

ORDINANCE NO. O2025.23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE CITY OF TEMPE ZONING AND DEVELOPMENT CODE PART 1 – VIOLATIONS AND PENALTIES, PART 3 – LAND USE, PART 6 – APPLICATIONS AND REVIEW PROCEDURES, AND PART 7 – DEFINITIONS RELATED TO NEW LAND USES, CLARIFICATION OF LAND USES, UPDATES TO SECURITY PLANS AMENDING THE TEMPE CITY CODE, SECTION 26-70, AND RELATED NEW AND MODIFIED DEFINITIONS.

WHEREAS, the City of Tempe has considered changes to the zoning map text in relation to properties in various classes and zones throughout the City; and

WHEREAS, the Community Development Director has reviewed the text amendments and determined this ordinance to be administratively complete; and

WHEREAS, the Council has received a recommendation of approval from the Development Review Commission; and

WHEREAS, the Council finds that:

- 1) The proposed zoning text amendment is in the public interest;
- 2) The proposed zoning text amendment conforms with the general plan land use and residential density map, and implements certain goals and objectives of the general plan;
- 3) The proposed zoning text amendment is compatible with the surrounding land uses, zoning designations and development standards; and
- 4) The proposed zoning text amendment mitigates impacts on land use, water infrastructure, utilities or transportation.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, that the Zoning Ordinance of the City of Tempe is amended as follows:

Section 1. That Section 1-201A of the Zoning and Development Code is hereby modified to reference violations to recorded plats or land divisions as follows:

Section 1-201 Violations and Penalties.

A. **Violations.** It is a violation to construct, erect, install, alter, change, maintain, use or to permit the construction, erection, installation, *alteration*, change, *maintenance* or use of any house, *building*, *structure*, *sign*, *landscape area*, *parking lot*, or fence, or to use or permit the use of any *lot* or other land contrary to, or in violation of any of the provisions of this Code OR CONTRARY TO, OR IN VIOLATION OF ANY PLAT OR OTHER LAND DIVISION DOCUMENT APPROVED BY THE CITY AND RECORDED WITH THE COUNTY RECORDER. Any land use that is specifically prohibited by this Code, or is unspecified and

not classified by the Zoning Administrator, is prohibited in any district.

Section 2. That Section 3-102 of the Zoning and Development Code, is hereby amended to add agritainment to the use table for clarification 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
Accessory Buildings [Section 3-401]	S	S	S	S
Accessory Uses and Structures - except accessory dwelling units [Section 3-401]	S	S	S	S
Accessory Dwelling Units [Section 3-402]	S	S	S	S
<u>AGRITAINMENT [SECTION 3-404]</u>	<u>U(S)</u>	<u>N</u>	<u>N</u>	<u>N</u>
Assisted Living Facilities [Section 3-413]	U(S)	N	U(S)	N
...				

Section 3. That Section 3-202 of the Zoning and Development Code, is hereby amended to add data centers and smoking establishments to the use table for clarification 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
...						
Construction Offices and Sheds, Appurtenant Signs and Storage; Temporary - incidental to a construction project only for the duration of such project; not to exceed 24 months	P	P	P	P	P	P
<u>DATA CENTERS</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Entertainment	N	U	U	U	U	P
Amusement businesses (a)	N	U	U	U	U	P
Outdoor (permanent use)	N	U	U	U	U	U
Theater or similar use	N	P	P	P	P	P
...						
Retail Sales [See Appendix M.]	N	P	P	P	P	P
Gun shop	N	U	U	U	U	U
Convenience Store (a)	N	P	P	P	P	P
Gas/fuel sales (a)	N	U	U	U	U	U
Drive-through or drive-in [Section 3-408]	N	U(S)	S	S	S	S
Liquor store	N	U	U	U	U	U
Outdoor retailing [Section 3-417]	N	U(S)/ <u>S</u>	S	U(S)/ <u>S</u>	U(S)/ <u>S</u>	U(S)/ <u>S</u>
Tire store	N	U	U	U	U	U
Tobacco retailer [Section 3-423]	N	U(S)	U(S)	U(S)	U(S)	U(S)
Schools						
...						

