

ORDINANCE NO. O2022.27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING PART 1 – INTRODUCTION, SECTION 1-209; PART 3 – LAND USE, SECTIONS 3-102, 3-202, 3-302, AND 3-420; PART 4 – DEVELOPMENT STANDARDS, SECTION 4-603; PART 6 – APPLICATIONS AND REVIEW PROCEDURES, SECTIONS 6-302, AND 6-306; AND PART 7 – DEFINITIONS, SECTIONS 7-102 THROUGH 7-105, 7-113, 7-114, 7-120 AND 7-123.

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

SECTION 1. That Part 1 Section 1-209 of the Zoning and Development Code, pertaining to the use of fractions, is hereby amended to read as follows:

Section 1-209 - Fractions Measurement.

Fractions or decimals equal to or greater than one-half ($\frac{1}{2}$ or 0.5) of a whole number shall be rounded up to the next whole number. THIS METHOD OF CALCULATION APPLIES TO PARKING, BUILDING HEIGHT, SETBACK STANDARDS AND DENSITY (DENSITY IS CALCULATED AFTER ACREAGE IS CALCULATED). SEE DENSITY, ALLOWABLE DEFINITION.

SECTION 2. That Part 3 Section 3-102 of the Zoning and Development Code, pertaining to the residential land use table for retail sales of agricultural products produced on premises, 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/RM H/TP
....				
Places of Worship (except tents and other temporary structures or buildings not permitted) including childcare, Sunday school use which are ancillary to main use	P	P	P	P
Childcare center, private or charter school	U	U	U	U

not ancillary to main use				
Processing of Farm Products [Section 3-404]	U(S)	N	N	N
Public Uses				
Civic facilities (e.g., post office, library, city office, customer serving)	U	U	U	N
Municipal facilities (maintenance, repair and storage)	U	U	U	N
Open space, parks, similar uses (See also, Schools)	P	P	P	P
Residential Sales Office, Temporary [Section 3-419]	S	S	S	S
Retailing of Farm Products Produced on Premises	<u>U</u> <u>P</u>	N	N	N
School				
Charter (use permit required in a single-family residential district on a lot of less than 1 acre, pursuant to Section 6-308)	S	S	P	P
Instructional	U	U	U	U
Private	U	U	U	U
Public	P	P	P	P
Vocational	N	N	N	N
Similar Uses [Section 6-301]	S	S	S	S
...				

SECTION 3. That Part 3 Section 3-202 of the Zoning and Development Code, pertaining to the commercial and mixed-use land use tables requiring a use permit for coffee roasting, outdoor cooking/smoking/grilling and adding vehicle service use 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
Clinic (medical, dental, veterinary (small animals))	P	P	P	P	P	P
Plasma donation center	U	U	U	U	U	U
Clubs						
Bar (indoor or outdoor), tavern, or nightclub (a)	N	U	U	U	U	P
Lodge or similar organization (a)	N	P	P	P	P	P
Teen night club (a)	N	U	U	U	U	U
<u>COFFEE/COCOA ROASTING</u> <u>(ACCESSORY TO</u> <u>RETAIL/RESTAURANT USE)</u>	<u>N</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>
Community gardens [Section 3-427]	U(S)	U(S)	U(S)	U(S)	U(S)	U(S)

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
...						
...						
Mini-Warehouse/Rental Storage Facilities [Section 3-415]	N	U(S)	N	U(S)	U(S)	S
Offices	P	P	P	P	P	P
<u>OUTDOOR COOKING/GRILLING/SMOKING</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>
Outdoor Storage of equipment, goods, or materials	N	N	N	U	U	U
Parking Facilities, Commercial						
Surface	N	U	U	P	P	P
Structure	N	U	P	U	U	P
....						
Vehicle						
Auto Body Repair	N	N	N	N	N	N
Car wash [Section 3-408]	N	U(S)	N	U(S)	U(S)	S
Repair	N	N	U	U	U	P
Sales/rental (indoor or outdoor)	N	N	U	U	U	P
Service station	N	U	N	U	U	P
<u>VEHICLE SERVICE</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Warehouse Commercial	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
...					
Similar Uses [Section 6-301]	S	S	S	S	S
Vacation and Short-Term Rentals [Section 3-428]	S	S	S	S	S

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
...					
<u>VEHICLE SERVICE</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>U</u>	<u>U</u>
Wireless Telecommunication Facilities [Section 3-421]	U(S)	U(S)	U(S)	U(S)	U(S)

SECTION 4. That Part 3 Section 3-302 of the Zoning and Development Code, pertaining to the industrial land use tables requiring adding vehicle service use is hereby amended to read as follows:

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

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

Uses	Districts		
	LID	GID	HID
...			
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

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

Uses	Districts		
	LID	GID	HID
<u>VEHICLE SERVICE</u>	<u>U</u>	<u>U</u>	<u>U</u>
Warehouse, including distribution centers	N	P	P
...			

