

ORDINANCE NO. 2020.XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING PART 3 LAND USE: SECTIONS 3-201, 3-202, 3-401 AND 3-420. PART 4 DEVELOPMENT STANDARDS: SECTIONS 4-303, 4-401, 4-502, 4-503, 4-602, 4-605, 4-606, 4-702, 4-706, 4-803 AND 4-903. PART 5 OVERLAY ZONING DISTRICTS: SECTION 5-403. PART 6 APPLICATIONS AND REVIEW PROCEDURES: SECTIONS 6-203, 6-302, 6-306, 6-308 AND 6-502. PART 7 DEFINITIONS: SECTION 7-113 "L" DEFINITIONS.

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

The following sections of the Zoning and Development Code are being amended to provide corrections or clarifications to existing regulations, there are no proposed changes to policy, process or regulations through these amendments.

SECTION 1. That Section 3-102, Table 3-102 of the Zoning and Development Code, pertaining to Permitted Land Uses in Residential districts, is hereby amended to read as follows:

Section 3-102 Permitted Uses in Residential Districts

Table 3-102 identifies land uses according to permit status. See key below the table:

Table 3-102 - Permitted Land Uses (AG, SFR, MF, MH, RMH, TP)				
Uses	Status of Use in District			
	AG	SFR	MF	MH/RMH/TP
...				
Parking Facilities for Commercial Uses (off-street and not enclosed in a building) [SECTION 4-602. D.4]	N	N	U	N
...				

SECTION 2. That Section 3-201 Subsection (B) of the Zoning and Development Code, pertaining to the boundaries of the City Center, is hereby amended to read as follows:

Section 3-201 Purpose and Applicability

- B. **Applicability.** Commercial and *mixed-use* districts fall under the following categories:
- 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;
 - 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 (GENERALLY BOUNDED BY THE TOWN LAKE TO THE NORTH, THE RAILROAD TRACKS TO THE WEST, UNIVERSITY DRIVE TO THE SOUTH AND RURAL ROAD TO THE EAST) 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.

(Ord. No. 2005.47, 8-18-2005)

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

SECTION 3. That Section 3-202, Table 3-202A and Table 3-202B of the Zoning and Development Code, pertaining to Permitted Land Uses of the Commercial and Mixed-use districts is hereby amended to read as follows:

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

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

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
Accessory Use (see Section 7-102, Definitions)	P	P	P	P	P	P
Animal Kennel	N	U	U	U	U	U
<u>ALCOHOL PRODUCTION, ANCILLARY TO A BAR (a)</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Amateur Radio Antennas [Section 3-422]						
35 feet in height or less	S	S	S	S	S	S
Over 35 feet in height	U(S)	U(S)	U(S)	U(S)	U(S)	U(S)
Brewery, ancillary to a bar (a)	N	P	P	P	P	P
....						

Table 3-202B - Permitted Land Uses (MU-1, MU-2, MU-3, MU-4 and MU-Ed)					
Uses	Districts				
	MU-1	MU-2	MU-3	MU-4	MU-Ed
Accessory Use	P	P	P	P	P
<u>ALCOHOL PRODUCTION, ANCILLARY TO A BAR (a)</u>	P	P	P	P	U
Amateur Radio Antennas [Section 3-422]					

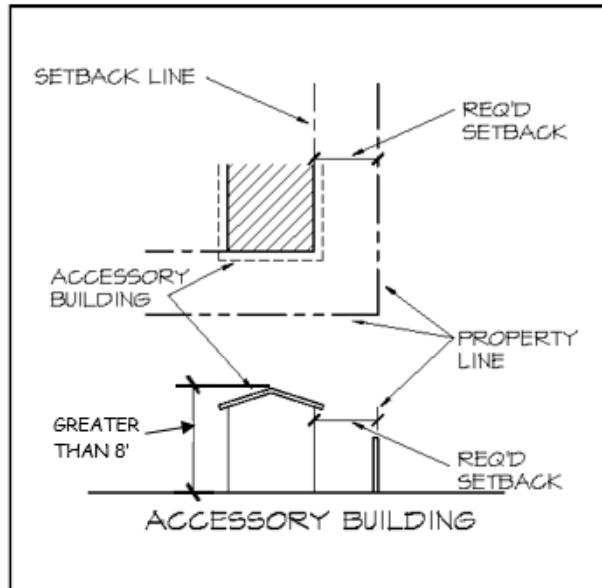
35 feet in height or less	S	S	S	S	S
Over 35 feet in height	U(S)	U(S)	U(S)	U(S)	U(S)
Bed and Breakfast [Section 3-405]	U(S)	U(S)	U(S)	U(S)	U(S)
Brewery, ancillary to a bar (a)	P	P	P	P	U
...					

SECTION 4. That Section 3-401 Subsections (C) and (D) of the Zoning and Development Code, pertaining to accessory buildings allowed in a single-family district or use. This section is hereby amended to read as follows:

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.~~ SQUARE FEET in area or eight (8) feet in height are *accessory buildings* (e.g., freestanding garages, large sheds, workshops, etc.). Such buildings are permitted on properties with a *single-family* residential districts OR A SINGLE-FAMILY USE, subject to the following:
 - 1. Use. *Accessory buildings* used as a dwelling shall comply with the provisions identified for *guest quarters*, pursuant to Section 3-411, and for *accessory dwellings*, pursuant to Section 3-402.
 - 2. Setback.
 - a. *Accessory buildings* shall not be located in the required front *yard* and street side *yard building setbacks*. Such buildings shall be *setback* at least three (3) feet from all side and rear property lines. An additional one (1) foot setback is required for every additional foot in height above nine (9) feet, up to fifteen (15) feet in height. REFER TO TABLE 3-401 C1. This requirement may be reduced to the minimum setback standards required in the district, subject to approval of a Use Permit Standard, pursuant to Section 6-308;
 - b. *Accessory buildings* in the AG district shall comply with the setback standards required in the district;
 - c. When adjacent to a dedicated public alley, the side and rear *yard setbacks* for an *accessory building* shall be measured from the midpoint of the alley; and
 - d. *Accessory buildings* shall comply with required separation for applicable building codes.

**Figure 3-401 C1.
Accessory Building**



3. Height.

- a. The maximum allowed building height shall be fifteen (15) feet. Additional height may be permitted up to the maximum height allowed in the district, subject to approval of a Use Permit Standard, pursuant to Section 6-308; and
- b. In the AG district, *accessory buildings* may be erected to the maximum allowed height in the district.

TABLE 3-401 C1.

Applicable to all Single-Family Residential Zoning districts or use except AG

<u>BUILDING HEIGHT</u>	<u>SETBACK (SIDES / REAR)</u>
<u>0' TO 8'-0"</u>	<u>NO SETBACK REQUIRED</u>
<u>8'1" TO 9'0"</u>	<u>3' MIN. SETBACK</u>
<u>9'1" TO 10'0"</u>	<u>4' MIN. SETBACK</u>
<u>10'1" TO 11'0"</u>	<u>5' MIN. SETBACK</u>
<u>11'1" TO 12'0"</u>	<u>6' MIN. SETBACK</u>
<u>12'1"-13'0"</u>	<u>7' MIN. SETBACK</u>
<u>13'1" TO 14'0"</u>	<u>8' MIN. SETBACK</u>
<u>14'1" TO 15'0"</u>	<u>9' MIN. SETBACK</u>
<u>15'1" TO 30'0"</u>	<u>9' MIN. SETBACK</u>
<u>30'1" + VARIANCE</u>	<u>9' MIN. SETBACK</u>

Figure 3-401 C2.

ACCESSORY BUILDING HEIGHT

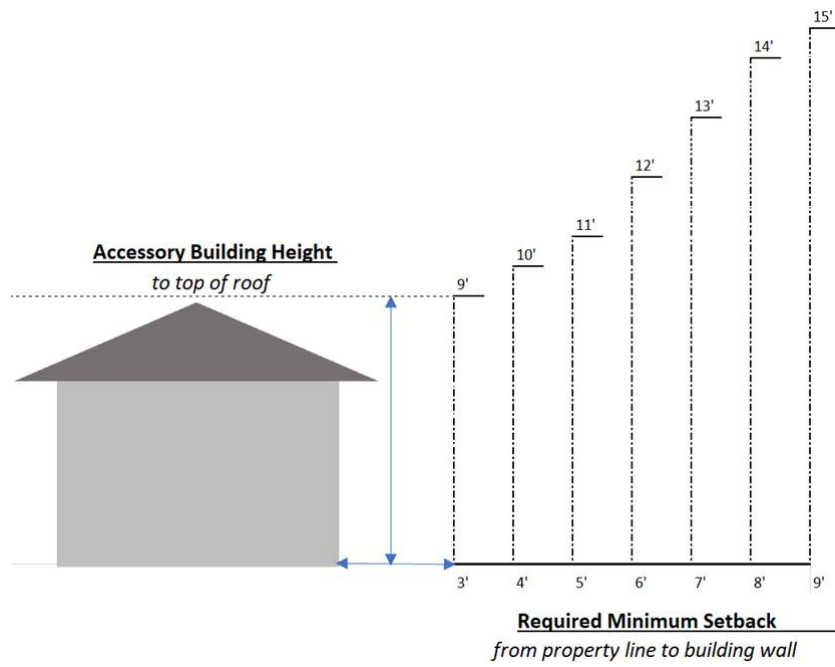
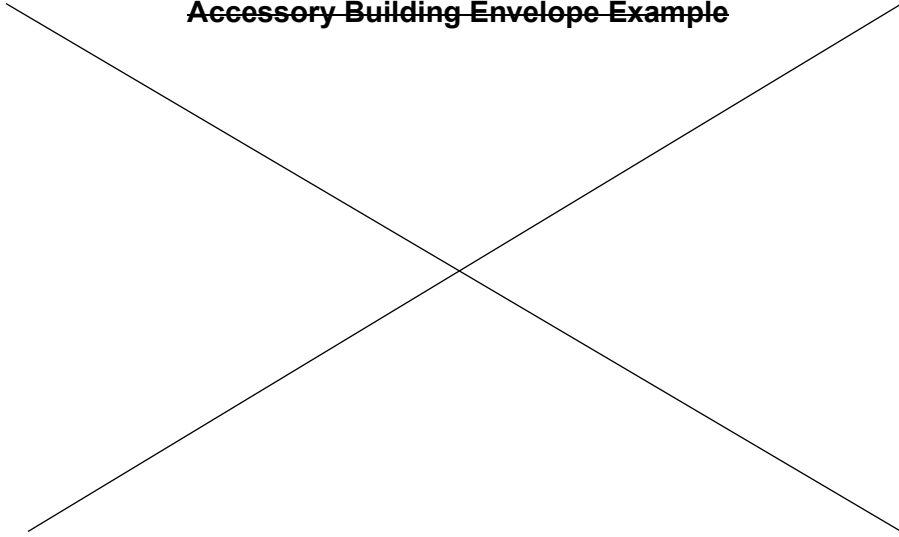


Figure 3-401 C2.

