,560 sf	15,000 sf	10,000 sf	8,000 sf	7,000 sf	6,000 sf	5,000 sf	4,000 sf except 3,000 sf for common wall	NS	NA
Minimum Lot Width (feet)	115 ft	115 ft	90 ft	80 ft	70 ft	60 ft	NS	NS	NS	10%
Minimum Lot Length (feet)	150 ft	120 ft	100 ft	100 ft	100 ft	100 ft	NS	NS	NS	10%
Maximum Height (feet) (e) [Exceptions, see Section 4-205(A)]	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	35 ft	NS	10%
Maximum Lot Coverage (% of net site area)	25%	45%	45%	45%	45%	45%	NS	NS	NS	10%
Setback (feet) (c): [Exceptions, see Section 4-205(B)]										
Front - Building	40 ft	35 ft	30 ft	20 ft	20 ft	20 ft	20 ft	15 ft except 20 ft for garage	NS	20%
Front - Open Structures (e.g. porch, trellis, patio wall)	35 ft	30 ft	25 ft	15 ft	15 ft	15 ft	15 ft	10 ft	NS	20%
Side	20 ft	15 ft	10 ft	7 ft	7 ft	5 ft (d)	5 ft (d)	5 ft (a)(d)	NS	20%
Rear	35 ft	30 ft	25 ft	20 ft	15 ft	15 ft	15 ft	15 ft	NS	20%
Street Side (b)	25 ft	20 ft	15 ft	10 ft	10 ft	10 ft	10 ft	10 ft	NS	20%

NS = No Standard. NA = Not Applicable.

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

(a) 0 feet for *common wall*.

(b) *Street side yard setback* for *corner lots* adjacent to *key lots* shall be increased by 10 additional feet.

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

(d) Use Permit standard does not apply.

(e) Second Story Addition or Rebuild, See Section 3-420.

## Section 4-204 Development Standards for Office/Industrial Districts.

Table 4-204 provides the development standards for Tempe's office/industrial districts.

<b>Table 4-204 – Development Standards in Office/Industrial Districts (1)</b>				
<b>Standard</b>	<b>LID (2)</b>	<b>GID (3)</b>	<b>HID (4)</b>	<b>Use Permit Standard</b>
Building Height (feet) [Exceptions, see Section 4-205(A)]				
Building Height Maximum	30 ft	35 ft	40 ft	10%
Building Height Step-Back Required Adjacent to SF or MF District [Section 4-404, Building Height Step-Back]	Yes	Yes	Yes	NA
Maximum Lot Coverage (% of net site area)	40%	NS	NS	10%
Minimum Landscape Area (% of net site area)	10%	10%	10%	NA
Setbacks (feet) (a) [Exceptions, see Section 4-205(B)]				
Front	30 ft	25 ft	25 ft	25%
Parking	20 ft	20 ft	20 ft	10%
Side	10 ft	0 ft	0	NA
Rear	10 ft	0 ft	0	NA
Street Side	30 ft	25 ft	25 ft	20%
Parking	20 ft	20 ft	20 ft	10%

NS = No Standard. NA = Not Applicable.

- (1) An *overlay district* may modify the above standards. See Part 5.
- (2) LID district formerly known as IBD district.
- (3) GID district formerly known as I-1 and I-2 districts.
- (4) HID district formerly known as I-3 district.
- (a) See also, Section 3-401 for *setbacks* applying to *accessory structures* and *buildings*.

**Section 4-205 Exceptions.**

**A. Increased Height.** The following *structures* may extend above the maximum *building heights* provided in Sections 4-202 through 4-204:

1. Spires, crosses, belfries, cupolas, clock towers, or similar architectural features, attached to a *building* or free-standing, shall be no taller than twice the height of the tallest *building* on site, as measured from the curb elevation.
2. Penthouses or *roof structures* for the use of elevators, stairs, tanks, ventilation, or similar equipment required to ventilate the *building*, as well as fire walls, skylights, towers, chimneys, and necessary mechanical appurtenances, may be built above the height limits herein prescribed, but in no case shall *structures* above the permitted height limit be constructed for the purpose of providing additional habitable floor space. See also, Section 4-405, *Mechanical Equipment*.
3. A flagpole may extend no more than thirty-five (35) feet maximum height whether ground mounted or mounted on *buildings*. The height shall be measured from finish grade adjacent to the base of the pole or finish floor for building mounted poles.

**B. Setbacks.** The following architectural features are allowed to encroach into the *setback yards*:

1. Eaves, chimneys, bay windows, overhangs and similar architectural features, as determined by the Zoning Administrator, may encroach into *setbacks*, provided that applicable building codes are met.
2. An accessory *structure* may encroach into the standard rear and side *yard setback*, provided that required separation requirements for fire protection are provided through applicable building codes and the standards contained in Section 3-401 are met.
3. Parking canopies within Multi-Family, Commercial, Mixed-Use, and Industrial districts may encroach into the required setbacks, subject to applicable building codes.

## CHAPTER 4 – BUILDING DESIGN

### Section 4-401 Purpose and Applicability.

- A. Purpose.** The purpose of Chapter 4 is to ensure that *buildings* are designed with aesthetic values that are contextually appropriate; compatible relationships with their surroundings; defensible space and crime prevention features; *accessibility* to pedestrians and those with disabilities; and proper addressing. Refer to Section 6-306(D).
- B. Applicability.** The standards in Chapter 4 apply to all *buildings*, except single-family (detached) *dwellings*, MU-Ed District and unmanned utility *buildings*. Standards for building design in the MU-Ed District shall be established through the Joint Review Committee.

### Section 4-402 Public Safety Radio Amplification System.

- A. Public safety radio amplification systems shall be provided in the following *buildings*:
1. New *buildings* greater than fifty thousand (50,000) square feet;
  2. Existing *buildings* over fifty thousand (50,000) square feet when modifications, *alterations* or repairs exceed fifty percent (50%) of the value of the existing *building(s)* and are made within any twelve (12) month period or the usable floor area is expanded or enlarged by more than fifty percent (50%); and
  3. All basements where the occupant load is greater than fifty (50) regardless of the occupancy, and/or sub-level *parking structures* over ten thousand (10,000) square feet. See Tempe City Code Chapter 9, Article II, Sections 9-21 through 9-32.

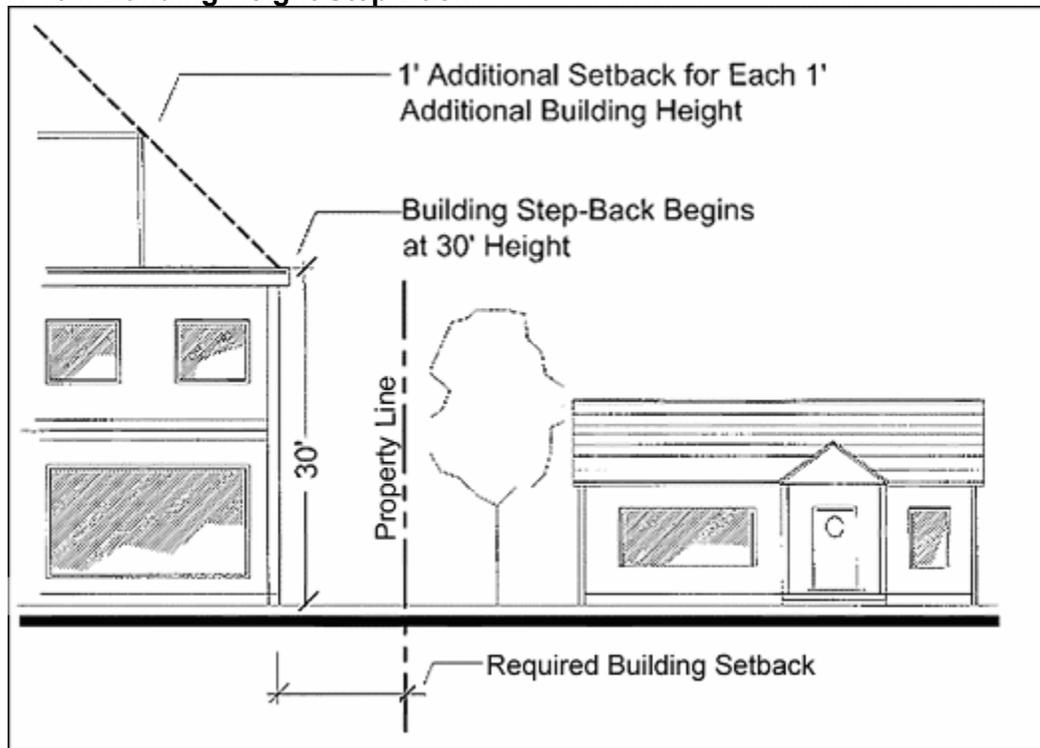
### Section 4-403 Building Identification.

*Buildings* are required to have a site address, as assigned by the city. *Building identification signs* and site addresses shall conform to the standards in Section 4-903(A).

### Section 4-404 Building Height Step-Back.

When a district other than single-family is immediately adjacent or separated by an *alley* to a single-family or multi-family residential district, (except when such single-family or multi-family districts are used for a public park) *building* facades are required to step-back, one (1) additional foot *setback* for each one (1) foot additional *building height* over thirty (30) feet. Step-back requirements begin at a height of thirty (30) feet. The *building* facades shall step-back as generally illustrated in Figure 4-404, below:

Figure 4-404. Building Height Step-Back



#### Section 4-405 Mechanical Equipment.

- A. All *roof mounted mechanical equipment* shall be concealed on all sides by elements that are an integral part of the *building design* and are equal to or greater in height than the *mechanical equipment*. Ground-mounted equipment may be screened using a masonry wall or other durable material as approved through development plan review.
- B. *Mechanical equipment* (e.g., satellite dish, cooling tower, or similar features) that cannot be concealed due to their unique functional requirements, as determined by the Zoning Administrator, shall be made visually subordinate with architectural features that blend with the design of the *main building* and meet building code standards, as approved through development plan review.

#### Section 4-406 Employee Service Entrances and Exits.

Employee service exit and entrance doors shall be equipped with a security vision panel. A vision panel is a six (6) inch by six (6) inch high density, impact resistance acrylic or laminated glass window center mounted on a door, and located sixty-three (63) inches from the center of the glazing to the bottom edge of the door. Wire glass vision panel is acceptable when required by applicable codes. This section applies to new doors for remodels or additions, and new *buildings* designed for commercial, office/industrial or institutional uses, and do not apply to exterior doors installed to provide access to *building* utilities only. Multi-Family uses also require doors to be equipped with a security vision panel when not open directly to a *dwelling* unit. The Development Services Manager, or designee, may approve other types of vision panels providing equal security.

## 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 (duplexes)* residential uses, one (1) *street* access point is permitted per every fifty (50) feet of *street* frontage. 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.

**C. Pathway Safety, Comfort, and Convenience.** All portions of a *development* shall be *accessible* by a direct, convenient, attractive, safe and comfortable system of pedestrian facilities, as follows:

1. **Direct:** The pathway does not deviate unnecessarily from a direct route or involve a significant amount of out-of-direction travel for likely users.
2. **Safety and comfort:** The pathway is free from hazards, has appropriate lighting levels (i.e., relative to the adjacent use and considering natural surveillance), is suitable for people in wheelchairs (e.g., traction, not bumpy, etc.) and people with visual impediments and provides a reasonably direct route of travel between destinations. The use of shade trees or shade *structures*, and light color or contrast paving materials are required along pathways that cross surface *parking lots*, in accordance with Section 4-503(F).
3. **Access to primary *building* entrances and *parking* areas:** For commercial, industrial, *mixed-use*, public and institutional *buildings*, at least one pedestrian pathway shall connect the public sidewalk to a primary entrance, and at least one pathway shall connect the primary *building* entrance to the *street* sidewalk; these may be one in the same if it is “direct”. A “primary entrance” is the main public *building* entrance. In the case where no public entrance exists, pathway connections shall be provided to the main employee entrance. For multi-family *buildings* and ground-floor residential uses in *mixed-use buildings*, the “primary entrance” is the front door (i.e., facing the *street*); except that multi-family *buildings* or *courtyard* housing in which each unit does not have its own exterior entrance facing a *street*, the “primary entrance” may be a lobby, *courtyard*, plaza or breezeway which serves as a common entrance for more than one *dwelling*.
4. **Pedestrian amenities:** Pedestrian amenities shall be provided along sidewalks and pathways to support defensible space, crime prevention, pedestrian comfort and *accessibility*, in conformance with Section 4-705.
5. ***Accessibility:*** The pathway system shall comply with ADA requirements.

**D. Pedestrian and Bicycle Access Ways.** Access ways (for pedestrians and bicycles) shall be provided through a site in the following situations: such pathways are identified in the city’s adopted bicycle/pedestrian plans; where the *block* length exceeds the length required by Section 4-303(E); where cul-de-sacs or dead-end *streets* are planned; to connect the ends of the *streets* together, to other *streets*, and/or to other *developments*, where practicable. Such access ways shall conform to and comply with all of the following criteria:

1. Multi-use access ways (i.e., for pedestrians and bicyclists) may be required, as determined by the Public Works Manager, based on the likely use of the access way;
2. The access way shall be lighted in conformance with Section 4-803(D);
3. Ramps are required for slopes greater than five percent (5%);

4. Landscape within the pathway easement/right-of-way shall be required for screening, to maximize shade, and the privacy of adjoining properties, consistent with in Section 4-702, General Landscape Standards.

**E. Design and Construction Standards for Pathways and Access Ways.** At a minimum, all pathways and access ways shall conform to all of the standards in subsections 1-5 below, and the City of Tempe Transportation Guidelines, contained in the Comprehensive Transportation Plan. See also Figure 4-503 B.