...						
Similar Uses [Section 6-301]	S	S	S	S	S	S
<u>SMOKING ESTABLISHMENT [SECTION 3-423]</u>	<u>N</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>
Vehicle						
Auto Body Repair	N	N	N	N	N	N
...						

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
...					
Conference/Assembly (Convention Center)	P	P	P	P	P
Construction Offices and Sheds, Appurtenant Signs and Storage; Temporary - incidental to a construction project only for the duration of such project, not to exceed 24 months	P	P	P	P	P
<u>DATA CENTERS [SECTION 3-429]</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>U(S)</u>
Entertainment	U	U	P	P	P

Amusement businesses (arcade) (a)	N	U	U	P	P
Outdoor/permanent use	N	<u>N-U</u>	<u>N-U</u>	<u>N U</u>	P
Theater or similar use	U	U	U	P	P
Fitness Centers: e.g. Health Club, Fitness Studio	P	P	P	P	P
...					
<u>INDUSTRIAL, SCIENTIFIC, BIO-TECHNOLOGY OR BUSINESS RESEARCH, DEVELOPMENT AND TESTING LABORATORIES</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>
Live-Work [Section 3-414]	S	S	S	S	S
...					
Mini-Warehouse/Rental Storage Facilities [Section 3-415]	N	N	N	N	N
<u>MOTION PICTURE/RECORDING STUDIOS</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>
Offices	P	P	P	P	P
...					
<u>SMOKING ESTABLISHMENT [SECTION 3-423]</u>	<u>N</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>
Tattoo, body piercing establishment [Section 3-424]	N	N	U(S)	U(S)	N
Tutoring/After school learning center	P	P	P	P	P
With drive through (e.g. dry cleaner) [Section 3-408]	N	S	S	S	U(S)
...					

Section 4. That Section 3-302 of the Zoning and Development Code, is hereby amended to re-organize all uses related to manufacturing and to add a requirement for a use permit for computer/data centers to read as follows:

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

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

Table 3-302A Permitted Land Uses (LID, GID, HID)			
Uses	Districts		
	LID	GID	HID
Accessory Use	P	P	P
Adult Businesses [Section 3-403]	N	S	S
Amateur Radio Antennas [Section 3-422]			
35 feet in height or less	S	S	S
Over 35 feet in height	U(S)	U(S)	U(S)
Animal Kennels, and Animal Hospitals	N	P	P
Ball Bearing, Boxes or Cabinets Manufacturing	N	U	P
Cement and Paving Material Mixing Plant	N	N	P
Cemetery, Crematorium, Mausoleum	N	U	U
Childcare, center: nursery school, daycare center, similar	N	U	U
Chocolate, Cocoa or Coffee Roasting or Manufacturing	N	U	P
Clinics: Medical, Dental and Veterinary	P	P	P
Computer Centers, including Computer Hotels and Similar Technology Facilities	P	P	P
Commercial Uses - and all other uses under Table 3-202A	U	U	U