Accessory Building Envelope Example



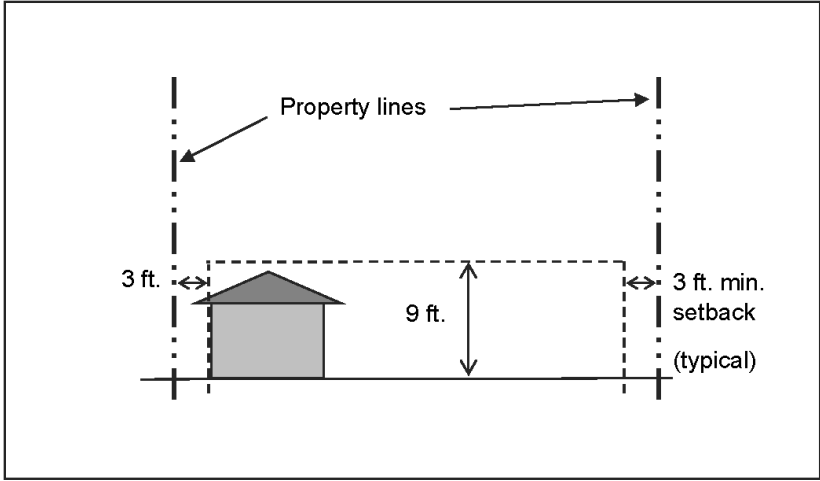
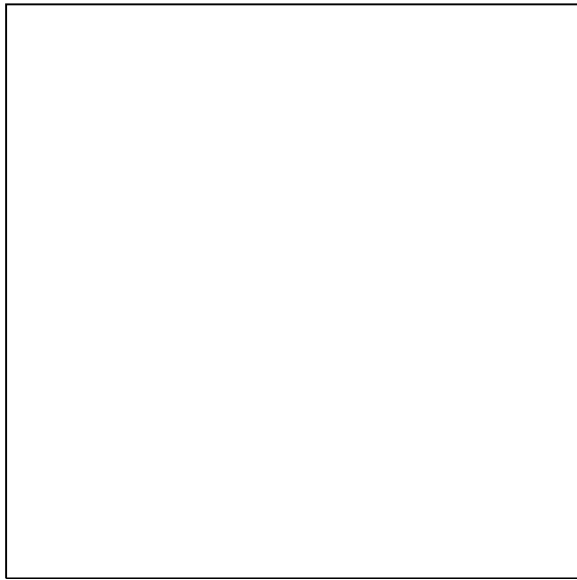
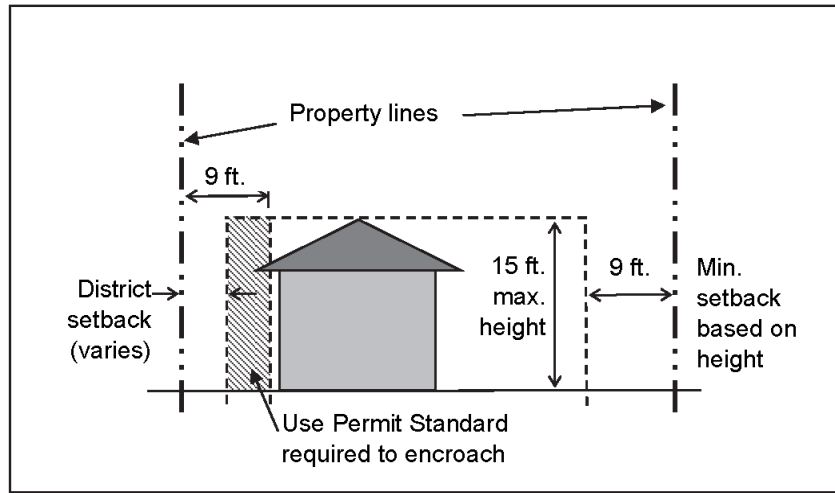
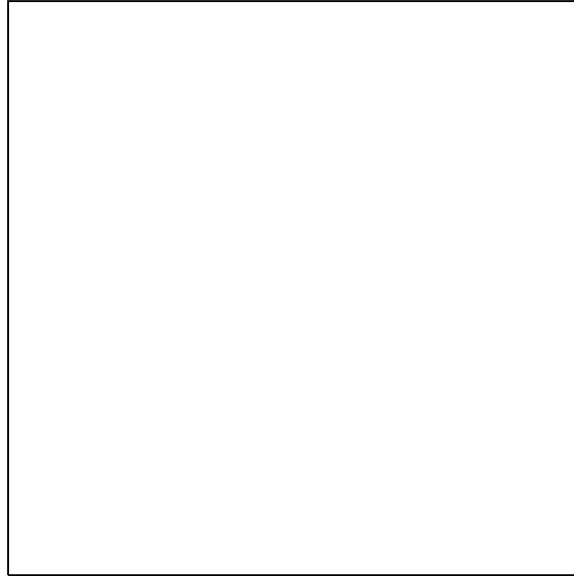


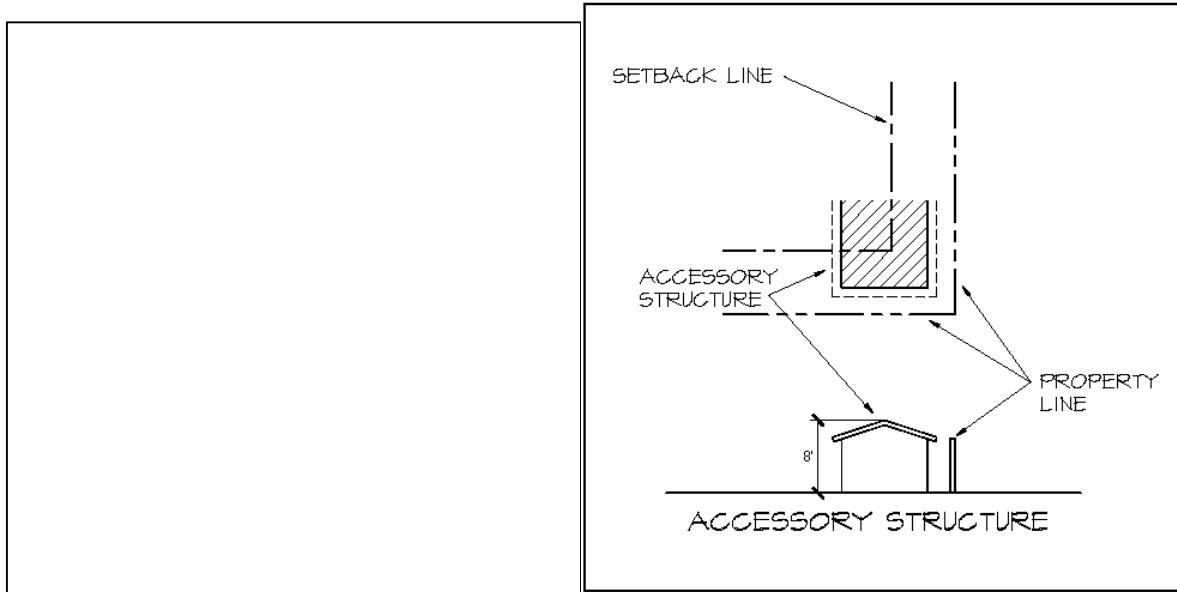
Figure 3-401 C3.
Accessory Building Envelope Example



4. Area. *Lot coverage*, as defined in this Code, for *accessory buildings* shall be included in the overall maximum allowed in the district.

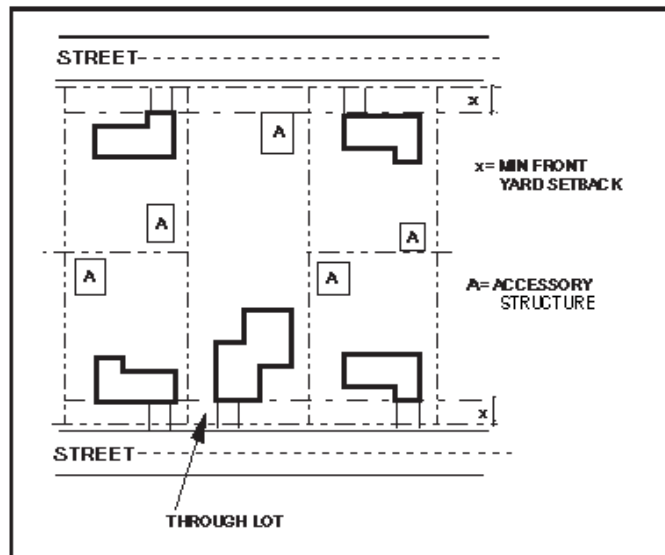
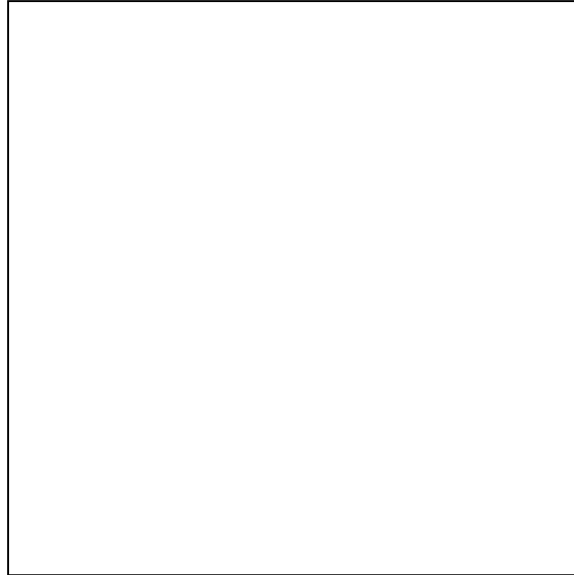
- D. **Accessory Structure.** *Accessory structures* (e.g., ramadas, small sheds) are *structures* that are a maximum of two hundred (200) square feet in area and equal to or less than eight (8) feet in height. A *structure* that exceeds this building area or height shall be considered an *accessory building*. Such *structures* are PERMITTED IN SINGLE-FAMILY RESIDENTIAL DISTRICTS OR A SINGLE-FAMILY USE, subject to the following standards:

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



1. Accessory structures shall not be located in the required front *yard building setback*. An accessory *structure* may be located in the required rear, side, and street side *yard setbacks* provided that required separation for applicable building codes is provided. 2. On a *through lot*, an accessory *structure* shall not be located closer to the rear *property line* than the distance required for the front *yard building setback*; and

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



3. *Lot coverage*, as defined in this Code, for *accessory structures* shall be included in the overall maximum allowed in the district.