1. **Vehicle Separation from Pathways and Access Ways.** Where pathways and access ways are parallel and adjacent to a driveway or *street* (public or private), they shall be raised six (6) inches and curbed, or separated from the driveway/*street* by a buffer strip, with a minimum width of seven (7) feet, utilizing bollards or a *landscape* berm, or other physical barrier providing a visual and tactile differentiation. If a raised path is used, the ends of the raised portions must be equipped with *accessible* curb ramps.
2. **Housing Separation from Pathways and Access Ways.** Pedestrian pathways and access ways shall be separated a minimum of ten (10) feet from all residential sleeping areas on the ground-floor, except at *building* and *courtyard* entrances, to provide for privacy in sleeping areas. Separation is measured from the pathway edge to the closest *dwelling* unit. The separation area shall be *landscaped* in conformance with the provisions of Section 4-706, Screens, Walls, and Access Control Landscapes. Pathway/*building* separation is not required for commercial, industrial, public, or institutional uses, except as may be required through a land use or *development* plan review.
3. **Private Crosswalks.** Where pathways and access ways cross *parking* areas, driveways, or *private streets*, they shall be clearly marked in accordance with ADA standards.
4. **Surface Materials.** Pathway and access way surfaces shall be concrete, and have a width that is based on their function. Pavers, brick, and other ornamental paving may be used if it has a smooth finish, and textured or bumpy materials may be used as an edge treatment, provided that an *accessible* route is provided between the edge treatments. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt. Heat dissipating colors and materials are preferred.
5. **Accessible Routes.** Pathways and access ways shall provide *accessible* routes of travel, as defined and required by ADA.

**F. Requirements for Shade on Long Access Ways and Pathways.** When the primary entrance of a *building* is more than one hundred fifty (150) feet from the nearest point of a public sidewalk, and the entrance is accessed by a pathway traversing a *parking lot*, then an overhead shade *structure* or tree canopy is required along the pathway. Shade elements may include opaque *structures* (e.g., arbor, pergola, portico, awning, canopy, etc.) and/or shade trees planted with a minimum of one (1) tree provided for every twenty-five (25) feet of lineal pathway. Tree location and spacing shall be established through the development plan review. See also Section 4-503(C).

## CHAPTER 6 – PARKING

### Section 4-601 Purpose and Applicability.

- A. Purpose.** The purpose of Chapter 6 is to provide standards for vehicle and bicycle *parking* facilities. This chapter recognizes that each *development* has unique *parking* needs and provides a flexible approach for determining *parking* space requirements.
- B. Applicability.** Conformance to the standards in Chapter 6 shall be required for all uses and *developments*, except as noted herein, except in the MU-Ed District parking standards shall be established through the Joint Review Committee. Construction or modification of any *parking* area, except single-family residential *parking* areas, shall comply with plans that have been approved by the city. Single-family *parking* areas shall conform to Section 4-602(B) and (C).

### Section 4-602 General Parking Standards.

- A. Parking Required.** No use shall provide less than the minimum or more than the maximum number of off-*street parking* spaces required under Section 4-603. The use of any property is conditional upon the unqualified continuance and availability of the *parking* as required by this Code. In phased projects, individual phases of the project are exempt from the maximum *parking* standards, provided that the project does not exceed the maximum allowable *parking* at build-out.
- B. Parking Standards Applicable in All Zoning Districts.**
1. *Parking* spaces shall conform to the clear vision requirements in Section 4-702(G) and the vehicle and pedestrian circulation standards in Sections 4-502 and 4-503 respectively;
  2. *Parking* is allowed only on paved *parking* surfaces. Pavement may be concrete, asphalt, or a porous material approved by the Development Services Manager, or designee. Where decomposed granite or similar porous pavement is used, it shall conform to ADA guidelines and the *parking lot* entrance(s) and exit(s) shall have tire cleaning strips to remove loose particles from the tires of vehicles;
  3. A *parking* area shall be located on the *lot* it serves, or on a *contiguous lot*. Whenever required *parking* is provided on a *contiguous lot* a parking covenant and agreement shall be filed with the Development Services Department prior to issuance of a building permit;
  4. *Parking* for uses located on property zoned as multi-family residential, commercial, *mixed-use* or *office/industrial* may not be provided on any property in a single-family (R1) district. *Parking* for any non-residential use permitted in the single-family zoning districts may be located in any other zoning district;

5. A curb or bumper guard at least six (6) inches in height shall be installed so that no part of any vehicle extends into any *landscape setbacks* or *landscape* areas required by this Code or beyond any *property line*. *Parking* may overhang non-required landscape by two (2) feet in which case the length of *parking* stall shall be reduced by two (2) feet;
6. A curb or bumper guard at least six (6) inches in height shall be installed so that no part of any vehicle extends into a pathway or beyond any *property line*. *Parking* may overhang pathways by two (2) feet when pathway is a minimum six (6) feet in width. No vehicle may overhang any bikeway facility or public sidewalk;
7. *Recreational vehicles* exceeding twenty-one (21) feet in length and all boats and *trailers* shall not be parked in the required front *yard building* or required *street side yard*, except for periods of up to forty-eight (48) hours within seven (7) consecutive days for the purpose of loading, unloading and cleaning. Such vehicles parked or stored in the defined setbacks shall be subject to a *use permit*; and
8. All *parking* spaces shall be adequately marked, and the paved area shall be properly drained and kept free from dust or loose particles at all times.

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

1. Tandem *parking* is permitted;
2. *Parking* requirements for projects in the R1-PAD district shall be established with the PAD Overlay approval; and
3. Required *parking* spaces may be located in the required front *yard building setback* or *street side yard setback*, subject to a *use permit*.

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

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

**Table 4-603E: Ratios for Off-Street Parking**

Use	Vehicle Parking Minimums	Bicycle Parking Minimums	Bicycle Commute Area
Service	1 space per 300 sf	1 per 10,000 sf, 2 min	1 per 7,500 sf, 4 min
Financial institution	1 space per 300 sf	1 per 3,000 sf	1 per 1,500 sf
Vehicles			
Car wash – automatic	1 space per 300 sf	4 spaces	4 spaces
Car wash – self serve	0.5 spaces per bay	NS	NS
Sales/rental	1 spaces per 300 sf; 7 spaces min	4 spaces	4 spaces
Services station	1 spaces per 300 sf; 7 spaces min	4 spaces	4 spaces
Warehouse			
Specified tenant(s)	First 10,000 sf of warehouse @ 1 space per 500 sf + 1 space per 5,000 sf for remaining warehouse+ office	1 per 10,000 total sf	1 per 10,000 total sf
Unspecified tenant(s)	See Section 4-603(D)(3)(b)	Based on any office space (1 per 10,000 sf)	Based on any office space (1 per 10,000 sf)

**KEY:**

NS = No Standards  
sf = square feet

## Section 4-604 Shared Parking.

*Parking* requirements for two (2) or more uses may be satisfied with *shared parking*. *Shared parking* may be approved only when the subject uses have inherent differences in *parking* activity patterns, the combined *parking* requirement will not exceed the available *parking* supply, and the right of joint use of a *parking* facility is evidenced by a contract establishing joint use. *Shared parking* shall be subject to review and approval by the Development Services Manager, or designee, under Section 6-311, and shall conform to the following standards:

- A. Location.** *Parking* shall be provided on the same or a *contiguous lot*. *Parking* may be provided off-site with professional analysis that the proximity of the *parking* is acceptable.

In cases where *parking* for a project is to be provided on more than one (1) *lot*, a *parking* association shall be formed by the owners of the affected parcels prior to issuance of a building permit. Documentation of the association shall be provided to the Development Services Manager, or designee, prior to issuance of the building permit.

- B. Shared Parking Model.** The Shared Parking Model (see Appendix F) shall be used as a basis for predicting the *parking* required for a particular mix of uses on a site, except where the Development Services Manager, or designee, has approved the use of a customized *parking* model.
- C. Shared Parking Report.** The applicant's calculation of *shared parking* requirements shall be based on a professional *parking* analysis and management plan that is submitted with the *development plan* and/or land use proposal.
- D. Implementation.** The owner or manager of a project approved under the *parking* demand alternative, once built, shall maintain an accurate up-to-date record of the usage of the *net floor area* for the project, both occupied and vacant, according to type of use. The Development Services Manager, or designee, may require this record be provided when the owner applies for a new land use or development approval for the subject parcel.

## Section 4-605 Parking Affidavit.

When *shared parking* is permitted, the owner of the site on which the *shared parking* is located shall file a *parking affidavit* with the Development Services Department. The *parking affidavit* shall transfer 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 the specific hours of use supported by the *parking* analysis (Section 4-604(C)), as long as the spaces are required by this Code.

## Section 4-606 Parking Area Dimensions.

- A. Parking Area Dimensions.** Minimum dimensions for *parking* spaces:

1. *Motor vehicle parking* spaces shall measure eight (8) feet six (6) inches wide by eighteen (18) feet long or by sixteen (16) feet long, with not more than a two (2) foot overhang when allowed;
2. All parallel *motor vehicle parking* spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;
3. End spaces for *motor vehicles* shall provide a three (3) foot maneuvering area. See Figure 4-606A1, below;
4. *Parking area* layout shall conform to the diagram in Figure 4-606A2 and the dimensions in Table 4-606A below;
5. *Parking areas* shall conform to Americans With Disabilities Act (ADA) standards for *parking* spaces (dimensions, van *accessible parking* spaces, etc.). *Parking structure* vertical clearance, van *accessible parking* spaces, should refer to Federal ADA guidelines; and
6. *Bicycle parking* shall be on a two (2) feet by six (6) feet minimum concrete pad per bike, or within a garage or patio for residential use.

**Figure 4-606A1: Maneuvering Areas**

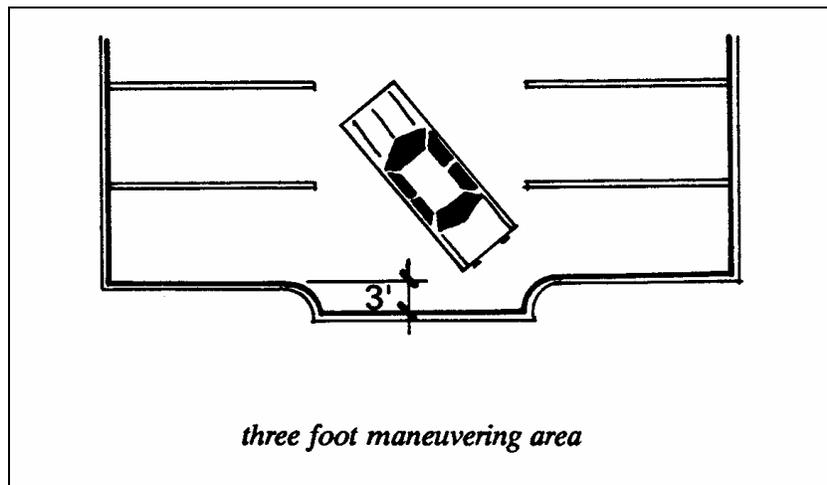


Figure 4-606A2: Parking Area Layout

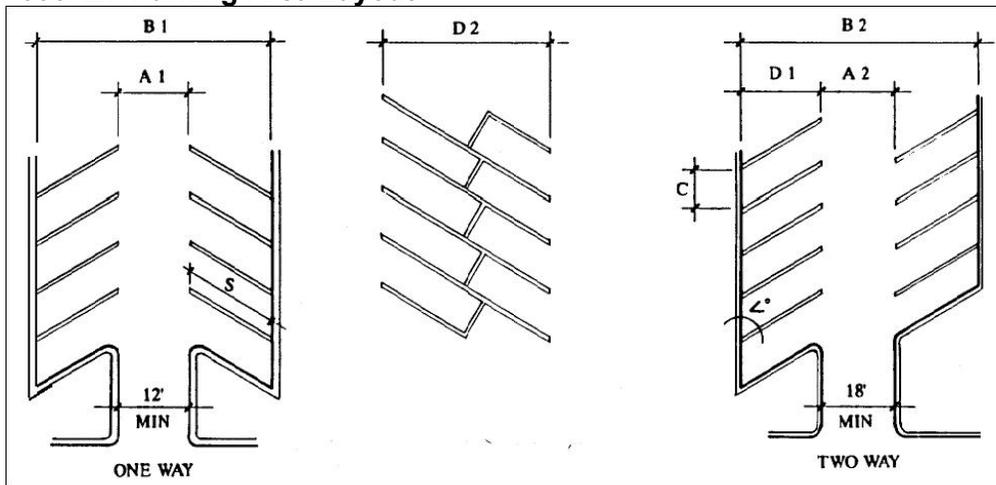


Table 4-606A: Parking Area Layout

	PARKING ANGLE $\alpha^{\circ}$	CURB LENGTH C	STALL DEPTH		AISLE WIDTH		BAY WIDTH		STRIPE LENGTH S
			SINGLE D1	DOUBLE D2	ONE WAY A1	TWO WAY A2	ONE WAY B1	TWO WAY B2	
Standard Space	90°	8'-6"	18'	36'	23'	23'	59'	59'	18'
	60°	10'	20'	40'	17'	18'	57'	58'	23'
	45°	12'	18'-6"	37'	13'	18'	50'	55'	26'-6"
	30°	17'	16'-6"	33'	12'	18'	45'	51'	32'-8"
	0°	22'	8'-6"	17'	12'	18'	29'	35'	8'-6"

## CHAPTER 7 – LANDSCAPE AND WALLS

### Section 4-701 Purpose and Applicability.

- A. Purpose.** This chapter provides standards for the design of *landscape* treatments and access control *landscapes*, including plant materials, ground covers, *landscape structures*, hardscapes (e.g., plazas, *courtyards*, walls), screening, and access control devices such as fences and gates. Its purpose is to create functional, safe, *accessible* and attractive outdoor areas, as well as screen from view any and all uses that may be unattractive to public view. *Landscape* design standards are intended to: assist in controlling erosion, reduce dust and glare, provide shade, visually soften *building* masses, create defensible spaces that support crime prevention, ensure ADA *accessibility* and aid in screening intense activities. The design standards and referenced guidelines in this chapter are intended to be flexible and adaptable to address the context in which they are applied.
- B. Applicability.** All uses and *developments* shall conform to the standards of this chapter, except as provided for uses and *developments* in the RCC district, all MU districts and single-family uses, as noted herein. Standards for *landscape*, walls and screening in the RCC district and all MU districts shall be established through a *Development Plan Review*, pursuant to Section 6-306. Written approval by the Development Services Department is required prior to installation of any landscape, walls, fences, or other improvements. All *landscape* and walls shall be installed prior to issuance of a certificate of occupancy, except as provided for under Section 4-102(D). Any walls to be located within the public right-of-way shall require *development plan* approval and/or prior approval by the Public Works Department, and receive an encroachment permit.