"Permitted land Uses", unless otherwise specified in this table (except outdoor display)			
Construction Offices and Sheds, Appurtenant Signs and Storage; Temporary - incidental to a construction project only for the duration of such project, not to exceed 24 months	P	P	P
<u>DATA CENTERS [SECTION 3-429]</u>	<u>N</u>	<u>U (S)</u>	<u>U (S)</u>
Dispatching, Weighing Station	N	P	P
Electronic Instruments and Devices, Computers, Assembling and Manufacturing	P	P	P
Entertainment	N	U	U
Amusement businesses (a)	N	U	U
Outdoor (permanent use)	N	U	U
Theater or similar use	P	P	P
Exterminator and Insect Poison Manufacturing	N	N	P
<u>EXTERMINATOR INSECT POISON Storage, Wholesale and Distribution</u>	N	P	P
Extraction of Sand, Gravel and Other Natural Resources	N	N	U
Farming, Landscaping and Agricultural Supplies and Equipment, Wholesaling and Storage	N	P	P
Foundry Casting Light-Weight, Nonferrous Metal, not Causing Noxious Odors or Fumes	N	U	P
Fuel Distributing Station, Gasoline (bulk plant)	N	U	P
Gasoline and Petroleum Bulk Storage Tanks	N	N	P
Hospitals, Sanitariums, Nursing Homes: e.g. Orphanages, Institutions [Section 3-413]	U(S)	U(S)	U(S)
House-Movers, Equipment Storage or Wrecking Yards	N	N	P
Ice Manufacturing and Cold Storage	N	U	P
Industrial Hemp Program [Section 3-426]	N	P	P
Industrial, Scientific, Bio-Technology or Business Research, Development and Testing Laboratories, and Offices	P	P	P
Junkyards	N	N	P
Machine shops	N	P	P
MANUFACTURING			
Manufacturing, not causing noxious odors, fumes, noise, dust or vibration	N	P	P
<u>BALL BEARING, BOXES OR CABINETS MANUFACTURING</u>	N	U	P
<u>CHOCOLATE, COCOA OR COFFEE ROASTING OR MANUFACTURING</u>	N	U	P
<u>ELECTRONIC INSTRUMENTS AND DEVICES, COMPUTERS, ASSEMBLING AND MANUFACTURING</u>	P	P	P
<u>EXTERMINATOR AND INSECT POISON MANUFACTURING</u>	N	N	P
<u>EXTREME-WATER USE [TEMPE CITY CODE SEC.33-142]</u>	N	U	U
<u>ICE MANUFACTURING AND COLD STORAGE</u>	N	U	P
<u>METAL FABRICATION INCLUDING WELDING</u>	N	U	P
<u>STONE MANUFACTURING, INCLUDING NATURAL AND MANMADE</u>	N	U	P
<u>WOOD PRODUCTS, MANUFACTURING INCLUDING TRUSSES</u>	N	U	P
Marijuana cultivation facility [Section 3-426]	N	S	S
Marijuana Establishment (Without Cultivation) [Section 3-426]	S	S	S

Marijuana infusion facility [Section 3-426]	N	S	S
Marijuana Testing Facility [Section 3-426]	N	S	S
Marijuana Testing Facility (Accessory to Medical Marijuana Dispensary or Marijuana Establishment) [Section 3-426]	S	S	S
Medical Marijuana dispensary [Section 3-426]	S	S	S
Mini-Warehouse/Rental Storage Facilities [Section 3-415]	N	U(S)	S
Motion Picture/Recording Studios	P	P	P
Offices	P	P	P
Outdoor			
Retailing [Section 3-417]	N	U(S)	U(S)
Storage of equipment, goods, or materials [Section 4-706(F)]	N	S	S
Places of Worship (except tents and other temporary structures or buildings not permitted) including childcare, Sunday school uses which are ancillary to main use	P	P	P
Childcare center, private school or charter school not ancillary to main use	U	U	U
Public Uses			
Civic Facilities (e.g., post office, library, city office, customer serving)	P	P	P
Municipal Facilities (maintenance, repair and storage)	N	P	P
Open space, parks, similar uses (See also, Schools)	P	P	P
Recycling centers			
Large	N	U	P
Small	P	P	P
Residence - of a caretaker or operator employed on the premises; such residence may include the family of the caretaker	P	P	P
Mobile Home or Trailer	U	U	U
Single- or Multi-Family Dwelling	N	N	N
Retail uses - directly related to the primary industrial use, not to exceed 15% of the total building area's primary industrial use.	P	P	P
Retail and Restaurant Uses - and all other uses under Table 3-202A, "Permitted Land Uses", unless otherwise specified in this table (except outdoor display)	U	U	U
Rock Crushing, Sand Blasting Yard	N	N	P
Schools			
Charter	P	P	P
Instructional	N	U	U
Private	N	U	U
Public	P	P	P
Vocational	N	U	U
Similar Uses [Section 6-301]	S	S	S
Stadium, Arena	N	U	P
Vehicle			
Auto Body Repair	N	P	P
Auto Salvage, parts, supplies or wrecking	N	N	P
Car Wash	N	U	U
Repair	N	P	P
Sales/Rental (indoor or outdoor)	N	U	U
Service Station	N	U	U
Towed Vehicle Storage	N	P	P
Vehicle service	U	U	U

Warehouse, including distribution centers	N	P	P
Wholesaling, Repairing, Storage, and Rental Activities - in conjunction with a permitted use	N	P	P
Wireless Telecommunication Facilities [Section 3-421]	U(S)	U(S)	U(S)
Wood Products, Manufacturing	N	U	P

Section 5. That Section 3-404 of the Zoning and Development Code, is hereby amended to read as follows:

Section 3-404 - Agricultural Uses.