(Ord. No. 2005.47, 8-18-2005; Ord. No. 2007.36, 6-28-2007; Ord. No. 2009.15, 10-22-2009; Ord. No. 2016.40, 8-4-2016)

SECTION 5. That Section 3-420 of the Zoning and Development Code, pertaining to use permit requirements for second story additions as applicable to detached accessory buildings, is hereby amended to read as follows:

Section 3-420 Single-Family Residential Second Story Addition or Rebuild.

A use permit is required for any single story, single- family residence or any detached accessory building to add, expand, or rebuild for a second story. This section shall not apply to replacement dwellings where the dwelling occupying a lot was demolished prior to the effective date of this Code.

SECTION 6. That Section 4-202 Subsections (A) and (B) Tables 4-202 (A) and (B) of the Zoning and Development Code, pertaining to front open structures and removal of the word patio wall from setbacks in residential districts, and adding a footnote reference regarding second story additions after Table 4-202 (B) are hereby amended to read as follows:

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	NS	20%

								except 20 ft for garage		
Front - Open Structures (e.g., porch, OR trellis, patio wall)	35 ft	30 ft	25 ft	15 ft	15 ft	15 ft	15 ft	10 ft	NS	20%
Side (f)	20 ft	15 ft	10 ft	7 ft	7 ft	5 ft (d)	5 ft (d)	5 ft (a)(d)	NS	20%
Rear (f)	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%

Table 4-202B - Development Standards in Multi-Family Districts (1)

Standard	R-2	R-3R	R-3	R-4	R-5	Use Permit Standard
Density (DU/acre)	10	15	20	25	30	NA
Minimum Lot Area per Dwelling Unit (square feet)	3,600 sf	2,900 sf	2,180 sf	1,740 sf	1,450 sf	NA
Building Height [Exceptions, see Section 4-205(A)]						
Building Height Maximum (feet)	30 ft	30 ft	30 ft	40 ft	50 ft	10%
Building Height Step-Back Required Adjacent to SF or MF District, [Section 4-404, Building Height Step-Back]	No	No	No	Yes	Yes	NA
Maximum Lot Coverage (% of net site area)	45%	45%	50%	60%	70%	10%
Minimum Landscape Area (% of net site area)	30%	30%	25%	25%	25%	10%
Setbacks (feet) (b): [Setback Exceptions, See Section 4-205(B)]						
Front						
Building	20 ft	20 ft	20 ft	20 ft	20 ft	20%
Open Structures (e.g., porch, <u>OR</u> trellis, patio wall)	15 ft	15 ft	15 ft	15 ft	15 ft	20%
Parking	20 ft	20 ft	20 ft	20 ft	20 ft	20%
Side (d)						
Building Walls	10 ft	10 ft	10 ft	10 ft	10 ft	20%
Porch, <u>OR</u> Balcony, Patio Wall	5 ft (c)	5 ft (c)	5 ft (c)	5 ft (c)	5 ft (c)	20%

Common Walls	0 ft	0 ft	0 ft	0 ft	0 ft	
Rear (d)						
Building Wall; <u>OR</u> Porch, Balcony, or Patio Wall	15 ft	15 ft	15 ft	10 ft	10 ft	20%
Common Walls	0 ft	0 ft	0 ft	0 ft	0 ft	
Street Side (a)	10 ft	10 ft	10 ft	10 ft	10 ft	20%
Parking	20 ft	20 ft	20 ft	20 ft	20 ft	20%

NS = No Standard.

NA = Not Applicable.

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

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

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

(c) *Use Permit* standard does not apply.

(d) If adjacent to a dedicated public *alley*, setback shall be measured from the midpoint of the *alley*.

(E) SEE ALSO SECTION 3-420, Single-Family Residential Second Story Addition or Rebuild.

SECTION 7. That Section 4-203 Subsection (A) Table 4-203 (A) of the Zoning and Development Code, pertaining to the common wall setback for the R/O Zoning District, is hereby amended to read as follows:

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

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

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

Setbacks (a) [Exceptions, see Section 4-205(B)]							
Front	15 ft	0 ft	0 ft	0 ft	0 ft	25 ft	10%
Parking	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	10%
Side							
Building Wall	10 ft	0 ft	0 ft	30 ft	30 ft	25 ft	10%
Common Wall	40 ft	0 ft	0 ft	0 ft	0 ft	25 0 ft	NA
Rear - Building Wall	10 ft	10 ft	0 ft	30 ft	30 ft	25 ft	10%
Street Side	10 ft	0 ft	0 ft	0 ft	0 ft	25 ft	10%
Parking	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	10%

SECTION 8. That Section 4-303 Subsection (H) of the Zoning and Development Code, pertaining to the setback for the R/O Zoning District common wall and Section 4-303 Subsections (L) and (M) are hereby amended to read as follows:

- H. **Street Lights.** *Street* lights shall be installed concurrent with other city infrastructure requirements prior to occupancy, and conform to the City of Tempe Public Works Standard Details and the Engineering Design Criteria Manual contained in the Comprehensive Transportation Plan. *Street* lights in areas with *overlay districts* or redevelopment plans shall conform to any applicable guidelines (e.g., pedestrian lighting). ~~Street light standards for private streets shall be determined through the Development Plan Review.~~
- I. **Street Stubs.** *Streets* shall be extended to the boundary lines of the parcel or tract to be *developed* when the decision-making body determines that the extension is necessary to give *street* access to future *development* on an adjoining parcel. These *street* stubs are not considered to be cul-de-sacs. The city may require the developer to provide a temporary barricade, and/or turnaround for *street* stubs over one hundred fifty (150) feet in length.
- J. **Grades and Curves.** *Street grades* and curves shall conform to the City of Tempe Public Works Standard Details.
- K. **ADA Accessibility.** Standards for the design of curbs, curb cuts, driveway approaches, ramps, gutters, sidewalks, and paving shall provide ADA *accessibility* and conform to the City of Tempe Public Works Standard Details, Engineering Design Criteria Manual and Transportation Design Guidelines.
- L. **Private Streets.** Plat approval is required to ~~develop~~ DEVELOP *private streets*. Access control gates shall conform to police, transportation, fire, and refuse access standards and provide emergency access override switches acceptable to the Fire Marshal. *Private streets* are required to meet the same construction standards as *public streets*, and lighting levels shall conform to city standards. The developer must provide a warranty on private roads deliverable to the City of Tempe Engineering Division.
- M. **Street Names.** No *street* name shall be used which duplicates or could be confused with an existing *street* name in the City of Tempe or adjacent city. *Street* names, ~~signs~~, SIGNS,

and address numbers shall conform to the established pattern in the surrounding area, and be subject to review and approval by the City of Tempe Engineering Division.

SECTION 9. That Section 4-401 Subsections (A) and (B) of the Zoning and Development Code, pertaining to a Purpose and Applicability of the Building Design Section, is hereby amended to read as follows:

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).~~ THIS CHAPTER PROVIDES STANDARDS TO ENSURE THAT BUILDINGS ARE DESIGNED TO BE AESTHETICALLY PLEASING, WITH COMPATIBLE RELATIONSHIPS TO THEIR SURROUNDINGS, AND INCLUDE BUILDING ADDRESS IDENTIFICATION AND PUBLIC SAFETY FEATURES. ~~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.~~

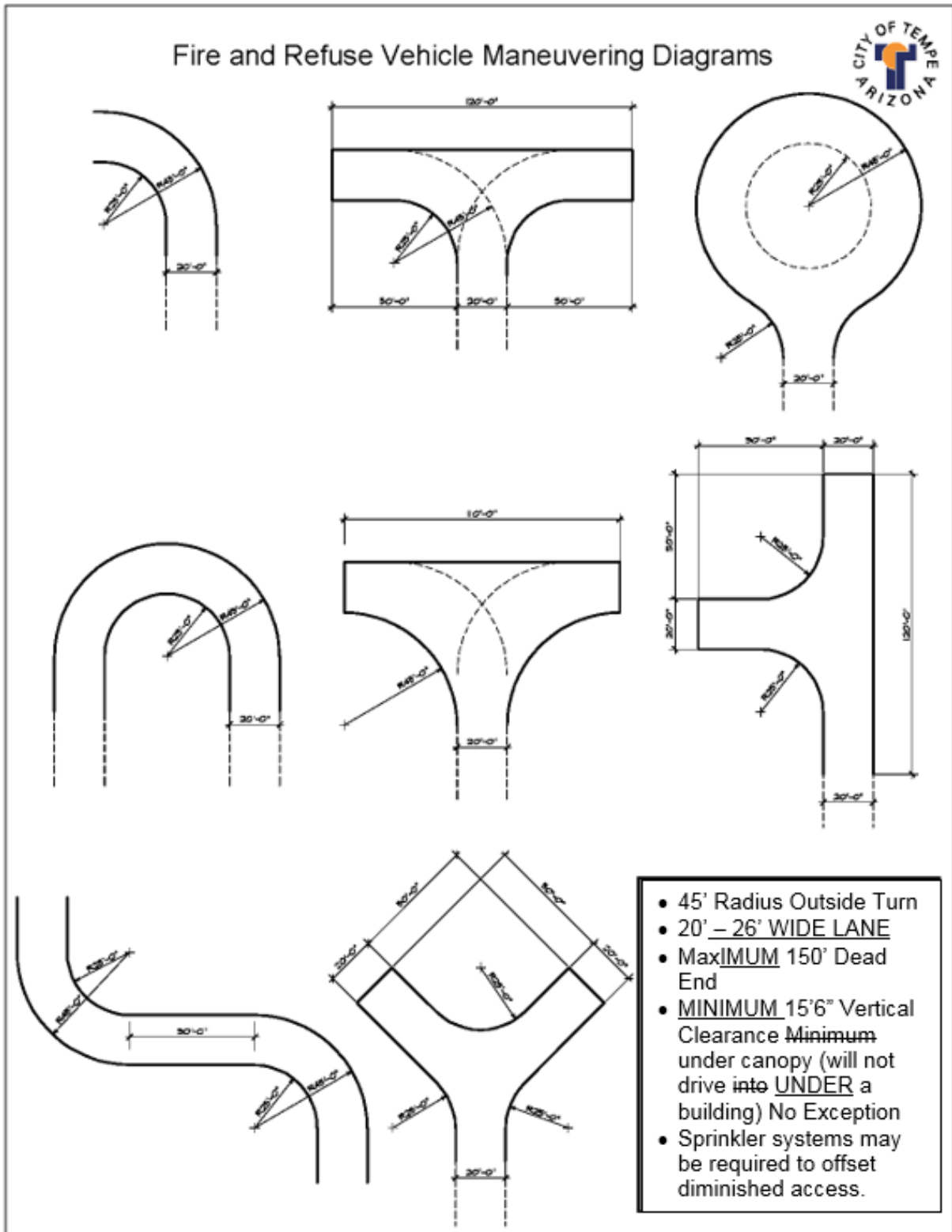
B. **Applicability.** The standards in Chapter 4 apply to all *buildings*, except single-family (detached) *dwellings*. MU-Ed District and unmanned utility *buildings*. Standards for building design in the MU-Ed District shall be established through the Joint Review Committee.