### Section 4-702 General Landscape Standards.

- A. Water Retention Area Landscape Standards.** All on-site water retention areas, other than paved surfaces, shall be entirely *landscaped*, and comply with the criteria below:
1. The retention areas shall not occupy more than sixty-seven percent (67%) of the on-site *street* frontage *landscape* area (*landscape* area does not include driveways); and
  2. All retention areas shall maintain slopes no steeper than four to one (4:1), except as approved by the Public Works Manager.

- B. Low Water Use Landscape.** All *development*, except as noted herein, shall comply with the Low Water Use/Drought Tolerant Plant List, as provided by the Arizona Department of Water Resources. With the exception of residential *subdivision* common areas intended for active recreational use, individual single-family residential units, bona fide city parks of less than ten (10) acres in total area that are intended for use and enjoyment of the general public, whether or not such parks are owned by the city or by a private entity, and "turf-related facilities" as then defined by the Arizona Department of Water Resources (ADWR) active Management Plan (Phoenix), all *new development* shall conform to the following criteria:
1. **Limit on Water Intensive Landscape.** *Landscape* installations for new construction and whenever a new *landscape plan* is required to be filed for the entire site, except *hotels* and motels, shall limit the area of water intensive landscape (including bodies of water, water features, and turf) to no more than twenty percent (20%) of landscapable area in excess of ten thousand (10,000) square feet. *Schools*, parks, cemeteries, golf courses, common areas of housing *developments* and public recreational facilities with water-intensive landscape equal to or greater than ten (10) acres are exempt from this provision. New *hotels* and motels shall limit the area of water-intensive landscape to no more than twenty percent (20%) of the landscapable area in excess of twenty thousand (20,000) square feet.
  2. **Landscape Plan and Inspection Required.** For any project covered under subsection 4-702(B)(1), above, no building permit shall be issued until the Development Services Department has approved a *landscape plan* and an *irrigation plan*. A certificate of occupancy shall not be issued until the Development Services Department has approved the installation of the *irrigation system* and *landscape* treatments, except as provided in Section 4-102(D).
- C. Landscape Area.** Each site to be *developed* shall be required to provide *landscape* areas equal to or exceeding the minimum amounts provided in Chapter 2, Tables 4-202B, 4-203A, 4-203B and 4-204. Where *buildings* and/or *parking* areas are set back from the *street*, all front and *street* side *yards* shall be entirely *landscaped*, except city approved pathways, driveways, *parking* areas and pedestrian amenities. In addition to the minimum on site landscape, there shall be *landscape* in the entire area of the right of way, between *street property line* and back of *street* curb, except for approved driveways, pathways and bike paths.
- D. Ground Cover.** Other than pathways, light standards, walls, fences, trees, and furnishings, *landscape* areas shall be planted with vegetative ground cover or contain other ground cover materials approved through *development plan* review.
- E. River Rocks.** Any river rock material must be embedded in concrete to a depth of two-thirds (2/3) the dimension of the rock to prevent its removal or relocation.
- F. Trees.**
1. **Planted as Screens.** Trees planted as screens shall provide an opaque or semi-opaque barrier, as required through *development plan* review, and shall maintain a view corridor for *street* addressing (i.e., as viewed from curb).

2. **Tree Specifications.** All trees shall be a minimum of one and one-half (1 ½) inch caliper and shall be planted and staked in accordance with the "Standard Tree Planting Detail," as may be amended from time to time, which is on file in the office of the Development Services Department and is incorporated herein by reference. Plant sizes shall be in accordance with the Arizona Nurseryman Association Standards.
3. **Prohibited Trees.** The planting and replacement of pollen-producing olive trees (*olea europaea*) or mulberry trees (*morus alba*) is prohibited. Olive or mulberry tree varieties or cultivars that are pollenless and fruitless such as "swan hill" olive may be planted or replaced. It shall be a violation of this code to plant eucalyptus (except *microtheca*, *papuana*, *krusena*, *formanii*, *erythrocorys*, *spathulata* and *torquata*), elm (except *ulmus parvifolia*), willow, cottonwood or poplar trees in any public right-of-way.

#### **G. Clear Vision Requirements.**

1. **Street Intersections and Driveway Entrances.** Except as otherwise approved in writing by the Public Works Manager, a wall, *building*, landscape, or other visual obstruction exceeding two (2) feet in height (measured from *street* curb, see Appendix B for a list of recommended shrubs) shall not be placed within a "clear vision triangle", including street intersections in single-family. Reference the "Corner Site Distance at Intersections" from the Public Works, Transportation Division. There shall be an exception for a reasonable number of trees pruned high enough to permit unobstructed vision.
2. **Pathways.** Groundcovers and shrubs within six (6) feet of pathways shall not exceed two (2) feet in height at maturity. Between six (6) feet and twelve (12) feet of the edge of pathways, groundcovers and shrubs shall not exceed three (3) feet in height at maturity. See Appendix B and C for a list of recommended plants. There shall be an exception for a reasonable number of trees pruned high enough to permit unobstructed vision.

### **Section 4-703 Street Frontage Landscape Standards.**

- A. Street Trees.** Trees shall be planted along *street* frontages, as approved through *development plan* review. *Street* frontage *landscape* shall conform to the following standards:
  1. *Street* trees are required along all *street* frontages, public and private; and
  2. A minimum of one (1) tree shall be provided for every thirty (30) feet of lineal *street* frontage. Tree location and spacing shall be established through *development plan* review.
- B. Screen Parking Areas Along Street.** Where *parking* areas are provided along a *street* frontage, a screening wall or berm shall be provided in conformance with Section 4-706(E).

## Section 4-704 Parking Facility Landscape Standards.

All *parking* facilities shall conform to all of the standards below:

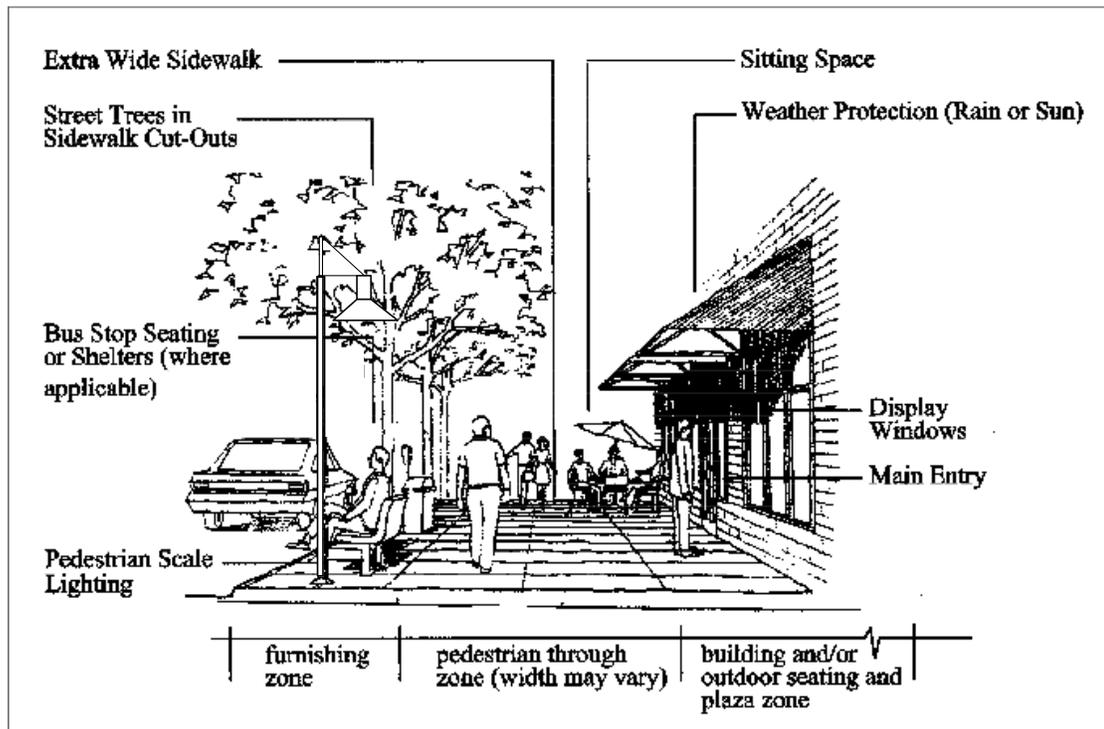
- A. Parking Lot Landscape.** *Parking lots* shall have *landscape* treatments that provide shade and allow for natural surveillance. Two (2) options are provided for conformance:
1. Option 1: Standard Dimensions. A minimum of ten percent (10%) of the surface area of all surface *parking lots*, as measured around the perimeter of all *parking* spaces and maneuvering areas, shall be *landscaped*. When a *use permit* is granted to exceed the *parking* maximum, per Section 4-603, a minimum of twelve percent (12%) of the surface area of all surface *parking lots*, as measured around the perimeter of all *parking* spaces and maneuvering areas, shall be *landscaped*. Such *landscape* treatments shall consist of an evenly distributed mix of shade trees with shrubs and/or ground cover plants. “Evenly distributed” means that the trees and other plants are distributed around the *parking lot* perimeter and between *parking* bays to provide a partial canopy. At a minimum, one (1) tree per twelve (12) *parking* spaces shall be planted to create a partial tree canopy over and around the *parking* area. *Parking* areas shall contain *landscape* islands with trees at the ends of rows of parking, and to subdivide the *parking* area into rows of not more than fifteen (15) *contiguous parking* spaces. *Landscape* island spacing is flexible within the above standards.
  2. Option 2: Performance Standard Based on Tree Canopy. The *landscape plan* provides for an overall tree or shade canopy above surface *parking* areas that is not less than twenty percent (20%) of the *parking* area, based on the expected size of trees within five (5) years of planting. When a *use permit* is granted to exceed the *parking* maximum, per Section 4-603, the *landscape plan* provides for an overall tree or shade canopy above surface *parking* areas that is not less than twenty-two percent (22%) of the *parking* area, based on the expected size of trees within five (5) years of planting. Such determination shall be based on landscape or tree planting guides for the region (e.g., Sunset Western Garden Book). Shade *structures* may be used, subject to a *development plan* review approval. This standard shall be met at 3:00 p.m. on the date of summer solstice. A *development plan* shadow study is required to verify this option.
- B. Parking Structures.** *Parking structures* shall have perimeter *landscape*, consistent with *building setbacks*, that is designed to provide partial screening of walls and vehicle lights, shade along sidewalks, and natural surveillance into *parking structures*, consistent with Section 4-706. Such *landscape* shall be as approved through *development plan* review.
- C. Parking Lot Landscape Dimensions.** All *parking* areas shall conform to the following standards:
1. *Landscape* islands shall be provided except that raised curbs are not required where *parking* areas drain into storm drainage retention features that are integrated into the *parking* area and *landscape* design;

2. To ensure adequate soil, water, and area for healthy plant growth, each *landscape* island shall be a minimum of one hundred twenty (120) square feet in area, a minimum seven (7) feet in width, and a minimum of fifteen (15) feet in length, including curbing. Landscape islands shall extend to the end of the abutting *parking* space(s);
  3. To accommodate pedestrians, *landscape* islands may be required to include minimum five (5) feet wide raised pathway with wheelchair ramps. For such situations *landscape* island widths shall be increased to a minimum twelve (12) feet;
  4. Each *landscape* island shall include, at the time of installation, a minimum of one (1) tree with a minimum caliper of one and one-half (1 ½) inches and five (5) ground covers of one (1) gallon size for each *parking* space length. All ground covers in *parking lot landscape* islands shall not exceed two (2) feet in height and be selected from the recommended ground cover and shrub plant list (see Appendix B), and be of a species that will not grow to interfere with natural surveillance of the *parking lot*. *Development plan* review modifications to these and other standards shall demonstrate that the alternative provides equal or superior appearance and plant health;
  5. All *parking* areas shall conform to the *street* clear vision requirements under Section 4-702(G)(1); and
  6. Tree trunks shall not be placed closer than twenty (20) feet, measured horizontally, from a light source. Trees and lighting shall be located to avoid conflicts with one another and to avoid conflicts with existing and proposed *structures*. *Development plan* review modifications to this standard shall demonstrate the alternative does not reduce required lighting levels.
- D. Screens.** Parking facilities shall be screened from view, from the public right-of-way, as provided in Section 4-706(E).
- E. Display Prohibited.** *Landscaped* areas shall not be used for *parking* of vehicles, display of merchandise or other uses detrimental to the *landscape* improvements.

## Section 4-705 Pedestrian Amenities.

The city may require the placement of pedestrian amenities along sidewalks and pathways to support defensible space, crime prevention, pedestrian comfort and *accessibility*. Pedestrian amenities include but are not limited to: extra wide sidewalks, outdoor seating, shade *structures*/weather protection (quantity of shade trees exceeding minimum *street* tree standards, awnings, canopies or other shade *structures*), bus waiting areas, plazas, *courtyards*, low-level pedestrian-scale lighting, *public art*, and similar amenities as approved by the city. See examples in Figure 4-705. The requirement to provide pedestrian amenities shall be determined through *development plan* review, based on the probable impact of the *development* and the appropriateness of the amenity to the project design. Where a pedestrian amenity is located adjacent to or within the public right-of-way, it shall conform to the City of Tempe Transportation Design Guidelines. An encroachment permit shall be required to place any pedestrian amenity in the public right-of-way.