SECTION 5. That Part 3 Section 3-420 of the Zoning and Development Code pertaining to single-family residential second story additions is hereby amended to read as follows:

Section 3-420 Single-Family Residential Second Story Addition, ~~or Rebuild~~ OR DETACHED ACCESSORY BUILDING.

A. A use permit is required for any single story, single-family residence to add, expand, or rebuild for a second story ~~SECOND STORY, INCLUDING THE ADDITION OF A DETACHED ACCESSORY BUILDING.~~ THIS PROVISION IS APPLICABLE TO VIEWING DECKS, PLAY STRUCTURES AND DETACHED ACCESSORY BUILDINGS AND STRUCTURES THAT HAVE A SECOND STORY.

B. EXCEPTIONS:

1. This section shall not apply to replacement *dwelling*s where the *dwelling* occupying a *lot* was demolished prior to ORDINANCE NO. 808.8718 EFFECTIVE DECEMBER 19, 1987, the effective date of this Code.
2. THIS SECTION SHALL NOT APPLY TO EXISTING VACANT LOTS/ PARCELS OF LAND WITHOUT A PRIOR RESIDENCE, OR TO NEWLY SUBDIVIDED LOTS.
3. THIS SECTION SHALL NOT APPLY TO CONVERSIONS OF ATTICS INTO OCCUPIABLE SPACE, WHERE NO CHANGES OR ADDITIONS ARE MADE TO THE ROOFLINE OF THE EXISTING RESIDENCE.

C. ADDITIONAL CRITERIA FOR DETERMINING APPROVAL OF A USE PERMIT:

1. THE PROPOSED SECOND STORY IS DESIGNED TO BE COMPATIBLE WITH THE ARCHITECTURE OF THE RESIDENCE AND COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD;
2. THERE ARE DESIGN CONSIDERATIONS FOR PRIVACY TO ADJACENT PROPERTIES AND PROTECTION OF EXISTING SOLAR APPURTENANCES ON ADJACENT LOTS; AND

3. THERE IS SUFFICIENT PARKING ON SITE OR ON THE STREET FRONTAGE TO ACCOMMODATE THE ADDITION GUESTS. ADDITION SHALL BE REQUIRED TO MEET CURRENT SINGLE FAMILY PARKING STANDARDS PURSUANT TO SECTION 4-603, PARKING RATIOS.

SECTION 6. That Part 4, Section 4-603 of the Zoning and Development Code, modifying the parking requirements for single-family residential, is hereby amended to read as follows:

Table 4-603E: Ratios for Off-Street Parking			
Use	Vehicle Parking Minimums	Bicycle Parking Minimums	Bicycle Commute Area
Residential			
Mobile home/trailer	2 spaces + 0.2 guest spaces per unit	NS	NS
Multi-family			
Guest	0.2 space per unit	0.2 space per unit	0.2 space per unit
Studio	1 space per unit	0.5 per unit	0.75 per unit
1 Bedroom	1.5 spaces per unit	0.5 per unit	0.75 per unit
2 Bedroom	2 spaces per unit	0.5 per unit	0.75 per unit
3 Bedroom	2.5 spaces per unit	0.75 per unit	1 per unit
4 Bedroom	3 spaces per unit	0.75 per unit	1 per unit
Single-family, <u>INCLUDING ADDITIONS (UP TO 5 BEDROOMS)</u>	2 spaces per unit	R1-PAD requirement shall be established with the PAD Overlay	R1-PAD requirement shall be established with the PAD Overlay
<u>SINGLE-FAMILY, INCLUDING ADDITIONS (6 OR MORE BEDROOMS)</u>	<u>3 SPACES PER UNIT</u>		
School			
Elementary/junior high	1 space per 300 sf of classroom + office	1 per 1,000 sf	1 per 1,000 sf
Instructional	1 space per 200 sf of classroom + office	1 per 1,500 sf	1 per 1,500 sf
High school/college	1 space per 200 sf of classroom + office	1 per 1,500 sf	1 per 1,500 sf
Vocational	1 space per 200 sf of classroom + office	1 per 1,500 sf	1 per 1,500 sf

KEY:

NS = No Standards

sf = square feet

SECTION 7. That Part 6 Section 6-306 of the Zoning and Development Code, modifying the criteria for major and minor Development Plan Review process, is hereby amended to read as follows:

Section 6-306 - Development Plan Review.