SECTION 10. That Section 4-502 of the Zoning and Development Code, pertaining to Motor Vehicle Access and Circulation Standards, with corrections to Figure 4-502 (G), is hereby amended to read as follows:

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.

Figure 4-502 G. Fire and Refuse Vehicle Maneuvering Diagrams



(Ord. No. 2006.82, 1-4 2007; Ord. No 2010.17, 7-1-2010)

SECTION 11. That Section 4-503 Subsection (C) of the Zoning and Development Code, pertaining to Pedestrian and Bicycle Accessibility and Pathway Safety, are hereby amended to read as follows:

Section 4-503 Pedestrian and Bicycle Access and Circulation Standards.

- 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 (1) pedestrian pathway shall connect the public sidewalk to a primary entrance, and at least one (1) 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 (1) *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.

(Ord. No. 2005.48, 8-18-2005)

SECTION 12. That Section 4-602 Subsections (B), (C) and (D) of the Zoning and Development Code, pertaining to requirements for bumper curbs, a clarification of tandem parking use, and clarification of paved area uses are hereby amended to read as follows:

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 improved paved surfaces. Pavement may be concrete, asphalt, brick or concrete pavers, or alternatively a stabilized, dust-proof, porous material (e.g. decomposed granite) approved by the Community Development Director, or designee. Where decomposed granite or similar porous pavement is used, it shall conform with the Americans with Disabilities Act Design Guidelines;
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 Community Development 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~~ PARKING 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* and unmounted truck campers, exceeding twenty-one (21) feet in length and all boats and *trailers* shall not be parked in the required front *yard building setback* or required *street side yard setback*, 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~~ EXCEPT 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* SPACES USED IN THE REQUIRED OFF-STREET PARKING CALCULATION may be allowed, subject to an approved *use permit*.
 2. Paved areas that are in a fire lane, driveway, OR 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*, STORAGE or outdoor display at any time. *Parking* stalls that would *block* a *building* entrance are prohibited;
 3. *Parking structure* designs shall minimize risk and opportunity for crime through clearly marked and *accessible* pedestrian routes, way-finding, lighting, and opportunities for surveillance; and
 4. *Parking lots* for adjacent commercial uses are permitted in any multi-family district subject to a *use permit*.

(Ord. No. 2005.48, 8-18-2005; Ord. No. 2010.17, 7-1-2010; Ord. No. 2014.59, 10-2-2014)

SECTION 13. That Section 4-605 of the Zoning and Development Code, pertaining to the process used to record off-site parking affidavits is hereby amended to read as follows:

Section 4-605 OFF-SITE Parking Affidavit.

When *shared parking* is permitted BETWEEN DIFFERENT LOTS, the owner of the site on which the *shared parking* is located shall file a *parking affidavit* with the Community Development Department. IF THE LOTS SHARE RECIPROCAL PARKING PRIVELGES TO RESOLVE PARKING REQUIREMENTS ON EACH RESPECTIVE LOT, THEN A PARKING AFFIDAVIT SHALL BE FILED FOR BOTH LOTS. The *parking affidavit* shall transfer the rights to the unqualified availability of a specific number of *parking* spaces from one (1) 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. AFTER CITY APPROVAL OF THE AFFIDAVIT(S), THE CITY SHALL RECORD THE AFFIDAVIT WITH MARICOPA COUNTY RECORDER'S OFFICE. PROPOSED AMENDMENTS TO, OR TERMINATION OF, A RECORDED PARKING AFFIDAVIT REQUIRES APPLICATION TO THE CITY OF TEMPE FOR REVIEW OF CONFORMANCE TO THE SITE CONDITIONS AND CODE REQUIREMENTS AT THE TIME OF THE APPLICATION AS DETERMINED BY THE COMMUNITY DEVELOPMENT DIRECTOR, OR DESIGNEE PRIOR TO ANY AMENDMENT OR TERMINATION OF THE PARKING AFFIDAVIT.

SECTION 14. That Section 4-606 of the Zoning and Development Code, pertaining to the dimensions and location of bicycle parking spaces to conform to Tempe Standard Detail T-578 is hereby amended to read as follows:

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~~ FIFTEEN (15) INCH ~~two (2) feet~~ by six (6) feet minimum concrete pad ~~or patio~~ per bike, or within a garage ~~or patio~~ for residential use.

SECTION 15. That Section 4-702 (B) of the Zoning and Development Code, pertaining to plants identified as low water use plants is hereby amended to read as follows:

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 Director.

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 OR PLANTS IDENTIFIED AS XERIC BY LANDSCAPE ARCHITECTS REGISTERED IN THE STATE OF ARIZONA. 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 Community Development Department has approved a *landscape plan* and an *irrigation plan*. A certificate of occupancy shall not be issued until the Community Development Department has approved the installation of the *irrigation system* and *landscape* treatments, except as provided in Section 4-102(D).

(Ord. No. 2005.48, 8-18-2005)

SECTION 16. That Section 4-706 Subsections A and E of the Zoning and Development Code, pertaining to the allowed fence or wall height to conform to building code requirements, and clarification of parking screening requirements and deletion of Subsection (J) are hereby amended to read as follows:

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;
2. Walls or fences in a required front *yard building setback*, including walls for *single-family dwellings*, shall be four (4) feet maximum in height. An increase in the maximum four (4) foot height may be permitted subject to a use permit. With a use permit, the maximum height may be up to six (6) feet, except that an additional two (2) feet of height may be permitted for architectural features including but not limited to archways, pergolas, and other similar features. For all heights above four (4) feet, the use permit shall demonstrate that a natural surveillance to the street will be maintained by incorporating openings, providing transparent materials, or varying height/materials;
3. 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;
4. The Clear Vision Requirements, Section 4-702(G), shall apply to fences and walls; and

5. All fences and walls shall be subject to city review and approval through *development plan* review, or by approval of the Community Development Director, or designee. Any FENCE OR wall HEIGHT in excess of ~~six (6)~~ SEVEN (7) feet OR AS DETERMINED BY BUILDING CODE, shall require a building permit, ~~as required by Building Code.~~

.....

- 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 Community Development Director 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.
- 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.
- ~~J. **Vacant Lots.** Landscaping is required for vacant lots in areas designated in the city's current General Plan as having a projected density of 26+ dwelling units per acre. The landscaping shall consist of trees along the street frontage spaced at a minimum of one (1) tree for every thirty (30) feet of lineal frontage and shrubs at the rate of X per X square foot of area.~~

SECTION 19. That Section 4-803 (B), (C) and (D) (D) which replaces text with a chart to clarify light level requirements, are hereby amended as follows:

Section 4-803 Lighting Standards.

Prior to issuance of a building, electrical or *sign* permit, the Community Development Director, or designee, shall determine that the submitted plans and details for said permit are in conformance with the following standards. The stamping of the plans and the signature of the Community Development Director, or designated representative, and the date of the signature shall indicate that the plans are in conformance. Should the applicant desire to substitute outdoor light fixtures or lamps to be installed on private property after a permit has been issued, the applicant shall submit all changes to the Community Development Director or designated representative for approval, with adequate information to assure compliance with this chapter.

- A. **Illumination in General.** Exterior lighting shall provide for appropriate and desirable nighttime illumination for all uses on and related to the site, including, but not limited to, pedestrian pathways, plazas, *courtyards*, *building* entrances, *parking* and driveway areas, automatic teller machines (ATMs), and other outdoor spaces commonly used at night. Lighting of exterior areas shall reduce conflicts between *building* design and *landscape* treatments, provide appropriate surveillance for crime prevention, and minimize glare or intrusive light onto adjoining properties and into the night sky.
- B. **Illumination Levels.** The maximum illumination level for *on-site lighting* is forty (40) foot-candles as measured at ~~grade~~, SURFACE based on light loss factor of sixty-eight percent (0.68) for metal halide lighting and seventy-two percent (0.72) for high pressure sodium lighting. Refer to Section 4-805 Exemptions.
- C. **Mounting and Operation of Light Fixtures.** The mounting and operation of light fixtures shall be governed by the following:
 1. *Building* mounted light fixtures shall be attached only to walls and the top of the fixture shall not be higher than necessary to illuminate the area required;
 2. In any residential zoning district or within fifty (50) feet of any residential zoning district, freestanding light fixtures shall not exceed eighteen (18) feet in height. Within the next fifty (50) to one hundred fifty (150) feet of any residential zoning district, freestanding light fixtures shall not exceed twenty-five (25) feet in height. In all other locations, freestanding light fixtures shall not exceed thirty (30) feet tall;
 3. To comply with 1 and 2, above, height shall be measured from the top of a light fixture to the adjacent ~~grade~~ SURFACE at the base of the support for that light fixture;
 4. Controls for lights for rest rooms identified for general *public use* shall be of the style that cannot be turned off or on by users other than employees of the business;
 5. Light fixture design:
 - a. All luminaries used for security shall be vandal resistant that resist tampering, incorporate vandal resistant refractors (lens) and be provided with a gasket or seal that is designed to resist rain, dust and insect contamination;

- b. Outdoor light fixtures, which are *full cutoff* to direct all light below a horizontal plane through the bottom of the fixture and have no lens which drops below the fixture may use any illumination source, up to a maximum of forty (40) foot-candles, as provided in Section 4-803(B);
- c. Outdoor light fixtures, which have a lens or diffuser which is visible above the horizontal plane and constructed of white/opal glass, are considered non-cutoff and filtered and shall be limited to the light output ~~equal to a one hundred (100) watt incandescent bulb~~ no greater than one thousand seven hundred (1,700) lumens;
- d. Outdoor light fixtures, which have a lens or diffuser which is visible above the horizontal plane and constructed of clear or prismatic glass, are considered non-cutoff and non-filtered and shall be limited to the light output ~~equal to a fifty (50) watt incandescent bulb~~ no greater than six hundred (600) lumens;

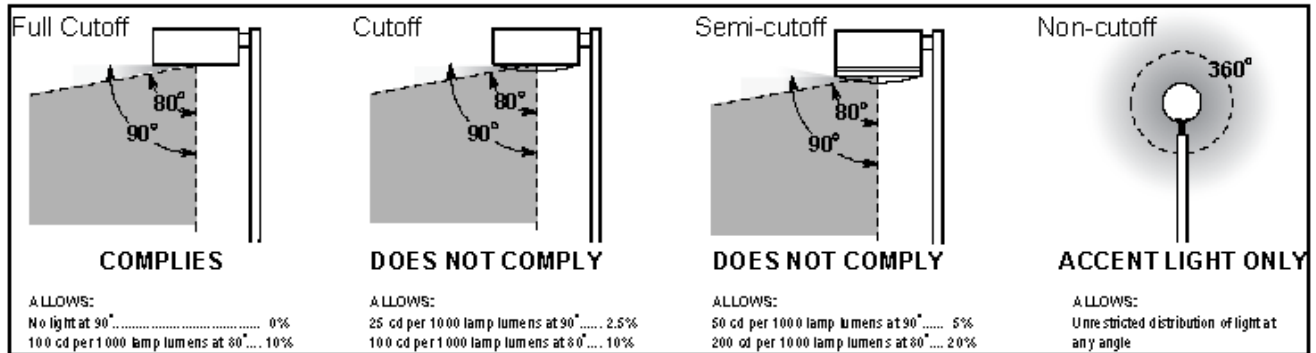


Figure 4-803C. Types of Light Fixtures

- 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;~~
~~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;~~
6. ~~Retention areas shall be illuminated from dusk to dawn, with one-half (0.5) foot-candle of light at finish grade;~~
7. ~~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;~~
8. ~~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;~~
9. ~~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~~