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

...

J. AGRITAINMENT. SUCH USE IS ALLOWED WITHIN THE AG DISTRICT, SUBJECT TO THE FOLLOWING:

1. AGRITAINMENT USES INCLUDE, BUT ARE NOT LIMITED TO, FITNESS, EDUCATION, SPECIAL EVENTS, FESTIVALS AND MARKETS, ART EXHIBITS, AGRICULTURAL FOOD PROCESSING, PETTING ZOO, CAMPING, SHORT TERM RENTALS AND SIMILAR ENTERTAINMENT ATTRACTIONS.

2. USES SHALL HAVE A MINIMUM SEPARATION OF TWENTY (20) FEET TO ANY RESIDENTIAL PROPERTY LINE. ADDITIONAL SEPARATION REQUIREMENTS MAY BE REQUIRED TO ADDRESS USES AND COMPATIBILITY; AND

3. AN AGRITAINMENT USE IS SUBJECT TO AN APPROVAL OF A USE PERMIT, PURSUANT TO SECTION 6-308.

Section 6. That Section 3-413 of the Zoning and Development Code, is hereby amended to read as follows:

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

Any building used for ~~one (1) or more~~ ANY of the following uses shall be not less than fifty (50) feet from the lot line of any adjoining property: Hospitals or sanitariums for the treatment of human ailments, nursing or convalescent homes, orphanages, and institutions for the mentally disabled, epileptic, drug or alcoholic patients; homes for the aged AND SHELTERS, without cooking facilities in individual dwelling units; and related institutions of an educational, religious, or philanthropic nature. MEMORY CARE UNITS, WHEN ACCESSORY TO AN ASSISTED LIVING FACILITY OR OTHER ALLOWED RESIDENTIAL USES, SHALL NOT REQUIRE A USE PERMIT AND COMPLIANCE WITH THIS SECTION'S BUILDING USE SETBACK.

Section 7. That Section 3-423 of the Zoning and Development Code, is hereby amended to read as follows:

Section 3-423 B. Tobacco Retailer, SMOKING ESTABLISHMENT. ~~Tobacco Retailers~~ SUCH USE shall not be located on a lot within one thousand three hundred twenty (1,320) feet, measured by a straight line in any direction, from the lot line of a charter school, private school, or public school, which provides elementary or secondary education. Instructional or vocational schools are excluded from the separation requirement.

Section 8. That Section 3-429 of the Zoning and Development Code, is hereby added to read as follows:

SECTION 3-429 - DATA CENTERS.