A. **Purpose.** The purpose of a Development Plan Review is to provide review of architectural drawings, including but not limited to a *site plan*, *building* elevations, *landscape* plan, preliminary grading and drainage plan, materials and color samples, *structures*, and *signs*. A development plan provides a plan of development supported by technical construction documents as necessary to encourage, protect, and enhance the functional and attractive appearance of the City of Tempe.

B. **Applicability.** Development plan review shall include the following, except individual single-family dwellings:

1. Major Development Plan Review. Applies to all NEW DEVELOPMENT, AND BUILDING expansions over five thousand (5,000) square feet net floor area; major changes in elevations; and residential development consisting of ~~four (4)~~ SIX (6) or more dwelling units.

2. Minor Development Plan Review. Applies to any ALL NEW DEVELOPMENT AND BUILDING modifications or expansions up to five thousand (5,000) square feet of net floor area ~~or twenty percent (20%) of the existing building area, whichever is less;~~ MINOR CHANGES IN SITE PLANS, LANDSCAPE PLANS OR BUILDING ELEVATIONS; comprehensive sign packages and residential development consisting of two (2) ~~and three (3)~~ TO FIVE (5) dwelling units.

SECTION 8. That Part 7, Sections 7-102 through 7-105, 7-113, 7-120 and 7-123 of the Zoning and Development Code, adding or modifying definitions, is hereby amended to read as follows:

Section 7-102 "A" Definitions.

Auto Body repair means an automotive ~~retail sales and~~ service use in which one (1) or more of the following activities are carried out:

1. COMPREHENSIVE Reconditioning of any ~~type of motorized vehicle~~, including any repairs ~~made to vehicles over ten thousand (10,000) pounds gross vehicle weight;~~
2. Collision services, including body, frame or fender straightening or repair;
3. Overall painting of vehicles or painting of vehicles in a paint shop;
4. Dismantling of motorized vehicles in an enclosed structure.

Section 7-103 - "B" Definitions.

BEDROOM MEANS A ROOM WITHIN A DWELLING THAT CAN BE USED FOR SLEEPING, AND:

1. MEETS THE MINIMUM SIZE REQUIREMENTS OF THE CURRENT BUILDING CODE;
2. MEETS THE MINIMUM TWO (2) MEANS OF EGRESS POINTS PER BUILDING CODE, ONE WHICH LEADS DIRECTLY TO THE OUTSIDE AND ONE WHICH

LEADS TO A COMMON HALLWAY OR COMMON ROOM SUCH AS A KITCHEN, LIVING ROOM AND/OR DINING ROOM;
3. HAS ACCESS TO A FULL BATHROOM ON THE SAME FLOOR OR WITHIN HALF A FLOOR;

IF A HOME OFFICE, LIBRARY OR SIMILAR ROOM IS PROPOSED, IT MAY BE EXEMPTED FROM BEING CONSIDERED A BEDROOM IF AT LEAST ONE WALL EITHER:

- a) EXTENDS NO CLOSER THAN THREE (3) FEET FROM THE HEIGHT OF THE CEILING; OR
- b) HAS A MINIMUM SIX (6) FOOT WIDE OPENING WITHOUT A DOOR, INTO ANOTHER ROOM OR HALLWAY. HALLWAYS ARE NOT CONSIDERED ROOMS.

Building, attached means a building with an internally accessible connection through an enclosed air conditioned space, or a building with an integral roof structure which utilizes the main buildings wall to enclose the space of the attached building.

BUILDING STORY MEANS A SPACE IN A BUILDING BETWEEN A FLOOR AND CEILING OR ROOF ABOVE. WHERE THE FLOOR LEVEL OF THE FIRST STORY IS AT LEAST SIX (6) FEET BELOW THE ADJOINING FINISHED GRADE, THE SPACE SHALL BE CONSIDERED A BASEMENT AND NOT COUNTED AS A STORY.

Section 7-104 - "C" Definitions.

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.

Commercial use means:

1. USES THAT PROVIDE CONSUMER PRODUCTS AND SERVICES, ENTERTAINMENT, RECREATION OR AMUSEMENT BUSINESSES, OR HOSPITALITY AND TOURISM TRADES, OR SIMILAR USES. COMMERCIAL USES SHALL HAVE A PUBLIC POINT OF SALE OR SERVICE.
2. In the MU-Ed zoning district, uses that include, but are not limited to, the sale, exchange, or transfer, of a product or service; accessory entertainment; recreational or amusement businesses; hotels, motels or clubs; commercial parking lots; production or manufacturing and a gross floor area greater than two hundred fifty (250) square feet. To be considered a *commercial use* in the MU-Ed zoning district, the building or use must attract the general public. *Public University* sports venues and *Public University* operated auditoriums are examples of uses that are not considered a *commercial use*.