Table 4-803 D. Specific Areas to be Illuminated

LOCATION	DURATION	ILLUMINATION LEVEL *	ADDITIONAL REQUIREMENTS
BREEZEWAY LIGHTING	DUSK TO DAWN	4 FC	TRANSITIONAL LIGHTING IS REQUIRED AT ALL ENTRY AREAS
BUILDING: ENTRANCES AND EXITS	DUSK TO DAWN	5 FC	2 FC WITHIN 15' OF THE CENTERPOINT OF THE ENTRANCE
CANOPIES: CARPORT PARKING STRUCTURES, RAMADAS, PAVILLIONS, SHADE CANOPIES	DUSK TO DAWN	3 FC	INCLUDING ADJACENT LANDSCAPE AREA AT FINISHED SURFACE.
CLUSTER OR GANG MAILBOXES	DUSK TO DAWN	5 FC	WITHIN A 15' RADIUS OF THE MAILBOXES
GATES: PEDESTRIAN, VEHICULAR	DUSK TO DAWN	5 FC	2 FC WITHIN 15' OF THE CENTERPOINT OF THE GATE
LOADING AREAS AND DOCKS	DUSK TO DAWN	4 FC	
PARKING LOT DRIVE AISLES	DUSK TO DAWN	1 FC	
PARKING SPACES FOR VEHICLES AND BICYCLES	DUSK TO DAWN	2 FC	
PARKING STRUCTURE ENTRANCES/TRANSITION AREAS	24 HRS	5 FC	
PARKING STRUCTURES AND GARAGES	DUSK TO DAWN	4 FC	
PARKING STRUCTURES AND GARAGES	DAWN TO DUSK	10 FC	
PARKING STRUCTURES AND GARAGES THAT ARE SUB-LEVEL	24 HRS	4 FC	TRANSITIONAL LIGHTING IS REQUIRED AT ALL ENTRY AREAS
PEDESTRIAN PATHS AND ADJACENT <i>LANDSCAPE</i> AREAS WITHIN 20' OF PATH	DUSK TO DAWN	.5 FC	
REFUSE ENCLOSURE AREA	DUSK TO DAWN	2 FC	5 FC AT GATE TO ENCLOSURE
RETENTION AREAS	DUSK TO DAWN	.5 FC	
STAIRWELLS, LANDINGS AND UNDER AREAS OF LOWER LANDINGS		5 FC	SHALL BE CONTINUOUSLY ILLUMINATED TO THIS LEVEL

* ILLUMINATION LEVEL IS MEASURED AT FINISHED SURFACE.

41. 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.

(Ord. No. 2005.48, 8-18-2005)

SECTION 20 That Section 4-903 pertaining to permitted sign type clarification, is hereby amended as follows:

Section 4-903 Permitted Signs.

Table 4-903B Permitted Sign Types					
Type	P/T	Location/Use	Size Specifications	Additional Requirements	Permit
Address	P	Any address; development, properties or sites with perimeter walls shall have the address number visible on the outside of the wall. Addresses shall be visible from public access.	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%). Shall be self-illuminated or located eighteen (18) to thirty-six (36) inches below a light fixture. One (1) and two (2) family dwellings shall provide four (4) inch address numbers on the front elevation and on the rear elevations when abutting an alley. All numbers and letters shall be illuminated from dusk to dawn, except for one (1) or two (2) family dwellings, rear addresses, alley gates, curbside mailboxes, or a commercial/industrial rear door suite.	The height, quantity, size, location, color and material of address letters and numbers on buildings, signs and directories shall be as required by the Community Development Director, designee, or through a Development Plan Review.	No
Directory	P	Any sign with a directory on properties occupied by three (3) or more buildings, which is not a sign type C.	Shall not exceed six (6) feet in height or twenty-four (24) square feet in area.	Shall have an internally illuminated directory showing street address, viewer location and unit designations within the complex. Directories shall be sufficient in number and located to ensure law	Yes

				enforcement/ emergency personnel can easily locate an address or unit.	
A	P	Any sign attached to or part of a secondary covering or overhang.	Size shall not exceed fifty percent (50%) of the secondary covering or overhang face. Total square footage shall be calculated against total allowed sign area.	Only allowed on the ground floor or second floor of a building, illumination requires a Development Plan Review.	Yes (a)
B	P	Any sign mounted on a building that is not a sign type A.	Shall not exceed eighty percent (80%) of their horizontal/vertical backgrounds <u>WITHOUT APPROVAL THROUGH DEVELOPMENT PLAN REVIEW</u> ; shall not exceed building height; in a multi-family district it shall not exceed six (6) square feet or a height of ten (10) feet; for one (1) and two (2) family dwellings it shall not exceed one (1) square foot and does not need a permit; any non multi-family or single family district type B signs shall not exceed a total area for any 1 (one) building equal to forty (40) square feet plus one (1) square foot of sign area for every lineal foot of business frontage beyond forty (40) lineal feet.	Within three-hundred (300) feet of a freeway, on a property with no residential use, square footage is based on a two to one (2:1) ratio, two (2) square feet per one (1) lineal foot of the building <u>BUSINESS FRONTAGE</u> .	Yes (a)
C	P	Any freestanding sign within five (5) feet of a business's drive- through.	Sign face shall not exceed forty-five (45) square feet in area and shall not exceed eight (8) feet in height. Only one (1) sign face per	May be illuminated, may transmit sound as part of a business transaction according to City Code 20-11; only two (2) sign type	Yes

			sign allowed. Height and area include accessory clip-ons.	C's per site allowed; signs shall not be placed in a clear vision triangle and shall not conflict with ADA.	
D	P	Any freestanding sign that is in a complex/center, lot, or on the property of a single use building that is not a sign type C or E.	Single use buildings, complexes or centers with up to four (4) tenants are permitted a twenty-four (24) square foot sign with four (4) <u>TENANT</u> panels. If there are more than four (4) tenants on the parcel, the complex or center is permitted a forty (40) square-foot sign with six (6) <u>TENANT</u> panels. A sign type D on a parcel less than five (5) acres shall not exceed eight (8) feet in height. A sign type D on a parcel greater than five (5) acres shall not exceed any of the following: ten (10) feet in height; forty (40) square feet in area; six (6) panels.	Shall have a monument-type base of masonry or other architectural grade material approved through a Development Plan Review. Single use buildings and all complexes and centers on a single lot are allowed one (1) freestanding sign type D or F per street frontage, or one (1) freestanding sign type D or F for every three-hundred (300) feet of lineal street frontage, whichever is greater. There must be an address, at least six (6) inches in height, on the sign base. <u>Replacement of a tenant panel within a multi-tenant sign does not require a sign permit. The tenant panel must follow the specifications of the original permit.</u>	Yes
E	P	Any permanent freestanding sign that is not a sign type C that is on a property with lineal frontage adjacent to the freeway and not within five-hundred (500) feet of a single-family use property measured from the property's edge. Must	A sign type E requires authorization of a Development Agreement, that may be entered into at the discretion of City Council, in which the size and structural design specifications will be determined.	In addition to any other conditions imposed by the City Council, each development agreement shall describe criteria which includes but is not limited to the allowable sign height and size of the sign to be installed; and shall also provide	Yes (b)

		be within three-hundred (300) feet of freeway right-of-way.		for the removal of a single, legal non-conforming Sign Type D within the City of Tempe; containing no less than six hundred (600) square feet of display area for the purpose of installing one Sign Type E.	
F	P	Any sign on a property with a primary use of theatre, museum, service station or place of worship, with no residential use, and has a permit approved structural design that allows for changeable copy.	A sign type F in a single lot or center less than five (5) acres in net site area shall not exceed a height of eight (8) feet and shall not exceed twenty-four (24) square feet in area. A sign type F in a single lot or center greater than five (5) acres in net site area shall not exceed a height of ten (10) feet and shall not exceed forty (40) square feet in area.	Shall have a monument type base of masonry or other architectural grade material approved through Development Plan Review; one (1) type D or F sign for every three-hundred (300) feet of lineal street frontage allowed. Only sign type F per street frontage allowed.	Yes
G	P	Any freestanding sign within a single-family district that is adjacent to a subdivision vehicular entrance defined by a permit.	Shall not exceed eight (8) feet in height and shall not exceed twenty-four (24) square feet in area.	Permit applications shall only be accepted in coordination with appropriate subdivision representatives; may be wall mounted or freestanding; signs may be displayed on either side of a street providing direct access to the subdivision and serving as a major entry; may be illuminated.	Yes
H	P	Any flag.	Flag Poles shall not exceed thirty-five (35) feet in height.	Any individual property shall not exceed three (3) flag poles.	No
I	P	Any sign attached to a canopy or operable fuel dispensing pump,	A sign type I shall not exceed six (6) square feet when attached to a	A property with a service station use shall not exceed two	Yes

		located on a property with a service station use.	canopy or three (3) square feet in area when attached to a fuel dispensing pump.	(2) canopy attached sign type I's. A sign attached to a fuel dispensing pump does not require a permit.	
J	T	Any sign <u>ATTACHED TO A TEMPORARY CONSTRUCTION FENCE</u> located on a site that has been issued a building permit for construction is immediately deemed a sign type J, and overrules any other sign type classification.	A sign type J must be attached to a temporary construction fence; Shall not exceed eight (8) feet in height.	Allowed only during time of building permit issuance until final certificate of occupancy, shall require a permit to occupy or encroach on public property/easements, and shall remain neat/orderly.	Yes
K	T	Any banner, pennant, wind-driven spinners, streamers, balloons, or inflatable signs are immediately deemed a sign type K and overrules any other applicable sign type, except for sign type J.	Requires a permit, specific permits distinguish different size specifications per location/district.	All new businesses are allowed one (1) sign type K one (1) time only for a thirty (30) day period, all other businesses are allowed twenty-one (21) cumulative days per six (6) month period in a calendar year.	Yes
L	T	Any sign located on an undeveloped property prior to the issuance of a building permit.	Shall not exceed eight (8) feet in height and shall not exceed thirty-two (32) square feet in area.	Only one (1) sign per street frontage allowed. May be maintained for twelve (12) months and must be removed upon receipt of certificate of occupancy.	Yes
M	T	Any sign in or on a window within commercial, industrial or mixed-use districts are classified as a sign type M.	Shall be limited to twenty-five percent (25%) of the window's total area.	Glass doors are considered windows, requirements may be modified by Community Development for security or crime prevention reasons, shall not be placed above the ground floor of the building without Development Plan	No