Figure 4-705. Pedestrian Amenities



## Section 4-706 Screens, Walls and Access Control Landscapes.

The following standards are intended to avoid or reduce impacts regarding visual, sound, privacy, and/or glare to and from land uses, and to implement the crime prevention and security standards contained in this chapter. In all locations where walls are either required by this Code, or desired by the owner of the property, the walls shall conform to all provisions of this chapter.

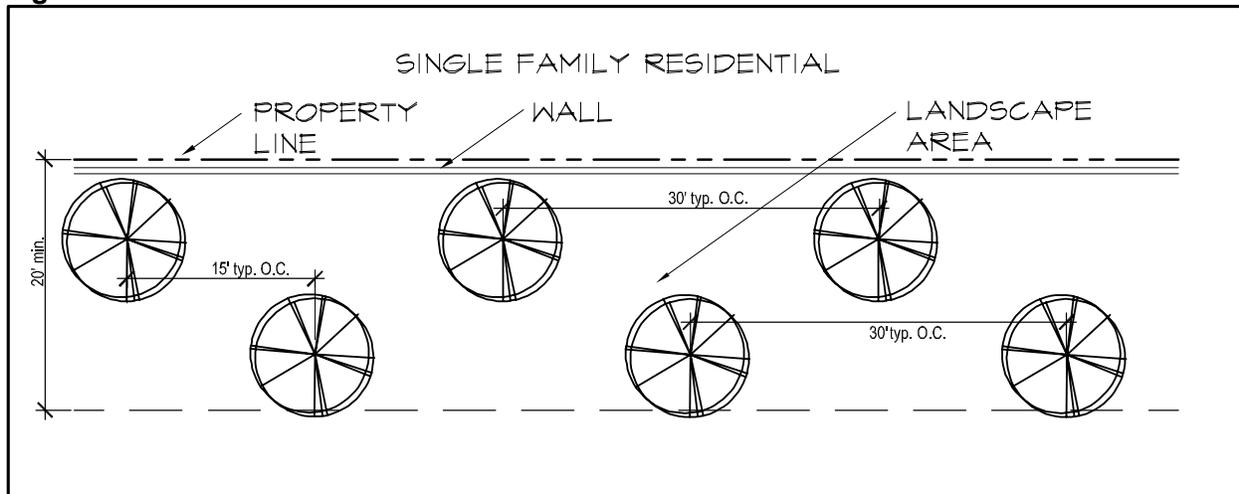
### A. General Fence and Wall Height Standards.

1. The maximum height of any freestanding wall or fence shall be measured from the highest adjacent finished surface of the ground, paving, or sidewalk within twenty (20) feet, unless otherwise noted. Walls or fences in a required front *yard building setback* shall be four (4) feet maximum height, including single-family residential *yards*;
2. In areas behind a required front *yard building setback* and within the required rear and side *yards*, the maximum height of walls shall be ten (10) feet, except where a taller wall is necessary to screen *service areas* under Section 4-706(G). For single-family uses, the maximum height shall be eight (8) feet;
3. The Clear Vision Requirements, Section 4-702(G), shall apply to fences and walls.

4. All fences and walls shall be subject to city review and approval through *development plan* review, or by approval of the Development Services Manager, or designee. Any wall in excess of six (6) feet shall require a building permit, as required by Building Code.
- B. Reverse Frontage Walls.** An eight (8) foot masonry wall shall be required along the rear of reverse frontage *lots*, including single-family.
- C. Wall Design.** All required walls shall be located and designed based on the intended screening function, proposed use and adjoining uses, as follows:
1. Walls placed between a residential district and any commercial use, industrial uses, or surface *parking lot* shall be constructed of masonry or concrete, or equal or better quality material, as approved through *development plan* review. Alternatively, an ornamental iron fence, combination iron fence with masonry pillars, or similar design with equal or better quality material may be approved.
  2. All masonry walls shall have an architectural texture, color and material compatible with the primary *building* on-site (or on respective sides). Walls may have ornamental decorative iron fence panels, vertical pickets with spacing that is consistent with the Building Code, as an integral part of the design of the wall;
  3. A living wall or see-through ornamental iron fence may be approved as a substitute for masonry if the wall is not required for visual screening of *mechanical equipment*, outdoor storage areas, or *parking* areas. See Landscape Design Guidelines in Appendix A-IV.
- D. Land Use Buffers.** *Property lines* of parcels developed for multi-family, *mixed-use*, commercial, *office*, or industrial uses that are adjacent to or separated by an *alley* from any single-family residential district (except when land is used for city parks) or use shall provide a wall and *landscape* screen in conformance with the following standards:
1. Screen planting areas shall be at least six (6) feet clear in width;
  2. Screening shall conform to the Landscape Design Guidelines in the Appendix A-IV;
  3. These buffer areas shall contain trees with a maximum spacing of twenty (20) feet on center;
  4. All walls shall be constructed of masonry or concrete material and shall be a minimum of eight (8) feet in height;
  5. Screens and walls shall provide for natural surveillance, when required by the Development Services Manager or designee; and

6. Where a commercial, *office* or industrial *development* of over fifty thousand (50,000) square feet of *building* area is located adjacent to a single-family residential district or use, the *landscape* buffer described above in this section shall be a minimum of twenty (20) feet wide adjacent to that use. This buffer shall be planted with two (2) rows of trees along the interior side of the required wall. Each row is to contain trees spaced at thirty (30) feet on center and staggered by fifteen (15) feet to the adjacent row, except where an alternative design approved through *development plan* review would provide an equal or better effect in screening the two (2) uses. See Figure 4-706D.

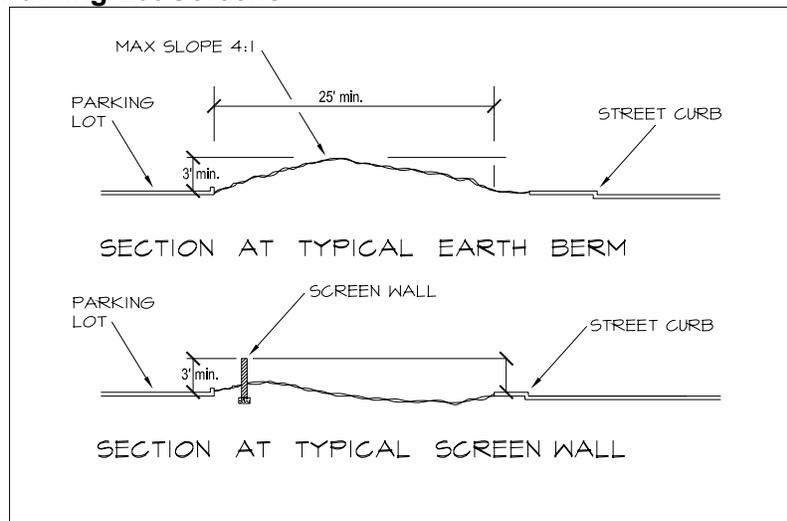
**Figure 4-706D. Land Use Buffer**



- E. Parking Lot Screens.** All on-site *parking* areas adjacent to *streets* shall be screened from *street* view. This standard can be met through the use of the following screening methods, which may be used individually or in combination:

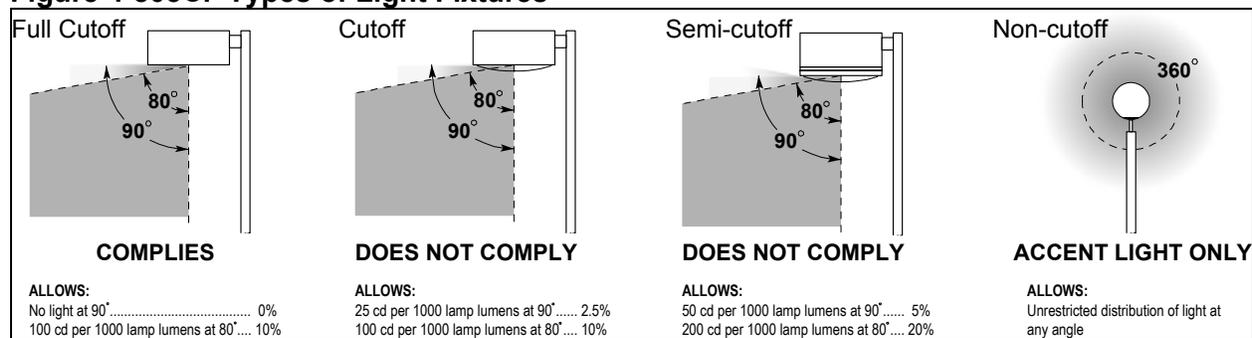
1. A *parking lot* screen wall shall be installed adjacent to the edge of the *parking lot*. The top of the *parking lot* screen wall shall be a minimum of three (3) feet above the adjacent *parking lot* surface. *Parking lot* screen walls shall be constructed of masonry or concrete, be a minimum of eight (8) inches in thickness, and incorporate offsets and relief. Open areas or portals for natural surveillance shall be provided, if required by the Development Services Manager or designee; or
2. Earth berms, if used in lieu of or in conjunction with screen walls, shall have a maximum slope of 4:1 and minimum width of twenty-five (25) feet. Berms are allowed only when there is sufficient area to create a three (3) feet tall berm. See Figure 4-706E.

Figure 4-706E. Parking Lot Screens



- F. Outdoor Storage Areas.** All outdoor storage areas for materials, vehicles, *trailers*, equipment, trash or other similar items shall be enclosed by a masonry or concrete wall with gate to screen the view of these uses from public rights-of-way and adjoining residential, commercial and *mixed-use* districts. This wall, and gate, shall be a minimum of eight (8) feet tall but not to exceed ten (10) feet tall, measured from the highest adjacent *grade* within twenty (20) feet or *street curb*, whichever is higher.
- G. Service Areas.** All *service bays*, loading, delivery and refuse areas shall be screened from *street view* by a minimum of a six (6) foot high masonry wall. Site conditions and surrounding uses will be used to determine maximum height of walls adjacent to loading areas, *service bays*, *mechanical equipment*, etc. that are required to be screened.
- H. Alleys.** Screening requirements along *alleys* shall be the same as for land use buffers, See Section 4-706(D), except when *alley access* is allowed by *use permit* per Section 4-502(F)(2).
- I. Mobile Home Parks, Mobile Home Subdivisions and Trailer Parks.** Perimeter boundaries of all *mobile home parks*, *mobile home subdivisions* and *trailer parks* shall contain a screening and security wall that conforms to the standards in Section 3-416(B), Mobile Homes Perimeter Walls.

Figure 4-803C. Types of Light Fixtures



- e. All conduit shall be concealed;
  - f. The foot-candle level at the *property line* adjacent to a single-family district (from the proposed lighting) shall not exceed one-half (0.5) foot-candle. Lighting next to a residential use shall not spill over onto that use;
  - g. Lighting fixtures used to illuminate an outdoor *advertising sign* (billboard) shall be mounted on the top of the *sign structure* and shall comply with the shielding requirements of this chapter;
6. Ornamental twinkling lights are permitted when part of a window display, patio, *landscape* or other integral part of a business, provided that they do not exceed one-half (0.5) foot-candles at the *property line* and do not conflict with the provisions of Section 4-803(C)(5) above, related to adjacent residential use; and
  7. Other conditions related to lighting may be required through *development plan* review.
- D. Specific Areas to be Illuminated.** The following areas on a *building* or *development* shall be illuminated to the minimum security lighting levels shown below:
1. All loading areas and docks shall be illuminated from dusk to dawn, with four (4) foot-candles of light at finish *grade*;
  2. Carport *parking structures* shall be illuminated from dusk to dawn, with three (3) foot-candles, including the adjacent *landscape* area at finish *grade*;
  3. *Parking structures* and *parking* garages shall be illuminated from dawn to dusk with ten (10) foot-candles, and from dusk to dawn with four (4) foot-candles. Sub-level *parking* shall be continuously illuminated twenty-four (24) hours a day with four (4) foot-candles at finish *grade*. Transitional lighting will be required at all entry areas;
  4. All stairwells, landings and under areas under the lower landing shall be continuously illuminated with five (5) foot-candles;
  5. Breezeway lighting shall be illuminated from dusk to dawn, with four (4) foot-candles. Transitional lighting will be required at all entry areas to the breezeway corridor;

6. Exterior pedestrian pathways and adjacent *landscape* areas within twenty (20) feet of the pathway shall be illuminated from dusk to dawn, with one-half (0.5) foot-candle of light at finish *grade*. Pedestrian gates shall be illuminated from dusk to dawn, with five (5) foot-candles and two (2) foot-candles within a fifteen (15) foot radius;
7. Retention areas shall be illuminated from dusk to dawn, with one-half (0.5) foot-candle of light at finish *grade*;
8. Cluster or gang mailboxes shall be illuminated from dusk to dawn, with five (5) foot-candles of light for a fifteen (15) foot radius of the mailboxes;
9. *Parking lots*, aisles and refuse areas shall be illuminated from dusk to dawn as follows:
  - a. *Parking spaces for motor vehicles* and bicycles shall be illuminated with two (2) foot-candles;
  - b. *Parking lot* drive aisles shall be illuminated with one (1) foot-candle;
  - c. Refuse areas shall be illuminated to two (2) foot-candles, with gates five (5) foot-candles;
10. All *building* entrances and vehicular gates at operator or locking mechanism shall be illuminated with five (5) foot-candles at the entrance and two (2) foot-candles within a fifteen (15) foot radius from the center point of the entrance; and
11. Secondary lighting may be required to supplement the primary security lighting due to design elements and *landscape* conflicts, in order to meet the minimum lighting criteria.

#### **Section 4-804 Prohibited Lighting.**

Except as provided under Section 4-805 Exemptions, the following types of lights are limited or prohibited, as applicable:

- A. **Mercury Vapor.** The installation of mercury vapor fixtures is prohibited.

#### **Section 4-805 Exemptions.**

- A. **Exemptions.** The following types of lights are exempt from the standards in Sections 4-803 and 4-804:
  1. Lighting used for single-family homes and *accessory buildings*, provided no measurable light spills over to adjacent property;

## CHAPTER 9 – SIGNS

### Section 4-901 Purpose and Applicability.

- A. Purpose.** The *sign* regulations are designed to encourage the creation of an attractive appearance throughout the city, while eliminating *signs* that may contribute to visual clutter. The regulations for *signs* have the following specific objectives:
1. To reflect and support the desired character and *development* patterns of the various zoning districts;
  2. To allow for adequate and effective *signs* in all zoning districts while preventing *signs* from dominating the appearance of the area;
  3. To distinguish between *signs* that require visibility from automobiles and those that are oriented to pedestrians;
  4. To require design, construction, installation, and proper *maintenance* so that the public safety and traffic safety are not compromised;
  5. To provide standards for location, size, construction, type, and number of *signs*; and
  6. To provide reasonable limits on the magnitude and extent of graphic communication presented to the public.
- B. Applicability.** The regulations in Chapter 9 are applicable to all *signs* in the city, except as noted in Section 4-902(D) and in the RCC district and all MU districts. Standards for business *signs* in the RCC district and all MU districts shall be established through *sign* criteria approved through a *Development Plan Review*, pursuant to Section 6-306.
- C. Non-Commercial Speech.** *Signs* authorized in this chapter are allowed to contain non-commercial copy in lieu of any other copy.

### Section 4-902 General Sign Standards.

- A. Definitions.** For definitions related to *signs*, refer to Section 7-120, “S” Definitions.
- B. Prohibited Signs.** Prohibited *signs* include:
1. Non-public *signs* in public right-of-way or on public property;
  2. *Signs* mounted on a *building roof*;

3. *Signs* that are mounted, attached, or painted on *trailers*, boats or vehicles when used as additional signage on or near the business premises; and similar *signs*. Business vehicles displaying signage or advertising shall be parked in an assigned *parking* space which is not immediately adjacent to a *street* frontage;
  4. *Signs* having intermittent or flashing illumination, animated or moving parts, or that emit sound except as allowed under Section 4-903(N) (Menu Board) and Section 4-903(U) (Marquee Sign);
  5. Freestanding changeable copy *signs*, except as allowed under Section 4-903(N) (Menu Board), Section 4-903(Q) (Service Station Sign), and Section 4-903(U) (Marquee Sign);
  6. Banners, pennants, wind-driven spinners, streamers, balloons, flags, search lights, strobe lights, holographic projections, laser light displays, beacons, inflatable *signs*, except as otherwise provided in Section 4-903(R) (Special Events Sign), Section 4-903(C) (Boutique Directional Sign) and approved *banner signs* installed pursuant to the city's banner program;
  7. *Signs* imitating official traffic control *signs*, or any *sign* or device obscuring such *signs* or devices;
  8. *Signs* mounted on, or applied to trees, utility poles, rocks, or city owned property;
  9. *Signs* placed on private property without the property owner's written approval;
  10. *Off-premise/off-site signs* and *portable signs*, except as permitted in Sections 4-903(C) (Boutique Directional Sign), Section 4-903(M) (Lead-In Sign), Section 4-903(O) (Political Sign), or Section 4-903(S) (Subdivision/Apartment Community Advertising Sign); and
  11. Business identification/*advertising signs* in single-family zoning districts.
- C. Unauthorized Signs.** An *unauthorized sign* is one that is illegally displayed in the city right-of-way, on city property, or on private property without the property owner's consent. City staff may remove such *signs*. These *signs* may be disposed of, as per Sections 26-51 through 26-59 of the Tempe City Code, if unclaimed within thirty (30) days.
- D. Exempt Signs.** The following *signs* are exempt from this Code:
1. Traffic or other governmental *street signs*, such as railroad crossing *signs* and notices, as may be authorized by the city and do not require permits; and
  2. *Signs* of public utility companies indicating danger or that serve as an aid to public safety, or that show the location of underground facilities or public telephones and do not require permits.



**H. Sign Illumination.** *Signs* may be illuminated internally or externally as provided by this Code (See also, Section 4-803 and 4-804, Lighting) and/or as specified by the applicable *sign* criteria:

1. *Sign* face shall function as a filter for an internally *illuminated sign*;
2. *Sign* illumination from above shall be fully shielded;
3. *Sign* illumination from below shall comply with Section 4-803(C)(5);
4. *Illuminated signs*, except *address signs*, shall require a *sign* permit and comply with the provisions of applicable electrical codes; and
5. Exposed electrical conduit or exposed raceways are allowed only with *Development Plan Review* approval.

**I. Sign Maintenance.** *Sign maintenance* requirements are as follows:

1. *Signs* on a property shall be maintained by the owner or person in possession of the property on which the *sign* is located. *Maintenance* shall be such that the signage continues to conform to the conditions imposed by the *sign* permit;
2. A damaged *sign*, including *signs* vandalized or subjected to graffiti, shall be repaired within sixty (60) days;
3. Metal pole covers and *sign* cabinets shall be kept free of rust and rust stains;
4. Internally *illuminated sign* cabinets or *sign* panels that have been damaged shall remain un-illuminated until repaired;
5. *Signs* that have been damaged to such extent that it may pose a hazard to passersby, as determined by the Development Services Manager, or designee, shall be repaired or removed immediately;

6. *Maintenance* of legal non-conforming *signs* shall be consistent with applicable Arizona law. A legal nonconforming *sign* that has been damaged to the extent of more than fifty percent (50%) of its reproduction value shall be removed or altered so as to conform to the provisions of Part 3, Chapter 5, Non-Conforming Use or Development; and
7. Failure to comply with these *sign maintenance* requirements shall constitute a violation of this Code.

**J. Comprehensive Sign Package.**

1. When a site is developed as a complex or center, a comprehensive *sign package* shall be provided for the property, and approved through *development plan* review.
2. For tenants of a complex or center, *sign* permits will only be issued for *signs* that comply with the previously approved comprehensive *sign package*, or receive approval through *development plan* review.

**A. Address Sign.** *Address sign* requirements are as follows:

1. *Identification signs* and site addresses shall be visible from public access to the property. The height, quantity, size, location, color and material of address letters and numbers on *buildings, signs* and directories shall be as required by the Development Services Manager, or designee, or through a *Development Plan Review*. Addresses shall be at least four (4) inches in height and have a color contrast with the background color of at least fifty percent (50%);
2. When a *building* is internal to a multiple *building* site and a *directory sign* is provided, the address shall be visible from the internal drive or pedestrian path;
3. One (1) and two (2) *family dwellings* shall provide four (4) inch address numbers on the front elevation, and on the front and rear elevations when abutting an *alley*. *Developments*, properties or sites with perimeter walls shall have the address number on the outside of the wall; and
4. Shall be self-illuminated or located eighteen (18) to thirty-six (36) inches below a light fixture. All numbers and letters shall be illuminated from dusk to dawn. The following are exempted from the illumination requirement:
  - a. Single family and two family dwellings rear address, alley gates and curbside mail boxes; and
  - b. Commercial or industrial rear door suite numbers.
5. No *sign* permit is required.

**B. Awning Sign.** *Awning sign* requirements are as follows:

1. *Sign* copy including logo or trademark shall not exceed fifty percent (50%) of each awning face (including valance);
2. May only be displayed on the ground floor and second floor awnings;
3. Illumination for *awning signs* is permitted subject to *Development Plan Review* approval; and
4. A *sign* permit is required.

**C. Boutique Directional Sign.** *Boutique directional sign* requirements are as follows:

1. A boutique, pursuant to Section 3-406, shall have obtained a city sales tax license prior to displaying such *signs*;
2. Shall only be displayed during business hours;

3. Each boutique shall be allowed a maximum of four (4) *signs*. Signs may be *portable signs* or *banner signs* and shall not exceed three (3) square feet in area and three (3) feet in height.
4. Prior to displaying *signs*, the operator of the boutique shall provide the city with a document that specifies the locations of where each *sign* shall be displayed. The operator shall be responsible for limiting the *signs* to those specific locations;
5. Shall be placed without creating a traffic hazard, as determined by city staff. Such *sign* shall not be placed in a traffic median, city right-of-way, on a public sidewalk or bicycle path; and
6. No *sign* permit is required.

**D. Building Mounted Sign.** *Building mounted sign* requirements are as follows:

1. Shall be mounted to the wall or fascia of the *building*;
2. Shall be eighty percent (80%) or less of their horizontal and vertical backgrounds unless otherwise approved through a Development Plan Review;
3. May be flag-mounted in the City Center district, and may only be located on the ground floor and second floor of the *building*;
4. Shall not exceed the height of the *building*;
5. In the multi-family district, a *building mounted sign* not exceeding six (6) square feet in area is permitted. The height of such *sign* shall not exceed ten (10) feet;
6. A *sign* permit is required; and
7. For one (1) and two (2) *family dwellings*, an *identification sign* not exceeding one (1) square foot in area is permitted; and a *sign* permit is not required.

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

1. Shall be displayed only on the actual construction site;
2. Shall not exceed eight (8) feet in height nor thirty-two (32) square feet in area;
3. Shall be removed prior to the issuance of a certificate of occupancy for the site; and
4. No *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. 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;
3. Flag illumination (refer to lighting Section 4-805(A)(2)); and
4. A *sign* permit is not required.

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

1. Single use *buildings* on their own *lot* and all complexes and centers 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* on their own *lot* and complexes and centers 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 property or center 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. Shall include the name(s) of the project architect, developer and contractor;
2. Such *signs* shall be eight (8) feet in height and a maximum of thirty-two (32) square feet in area;

2. Shall only be displayed on the property for which they pertain. Only one (1) *sign* shall be displayed per *street* frontage. *Sign* shall not be counted in the total aggregate *sign* area for the business in determining the allowable *sign* area for the business;
3. Shall not be illuminated; and
4. No *sign* permit is required.

**Q. Service Station Sign.** *Service station sign* requirements are as follows:

1. *Building Mounted Sign.* Allowed per Section 4-903(D).
2. *Freestanding Sign.*
  - a. One (1) *freestanding sign* is allowed per *street* frontage;
  - b. Shall not exceed twenty-four (24) square feet in area nor eight (8) feet in height;
  - c. The price component may have changeable copy, which shall not exceed twelve (12) square feet in area;
  - d. The *sign* shall have a monument base of masonry construction or other architectural grade material approved through *development plan* review;
  - e. Address numerals shall be included on all *freestanding sign structures*. The numerals shall be at least four (4) inches in height; and
  - f. A *sign* permit is required.
3. *Pump-Topper Sign.*
  - a. Shall not exceed three (3) feet in area and does not count towards total *sign* area for the business;
  - b. Such *signs* may display instruction, price, or *advertising copy* pertaining to any product sold on site; and
  - c. No *sign* permit is required;
4. *Canopy Sign.*
  - a. Maximum two (2) *signs* per canopy;
  - b. Shall not exceed six (6) square feet per *sign*;
  - c. May be illuminated; and
  - d. A *sign* permit is required.

**R. Special Event Sign.** *Special event sign* requirements are as follows:

1. *Grand Opening Sign.*
  - a. All businesses shall be permitted to display *grand opening signs*, on a one-time basis, for a maximum of thirty (30) consecutive days. Grand openings may be extended by written approval of the Development Services Manager, or designee, in the event that a business is currently processing for a permanent *sign* approval, but in no event shall the permit exceed sixty (60) days in duration;
  - b. Grand opening permits may include banners, pennants, wind-driven spinners, streamers, balloons, flags and inflatable *signs*; and
  - c. A *sign* permit is required and must be displayed visible to the public during the allowed time of the permit.
  
2. *Significant Event Sign.*
  - a. Limited to no more than fourteen (14) cumulative days in a calendar year;
  - b. May include banners, pennants, wind-driven spinners, streamers, balloons, flags and inflatable *signs*; and
  - c. A *sign* permit is required and must be displayed visible to the public during the allowed time of the permit.
  
3. *Going Out of Business Sign.*
  - a. All businesses shall be permitted to display *going out of business signs* on a one (1) time basis for a maximum of thirty (30) consecutive days;
  - b. The business shall cease and be discontinued at that specific location upon the disposal of the stock of goods on hand or after thirty (30) days, whichever comes first after the *going out of business signage* is first displayed;
  - c. May include banners, pennants, wind-driven spinners, streamers, balloons, flags, and inflatable *signs*; and
  - d. A *sign* permit is required and must be displayed visible to the public during the allowed time of the permit.
  
4. *Permitted Special Event Sign.*
  - a. Limited to *banner signs*;
  - b. Business(es) that displays such banners must receive a Special Events Permit or be associated with the special event producer or permittee;
  - c. Banners may not be displayed until the day(s) of the special event;

- d. Banners must be removed the evening that the special event concludes;
- e. Banners must include copy or graphics specific to the special event; and
- f. No sign permit is required.

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

- 1. May be maintained for the following time periods:
  - a. *Subdivision* advertising may be maintained for two (2) years from date of sign permit, or until all the *lots* 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. May be illuminated, but shall not be located within one hundred (100) feet of any existing *structure*;
- 3. One (1) sign may be displayed per *street* frontage (perimeter), with a maximum of two (2) such signs per recorded *subdivision* or apartment community;
- 4. Each sign shall not exceed eighty (80) square feet in area nor twelve (12) feet in height;
- 5. 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*;
- 6. 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;
- 7. Festive flags allowed with a maximum height of three (3) feet; and
- 8. 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.

**Section 5-205 Special Regulations, Building Design.**

- A. **Architect’s Design.** All main *buildings* or *primary structures* shall be designed by an architect registered in the State of Arizona.
- B. **Plan Submittal.** The applicant shall provide the city with sufficient architectural, landscaping and site details at the time of original submittal for the city to judge the quality of the project.