Section 7-105 "D" Definitions.

Density means the number of dwelling units per acre.

Density, allowable means the number of *dwelling* units allowed within the zoning district multiplied by the number of acres, rounded to the nearest one hundredth (100th) decimal place, per *gross site area*. TO CALCULATE ACREAGE FOR DENSITY, ROUND THE TOTAL GROSS ACRES TO THE NEAREST ONE HUNDREDTH (100TH) DECIMAL PLACE, PRIOR TO MULTIPLYING BY THE NUMBER OF DWELLING UNITS ALLOWED WITHIN THE ZONING DISTRICT. GROSS ACRES APPLIES TO PARCELS DEDICATING RIGHT OF WAY WITH THE REQUEST, GROSS AND NET ARE THE SAME WHEN NO RIGHT OF WAY IS BEING DEDICATED.

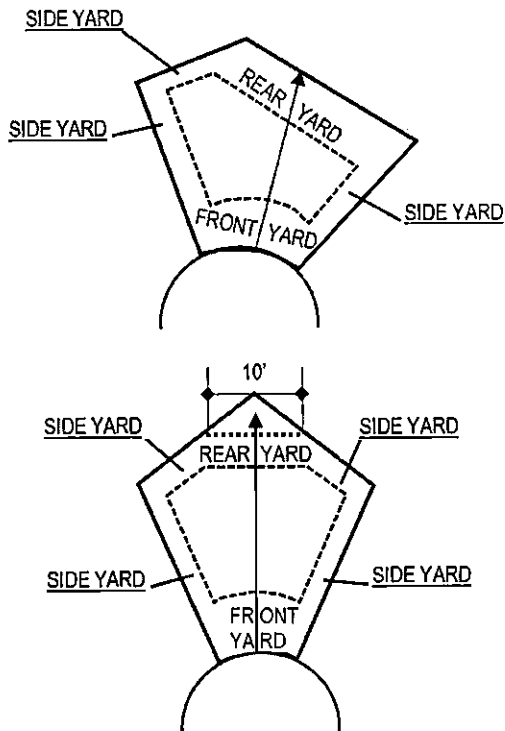
Section 7-106 – 112 “E” through “K” Definitions - *No Change*

Section 7-113 “L” Definitions.

LOT LINE, REAR The rear lot line of a lot is that lot line opposite to the front lot line. Where these are not parallel, the rear lot line shall be DETERMINED BY ~~that~~ DRAWING A LINE ~~THE line which is intersected by a line drawn perpendicular through a tangent to the midpoint of the front lot line,~~ THEN DRAWING A LINE PERPENDICLAR FROM THE MIDPOINT OF THAT LINE, UNTIL IT INTERSECTS A LOT LINE.

Where the side lot lines meet in a 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.



Section 7-114 “M” Definitions.

MANUFACTURING MEANS THE PROCESSING OF RAW MATERIALS OR PARTS INTO FINISHED PRODUCTS INCLUDING ANY STAGES WITHIN PRODUCTION INCLUSIVE OF MECHANICAL, MATERIAL OR CHEMICAL ALTERATIONS, ASSEMBLY OR PACKAGING PRIOR TO DISTRIBUTION, STORAGE OR SALE OF A PRODUCT.

Mezzanine means an intermediate building ~~story~~ LEVEL that projects in the form of a an INTERNAL balcony.

Sections 7-115-119 “N” through “R” Definitions - *No Change*

Section 7-120 “S” Definitions.

Second story, single-family means any floor level that is above the ground or main floor of the dwelling, ~~except mezzanines per building code.~~ ANY STRUCTURE THAT HAS A RAISED FINISHED FLOOR HEIGHT AT LEAST SIX (6) FEET ABOVE FINISHED GRADE, SHALL ALSO BE CONSIDERED A SECOND STORY.

Sections 7-121-123 “T” through “U” Definitions - *No Change*

Section 7-123 “V” Definitions.


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

VEHICLE SERVICE MEANS A USE WITH MINOR AUTOMOTIVE SERVICES SUCH AS DETAILING, WINDSHIELD REPLACEMENT, BATTERY REPLACEMENT, AUDIO ACCESSORY INSTALLATION OR SIMILAR USE AND DOES NOT INCLUDE VEHICLE REPAIR.

SECTION 9. Pursuant to A.R.S. § 9-462.01(J), the City Council has considered the probable impact of this zoning ordinance on the cost to construct housing for sale or rent.

SECTION 10. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this 8th day of September, 2022.


Corey D. Woods, Mayor

ATTEST:


Carla R. Reece, City Clerk

APPROVED AS TO FORM:


Sonia M. Blain, City Attorney