				approval.	
N	T	Any sign in the right-of-way.	Must comply with state law requirements.	No signs are allowed in right-of-way, except as authorized by state law, including seventy-five (75) days prior to an election and fifteen (15) days after.	No
O	T	Any portable sign that is located within a single-family residential district, except for a sign type N or R.	Signage on property shall not exceed a total of sixteen (16) square feet in area and any individual sign shall not exceed four (4) feet in height. Along a non-arterial street, any individual sign shall not exceed four (4) square feet in area.	Only allowed on property with owner's permission, shall conform to the street requirements 4-702.G.1, A-Frames are not permitted.	No
P	T	Any portable sign within a multi-family residential district, except for a sign type N or R.	Shall not exceed eight (8) feet in height and area shall not exceed six (6) square feet, A-frames shall not exceed four (4) feet in height.	A property with one_(1) to five (5) units is allowed one (1) sign; six (6) or more units is allowed three (3) signs; shall not create a traffic hazard; shall not be placed in a traffic median, public sidewalk, bicycle path, City property, or City right-of-way between the sidewalk and curb; A-frames shall not be left out overnight.	No
Q	T	Any portable sign within three (3) feet of a building or outdoor approved patio on commercial/industrial or mixed-use property, except for a sign type N or R.	Shall not exceed five (5) feet in height or eight (8) square feet in area. A-frames shall not exceed four (4) feet in height.	Only one (1) sign type Q per tenant suite frontage; must allow for the minimum clearance width required by code for pedestrian pathway and as required by ADA. A-frames and upright signs are only allowed between 6 a.m. and 9 p.m.	No

R	T	Any portable sign on a property with a vacancy at the following: home, business, parcel or undeveloped land, that is not a sign type L.	Shall not exceed eight (8) feet in height or six (6) square feet in area.	Only one (1) sign per street frontage, per lot.	No
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General Notes:

- * The P/T column indicates whether a sign is a permanent sign or a temporary sign.
- * The permit column indicates whether a sign requires a permit.
- * Signs are only allowed in their specified districts. Any sign type that is not permitted in a district as set forth in this table is prohibited.
- * Any sign that does not specifically fit into a sign type category Address, Directory, or A-R is not allowed within the City of Tempe.
- * Temporary signs and signs on residential use properties cannot be illuminated either internally or externally at any time.

(a) The allotted maximum sign square footage for a single business is forty (40) square feet plus a one-to-one (1:1) ratio (lineal footage: square footage) and is calculated only by the sum of all permitted sign types A and B.

(b) A structural permit is required.

(Ord. No. 2006.82, 1-4-2007; Ord. No. 2012.43, 9-6-2012; Ord. No. 2005.48, 8-18-2005; Ord. No. 2005.54, 9-29-2005; Ord. No. 2007.74, 12-13-2007; Ord. No. 2009.15, 10-22-2009; Ord. No. 2010.05, 4-22-2010; Ord. No. 2010.17, 7-1-2010; Ord. No. 2011.21, 7-7-2011; Ord. No. 2013.39, 8-22-2013; Ord. No. O2016.64, 1-12-2017)

SECTION 21 That Section 5-301 of the Zoning and Development Code pertaining to the Purpose and Applicability of the General Industrial Overlay District, is hereby amended as follows:

Section 5-301 Purpose AND APPLICABILITY.

- 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 (EXCLUDING AG, AGRICULTURAL

AND R1-PAD), or WHEN is separated from APPLICABLE single-family RESIDENTIAL district only by an *alley*, tract, canal or easement (~~excluding AG, Agricultural and R1-PAD~~).

SECTION 22 That Section 5-403 of the Zoning and Development Code pertaining to the General Regulations of the Planned Area Development Overlay referencing tables for parking standards, is hereby amended as follows:

Section 5-403 General Regulations.

- A. **Land Use.** All uses shall comply with underlying zoning district.
- B. **Density.** The PAD Overlay District shall not modify densities allowed by the underlying zoning district.
- C. **Development Standards.** The PAD Overlay District may establish alternate *development* standards (except *density*) for those standards found in Tables 4-202A, 4-202B, 4-202C, 4-203A, 4-203B, 4-204, Section 4-205, and parking standards found in Table S 4-603E AND 4-607A. PAD Overlays in the mixed-use zoning districts that identify a development standard as "NS" (No Standard) found in Table 4-203B, shall establish such standard. Standards developed through the PAD Overlay District process shall be appropriate to the location and context for the site for which the project is proposed. Standards created through the PAD Overlay should also assist in the fulfillment of the goals, objectives and policies in the General Plan. Approval of the standards is based on the site plan provided as part of the PAD.
- D. **Modifications to PAD Overlay Standards.** Once development standards are established through the PAD Overlay, they may be amended only through the PAD Overlay modification process set forth in Section 6-312.

(Ord. No. 2006.82, 1-4-2007; Ord. No. 2014.72, 12-4-2014)

SECTION 23 That Section 6-203 Subsection (B) 3 pertaining to applications amending the notification distance for consistency with public hearing notice requirements, is hereby amended as follows:

Section 6-203 Application Acceptance.

- A. **Review for Completeness.** The Community Development Director, or designee, shall review the application for completeness, in conformance with this section. The city will not schedule a meeting or hearing date or begin administrative review until the application is complete. If the applicant fails to submit the missing information within sixty (60) calendar days of the first submittal, the Community Development Director, or designee, may notify the applicant that the application cannot be accepted and a new application will be required for the proposed project. Such a decision by the Community Development Director, or designee, requiring a re-application shall be subject to administrative appeal and shall not be construed as denial of the application.

- B. **Complete Application.** A complete application is one which fulfills the following general requirements, more specifically described on official application forms available from the Community Development Department:
1. A completed original application form that is signed by the property owner or authorized representative agent, or the Community Development Director, or designee, for applications initiated by the City Council. In lieu of signature by property owner, a letter of authorization shall substitute;
 2. Application fee, payable to the City of Tempe in accordance with the fee schedule in effect at the time of application pursuant to Appendix H;
 3. An application requiring a public hearing pursuant to Section 6-206 shall provide the current Maricopa County tax map(s) showing the subject property(ies) and all properties within ~~three hundred (300)~~ SIX-HUNDRED (600) feet of the subject property(ies), and a list of the names and addresses of the owners of record within that ~~three hundred (300)~~ SIX-HUNDRED (600) foot area, in the form and manner as required by the Community Development Director, or designee. For applications regarding existing *developments*, ~~with commercial, industrial or mixed-use zoning~~ the names and mailing addresses of all tenants within the subject property(ies) shall also be included. For projects containing more than one (1) parcel, or phases of a larger project, the ~~three hundred (300)~~ SIX-HUNDRED (600) foot measurement shall be taken from the perimeter of the entire project including all future phases of that project. The Community Development Department will provide the applicant with a list of recognized neighborhood and homeowner associations within the vicinity of the project for notification pursuant to Part 6, Chapter 4;
 4. A letter explaining the nature and intent of the proposed *development* and reasons justifying the request. References to the effects produced by the request upon surrounding neighborhoods, and the city at large, should be included;
 5. Schematic level construction documentation pursuant to the application form, i.e. site plan, elevations, landscape plan, and preliminary grading and drainage plans. In addition, the applicant may submit additional information not specifically requested by the application form but which will aid in the understanding and review of the application; and
 6. The Community Development Director, or designee, may require any other supportive information to aid in clarifying an application.
- C. **Processing Application.** Processing of an application indicates only that the application is ready for review. The Community Development Director, or designee, may accept additional information from the applicant at the discretion of the Director during the review process.

SECTION 24 That Section 6-302 Subsection (C) 4 (e) pertaining to General Plan Amendment applications, is hereby amended as follows:

Section 6-302 General Plan Amendment.

C. Procedure.

1. Commission Action:
 - a. Amendments. The applicable recommending body shall hear and forward its recommendation to the City Council after at least one (1) public hearing in accordance with the public hearing procedures in Part 6, Chapter 5, Public Meetings and Public Hearings; and
 - b. Major amendments. The applicable recommending body shall hold at least two (2) public hearings, in accordance with the public hearing procedure. Hearings shall be in different locations to encourage community participation. The first hearing shall be held for the purpose of gathering public information only. A recommendation shall be forwarded to the City Council only at the second public hearing.
2. City Council Action:
 - a. Amendments. Applications for a general plan amendment shall be heard by the City Council during at least one (1) public hearing;
 - b. Major Amendments. Applications for a general plan major amendment shall be heard by the City Council during at least two (2) public hearings;
 - c. The initial public hearing(s) shall be held for the purpose of gathering public information only. The final hearing on an application for a major amendment must be held at one (1) annual public hearing in the calendar year that the proposed major amendment was filed. This annual hearing shall be held in October, at a date to be determined by the City Council; and
 - d. All general plan amendments, including map amendments, shall be approved by an affirmative vote of two-thirds ($\frac{2}{3}$) of all members of the City Council. If any members of the City Council are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be two-thirds ($\frac{2}{3}$) of the remaining City Council members, provided that such required number of votes shall in no event be less than a majority of the full membership of the Tempe City Council.
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) 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)~~ SIX-HUNDRED (600) 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.

SECTION 24 That Section 6-306 pertaining to Development Plan Review applications, is hereby amended as follows:

Section 6-306 Development Plan Review.

- E. **Time Limitations.** *Development plan* approval shall be void if the *development* is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the approval is granted or within the time stipulated by the decision-making body. A COMPLETE BUILDING PERMIT APPLICATION SHALL BE MADE ON OR BEFORE TWO (2) YEARS FROM THE DATE OF CITY COUNCIL APPROVAL OR WITHIN A TIME STIPULATED AS A CONDITION OF APPROVAL, WHEN DEVELOPMENT PLAN REVIEW APPLICATION IS PROCESSED CONCURRENTLY WITH A PAD OVERLAY DISTRICT. The period of approval is extended upon the time review limitations set forth for building permit applications, pursuant to Tempe Building Safety Administrative Code, Section 8-104.15. An expiration of the building permit application will result in expiration of the *development plan*.

(Ord. No. 2005.83, 1-5-2006; Ord. No. 2009.15, 10-22-2009; Ord. No. O2016.64, 1-12-2017)

SECTION 25 That Section 6-308 pertaining to Use Permit applications, is hereby amended as follows:

Section 6-308 Use Permit.