**Section 5-206 Yard, Height, Area and Density Requirements.**

All *development* must conform to the requirements of the underlying zoning districts, except a twenty-five (25) foot increase in the maximum allowable *building height* shall apply in all Zoning Districts west of Kyrene Road, except Single-Family Residential and Agricultural Districts.

## CHAPTER 3 – GENERAL INDUSTRIAL OVERLAY DISTRICT

### Section 5-301 Purpose.

- A. Purpose.** The purpose of General Industrial Overlay District (GIOD) is to provide a smooth transition from the GIOD to adjacent single-family residential districts. Projects in the GIOD zoning districts will be reviewed to assure the public that an appropriate transition is established while use of the property as permitted by the Code is still allowed.
- B. Applicability.** The standards of the GIOD shall apply whenever a general industrial zoning district is adjacent to a single-family residential district, or is separated from a single-family district only by an *alley*, tract, canal or easement (excluding AG, Agricultural and R1-PAD).

### Section 5-302 Boundaries.

The boundaries of the General Industrial Overlay District are defined as all *lots* with General Industrial (GID) zoning adjacent to a single-family residential district, or separated from a single-family district by an *alley*, tract, easement, or canal (excluding AG, Agricultural and R1-PAD).

### Section 5-302 General Regulations.

- A. Land Use.** All uses shall comply with the regulations of the underlying zoning. Where the regulations for this district differ from those of the underlying zoning the more restrictive provisions shall apply.
- B. Development Plan.** Prior to a new *development*, or expansion of an existing development of more than twenty-five (25) percent of a *building*, a *development plan* shall be submitted for all GIOD properties for a public hearing with the City Council. Such *development plan* shall show all *parking areas*, loading and refuse areas, drives, access ways, location and dimensions of *buildings* and *structures*, all elevations of such *buildings* and *landscape*. This hearing shall conform to the provisions of Part 6 of this Code. Use permits may be applied for in conjunction with the plans. *Development plans* will be evaluated in accordance with the intent of ensuring that an appropriate transition between the GIOD and the adjacent residential uses is provided, while allowing the use of the property as permitted by the zoning district.

# CHAPTER 1 – APPROVAL AND APPEAL AUTHORITIES

## Section 6-101 Summary Decision Matrix.

The following table describes the decision-making authority and the appeal authority for the approvals that may be granted under this Code. Where more than one body may be the decision or appeal body for a specific type of approval, the Development Services Manager, or designee, is responsible for determining the applicable decision or appeal body.

**Table 6-101A – Applications by Decision Body and Type of Procedure<sup>1</sup>**

Type of Procedure:	Decision Body:	DS MGR	ZA	ORIGINAL	HO	BA	DRB	PZ	RRC <sup>2</sup>	JRC <sup>3</sup>	CC	Superior Court	Nghd. Meeting	Code Reference
Abatements					D	A						A		ZDC 6-310
Annexation											D	A		ZDC 2-106
Code Interpretation/ Similar use Rulings			D			A			A	A		A		ZDC 6-301
Code Text Amendment								Rev	Rev	Rev	D	A		ZDC 6-304
Development Plan Review  Major (all new development & expansions over 5,000 square feet, except single-family homes not included in a PAD Overlay)  Minor (expansions up to 5,000 square feet or 20% of existing building, which ever is less; and two- and three-family dwellings)							D		D	D	A	A		ZDC 6-306
	D						A		A	A	A	A		ZDC 6-306
General Plan Amendment  Major Amendment								Rev	Rev	Rev	D	A	Yes	ZDC 6-302
								Rev	Rev	Rev	D	A	Yes	ZDC 6-302
Lot Line Adjustment											D	A		ZDC 6-307
Lot Split	D										A	A		ZDC 6-307
Modify Approved Development Plan, PAD Overlay or Condition of Approval:  Major Modification  Minor Modification				D								A	Yes	ZDC 6-312
	D			A								A		ZDC 6-312
Planned Area Development Overlay (PAD Overlay), and PAD Overlay Amendments								Rev	Rev		D	A	Yes	ZDC 6-305
Preliminary Review Process		Rev												ZDC 6-202
Shared Parking Applications		D						A	A	A	A	A		ZDC 6-311
Sign Permit		D					A		A	A	A	A		ZDC 4-904
Subdivision, Preliminary  Final								D	D	D	A	A		ZDC 6-307
										Rev	D	A		ZDC 6-307
Time Extension		D		D								A		ZDC 6-901
Use Permit					D	D/A		D	D/A	D/A	A	A	Yes	ZDC 6-308
Variance					D	D/A			D/A	D/A		A	Yes	ZDC 6-309
Zoning Map Amendment								Rev	Rev	Rev	D	A	Yes	ZDC 6-304

1. Where this Code identifies more than one possible decision or appeal body, the Development Services Manager shall determine which body is applicable to a particular project.
2. Review or decision-making body determined by project location for the RRC.
3. Appeals of a JRC decision shall first be heard by the President or designee of Arizona State University. That decision can be appealed to the City Council.

**KEY:**

**DS MGR** = Development Service Manager or designee  
**ZA** = Zoning Administrator  
**ORIGINAL** = Decision body that made the original decision (modifications)  
**HO** = Hearing Officer  
**BA** = Board of Adjustment  
**DRB** = Design Review Board  
**PZ** = Planning and Zoning Commission

**RRC** = Redevelopment Review Commission  
**JRC** = Joint Review Committee  
**CC** = City Council  
**Rev** = Reviews and recommends action to decision-making body  
**D** = Decision-making body  
**A** = Appeal Authority  
**Nghd. Meeting** = Neighborhood Meeting

3. Final Hearing Notification Requirements. At least sixty (60) days before either an amendment or major amendment, staff shall transmit the proposal to the applicable decision-making body and submit a copy for review and comment to:
  - a. The planning agency of Maricopa County;
  - b. Each municipality that is *contiguous* to the corporate limits of the city;
  - c. The regional planning agency within which the city is located;
  - d. The Department of Commerce or any other state agency that is subsequently designated as the general planning agency for the state; and
  - e. Any person or entity that requests in writing to receive a review copy of the proposal.
  
4. Notice of time and place of hearings and availability of relevant materials shall be:
  - a. Advertised by publication at least once, in a newspaper of general circulation in the city, at least fifteen (15) and not more than thirty (30) calendar days before the first hearing;
  - b. Posted on the website at least fifteen (15) and not more than thirty (30) calendar days before the first hearing;
  - c. Posted at the City Council Chambers and Clerks Office at least twenty-four (24) hours prior to such meetings, in accordance with Arizona open meeting law;
  - d. If modifying a map, then post property with dates, times and locations of the public hearings, and a summary of the amendment. Such notice shall be clearly legible and wherever possible, placed adjacent to the right-of-way or a *public street* or road for maximum visibility. Posting shall be done not less than fifteen (15) and not more than thirty (30) calendar days before the first hearing. It shall be the responsibility of the applicant to maintain the notice once it has been placed on the subject property; and
  - e. If modifying a map, then mailed notification of public hearings shall be sent not less than fifteen (15) and not more than thirty (30) calendar days before the first hearing to:
    1. The applicant or representative and the owners of the subject property;
    2. All property owners of record within three hundred (300) feet of the subject property which are included on the mailing list submitted by the applicant; and
    3. The chairperson of the registered neighborhood association(s) and home owners association(s) in which subject property is located.

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

1. Appropriate short and long-term public benefits;
2. Mitigate impacts on land use, water infrastructure or transportation;
3. Helps the city attain applicable objectives of the General Plan;
4. Provides rights-of-way, transit facilities, open space, recreational amenities or *public art*;
5. Potentially negative influences are mitigated and deemed acceptable by the City Council; and
6. Judgment of the appropriateness of the amendment with regard to market demands, and impacts on surrounding area, service, fiscal, traffic, historic properties, utilities and public facilities.

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

**Section 6-303      Specific Plan *[reserved]***

## CHAPTER 8 – APPEALS

### Section 6-801 Purpose.

This chapter provides criteria and procedures to be used whenever an applicant or person is aggrieved by a decision by a decision-making body.

### Section 6-802 Parties to an Appeal.

Any person, entity, or group aggrieved by a decision under this Code may be a party to an appeal hearing as provided in this Section.

- A. **Public Hearing.** Such appeals shall be heard using the same procedures as the original public meeting/public hearing procedures in Part 6, Chapter 5.
- B. **Appeal Stays Proceedings.** An appeal shall stay all proceedings in the matter appealed from, unless the Zoning Administrator certifies in writing to the decision-making body that, by reason of the fact stated in the certificate, the stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by a court of record on application and notice to the Zoning Administrator.
- C. In the event that a decision made under this Code is appealed, the appeal does not invalidate the approval. The holder of the approval may proceed with a use or *development* at their own risk.
- D. **Conditions When Granting Appeal.** Any appeal granted may be subject to such conditions as the decision-making body deems applicable.

### Section 6-803 Appeal Criteria.

- A. **Appeal Criteria.** To effect an appeal, the petitioner must file an appeal petition with the Development Services Department, City Clerk or Superior Court not later than 5:00 p.m. on the appeal due date, as provided on the notice of decision.
  - 1. The petition for appeals to the City of Tempe shall contain:
    - a. The name of the applicant and the city case file number;
    - b. The name, address and signature of each petitioner; and
    - c. The specific grounds for appeal. The appeal shall be limited to the issue(s) raised in the petition.
  - 2. Appeals to Superior Court shall be filed per the standards of Superior Court.

**B. Time Limitations.**

Decision Making Body	Appeal Submittal Deadline	Appeal Body
Development Services Manager	14 Calendar Days	Applicable decision-making body
Zoning Administrator	14 Calendar Days	Board of Adjustment
Hearing Officer	14 Calendar Days	Board of Adjustment
Board of Adjustment	30 Calendar Days	Maricopa County Superior Court
Planning and Zoning Commission	14 Calendar Days	City Council
Redevelopment Review Commission	14 Calendar Days	City Council
Design Review Board	14 Calendar Days	City Council
Joint Review Committee	14 Calendar Days	President of ASU
President of ASU	14 Calendar Days	City Council
City Council	30 Calendar Days	Maricopa County Superior Court

- C. Failure to File an Appeal.** Failure to file an appeal with the Development Services Department or City Clerk as applicable, by 5:00 p.m. on the due date, shall render such appeal invalid.

## CHAPTER 9 – TIME EXTENSION, REVOCATION, AND TRANSFER OF PERMITS/APPROVALS

### Section 6-901 Time Extension.

- A. Request for Extension.** If an extension is desired, the holder of the approval or permit must file an application for an extension no later than forty-five (45) calendar days prior to expiration of the approval or permit.
- B. Procedure and Approval Criteria.** Extension requests shall be processed by the Development Services Manager, or designee, as an administrative review decision. The Development Services Manager, or designee, may refer the request to the original decision-making body that issued the original approval if different than the Development Services Manager, or designee. An extension may be granted for a maximum of one (1) year from the original date of expiration, and may be less than one (1) year if the Development Services Manager, or designee, or the original decision-making body deems that a shorter timeframe is warranted. Extensions shall be granted only upon findings that:
1. The use or *development* could not reasonably commence for reasons beyond the control of the permit holder;
  2. The request for extension is not sought for purposes of avoiding the requirements or standards of this Code or the permit;
  3. There has been no change in city standards or other circumstances likely to necessitate significant modification of the *development* approval or conditions of approval; and
  4. The use of property, if any, conforms to applicable city codes. The city may deny an extension request if there is an existing Code violation, or impose conditions to facilitate compliance.

### Section 6-902 Revocation of a Permit/Approval.

The city may revoke an approval or permit granted under this Code. In revoking an approval or permit, the following procedures apply:

- A. Procedure and Criteria.** Following reasonable notice to the permit/approval holder an administrative hearing shall be held to consider all relevant information, conditions, and concerns related to the permit. The permit/approval holder will be given a reasonable opportunity to resolve all related issues. If the permit/approval holder cannot comply with conditions of the permit/approval or otherwise remains in violation of this Code after thirty (30) days, or sooner when the violations constitute an immediate public health, safety and general welfare concern, the Zoning Administrator shall schedule the item on the next regularly scheduled agenda of the original decision-making body, as may be appropriate, at which time revocation of the permit/approval may be considered. A permit/approval may be revoked if it is determined that:
1. Development which has occurred does not comply with the standards set forth in this Code or any special conditions imposed upon the permit/approval;
  2. The permit/approval was approved based on materially incorrect or incomplete information; or
  3. A change has occurred to city regulations, the General Plan or applicable law, prior to the *development* obtaining a vested right or status as a legal nonconforming use that makes the approved *development* unlawful or not permitted.
- B. Revoke Permit/Approval.** The decision-making body, upon finding that the applicant has not taken corrective actions to resolve issues related to the permit/approval and that a continuation of the permit/approval is not in the interest of the public health, safety and general welfare, can revoke the permit/approval after providing written notice of its intentions to the holder of the permit.
- C. Option to Reapply for Permit/Approval.** The holder of the revoked permit/approval may reapply for a new permit/approval at any time as an entirely new application.

### **Section 6-903      Transfer of Permits/Approvals.**

- A.** *Use permits* and approvals are transferable to successors in interest. Transfer of a *use permit* is reviewed as an administrative application, pursuant to Section 6-204.

# PART 7 – DEFINITIONS

## Chapter 1 – Definitions

Section 7-101	General Definitions and Terms
Section 7-102	A
Section 7-103	B
Section 7-104	C
Section 7-105	D
Section 7-106	E
Section 7-107	F
Section 7-108	G
Section 7-109	H
Section 7-110	I
Section 7-111	J
Section 7-112	K
Section 7-113	L
Section 7-114	M
Section 7-115	N
Section 7-116	O
Section 7-117	P
Section 7-118	Q
Section 7-119	R
Section 7-120	S
Section 7-121	T
Section 7-122	U
Section 7-123	V
Section 7-124	W
Section 7-125	X
Section 7-126	Y
Section 7-127	Z

## CHAPTER 1 – DEFINITIONS

### 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, accessory dwelling unit* 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.

*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.

*Access way* means an area accessible for pedestrians and non-motorized vehicles, which are not a separated path, but are in the form of an alley way, pedestrian plaza, promenade, etc.

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

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

*Building height* means the vertical distance measured from *grade* (as defined herein) to the highest point of the roof, including any parapet.

**Figure 7-103 B.**

The diagram illustrates building height measurement for three roof types: Flat Roof, Mansard, and Pitch. A dashed line indicates the 'Bldg. Height' from the 'Grade' to the highest point of the roof. Below this, two detailed cross-sections show height measurement. The left section shows a building with a 'PARAPET' and 'HEIGHT' measured from 'GRADE (top of curb)'. The right section shows a building with a 'PITCH' roof and 'HEIGHT' measured from 'GRADE (crown of road)'.

*Building official* means the person designated by the City of Tempe's Development Services Manager, or designee, who is charged with the administration and enforcement of the building codes, as adopted and amended by the City of Tempe, or the building official's authorized representative.

*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.

*Business frontage* means the main entrance frontage of the building or tenant space. For businesses with the main entrance at the building corner, business frontage shall be the longer of the two facades adjacent to the main entrance. When a business has a façade adjacent to a public street, other than the main entrance, that façade(s) shall also be considered business frontage.

City of Tempe, AZ  
Zoning and Development Code

7-7

Amended  
[August 18, 2005]

## 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 is an accessory use.

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

*Childcare centers* means any use, regulated by the State of Arizona involving the care of other people’s children during the day and that accommodate more than four (4) children for childcare. Some instruction may be offered in connection with such care. The use shall not be considered a “school” within the meaning of this Code. See also, nursery and day care school.

*Childcare, in home* means the use of a caregiver’s residence for childcare, regulated by the State of Arizona involving the care of other people’s children during the day. See also, Nursery and day care, in home.

*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”.

*Civic use* see “public uses”.

*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.

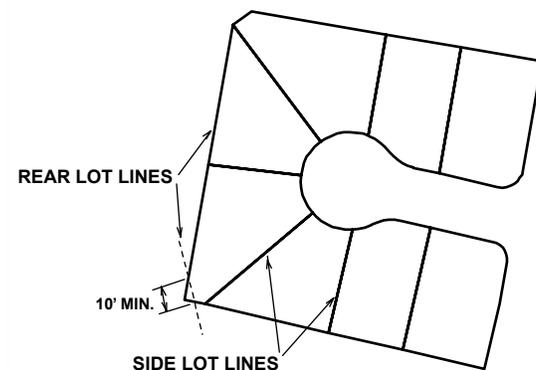
*Commercial use* means, in the MU-Ed zoning district, uses that include, but are not limited to, the sale, exchange, or transfer, of a product or service; accessory entertainment; recreational or amusement businesses; hotels, motels or clubs; commercial parking lots; production or manufacturing and a gross floor area greater than two hundred and fifty (250) square feet. To be considered a *commercial use* in the MU-Ed zoning district, the building or use must attract the general public. *Public University* sports venues and *Public University* operated auditoriums are examples of uses that are not considered a *commercial use*.

*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.

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

**Figure 7-113 F.**



### **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.

*Massage therapist* means a person who practices or administers within the city, any massage or body work techniques as defined in the Tempe City Code Massage Ordinance for a fee or income of any kind.

*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 uses.

*Mixed use* means, in the MU-Ed zoning district, uses that are a combination of either a *Public University* use or *Public University* related use and a commercial and/or residential use within the same building or project.

*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 (2) or more dwelling units in one structure.

## **Section 7-115 "N" Definitions.**

*Non-conforming development* means a development that does not fully comply with a Code standard because of setbacks, building height, lot coverage, signs, landscape 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", displays "specified sexual activities" or the exposure of "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 without opaque non-flesh colored fabric fully covering the human anus, pubic region, male genitals, female genitals, and female breasts below the top of the areola.

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

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

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

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

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

## **Section 7-118 “Q” Definitions.** [reserved]

## **Section 7-119 “R” Definitions.**

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

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

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

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

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

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

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

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

## **Section 7-120 “S” Definitions.**

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

1. "Charter school" means a school operating under sponsorship of a public school district governing board, the State Board of Education or the State Board for Charter Schools and has been created pursuant to ARS 15-181.
2. "Instructional school" means a public or private school providing domestic, recreational, and other types of instruction such as dance, gymnastics, cooking, music, martial arts (without fitness center equipment), and fine arts.
3. "Private school" means any building, portion of building, or group of buildings used for elementary, secondary or higher education that does not secure the major part of its funding from a governmental agency.
4. "Public school" means any building, portion of building, or group of buildings used for elementary, secondary or higher education that secures the major part of its funding from a governmental agency.
5. "Vocational school" means an institution which teaches trades, business courses, hairdressing and similar skills on a post-secondary level.

*Screening device* means any landscape improvement 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.

*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, or designee, may interpret the store or restaurant as another primary use and not incidental to the service station.

18. *Sign, directory* means a sign that lists the name, use or location within a building, complex, or multi-tenant development;
19. *Sign, flag-mounted* means a sign that projects from the wall of a building perpendicular to a wall surface;
20. *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;
21. *Sign, future development* means a sign, that announces the proposed development of property prior to the issuance of a building permit;
22. *Sign, going out of business* means a sign indicating that the business displaying the sign will cease and be discontinued at a specific location;
23. *Sign, grand opening* means a sign that is utilized to indicate that a new business is now open to the public;
24. *Sign, identification* means a sign that includes as copy only the name of business, place, organization, building or person it identifies;
25. *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;
26. *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;
27. *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;
28. *Sign, menu board* means a permanently mounted sign advertising the bill of fare for a restaurant, drive-in or drive-through restaurant;
29. *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;
30. *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;
31. *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;

32. *Sign, permitted special event* means banners displayed as part of a permitted special event as administered by the special events committee.
33. *Sign, political* means a temporary sign used to advertise the candidacy of an individual, ballot proposition, or to encourage citizens to vote;
34. *Sign, portable* (sandwich sign) means any sign that is not permanently affixed to any structure on a site or permanently ground mounted;
35. *Sign, projecting* means a sign mounted to the façade of a building and extending from the building façade;
36. *Sign, pump-topper* means a sign affixed to the top or sides of an operable fuel-dispensing pump.
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 *motor vehicle* fuel, or cost of electrical recharging on the premises of a business that provides motor vehicle fuels or electrical power;
40. *Sign, significant event* means signs displayed for any type of event, including an anniversary, special sale, change in ownership or management, or similar event;
40. *Sign, soffit* means a sign that is suspended from the underside of a lintel, arch or other overhead spanning member and is hung perpendicular to a vertical wall surface;
41. *Sign, subdivision/apartment community advertising* means a temporary sign used to advertise the initial sale of lots/units in a recorded subdivision or the initial lease for units in an apartment community;
42. *Sign, subdivision identification* means a permanent sign used to identify the name of a particular recorded subdivision;
43. *Sign, unauthorized* means a sign that is illegally displayed in the City of Tempe;
44. *Sign, wall mounted* means a sign that is permanently affixed to any vertical portion of a building for which the sign is intended to identify or advertise; and
45. *Sign, window* means a sign or signage placed in a window so as to attract the attention of persons outside of the building where the sign or signage is placed.

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

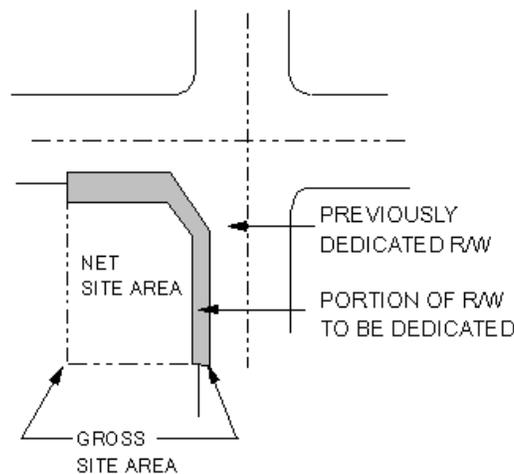
*Single-family dwelling* means a dwelling for one family on an individual lot.

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

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

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

**Figure 7-120 B.**



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

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

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

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

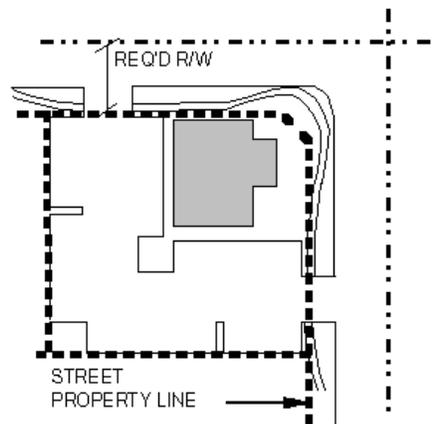
*Street* means a right-of-way and the improvements contained therein, consistent with the Comprehensive Transportation Plan.

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

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

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

**Figure 7-120 C.**



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

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

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

## **Section 7-121 “T” Definitions.**

*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 not otherwise permitted; or the use of alternate development standards following a compatibility review.

### **Section 7-123 “V” Definitions.**

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

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

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

*Video arcade* see "*amusement game arcade*".

### **Section 7-124 “W” Definitions.**

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

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

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

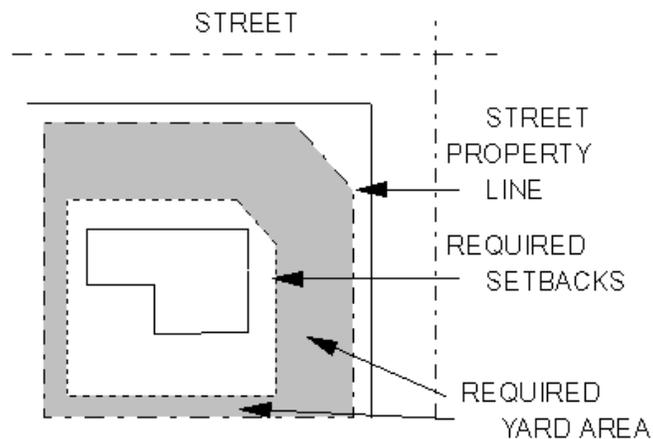
*Wireless Telecommunication Facilities (WTF)* means an un-staffed facility for the transmission and reception of radio or microwave signals for commercial communications. WTFs are composed of two or more of the following components: (1) antenna; (2) support structure; (3) equipment enclosures; and (4)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

**Section 7-125 “X” Definitions.**  
[reserved]

**Section 7-126 “Y” Definitions.**

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

**Figure 7-126 A.**



**Section 7-127 “Z” Definitions.**

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

# Art in Private Development

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## Guidelines

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**2005**

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

[www.tempe.gov/arts](http://www.tempe.gov/arts)

to view images of completed art projects

### Contents

Introduction	.....	1
Ordinance	.....	2
Eligible projects	.....	2
Eligible costs	.....	3
Approval process	.....	3
Other options	.....	5

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

Phone: 480-350-5287



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

In the AIPD program, developers of large commercial or office buildings must meet a required art investment in one of four ways: artwork which is integrated into the development; the creation and maintenance of a cultural space or facility; a community arts program plan; or a contribution to the city's Municipal Arts Fund.

Tempe also has a public art program, in which one percent of the city's capital improvements budget is allocated to public art projects. The monies generated by both the Public Art and Art in Private Development programs are held in the city's Municipal Arts Fund. The Tempe Municipal Arts Commission, a 15-member citizen advisory board appointed by the Mayor, administers the Municipal Arts Fund.

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### What does the Art in Private Development ordinance require?

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

- The property owner(s) of any project that contain more than fifty thousand (50,000) square feet *net floor area* of commercial or office use within any zoning district, or is a phase of a larger project approved after February 24, 1990 that contains a total of more than fifty thousand (50,000) square feet *net floor area* of commercial or office use within any zoning district, shall contribute to Art in Private Development. The art contribution shall take the form of either on-site installation of exterior artwork or an equivalent cash donation to the Tempe Municipal Arts Fund. *Net floor area* means the sum of all floor areas (including mezzanines, outdoor retail and dining areas) devoted to an activity, excluding exterior walkways and the thickness of exterior walls.
- The developer's investment in artwork is based on the amount of square footage of the *net floor area* dedicated to commercial or office use, and is adjusted on February 1 of each year based on the Consumer Price Index for All Urban Consumers (CPI-U) of the previous year. *The 2005 value: \$0.37 per square foot.*
- Before a Certificate of Occupancy is issued, the developer must meet the requirements of this ordinance. The developer's required contribution may be in any of the following forms:
  1. **Art Project:** Artwork which is integrated on the site of the development. Artwork completed in compliance with this ordinance shall be located on an exterior site visible and accessible at all times to the public.
  2. **Community Arts Program:** Arts projects and programs that involve the public in Tempe. The program must be approved by both the developer and the Tempe Municipal Arts Commission.
  3. **Cultural Space/Facility:** A visual or performing arts space or facility.
  4. **Arts Fund Contribution:** In-lieu cash contribution to the Tempe Municipal Arts Fund, used to fund art projects administered by the Tempe Municipal Arts Commission.

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### What types of art projects are eligible?

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Examples of art projects to consider are:

- One-of-a-kind building features and enhancements designed by artists such as gates, benches, and fountains.
- Artist-designed landscape art enhancements such as walkways, bridges, or art features within a garden.
- Sculpture -- freestanding, wall-supported or suspended, kinetic -- in durable materials suitable for the site.

To view images of completed artwork, visit our website, [www.tempe.gov/arts](http://www.tempe.gov/arts), → Public Art → Art in Private Development.

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### What types of art projects are not eligible?

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- Business logos or art that incorporates a logo.
- Directional or wayfinding elements such as supergraphics and signage.
- Mass-produced “art objects” such as fountains, statuary, or playground equipment.
- Standard landscape or hardscape elements which would normally be associated with the project.

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### What are the eligible costs for art projects?