- A. PURPOSE AND APPLICABILITY. THE PURPOSE OF THIS SECTION IS TO ALLOW DATA CENTERS IN AREAS THAT LIMIT THE IMPACT OF IDENTIFIED INNOVATION HUBS AND RAIL CORRIDORS WHERE JOB EMPLOYMENT GROWTH AND COMMERCE ARE DESIRED. SUSTAINABILITY MEASURES ARE ADDRESSED THROUGH APPROPRIATE LAND PLANNING, ENERGY AND WATER CONSUMPTION ARE MITIGATED THROUGH INFRASTRUCTURE EVALUATION, AND DESIGN STANDARDS ADOPTED TO MITIGATE NOISE LEVELS. DATA CENTERS ARE ALLOWED IN THE MU-ED, GID AND HID ZONING DISTRICTS ONLY, SUBJECT TO APPROVAL OF A USE PERMIT, PURSUANT TO SECTION 6-308.
- B. LOCATION REQUIREMENTS.
1. DATA CENTER BUILDINGS SHALL NOT BE LOCATED WITHIN 500 FEET OF THE PROPERTY LINE OF A SITE CONTAINING A RESIDENTIAL USE OR A RESIDENTIAL DISTRICT.
 2. GENERATORS FOR DATA CENTERS SHALL BE LOCATED WITHIN AN ENCLOSED BUILDING WITH NECESSARY VENTILATION TO REDUCE IMPACTS ON NOISE TO SURROUNDING AREA.
- C. APPROVAL CRITERIA. IN ADDITION TO SUCH USE COMPLYING WITH USE PERMIT APPROVAL CRITERIA, SECTION 6-308 (E), AN ECONOMIC IMPACT STUDY SHALL BE SUBMITTED, FOR REVIEW BY THE ECONOMIC DEVELOPMENT DIRECTOR, OR DESIGNEE, TO EVALUATE ANY POTENTIAL IMPACTS THAT LIMIT LOCATING A DATA CENTER IN EITHER AN INNOVATION HUB OR RAIL CORRIDOR INTENDED TO ATTRACT A HIGH CONCENTRATION OF PERMANENT EMPLOYMENT JOBS AND PUBLIC CONSUMERS. DATA CENTERS THAT ARE DEFINED AS AN "EXTREME-WATER USE" SHALL ALSO SUBMIT FOR REVIEW WITH THE PUBLIC WORKS DEPARTMENT, A WATER USE PLAN, PURSUANT TO THE TEMPE CITY CODE, SECTION 33-142.

Section 9. That Section 6-313 of the Zoning and Development Code, along with Section 26-70(c) – Security Plans, of the Tempe City Code is hereby amended, to provide clarity and consistency for uses that require security plans, to read as follows:

Section 6-313 - Security Plan.

- A. Purpose. The purpose of approving a security plan is to protect the public health, safety, and welfare through crime prevention measures that are tailored to proposed land uses.
- B. Applicability and Procedure. Security plans are required for the following uses subject to the standards contained in Chapter 26, Article V, Security Plans, of the Tempe City Code:
1. Bars, cocktail lounges, taverns, ~~discotheques~~ DANCE CLUBS, nightclubs and similar businesses;
 2. Adult-oriented businesses;
 3. Recreational or amusement businesses, including both indoor and outdoor activities, including pool halls and video arcades with a liquor license;
 4. Entertainment as a primary use of the business, or as an accessory use to

a business with a liquor license and a planned primary use for the sale or service of spirituous liquor;

5. Hotels and motels;

6. Tobacco retail OR SMOKING establishments with onsite consumption;

7. Medical marijuana dispensary, marijuana establishment, marijuana testing facility, or cultivation facility;

8. Upon determination by the Chief of Police, based on documented calls for service, reported crimes, complaints, or any other factual information that demonstrates a disregard for public safety. Upon a determination made pursuant to this subsection, the property owner or designee of the use subject to the determination shall submit a complete security plan application within ten (10) days of the receipt of the determination in accordance with subsection (e) of Tempe City Code Section 26-70. Failure to submit a security plan application within ten (10) days shall be a violation of this Article and punishable as set forth in Section 1-7 of the Tempe City Code;

9. Multi-unit dwellings as defined in Tempe City Code, Section 26-70(a) AND SHELTERS; or

10. Any structure or development with five (5) or more dwelling units where documented calls for service, reported crimes, complaints, or other factual information, has occurred demonstrating a disregard for public safety. This determination shall be made by the Police Department.

Sec. 26-70. – Security Plans.

(c) *Uses requiring security plans.* A security plan shall be required upon the commencement, assumption, or continuation of any of the following uses:

(1) Bars, cocktail lounges, taverns, dance clubs, nightclubs and similar businesses;

(2) Adult-oriented businesses;

(3) Recreational or amusement business, both indoor and outdoor activities, including pool halls and video arcades with a liquor license;

(4) Entertainment as a primary use of the business, or as an accessory use to a business with a liquor license and a planned primary use for the sale or service of spirituous liquor;

(5) Hotels and motels;

(6) Tobacco retail OR SMOKING establishments with onsite consumption;

(7) Medical marijuana dispensary, marijuana establishment, marijuana testing facility, or cultivation facility;