- A. **Purpose.** The purpose of Section 6-308 is to ensure the orderly use of land in conformance with the General Plan and applicable city standards where uses are proposed that may require special limitations or conditions to provide compatibility with other uses.
- B. **Applicability Based on Square Feet of Use.** For *use permits* that are based on the square footage devoted to a particular use, the square footage will be taken as the *net floor area* for the use requiring the *use permit*.
- C. **Procedure.** All requests for *use permits* shall be taken to the ~~Hearing Officer~~ THE APPROPRIATE DECISION-MAKING BODY for a public hearing, to review and approve, continue, deny, or approve with conditions. Appeals of decisions made by the Hearing Officer shall be processed through the appropriate decision-making body, pursuant to Part 6, Chapter 8, Appeals.
 - 1. The Zoning Administrator may direct that a request be heard instead by the ~~Development Review Commission~~ THE APPROPRIATE DECISION-MAKING BODY based on a review which includes but is not limited to the following factors:
 - a. Previous decisions by the city regarding the site on which the proposed use is located;
 - b. The probable impact of the requested use on its immediate surroundings; or
 - c. The consistency of the requested use with the projected land uses, policies and principles of the General Plan.

(Ord. No. 2005.83, 1-5-2006; Ord. No. 2009.15, 10-22-2009)

SECTION 26 That Section 6-502 pertaining to Rules of Procedure, is hereby amended as follows:

Section 6-502 Rules of Procedure.

Public meetings and hearings shall be conducted in accordance with this Section and any rules of procedure adopted by the decision-making body, so long as these procedures do not conflict.

- A. **Procedure.** The following procedures apply to all public meetings and public hearings, except as provided for zoning map amendment protests under Section 6-502(C):
 - 1. Call for the request as stated on the agenda and announce that any person believed to be affected by the request may appear and will be heard, in person or by their representative;

2. Hear the report and recommendation submitted by the Community Development Department;
 3. Time Limits. The decision-making body may set reasonable time limits for oral presentations. The decision-making body may also determine not to receive cumulative, repetitious, immaterial, derogatory or abusive testimony. Persons may be required to submit written testimony in lieu of oral if the decision-making body determines that a reasonable opportunity for oral presentations has been provided;
 4. Hear a presentation by the applicant(s) describing the manner in which the proposal is consistent with city plans, policies, and codes;
 5. Hear the relevant comments from the public regarding the application;
 6. Hear the response to the public comments and a summary statement by the applicant;
 7. The presiding officer may allow further comment, exhibits, and other evidence to be filed as part of the record of the meeting/hearing; and
 8. Hold any pertinent discussion necessary for clarification or additional information.
- B. **Decision.** Following discussion related to the application or comments received during the public meeting/hearing, the decision-making body may approve, approve with conditions, continue, or deny the application. In making the decision, consideration shall be given to the facts presented. The findings of fact justifying the decision shall be noted for the record. Decisions made under the provisions of this Code are effective on the date of approval (unless conditioned otherwise), except for those decisions subject to referendum.
- C. **Zoning Map Amendment (rezoning) Protest.** The following procedure shall apply when a zoning map amendment OR OVERLAY is protested:
- ~~1. In the event that the owners of at least twenty percent (20%) of the following properties file a protest in writing against a proposed amendment with the City Clerk prior to the time of or at the public hearing of the City Council, it shall not become effective except by the favorable vote of three-fourths (¾) of all members of the City Council:~~
 - ~~a. The area of the lots included in a proposed change; or~~
 - ~~b. The area of adjacent properties extending one hundred fifty (150) feet from any side or rear property line of the subject property.~~
 - ~~2. The area of properties directly opposite thereto extending one hundred fifty (150) feet from the street frontage of the opposite lots. Proposed amendments shall require a favorable vote of three-fourths (¾) of all members of the City Council to become effective if a valid protest is filed in writing against the proposed amendment.~~
 - ~~3. If any members of the council are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths (¾) of the remaining membership of the council, provided that such required number of votes shall in no event be less than a majority of the full membership of the council.~~
1. IF THE OWNERS OF TWENTY-PERCENT (20%) OR MORE OF THE PROPERTY BY AREA AND NUMBER OF LOTS, TRACTS AND CONDOMINIUM UNITS WITHIN THE

ZONING AREA OF THE AFFECTED PROPERTY FILE A PROTEST IN WRITING AGAINST A PROPOSED AMENDMENT, THE CHANGE SHALL NOT BECOME EFFECTIVE EXCEPT BY THE FAVORABLE VOTE OF THREE-FOURTHS (3/4) OF ALL MEMBERS OF THE GOVERNING BODY OF THE MUNICIPALITY. IF ANY MEMBER OF THE GOVERNING BODY ARE UNABLE TO VOTE ON SUCH A QUESTION BECAUSE OF A CONFLICT OF INTEREST, THEN THE REQUIRED NUMBER OF VOTE FOR PASSAGE OF THE QUESTION SHALL BE THREE-FOURTHS OF THE REMAINING MEMBERSHIP OF THE GOVERNING BODY, PROVIDED THAT SUCH REQUIRED NUMBER OF VOTES SHALL IN NO EVENT BE LESS THAN A MAJORITY OF THE FULL MEMBERSHIP OF THE LEGALLY ESTABLISHED GOVERNING BODY. FOR THE PURPOSES OF THIS SUBSECTION, THE VOTE SHALL BE ROUNDED TO THE NEAREST WHOLE NUMBER. A PROTEST FILED PURSUANT TO THIS SUBSECTION SHALL BE SIGNED BY THE PROPERTY OWNERS OPPOSING THE PROPOSED AMENDMENT AND FILED IN THE OFFICE OF THE CLERK OF THE MUNICIPALITY NOT LATER THAN 12:00 NOON ONE BUSINESS DAY BEFORE THE DATE ON WHICH THE GOVERNING BODY WILL VOTE ON THE PROPOSED AMENDMENT.

2. FOR THE PURPOSES OF THIS SECTION, "ZONING AREA" MEANS BOTH THE FOLLOWING:

A. THE AREA WITHIN ONE HUNDRED-FIFTY (150) FEET, INCLUDING ALL RIGHTS-OF-WAY, OF THE AFFECTED PROPERTY SUBJECT TO THE PROPOSED AMENDMENT OR CHANGE,

B. THE AREA OF THE PROPOSED AMENDMENT OR CHANGE.

State Law reference— A.R.S. § 9-462.04(H) & (K).

SECTION 27 That Section 7-113 of the Zoning and Development Code pertaining to "L" definitions, adding a graphic to illustrate the determination of a rear lot line on an irregularly shaped lot, is hereby amended as follows:

Section 7-113 "L" Definitions.

...

Lot means a parcel of land, or two (2) contiguous parcels, to be used as a unit under provisions of this Code, as shown in the records of the Maricopa County Recorder's office, and having its principal frontage on a city approved access way. In any district where a half-street has been dedicated not less than twenty-five (25) feet in width, lots facing on such half street shall be deemed to have frontage on a street. Where two (2) lots are to be built upon as one (1) site, a lot-tie affidavit shall be recorded through the Community Development Department. More than two (2) lots shall require a subdivision.

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

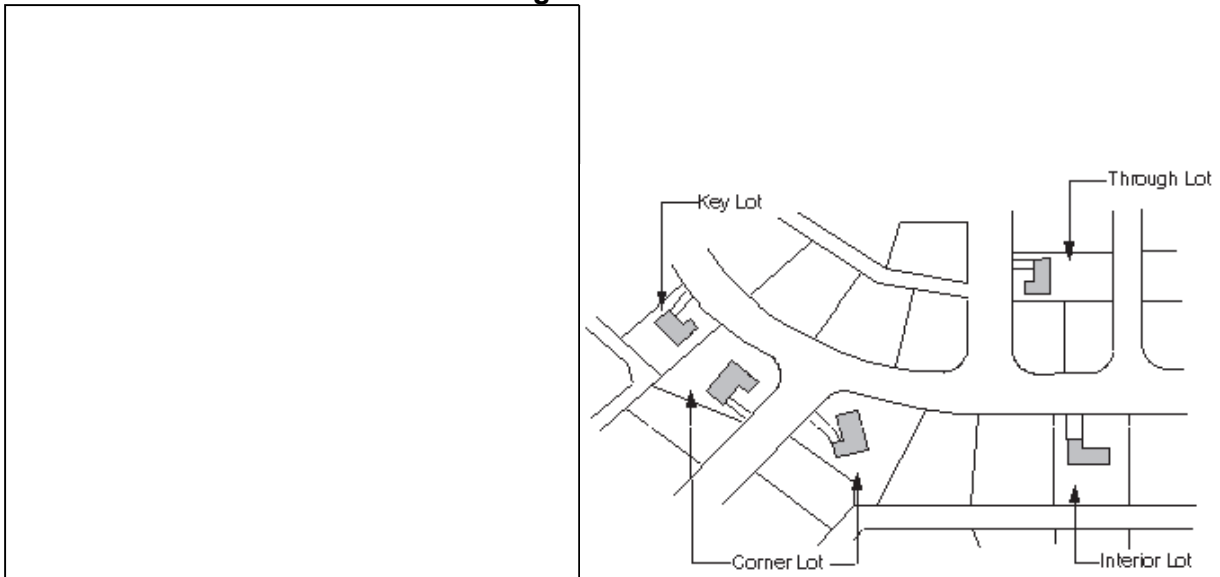
Lot coverage (except as noted in Table 4-202C) means the area of a lot covered by a building or buildings expressed as a percentage of the net lot area, and measured from the exterior faces of foundation wall, slab and/or footings, and not including the sum of the several floors of a multistory building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

Lot, interior means a lot having one (1) side abutting on a street.

Lot, key means an interior lot, one (1) side of which is contiguous, or separated only by an alley, to the rear line of a corner lot.

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

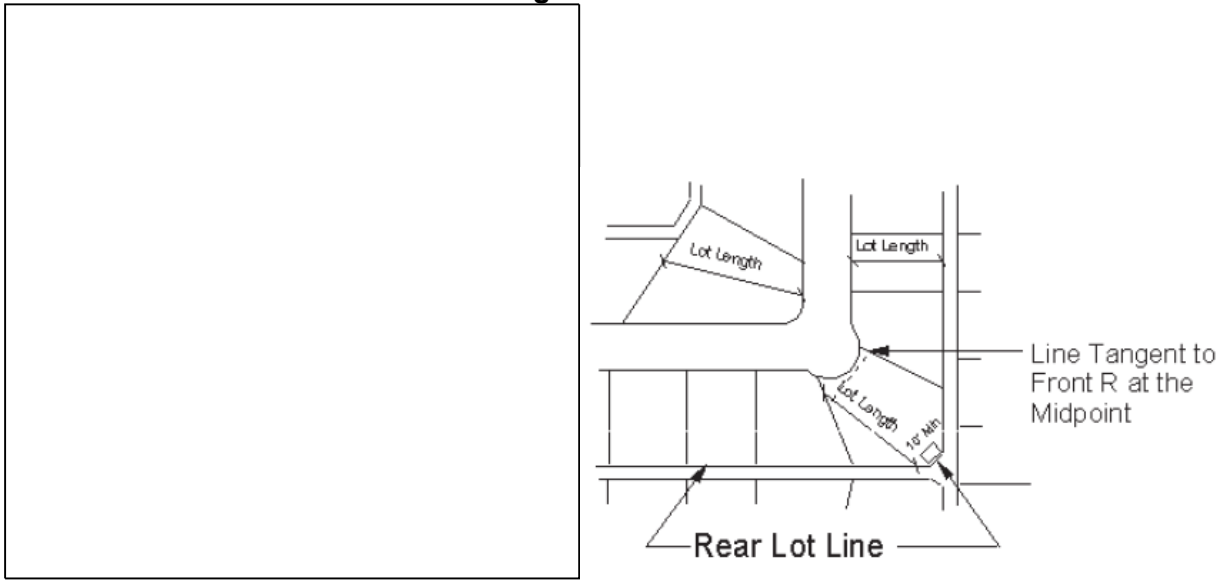
Figure 7-113 A.