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

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

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

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

- Staff Contact:** Call the City of Tempe Cultural Services staff to discuss:
  - what the developer wants the project to accomplish;
  - the required art investment; and
  - the type of professional artist needed for this project.
- Artist Slidebank:** View the slides from the Artist Slide Bank. Cultural Services staff will assist the developer in viewing the slides and will provide contact information on the artists the developer wants to consider. The developer may also choose a professional artist who is not in the Tempe Slide Bank.
- Professional Artist Selection:** Contact the artists being considered and decide which artist(s) will be hired by the developer.
- Preliminary Approval:** *The Preliminary Art Project Plan is required before a building permit is issued.* Request a meeting with the Arts Commission’s Art In Private Development (AIPD) Subcommittee and staff to discuss:

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

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

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

The AIPD Subcommittee and the Tempe Municipal Arts Commission make this determination by reviewing such items as the person's educational background in the arts, and arts accomplishments within the past 5 years such as gallery or museum exhibits, and completion of public art projects.

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

The AIPD Subcommittee and the Tempe Municipal Arts Commission review the artwork plans, its visibility to the public, and its context within the development.

- ❑ **Final Approval:** A final presentation is required before a Certificate of Occupancy is issued. This presentation is given by the developer (or a representative) and the artist(s), and includes:
  - Narrative description of proposed artwork generally developed by the artist. Please prepare 5 copies.
  - Budget detailing eligible costs including artist's fees and expenses, costs for fabrication, site preparation, installation, structures to display artwork, and/or plaque (developed by the artist and the developer).
  - Letter of agreement between the developer and artist.
  - Scaled site plan and landscape plan, showing the proposed artwork in the development's context.
  - Scaled drawing(s) or model(s) of the artwork.

For the presentation, the reviewed key points are:

- Artist's background in relation to this project*
- Final itemized budget that meets the required art investment for the development*
- Public visibility and availability of the artwork*

- ❑ **Tempe Municipal Arts Commission Approval:** The AIPD Subcommittee will give a summary of the proposed artwork to the Tempe Municipal Arts Commission at its next scheduled meeting. The developer and artist are not required to attend this meeting. After the AIPD Subcommittee presentation, the Tempe Municipal Arts Commission votes on the proposed artwork plans.
- ❑ **Signed Contract:** Fax or mail a copy of the signed contract between the developer and the artist(s) to Cultural Services staff for the AIPD records.
- ❑ **Certificate of Occupancy:** After the Tempe Municipal Arts Commission approves the art project plan and the contract is in place, Cultural Services staff will write a letter that releases the Certificate of Occupancy in regard to the public art component.

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## How is an art project selected for an Excellence Award?

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

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

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>▪ <b>Aesthetics</b><br/>Application of artist's concept<br/>Viewer's response to the artwork</li> </ul>  | <ul style="list-style-type: none"> <li>▪ <b>Craftsmanship</b><br/>Quality of construction<br/>Use of materials<br/>Quality of materials</li> </ul>  |
| <ul style="list-style-type: none"> <li>▪ <b>Site enhancement</b><br/>Integration of the artwork with the development<br/>Installation of the artwork (base, landscaping, etc)<br/>Visibility in the evening (lighting, etc.)</li> </ul> | <ul style="list-style-type: none"> <li>▪ <b>Value of community and/or employees</b><br/>Relevance to the community and employees<br/>Visibility to the public (walking, biking, driving)</li> </ul> |

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## What are the other options to consider?

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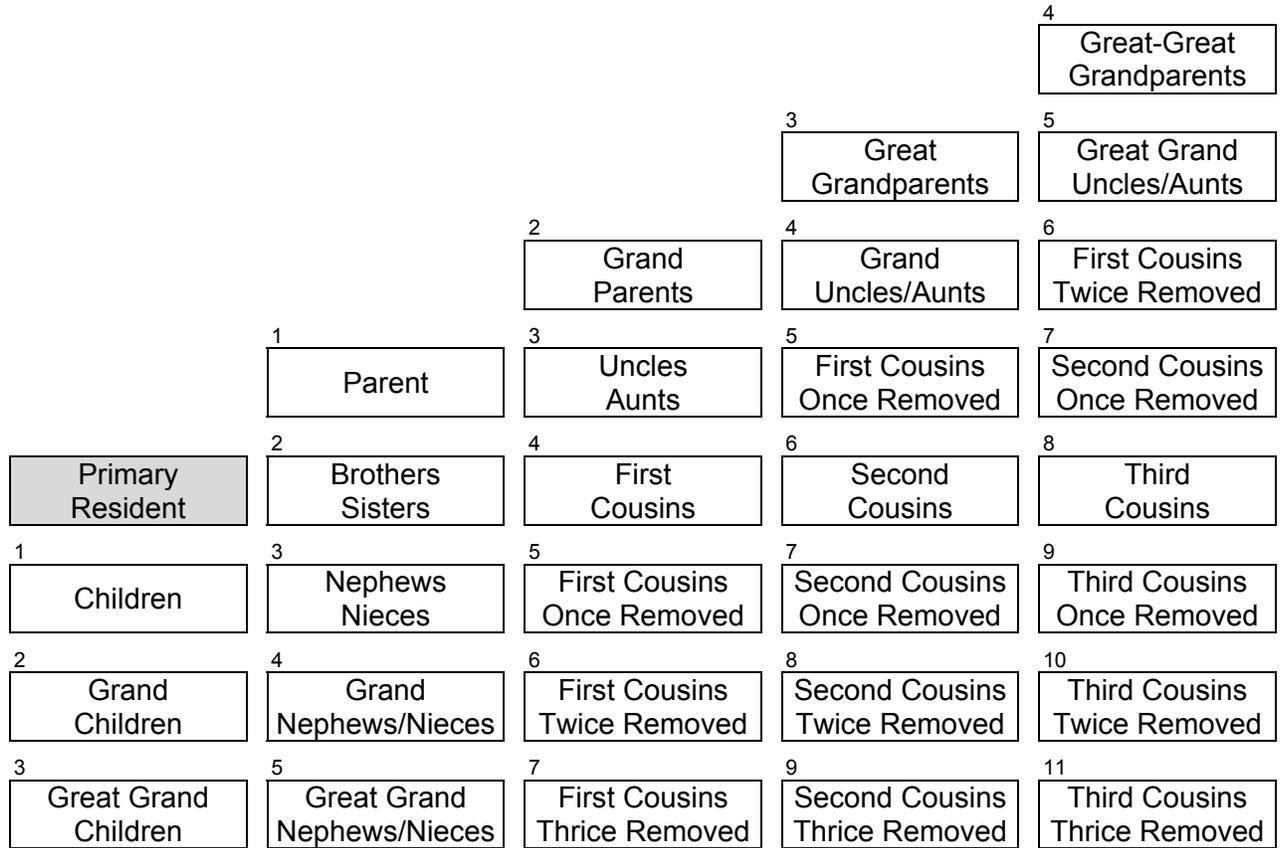
- **Creation and Maintenance of a Cultural Space/Facility:**  
If a developer wants to create and sustain a visual or performing arts space, the following items should be addressed in a written proposal:

- Concept of the cultural space/facility
- Location of the proposed space/facility
- Preliminary design for the space/facility
- Facility operation plan including a budget and program goals
- Long-range plan for use of the space/facility which assures a commitment to continuing cultural use
- Timeline for designing, constructing and programming the cultural space/facility

The Tempe Municipal Arts Commission will accept or decline the Cultural Space/Facility Proposal. An approved proposal will be forwarded to the Design Review Board. Once approved by the Design Review Board, a Certificate of Occupancy will be released.

- **Community Arts Program Plan:** Special arts initiatives for the community will qualify as projects for this option. The Tempe Municipal Arts Commission will accept or decline the Community Arts Program Plan. An approved Community Arts Program Plan will release Certificate of Occupancy for the development.
- **Arts Fund Contribution:** If a developer chooses to contribute the required art investment to the Municipal Arts Fund, monies must be deposited into the Municipal Arts Fund in order to receive approval for the Certificate of Occupancy. The Tempe Municipal Arts Commission and the Cultural Services staff will work closely with the developer to identify an appropriate use of the contribution that will benefit both the developer and the city of Tempe's AIPD program.

## APPENDIX G. CONSANGUINITY CHART



Note: The numbers above, indicate degrees of consanguinity (relationship by blood) to the primary resident.



## ZONING

### Chapter 35 - Zoning And Development Fees

#### FEE SCHEDULE

a.	Preliminary Review Process:  Single Family  All Others	\$100  \$300
b.	Administrative Applications:  Administrative Decisions  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	\$300.00 each           \$300.00 each  \$300.00 each
c.	Variances:  Single Family Dwelling Units  All Other Uses  Unauthorized Construction/Installation	\$350 per lot  \$1,000 Per Variance  Twice the normal fees
d.	Use Permits (each):  Single Family Dwelling Units  All Other Uses  Use Permit Transfer  Unauthorized Activity	\$350 each  \$1,000 each  See Administrative Applications  Twice the normal fees



i.	<p>Development Plan Review:</p> <p>Complete – Building, Site, Landscape, Signs</p> <p>Remodel/Modification</p> <p>Repaint Modification</p> <p>Separate Landscape Plan</p> <p>Sign Package</p> <p>Separate Signs</p> <p>Reconsideration</p> <p>Unauthorized Activity</p>	<p>\$1,500 For 5 Acres Or Less</p> <p>\$2,000 Over 5 Acres</p> <p>\$500.00</p> <p>\$200.00</p> <p>\$200.00</p> <p>\$300.00</p> <p>\$300.00</p> <p>Same As Original Fee</p> <p>Twice The Normal Fees</p>
j.	Appeals	\$300.00
k.	<p>Sign Permits:</p> <p>One Sign</p> <p>Each Additional Sign</p> <p>Unauthorized Installation of Sign(s)</p> <p>Grand Openings, Going Out Of Business, Significant Event</p>	<p>Fees include Plan Review, the initial Inspection and one Re-inspection</p> <p>\$200.00</p> <p>\$75.00</p> <p>Twice the normal fees may be charged</p> <p>\$100.00 each event</p>
l.	<p>General Plan Amendments:</p> <p><u>Amendment</u></p> <p>Text Change</p> <p>Map Change</p> <p><u>Major Amendment</u></p> <p>Map Change</p>	<p>\$2,000.00</p> <p>\$2,000.00 + \$100.00 per gross acre</p> <p>\$5,000.00 + \$100.00 per gross acre</p>
m.	<p>Public Notice Signs</p> <p>Neighborhood Meeting Sign</p> <p>Public Hearing Sign</p>	<p>\$8.00 (Includes One Sign And Two Stakes For Self Posting)</p> <p>\$25.00 per sign for 2 acres or more (single family residential exempt)</p>
n.	Zoning Verification Letter	\$250

**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.

## APPENDIX I. ZONING ADMINISTRATOR OPINIONS

<b>Date</b>	<b>Location in Code</b>	<b>Subject</b>
Sept. 20, 2005	Sec. 3-302	The use of bio-hazardous material, in the form of human waste, from individual portable toilet containers to larger holding tanks, are not permitted in the GID zoning district.
June 14, 2005	Sec. 3-412	The storage of firearms for the purpose of a home occupation is not permitted.

## APPENDIX J. DISPOSITION TABLE

<b>Ordinance Number</b>	<b>Adoption Date</b>	<b>Subject or Description</b>	<b>Location in Code</b>
2005.01	Mar. 3, 2005	Zoning map amendment from I-2 to MU-2 (PAD)	Sec. 2-107
2005.04	Apr. 7, 2005	Zoning map amendment from R-4 to MU-4 (PAD)	Sec. 2-107
2005.06	Apr. 7, 2005	Zoning map amendment from GID to MU-3 (PAD)	Sec. 2-107
2005.17	May 19, 2005	Zoning map amendment from R-3 to R1-PAD	Sec. 2-107
2005.08	June 2, 2005	Zoning map amendment from GID to CC (PAD)	Sec. 2-107
2005.19	June 2, 2005	Code text amendment and a zoning map amendment for the Borden Homes historic overlay district	Part 5, Chapter 5; Sec. 2-107
2005.20	June 2, 2005	Zoning map amendment for a historic overlay	Sec. 2-107
2005.21	June 2, 2005	Zoning map amendment for a historic overlay	Sec. 2-107
2005.22	July 7, 2005	Zoning map amendment for a historic overlay	Sec. 2-107
2005.36	July 21, 2005	Zoning map amendment from R-3 to R1-PAD	Sec. 2-107
2005.42	Aug. 18, 2005	Code text amendments for clarifying and technical changes within Part 1	Sec. 1-207 Sec. 1-307
2005.46	Aug. 18, 2005	Code text amendments for clarifying and technical changes within Part 2	Sec. 2-102 Sec. 2-103
2005.47	Aug. 18, 2005	Code text amendments for clarifying and technical changes within Part 3	Sec. 3-201 Sec. 3-202 Sec. 3-302 Sec. 3-401 Sec. 3-412 Sec. 3-414 Sec. 3-416

<b>Ordinance Number</b>	<b>Adoption Date</b>	<b>Subject or Description</b>	<b>Location in Code</b>
2005.48	Aug. 18, 2005	Code text amendments for clarifying and technical changes within Part 4	Sec. 4-102 Sec. 4-201 Sec. 4-205 Sec. 4-406 Sec. 4-501 Sec. 4-503 Sec. 4-601 Sec. 4-602 Sec. 4-604 Sec. 4-702 Sec. 4-704 Sec. 4-706 Sec. 4-803 Sec. 4-902 Sec. 4-903
2005.49	Aug. 18, 2005	Code text amendments for clarifying and technical changes within Part 6	Sec. 6-302 Sec. 6-803 Sec. 6-903
2005.50	Aug. 18, 2005	Code text amendments for clarifying and technical changes within Part 7	Sec. 7-103 Sec. 7-113 Sec. 7-119 Sec. 7-120 Sec. 7-124