(8) Upon a determination by the Chief of Police, based on documented calls for service, reported crimes, complaints, or any other factual information that demonstrates a disregard for public safety. Upon a determination made pursuant to this subsection, the property owner or designee of the use subject to the determination shall submit a complete security plan application within ten (10) days of the receipt of the determination in accordance with subsection (e) of this section. Failure to submit a security plan application within ten (10) days shall be a violation of this article and punishable as set forth in Section 1-7;

(9) Multi-unit dwellings as defined in subsection (a) AND SHELTERS; or

(10) Any structure or development with five (5) or more dwelling units where documented calls for service, reported crimes, complaints, or other factual information, has occurred demonstrating a disregard for public safety. This determination shall be made by the Police Department.

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Section 10. That Section 7-102 of the Zoning and Development Code, is hereby amended to add a definition of agritainment to read as follows:

Section 7-102 - "A" Definitions.

...

AFDPA Residential Use means a residential use developed by a private entity and open to the general public for rent or for sale. Residential properties operated by or for ASU, or uses otherwise constituting an ASU use shall not be considered a residential use.

AGRITAINMENT MEANS AN AGRICULTURALLY ZONED LAND THAT IS USED FOR ENTERTAINMENT PURPOSES BASED AROUND OUTDOOR USES IN A NATURAL ENVIRONMENT, INCLUSIVE OF ACTIVITIES WHICH MAY INCLUDE COMMUNITY GARDEN, OUTDOOR RECREATION, CLASSES, MUSIC PERFORMANCES, FARMERS MARKETS, OUTDOOR RETAIL OF SEASONAL MERCHANDISE, SMALL GROUP CAMPING, PETTING ZOOS AND OTHER RELATED ATTRACTIONS.

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

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Section 11. That Section 7-104 of the Zoning and Development Code, is hereby amended to add a definition of carport to read as follows:

Section 7-104 - "C" Definitions.

... *Card room/poker room* means a function that exclusively offers card games for play by the public. The players compete against each other, instead of against "the house", for monetary value.

Caretaker residence means one (1) permanent residential dwelling unit that is ancillary to the principal use on a commercial or industrial zoned parcel(s) of land and is needed for security purposes or housing for the owner or operator of a business.

CARPORT MEANS A STRUCTURE THAT IS OPEN ON AT LEAST TWO SIDES WITH A FLOOR SURFACE OF APPROVED NON-COMBUSTIBLE MATERIAL USED FOR PARKING VEHICLES. CARPORTS THAT ARE NOT OPEN ON AT LEAST TWO SIDES SHALL BE CONSIDERED A GARAGE AS AN ENCLOSED BUILDING.

Chicken, domestic means a female chicken or hen, excluding roosters or cocks.

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Section 12. That Section 7-105 of the Zoning and Development Code, is hereby amended to add a definition of data center to read as follows:

Section 7-105 - "D" Definitions.

DATA CENTER MEANS A FACILITY WHOSE PRIMARY SERVICE IS DATA PROCESSING OR DATA STORAGE, AND IS USED TO HOUSE COMPUTER SYSTEMS AND ASSOCIATED COMPONENTS, SUCH AS CENTRAL PROCESSING UNITS, GRAPHICAL PROCESSING UNITS, NEURAL NETWORKS, QUANTUM BITS, QUANTUM PROCESSORS, MEMORY, DATA ROUTING, DATA STORAGE, SERVER FARM, CRYPTO CURRENCY MINING/PROCESSING, VIRTUAL PRIVATE NETWORKS, VIRTUAL SERVERS, ARTIFICIAL INTELLIGENCE TRAINING OR PROCESSING, IMAGE PROCESSING, CLOUD

COMPUTING, EMAIL SERVICING, A TELECOMMUNICATIONS HOTEL, OR ANY OTHER TERM APPLICABLE TO FACILITIES WHICH ARE USED FOR SUCH PURPOSES SHALL BE DEEMED TO BE A DATA CENTER.

Deferred presentment company means a business that engages in a transaction pursuant to a written agreement in which the licensee accepts a check and agrees to hold the check for at least five (5) calendar days before presentment for payment or deposit. These services are commonly known as pay day loans. See also, financial institution, non-chartered.

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Section 13. That Section 7-109 of the Zoning and Development Code, is hereby amended to update the definition of hardscape to read as follows:

Section 7-109 - "H" Definitions.

Hardscape means brick, concrete, wood, tile, paver, STONE, WOOD CHIPS, DECOMPOSED GRANITE or other decorative hard surfaces used outside ~~in lieu of or~~ in conjunction with landscape materials such as trees, shrubs, turf, AND VEGETATIVE ground cover ~~wood chips, or gravel.~~

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

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Section 14. That Section 7-113 of the Zoning and Development Code, is hereby amended to update the definition of landscape to read as follows:

Section 7-113 – "L" Definitions

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

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

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

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

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

Landscape plan means a plan prepared to scale showing elements such as trees, shrubs, ground cover, vines, sculpture, all walls, lighting, other organic and inorganic

materials and an automatic irrigation system. The plan shall include a plant list, indicating the size and name, both botanical and "common", of all plant material to be used.

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

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;

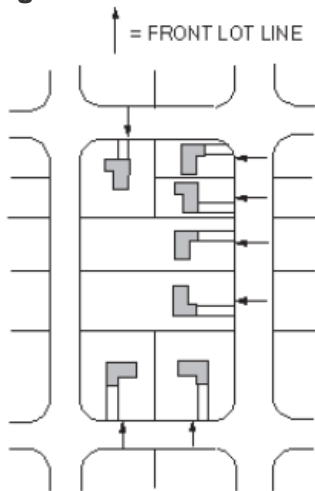
b. *Interior lot.* The front lot line of an interior lot shall be the line coterminous with the street frontage; and

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.

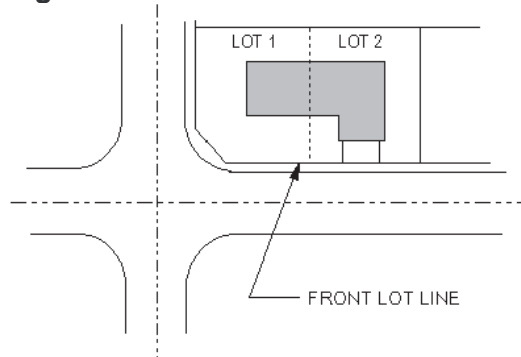
Figure

7-113

D.

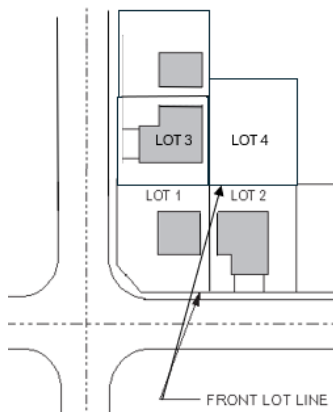


d. *Two (2) or more lots.* Where two (2) or more lots are used as a building site and where the main building crosses lot lines, then the entire area is considered as one (1) lot, except that the front of the parcel is determined to be the front of the individual lots as originally platted or laid out. 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).



E. LOT THAT DOES NOT ABUT A STREET. THE FRONT LOT LINE OF A LOT THAT DOES NOT ABUT A STREET SHALL BE THE LOT LINE ADJACENT TO A LOT THAT DOES ABUT A STREET FRONTAGE. WHERE AN INTERIOR LOT IS ADJACENT TO TWO OR MORE LOTS WITH STREET FRONTAGE, THE FRONT SHALL BE THAT LOT LINE WHICH IS THE SHORTER OF THE TWO (2) SIDES.

Figure 7-114 E



Section 15. That Section 7-120 of the Zoning and Development Code, is hereby amended to add a definition of shelter and studio unit and to update the definition of smoking establishment to read as follows:

Section 7-120 – “S” Definitions

Shade structure means a constructed form designed to protect an area from direct sunlight.

SHELTER MEANS ANY ESTABLISHMENT DEDICATED IN WHOLE OR IN PART TO PROVIDING TEMPORARY HOUSING FOR LESS THAN A YEAR FOR INDIVIDUALS OR FAMILIES FOR EMERGENCY OR TRANSITIONAL PURPOSES. UNTIL PERMANENT HOUSING MAY BE OBTAINED. FACILITIES MAY OFFER COUNSELING SUPPORT BUT DO NOT OFFER ON-SITE DRUG TREATMENT OR MEDICAL SERVICES. ROOMS OR SLEEPING AREAS DO NOT HAVE COOKING FACILITIES IN INDIVIDUAL DWELLING UNITS AND ARE SERVED BY A COMMUNAL KITCHEN OR DINING FACILITIES.

...

Smoking establishment means any business or location that is dedicated, in whole or in part, to the use of tobacco or other substances emitting smoke OR ALLOWING

INHALATION OF SMOKE OR VAPE, including but not limited to establishments also referred TO as cigar bars or lounges, hookah bars or lounges, and tobacco clubs or bars.

...

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

STUDIO UNIT MEANS A COMPACT UNIT WHICH COMBINES THE SLEEPING SPACE WITH THE LIVING ROOM AND KITCHEN IN A SINGLE ROOM WITH A SEPARATE BATHROOM, NO SEPARATE BEDROOM IS PERMITTED.

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

Section 16. That Section 7-121 of the Zoning and Development Code, is hereby amended update the definitions of tattoo and telecommunications hotel and tobacco retailer to read as follows:

Section 7-121 - "T" Definitions.

Tattoo, body piercing establishment means any ~~establishment~~ BODY MODIFICATION BUSINESS offering INDELIBLE designs, letters, scrolls, figures, symbols, FINE LINE TATTOOS or other marks ~~that are placed~~ on or under the skin with ink or colors by OTHER SUBSTANCES ~~the aid of needles or other instruments~~ THAT RESULT IN THE PERMANENT COLORATION OF SKIN BY MEANS OF THE USE OF NEEDLES OR OTHER INSTRUMENT DESIGNED TO CONTACT OR PUNCTURE SKIN; OR CREATING AN OPENING IN THE BODY OF A PERSON FOR THE PURPOSE OF INSERTING JEWELRY OR OTHER DECORATIONS ~~and that cannot be removed without a surgical procedure; any establishment offering designs, letters, scrolls, figures or symbols or other marks done~~ OR by scarring/branding on or under the skin; any establishment where decorations or other devices are inserted into the skin; any establishment using techniques such as penetrating, perforating, boring or creating a hole in the skin or another human body part; or any establishment whose primary function is permanent body alteration for non-surgical purposes. The following establishments shall be exempt from this definition: those where offering permanent facial make-up/cosmetics ancillary to the primary business; those where procedures are performed by a person authorized by the laws of this state to practice medicine, osteopathy, chiropractic, podiatry, naturopathy or acupuncture and the procedures are performed in conformity with the standards of that profession; those where procedures are performed by registered nurses, licensed practical nurses or technicians, when acting under the supervision of a licensed physician or osteopath; those where the only type of piercing offered is ear, FACIAL OR NAVEL piercingS.

Telecommunications hotel means a windowless controlled environment buildings which allow for businesses to lease computer server space for connection to local exchange carriers, interexchange carriers, internet service providers, competitive access providers and telephone services. In addition to voice and data connectivity,

the amenities include controlled temperature and humidity, 24-hour security, fire detection/suppression systems and generator power backup. These facilities have no pedestrian activity associated with the use.

Tobacco retailer means any ~~person or~~ LICENSED business who primarily sells or offers for sale, tobacco, tobacco products, or tobacco paraphernalia, VAPE PRODUCTS, HOOKAH or who distributes samples of tobacco OR VAPE products or paraphernalia. These businesses include but are not limited to, tobacco shops, cigars and pipe retailer, cigarette or electronic cigarette, VAPE, OR HOOKAH retailer, and smoking establishments.

...

Section 17. Pursuant to A.R.S. § 9-462.01(J), the City Council has considered a housing impact statement regarding the impact of the zoning ordinance text amendment.

Section 18. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this 1st day of July, 2025.

/S/ _____
Corey D. Woods, Mayor

ATTEST:

/S/ _____
Kara A. DeArrastia, City Clerk

APPROVED AS TO FORM:

/S/ _____
Eric C. Anderson, City Attorney