Lot dimensions means the following:

1. *Lot length*. The length of a lot shall be:
 - a. If the front and rear lot lines are parallel, the perpendicular distance between front and rear lot lines;
 - b. If the front and rear lot lines are not parallel, the distance between the midpoint of the front lot line and the midpoint of the rear lot line; and
 - c. If the side lot lines are not parallel, the shortest distance between the front lot line and a line parallel to the front lot line, not less than ten (10) feet long lying wholly within the lot.

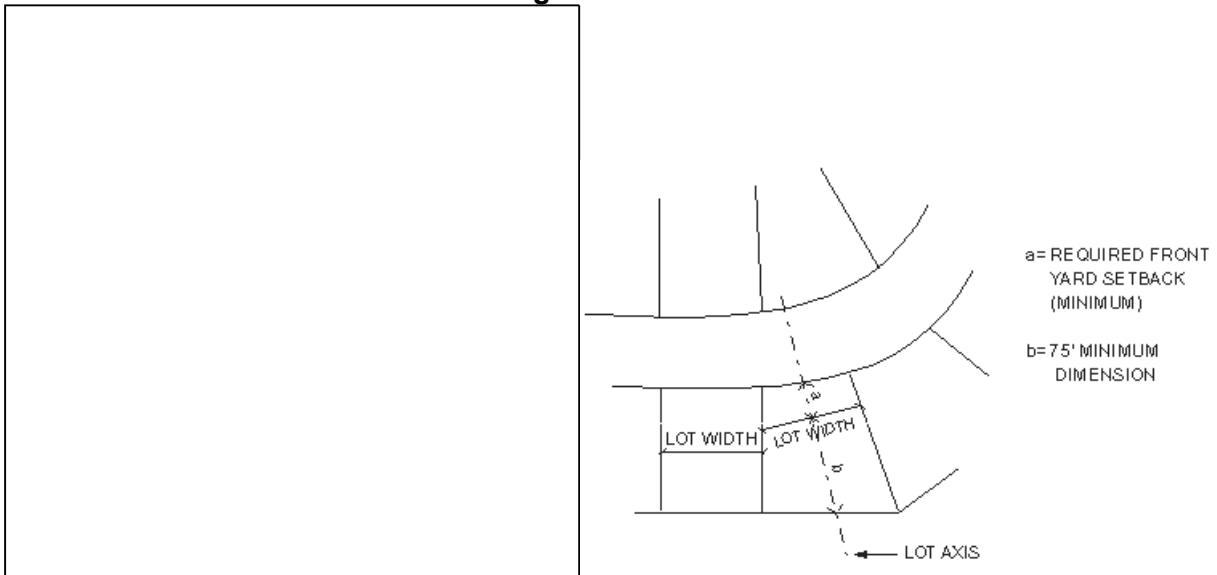
Figure 7-113 B.



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

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

Figure 7-113 C.

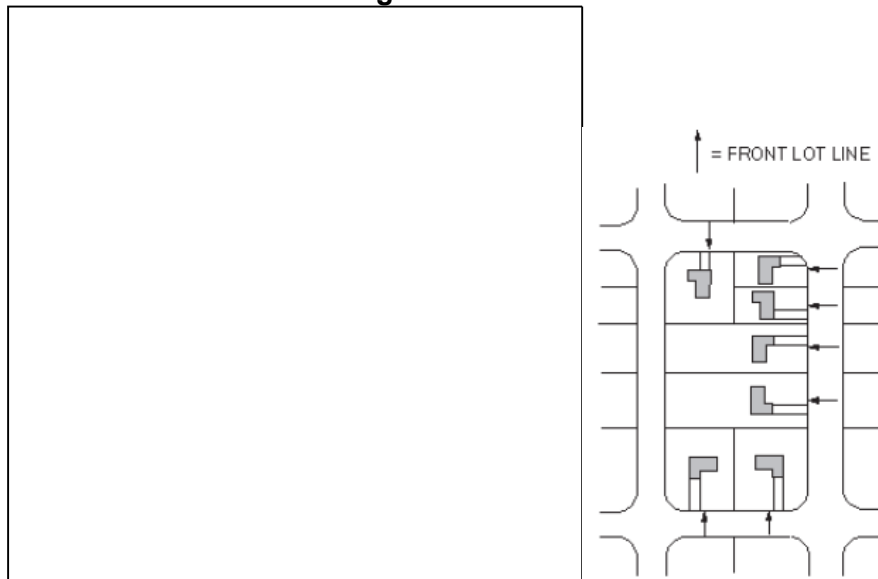


Lot line (property line) means the following:

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

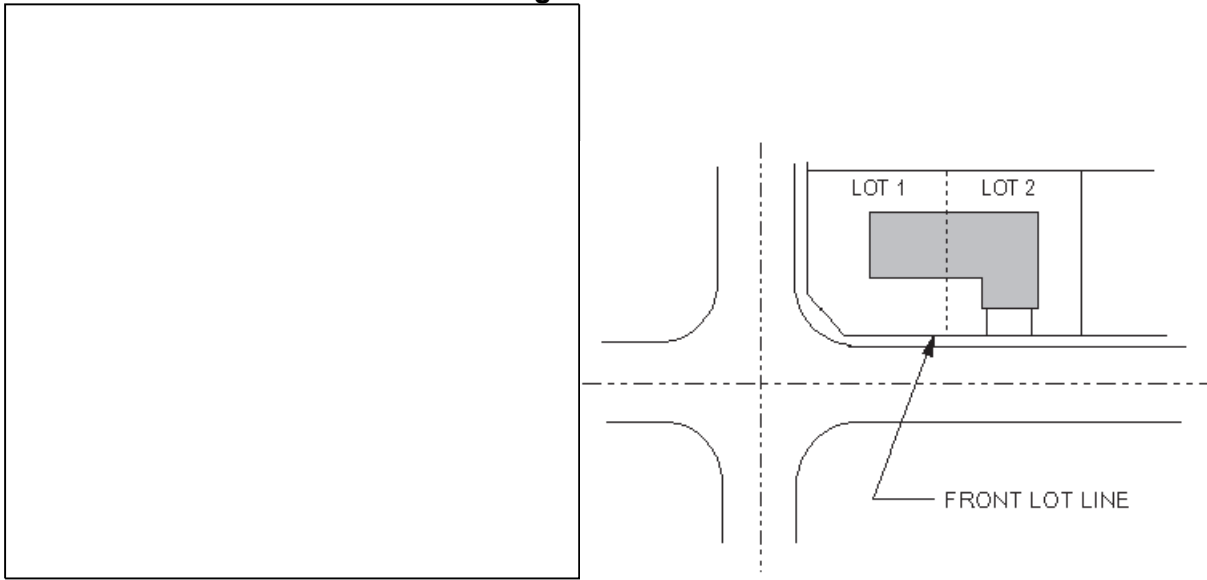
- a. *Corner lot.* The front lot line of a corner lot shall be the shorter of the two (2) lines adjacent to the streets. Where lines are equal, the front line shall be that line which is obviously the front by reason of the prevailing frontage of the other lots on the block. If such front is not evident, then either may be considered the front of the lot but not both;
- b. *Interior lot.* The front lot line of an interior lot shall be the line coterminous with the street frontage; and
- c. *Through lot (reverse frontage).* The front lot line of a through lot shall be that line which is the front by reason of the prevailing frontage of the other buildings on the block. Where such front lot line is neither evident nor established by a recorded plat, the Zoning Administrator shall determine the front lot line. Such a lot over two hundred (200) feet deep may be considered, for the purposes of this definition, as two (2) lots each with its own frontage, but this definition does not constitute a lot split.

Figure 7-113 D.



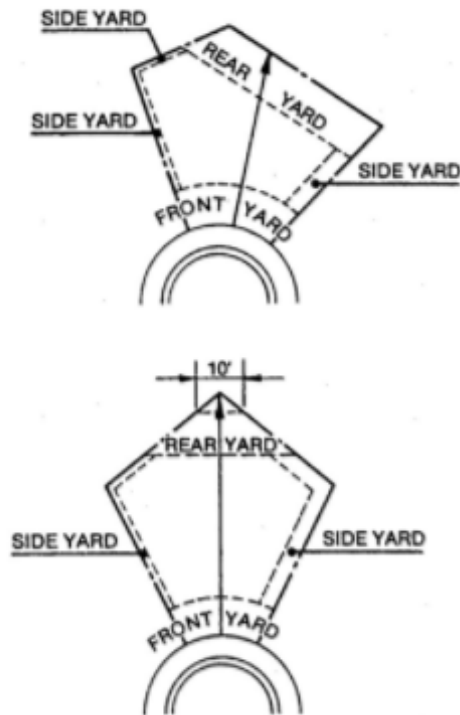
- d. *Two (2) or more lots.* Where two (2) or more lots are used as a building site and where the main building crosses lot lines, then the entire area is considered as one (1) lot, except that the front of the parcel is determined to be the front of the individual lots as originally platted or laid out. Exception: the lots are considered as separate lots when the applicable building code standards are met (i.e., as in the case of uses with common walls).

Figure 7-113 E.



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

Figure 7-113 F.



The rear property line is that lot line opposite the front property line. Where these are not parallel, the rear property line shall be that line which is intersected by a line drawn perpendicular through a tangent to the midpoint of the front property line. All property lines joining the front and rear property lines shall be side yard lines.

If the line drawn through the tangent to the midpoint of the front property line strikes a ten foot long line drawn parallel to the tangent, then that line shall be considered the rear property line, and all other lines between that and the front line shall be side property lines.

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

(Ord. No. 2005.50, 8-18-2005; Ord. No. 2009.15, 10-22-2009)

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this
___ day of _____, 2021.

Corey D. Woods, Mayor

ATTEST:

Carla R. Reece, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney