

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 07/26/2022
Agenda Item: 9**

ACTION: Request for code text amendment to the ZONING AND DEVELOPMENT CODE, consisting of clarifications, modifications and additions to various sections of the code. The applicant is City of Tempe.

FISCAL IMPACT: These ordinances have no fiscal impact on City funds.

RECOMMENDATION: Approve, subject to conditions

BACKGROUND INFORMATION ZONING AND DEVELOPMENT CODE (PL220131) The current Zoning and Development Code was adopted and implemented in 2005 and has had approximately 60 amendments in the past 17 years. City staff have been tracking and compiling needed Zoning and Development Code changes, corrections and items in need of clarification dating back to when the current General Plan 2040 adopted in 2013 and Building Code from 2018 went into effect. On September 20, 2018, the City Manager's Working Group on "Exploring Strategies to Retain and Grow Businesses in Tempe" provided the City Council Committee of the Whole work study a list of development process improvements. One of the items identified the need to regularly update our City Codes and ordinances. As part of an initial phase for Zoning and Development Code amendments, City staff has prepared clean-up text amendments based on interpretations and clarifications the have developed over the past few years. October 14, 2021 the City Council approved phase 1 corrections and clarifications to the Zoning and Development Code. A second phase of the process began thereafter to prepare an amendment for updates or new concepts for consideration into the Zoning and Development Code. This phase 2 includes changes to Part 1, Part 3, one change to Part 4, Part 6 and Part 7. Subsequent amendments to Parts 4 and 5 will come with phase 3 of the effort to update the code, due to the depth and complexity of those two code parts. This request includes the following:

ZOA220001 Code Text Amendment within the Zoning and Development Code, amending Part 1 Section 1-209; Part 3 Sections 3-102, 3-202, 3-302, and 3-420; Part 4 Section 6-302; Part 6 Section 6-101, 6-306 and 6-307; and Part 7 Definitions Sections 7-102 through 7-105, 7-113 and 7-123.

ATTACHMENTS: Ordinance (2022.XX) and Ordinance (2022.YY) pertaining to Part 6 Subdivisions, Ordinance (2022.ZZ) Tempe City Code Chapter 30 (For Reference Only), Survey

STAFF CONTACT(S): Ryan Levesque, Deputy Community Development Director (480) 858-2393

Department Director: Jeff Tamulevich, Community Development Director

Legal review by: N/A

Prepared by: Diana Kaminski, Senior Planner

Reviewed by: Suparna Dasgupta, Principal Planner

COMMENTS:

This request is for updates to Parts 1, 3, 4, 6 and 7 in various sections of the current Zoning and Development Code, to facilitate easier use of the document. The amendments have been organized within two Ordinances, the first is for Parts 1, 3, 4, 6 and 7; the second is for Part 6 pertaining to the Subdivision Plat process. Both ordinances are included in the attachments. Because Subdivision Plats includes Engineering Standards and Tempe City Code, this second ordinance is being coordinated with changes to the Engineering Standards and changes to the Tempe City Code. The City Code Chapter 30 would be repealed in entirety and replaced with new language. The City Council will hear and act on the Tempe City Code at the same time they hear the Ordinance for the Subdivision Plat zoning code text amendments. The Tempe City Code Chapter 30 is provided in the attachments for reference only. The Development Review Commission provides a recommendation on the two ordinances related to the Zoning and Development Code.

The Ordinance for Parts 1, 3, 4, 6 and 7 modifications include:

- Clarification of how to calculate fractions and how density is calculated.
- Update on allowing retailing of agricultural products in the AG zoning to conform to state law.
- Addition of Coffee/Cocoa Roasting, Outdoor Cooking/Grilling/Smoking with use permits in commercial districts.
- Addition of Vehicle Service use for commercial, mixed-use and industrial districts with clarification of existing automotive use definitions, excluding the TOD Overlay areas which prohibit these uses and are not proposed for change.
- Clarification of the second story addition requirements with exceptions and criteria for use permits in single-family residential districts.
- Addition of parking ratio for single-family homes with up to five bedrooms requiring 2 parking spaces and 6 or more bedrooms requiring 3 parking spaces on site.
- Change to the Major and Minor Development Plan Review process to simplify the criteria of determination and allow up to five residential units to be reviewed administratively by staff.
- Definitions were added or modified for the following referenced words:
 - Auto Body
 - Bedroom
 - Building Story
 - Caretaker Residence
 - Commercial
 - Density (clarification of how to calculate)
 - Lot Line Rear (clarification of how to determine on odd-shaped lots)
 - Manufacturing
 - Vehicle Repair

The Ordinance for Part 6 Subdivision modifications include:

- Table 6-101 to clarify the process for different lot changes (split, line adjustment, combination, etc.)
- Adding or modifying Lot Combinations, Lot Splits, Land Splits and Lot Line Adjustments to the applicability section.
- Clarifying Preliminary and Condo plat and Lot Line Adjustment processes, adding Lot Combination and Land Splits to the process section.

This request includes the following:

ZOA220001 Zoning Code Text Amendment within the Zoning and Development Code, amending Part 1 Section 1-209; Part 3 Sections 3-102, 3-202, 3-302, and 3-420; Part 4 Section 6-302; Part 6 Section 6-101, 6-306 and 6-307; and Part 7 Definitions Sections 7-102 through 7-105, 7-113 and 7-123.

Staff is requesting the Development Review Commission provide recommendations to City Council the above code text amendments.

EXPLANATION OF CHANGES:

Collection of input from planning staff and observations provided by customers led to research on a variety of topics including evaluation of prior Tempe Ordinances, current applicable Arizona state statutes and inquiry to other local jurisdictions. Research was gathered informally by website and phone calls made over the past four years prior to drafting the proposed changes to the code. The resulting code text amendments are the culmination of efforts to update and clarify the code. Attachments 1-10 provide a chart outlining all of the proposed changes with explanation of the changes.

Streamlining entitlement processes for smaller developments was a focus of these amendments. Updating the subdivision plat process in both City Code and Zoning Code as well as the Engineering Standards included adding definitions and clarifying processes. Changes to process allows smaller projects seeking to adjust lot lines, create one lot from up to three lots, or split a lot into no more than three lots; these applications could be done with a technical review for compliance with the criteria and approval by staff, rather than requiring a public meeting at City Council. Subdivision and Condominium plats are still required to be taken to City Council at a public meeting.

Modifying the threshold for major vs. minor design projects will also aid in streamlining processes for smaller developments. Evaluation of the past five years of design entitlement requests indicated that 26 projects, approximately 5 cases per year, were small projects that would have benefited from the changes proposed to criteria for minor Development Plan Review processes. Note that any project requiring a Use Permit would still be required to be heard at a public hearing with the Development Review Commission prior to the Development Plan Review process for the design of the project. No changes were made to the requirements for public hearings.

Comments from community members, DRC and the Neighborhood Advisory commission led to evaluation of the parking standards for single family residences. Residences built prior to 1977 were only required by older codes to have 1 parking space, and typically had driveways to serve for tandem guest parking or additional on street parking. These older ordinances also included provisions for any building addition requiring the entire building be brought up to current parking standards. In 1977 parking standards were changed to include a per bedroom calculation for all dwelling units, up to 2 spaces for single family homes with 3 or more bedrooms. Architecture at the time was predominantly 3-4 bedroom residences. In 2005, the connection between bedrooms and units was removed from single-family districts, and the provision for additions to buildings was excluded from the single-family parking requirements. Since 2005, the architectural product type for single-family has changed to include narrow attached units with no on-street parking and no driveways, no requirements for guest parking and no standards for parking ratios based on bedrooms. Recent applications for single-family residences with more than 5 bedrooms has resulted in challenges for adjacent property owners when parking demand exceeds available on-site spaces. The proposed change re-instates prior provisions tying bedroom counts to parking ratios and requiring non-conforming properties that are adding bedrooms to bring the site into conformance with current code. The result of this change will be all units with up to 5 bedrooms having 2 on-site parking spaces, and all units with more than 5 bedrooms having 3 parking spaces.

PUBLIC INPUT:

Neighborhood Advisory Commission

On June 1, 2022, Planning staff presented the proposed amendments for phase 2 to the commission.

Regarding community gardens, a commissioner asked if community gardens were allowed at apartment complexes. Yes, community gardens are allowed in all districts subject to a Use Permit, with the exception of the Agricultural District as indicated by this code text update.

Regarding the provisions for bedroom additions to single-family homes, a commissioner asked what was being resolved regarding homes where multi-units are created? If an area is zoned to allow multi-family, we cannot stop it but we will review applications thoughtfully. However, if someone is looking to split a dwelling into multiple units, that is not allowed. Bedrooms must have integral access to the home through the entrance.

The commission asked for an executive summary of the proposed changes to help explain why each change was being made.

Development Review Commission

May 24, 2022, staff presented the proposed amendments to the commission. Regarding the PART 6, Section 6-306

Development Plan review change to the determining process for major or minor amendments, Chair DiDomenico asked if the 5,000 SF net floor area is meant to apply to commercial projects. Ms. Kaminski stated that it is anything other than residential since they are based on dwelling units. Chair DiDomenico suggested a clarification purposes to state that a major development plan review applies to all commercial new development buildings since residential development it is based on the number of dwelling units. Commissioner Summers noted that the DRC does not see single family residential developments and asked if staff reviews those. Ms. Kaminski stated that the Commission sees single family if there are currently four or more units, such as townhomes, etc. The proposed change would increase the number of units staff would be allowed to review administratively to up to six units. Staff asked for commissioners to email any additional recommendations for change for inclusion in the formal hearing process.

Question about the use permit requirement for single-family residences to have multiple stories. Table 3-102 under single family residences it says 2 or MORE stories, this is current code, no changes proposed. Single-family districts allow up to 30' in height, which could include a three-story house, as is common with townhome products. The requirement for the Use Permit is when the site has never had a 2-story structure, so that there is a public process for reviewing increases to the stories of a single-story house. But the height is allowed by right. The U(S) means "Use Permit (Special standards applied) this allows us to look at privacy, solar shade impact, etc.

Part 7 Density – If someone has a parcel of land and they have to calculate density, some cities take the gross acreage from the centerline of the street, making the parcel larger. Tempe has largely platted and dedicated ROW, so the gross and net are generally the same. This has caused confusion for some applicants based on gross acreage calculated from the center of the street. If someone is required to dedicate a portion of their land to the city as right of way then the gross area is used to calculate the density. If a parcel of land has already dedicated the right of way through a prior plat process (most parcels in Tempe) then the gross and net acres for their parcel are the same and the calculation of density is based on the actual lot size listed in the county assessor's site or plat.

Concern about vehicle service being allowed in the TOD. Vehicle Service is new to the code, we did not have a definition for it. Part 3 in Section 3 Table 3-202A and B Vehicle Service is being allowed with a permit however, the TOD prohibits vehicle towing, sales, repair, wash, fueling or service, auto body repair, auto service stations. The TOD is the more restrictive code and this use is still not allowed in the TOD.

Question about bedroom definition in Sec. 7-103 B. Every bedroom has to have a point of egress (by building code, this is a window for emergency escape) but we require each bedroom to have a door inside to the rest of the house so that it can't become a separate dwelling unit by modification after permitting, it needs to function as part of the house.

Survey Results

An online survey was posted on June 15th and was kept open until July 14th to provide opportunity for public review of the proposed code text amendments. In the month the online survey forum was open, 68 people visited the site and 17 provided responses. See Attachments 35-47 for the survey results.

REASONS FOR APPROVAL:

Based on the information and analysis prepared, staff recommends approval of the code text amendment ordinances to facilitate use of the code. These amendments will make it easier for applicants to use and understand the code. These ordinances support the General Plan 2040 goals and strategies.

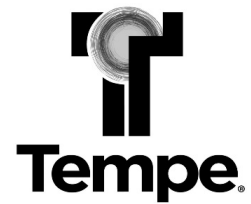
HISTORY & FACTS:

- | | |
|-------------------|--|
| January 20, 2005 | City Council adopted the Zoning and Development Code, a new Zoning Ordinance 2003.36 and repealing Zoning Ordinance 808, which had been in effect since this date. |
| August 24, 2021 | Development Review Commission heard and recommended approval of the phase 1 series of code text clarifications and corrections. |
| September 9, 2021 | City Council held the first public hearing to introduce the code text clarifications and corrections phase 1 of the code text updates. |

- October 14, 2021 City Council held the second and final public hearing and approved the phase 1 the code text clarifications and corrections.
- July 26, 2022 Development Review Commission is scheduled to hear this requested phase 2 of the code text amendments.
- August 18, 2022 City Council is scheduled for the first public hearing to introduce phase 2 code text amendments for consideration.
- September 8, 2022 City Council is scheduled for the second and final public hearing for phase 2 code text amendments.

ZONING AND DEVELOPMENT CODE REFERENCE:

6-304 Zoning Map Amendments (including Overlay Districts) and Code Text Amendments



DEVELOPMENT PROJECT FILE

for

ZONING AND DEVELOPMENT CODE (PL220131)

ATTACHMENTS:

- 1-10. Explanation of Proposed Code Text Amendments
- 11. Projects that would benefit from changes to criteria for Minor Development Plan Review Amendments
- 12-22. Ordinance for Zoning Code Text Amendments to Parts 1, 3, 4, 6, & 7
- 23-26. Ordinance for Zoning Code Text Amendment for Subdivision Plats
- 27-33. Ordinance for Tempe City Code Amendment for Subdivision Plats
(For Reference only)
- 34-45. Online Survey Results

Explanation of Proposed Code Text Amendments

Tempe Zoning and Development Code was adopted in 2005. In the past 17 years, customers and staff have used the document under two General Plans, and identified areas necessary for correction, clarification or change. There are seven parts to the Zoning Code, and many chapters and sections within the parts. The effort to amend the document is being done incrementally and requires stakeholder input to assure clarity of language and intent with the proposed updates. Below are the proposed changes organized by Zoning Code Part with an explanation of proposed changes:

	WHAT IS PROPOSED TO CHANGE IN THE ZONING CODE	WHY THIS CHANGE IS BEING PROPOSED																																																																										
CLARIFICATIONS ON HOW TO CALCULATE FRACTIONS AND DENSITY																																																																												
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PART 7 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 ROW WITH THE REQUEST, GROSS AND NET ARE THE SAME WHEN NO ROW IS BEING DEDICATED).	Language added to clarify how to calculate density. (Modifications/additions are indicated in capitalized letters)																																																																										
UPDATE TO RESIDENTIAL USE TABLE																																																																												
PART 3 Section 3-102: Permitted Uses in Residential Districts	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="5" style="text-align: left; background-color: #f2f2f2;">Table 3-102 – Permitted Land Uses (AG, SFR, MF, MH, RMH, TP)</th> </tr> <tr> <th rowspan="2" style="text-align: center;">Uses</th> <th colspan="4" style="text-align: center;">Status of Use in District</th> </tr> <tr> <th style="text-align: center;">AG</th> <th style="text-align: center;">SFR</th> <th style="text-align: center;">MF</th> <th style="text-align: center;">MH/RM H/TP</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">.....</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Residential Sales Office, Temporary [Section 3-419]</td> <td style="text-align: center;">S</td> <td style="text-align: center;">S</td> <td style="text-align: center;">S</td> <td style="text-align: center;">S</td> </tr> <tr> <td style="background-color: yellow;">Retailing of Farm Products Produced on Premises</td> <td style="text-align: center; background-color: yellow;">U.P</td> <td style="text-align: center;">N</td> <td style="text-align: center;">N</td> <td style="text-align: center;">N</td> </tr> <tr> <td>School</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Charter (use permit required in a single-family residential district on a lot of less than 1 acre, pursuant to Section 6-308)</td> <td style="text-align: center;">S</td> <td style="text-align: center;">S</td> <td style="text-align: center;">P</td> <td style="text-align: center;">P</td> </tr> <tr> <td>Instructional</td> <td style="text-align: center;">U</td> <td style="text-align: center;">U</td> <td style="text-align: center;">U</td> <td style="text-align: center;">U</td> </tr> <tr> <td>Private</td> <td style="text-align: center;">U</td> <td style="text-align: center;">U</td> <td style="text-align: center;">U</td> <td style="text-align: center;">U</td> </tr> <tr> <td>Public</td> <td style="text-align: center;">P</td> <td style="text-align: center;">P</td> <td style="text-align: center;">P</td> <td style="text-align: center;">P</td> </tr> <tr> <td>Vocational</td> <td style="text-align: center;">N</td> <td style="text-align: center;">N</td> <td style="text-align: center;">N</td> <td style="text-align: center;">N</td> </tr> <tr> <td>Similar Uses [Section 6-301]</td> <td style="text-align: center;">S</td> <td style="text-align: center;">S</td> <td style="text-align: center;">S</td> <td style="text-align: center;">S</td> </tr> <tr> <td>Single-Family Dwelling (See Section 7-107, definition of <i>family</i>)</td> <td style="text-align: center;">S</td> <td style="text-align: center;">S</td> <td style="text-align: center;">P</td> <td style="text-align: center;">P</td> </tr> <tr> <td>Second Story Addition or Replace Single Story with 2 or More Stories [Section 3-420]</td> <td style="text-align: center;">U(S)</td> <td style="text-align: center;">U(S)</td> <td style="text-align: center;">U(S)</td> <td style="text-align: center;">N</td> </tr> </tbody> </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					Residential Sales Office, Temporary [Section 3-419]	S	S	S	S	Retailing of Farm Products Produced on Premises	U.P	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	Single-Family Dwelling (See Section 7-107, definition of <i>family</i>)	S	S	P	P	Second Story Addition or Replace Single Story with 2 or More Stories [Section 3-420]	U(S)	U(S)	U(S)	N	Updating the code to comply with Arizona State Statutes ASRS Article 7 Sale of Food Products by Producers 3-561 Restrictions on sales by food producers is prohibited. Producers of food products on agricultural lands, farms and gardens shall never under any pretext be denied or restricted the right to sell and dispose of their products, except in the manner and to the extent outlined in the state law.
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ADDITIONS OF USES TO THE COMMERCIAL, MIXED USE AND INDUSTRIAL DISTRICT TABLES

**PART 3
Section 3-202A
Permitted Uses
in Commercial
Districts.**

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
.....						
Childcare Centers: Nursery Schools, Day Care Centers, similar	P	P	P	P	P	P
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
COFFEE/COCOA ROASTING (ACCESSORY TO RETAIL/RESTAURANT USE)	N	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

Continuation of the use table for commercial uses.....

Mini-Warehouse/Rental Storage Facilities [Section 3-415]	N	U(S)	N	U(S)	U(S)	S
Offices	P	P	P	P	P	P
OUTDOOR COOKING/GRILLING/SMOKING	U(S)	U(S)	U(S)	U(S)	U(S)	U(S)
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 SERVICE	N	P	P	P	P	P

Based on changes in industry practices and markets, customer inquiries regarding specific uses not previously identified in the use tables led to increased requests for interpretation of allowed uses. The proposed changes add new land uses and identify which districts would require a use permit based on the use. The three additions to these tables include Coffee/Cocoa Roasting as an accessory to a retail or restaurant use, outdoor cooking/grilling/smoking, and vehicle service uses. The last of these did not have a definition in the code, and this resulted in further refinement of vehicle uses in the definitions in Part 7 of the code.

PART 3 Section 3-202A Permitted Uses in Mixed Use Districts.	<table border="1"> <thead> <tr> <th colspan="6">Table 3-202B – Permitted Land Uses (MU-1, MU-2, MU-3, MU-4 and MU-Ed)</th> </tr> <tr> <th rowspan="2">Uses</th> <th colspan="5">Districts</th> </tr> <tr> <th>MU-1</th> <th>MU-2</th> <th>MU-3</th> <th>MU-4</th> <th>MU-Ed</th> </tr> </thead> <tbody> <tr> <td>...</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Services [See Appendix M.]</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> </tr> <tr> <td>Auto title loan [Section 3-423]</td> <td>U(S)</td> <td>U(S)</td> <td>U(S)</td> <td>U(S)</td> <td>U(S)</td> </tr> <tr> <td>Barber/Beauty Salon</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> <td>U</td> </tr> <tr> <td>Employment agency</td> <td>U</td> <td>U</td> <td>U</td> <td>U</td> <td>U</td> </tr> <tr> <td>Financial institutions (without drive through)</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> </tr> <tr> <td>Financial institutions, non-chartered [Section 3-423]</td> <td>U(S)</td> <td>U(S)</td> <td>U(S)</td> <td>U(S)</td> <td>U(S)</td> </tr> <tr> <td>Massage establishment</td> <td>U</td> <td>U</td> <td>U</td> <td>U</td> <td>U</td> </tr> <tr> <td>Mortuary</td> <td>U</td> <td>U</td> <td>U</td> <td>U</td> <td>U</td> </tr> <tr> <td>Personal or business (e.g. drycleaner, small appliance repair)</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> </tr> <tr> <td>Photography Studio, except adult-oriented businesses</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> </tr> <tr> <td>Vehicle base service (courier, delivery service, taxi and ambulance dispatch)</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>U</td> </tr> <tr> <td>Tattoo, body piercing establishment [Section 3-424]</td> <td>N</td> <td>N</td> <td>U(S)</td> <td>U(S)</td> <td>N</td> </tr> <tr> <td>Tutoring/After school learning center</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> </tr> <tr> <td>With drive through (e.g. dry cleaner) [Section 3-408]</td> <td>N</td> <td>S</td> <td>S</td> <td>S</td> <td>U(S)</td> </tr> <tr> <td>Similar Uses [Section 6-301]</td> <td>S</td> <td>S</td> <td>S</td> <td>S</td> <td>S</td> </tr> <tr> <td>VEHICLE SERVICE</td> <td>P</td> <td>P</td> <td>P</td> <td>U</td> <td>U</td> </tr> <tr> <td>Wireless Telecommunication Facilities [Section 3-421]</td> <td>U(S)</td> <td>U(S)</td> <td>U(S)</td> <td>U(S)</td> <td>U(S)</td> </tr> </tbody> </table>	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	...						Services [See Appendix M.]	P	P	P	P	P	Auto title loan [Section 3-423]	U(S)	U(S)	U(S)	U(S)	U(S)	Barber/Beauty Salon	P	P	P	P	U	Employment agency	U	U	U	U	U	Financial institutions (without drive through)	P	P	P	P	P	Financial institutions, non-chartered [Section 3-423]	U(S)	U(S)	U(S)	U(S)	U(S)	Massage establishment	U	U	U	U	U	Mortuary	U	U	U	U	U	Personal or business (e.g. drycleaner, small appliance repair)	P	P	P	P	P	Photography Studio, except adult-oriented businesses	P	P	P	P	P	Vehicle base service (courier, delivery service, taxi and ambulance dispatch)	N	N	N	N	U	Tattoo, body piercing establishment [Section 3-424]	N	N	U(S)	U(S)	N	Tutoring/After school learning center	P	P	P	P	P	With drive through (e.g. dry cleaner) [Section 3-408]	N	S	S	S	U(S)	Similar Uses [Section 6-301]	S	S	S	S	S	VEHICLE SERVICE	P	P	P	U	U	Wireless Telecommunication Facilities [Section 3-421]	U(S)	U(S)	U(S)	U(S)	U(S)	Addition of new land uses (see explanation in commercial districts.
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PART 7 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.	Language added for further clarification. Strikeouts indicate deletion of existing language. (Modifications/additions are indicated in capitalized letters)																																																																																																																													

PART 7 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."	Language added for further clarification. Strikeouts indicate deletion of existing language. (Modifications/additions are indicated in capitalized letters)
	VEHICLE SERVICE MEANS A USE WITH MINOR AUTOMOTIVE SERVICES SUCH AS DETAILING, WINDSHIELD REPLACEMENT, BATTERY REPLACEMENT, AUDIO ACCESSORY INSTALLATION AND DOES NOT INCLUDE VEHICLE REPAIR.	New definition added to clarify uses based on customer inquiries. (Additions are indicated in capitalized letters)

Modifications To Use Permit Requirements For Second Story

PART 3 Section 3-420: Single-Family Residential Second Story Addition or Rebuild OR DETACHED ACCESSORY BUILDING.	<p><u>A.</u> A use permit is required for any single story, single-family residence to add, expand, or rebuild for a second story, <u>INCLUDING THE ADDITION OF A DETACHED ACCESSORY BUILDING. THIS PROVISION IS APPLICABLE TO VIEWING DECKS, PLAY STRUCTURES AND DETACHED ACCESSORY BUILDINGS AND STRUCTURES.</u></p> <p><u>B. EXCEPTIONS:</u></p> <ol style="list-style-type: none"> 1. This section shall not apply to replacement <i>dwelling</i>s where the <i>dwelling</i> occupying a <i>lot</i> was demolished prior to <u>ORDINANCE NO. 808.8718 EFFECTIVE DECEMBER 19, 1987.</u> the effective date of this Code. 2. <u>THIS SECTION SHALL NOT APPLY TO NEW OR EXISTING VACANT LOTS OR PARCELS OF LAND.</u> 3. <u>THIS SECTION SHALL NOT APPLY TO CONVERSIONS OF EXISTING ATTICS WHERE NO CHANGES ARE MADE TO THE ROOFLINE OF THE EXISTING RESIDENCE.</u> <p><u>C. ADDITIONAL CRITERIA FOR DETERMINING APPROVAL OF A USE PERMIT:</u></p> <ol style="list-style-type: none"> 1. <u>THE PROPOSED SECOND STORY IS DESIGNED TO BE COMPATIBLE WITH THE ARCHITECTURE OF THE RESIDENCE AND IN CHARACTER WITH THE SURROUNDING RESIDENCES;</u> 2. <u>THERE ARE DESIGN CONSIDERATIONS FOR PRIVACY TO ADJACENT PROPERTIES AND PROTECTION OF EXISTING SOLAR APPURTENANCES ON ADJACENT LOTS; AND</u> 3. <u>THERE IS SUFFICIENT PARKING ON SITE OR ON THE STREET FRONTAGE TO ACCOMMODATE THE ADDITION. SHALL BE REQUIRED TO MEET CURRENT SINGLE FAMILY PARKING STANDARDS PURSUANT TO SECTION 4-603, PARKING RATIOS.</u> 	Clarifying the existing section of the Zoning and Development Code for use permits required for second story addition. This section adds additional criteria for evaluation that will require careful considerations of privacy, obstruction to solar exposure, and other such compatibility with neighboring properties. (Text CAPITALIZED indicate modifications, deletions, and additions to current code language).
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Modification to parking ratios for single-family homes based on number of bedrooms

**Part 4
Section 6-302
Table 4-603E:
Ratios for Off-Street Parking**

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

Use	Vehicle Parking Minimums		
Residential			
Mobile home/trailer	2 spaces + 0.2 guest spaces per unit		
Multi-family			
Guest	0.2 space per unit		
Studio	1 space per unit		
1 Bedroom	1.5 spaces per unit		
2 Bedroom	2 spaces per unit		
3 Bedroom	2.5 spaces per unit		
4 Bedroom	3 spaces per unit		
Single-family, INCLUDING ADDITIONS (UP TO 5 BEDROOMS)	2 spaces per unit		
SINGLE-FAMILY, INCLUDING ADDITIONS (6 OR MORE BEDROOMS)	3 SPACES PER UNIT		
School			
Elementary/junior high	1 space per 300 sf of classroom + office		
Instructional	1 space per 200 sf of classroom + office		
High school/college	1 space per 200 sf of classroom + office		
Vocational	1 space per 200 sf of classroom + office		

Residences built at different times had different standards for parking in single family districts. From 1938 to 1977 the requirement for 1 parking space and typical homes were 1-3 bedrooms.

1970 Zoning Ordinance 405 required only 1 parking space per dwelling unit for single-family residences, but also had a provision that any addition or enlargement of existing buildings required the entire building or use to comply with current parking requirements.

1977 Ordinance 808 required any addition or enlargement to existing buildings be brought into conformance with parking standards within the code. This code also used a ratio table for dwelling unit based on bedrooms to provide parking based on bedroom count. 3 or more bedrooms required 2 parking spaces. The typical housing unit at the time was 3-4 bedrooms.

The repeal of Ordinance 808 and replacement with the 2005 Zoning Ordinance kept the 2 spaces per dwelling unit but removed the reference to bedroom counts. At the time, single family lots typically had driveways and additional yard space to serve for parking demand of the individual unit. Changes to architectural product and density has led to complaints from residents about parking demand caused

		by new developments. This triggered return to prior considerations for parking based on bedroom count.
Addition of a definition of bedroom to address parking requirements		
Section 7-103 - "B" Definitions.	<p><u>BEDROOM MEANS A ROOM WITHIN A DWELLING THAT CAN BE USED FOR SLEEPING, AND:</u></p> <p><u>1. MEETS THE MINIMUM SIZE REQUIREMENTS OF THE CURRENT BUILDING CODE; </u></p> <p><u>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;</u></p> <p><u>3. HAS ACCESS TO A FULL BATHROOM ON THE SAME FLOOR OR WITHIN HALF A FLOOR;</u></p> <p><u>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:</u></p> <p><u>a) EXTENDS NO CLOSER THAN THREE (3) FEET from THE height of THE CEILING; OR</u></p> <p><u>b) HAS A MINIMUM SIX (6) FOOT WIDE OPENING WITHOUT A DOOR, INTO ANOTHER ROOM OR HALLWAY. HALLWAYS ARE NOT CONSIDERED ROOMS.</u></p>	New definition added to assure parking ratios are met with new residential developments. (Modifications/additions are indicated in capitalized letters)
Major And Minor Development Plan Review		
PART 6 Section 6-306 Development Plan Review.	<p>B. Applicability. Development plan review shall include the following, except individual single-family dwellings:</p> <p>1. Major Development Plan Review. Applies to all <u>NEW DEVELOPMENT; AND BUILDING</u> expansions over five thousand (5,000) square feet net floor area; major changes in elevations; and residential development consisting of four (4) <u>SIX (6)</u> or more dwelling units.</p> <p>2. Minor Development Plan Review. Applies to any <u>ALL NEW DEVELOPMENT AND BUILDING</u> 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; <u>MINOR CHANGES IN SITE PLANS, LANDSCAPE PLANS OR BUILDING ELEVATIONS;</u> comprehensive sign packages and residential development consisting of two (2) and three (3) <u>TO FIVE (5)</u> dwelling units.</p>	This section is proposed to clarify what constitutes a major versus minor development plan review process and criteria. This change will streamline the process for smaller developments.
Subdivisions, Lot Splits and Adjustments		

**PART 6
Section 101A:
Applications by
Decision Body**

Table 6-101A – Applications by Decision Body and Type of Procedure¹

Type of Procedure:	Decision Body:	CD DIR.	ZA	ORIGINAL	HO	BA	DRC	JRC ²	CC	Superior Court	Nghd. Meeting	Code Reference
Abatements					D	A				A		Sec. 6-310
Annexation									D	A		Sec. 2-106
Code Interpretation/ Similar use Rulings			D			A		A		A		Sec. 6-301
Code Text Amendment							Rev	Rev	D	A		Sec. 6-304
Development Plan Review												
Major							Rev /D	D	D/A	A		Sec. 6-306
Minor	D						A	A	A	A		Sec. 6-306
General Plan Amendment							Rev	Rev	D	A	Yes	Sec. 6-302
Major Amendment							Rev	Rev	D	A	Yes	Sec. 6-302
Lot Line Adjustment		D							D	A		Sec. 6-307
LOT COMBINATION (UP TO 3 LOTS)		D							A			
Lot Split		D							A	A		Sec. 6-307
Modify Approved Development Plan, PAD Overlay or Condition of Approval:												
Major Modification				D						A	Yes	Sec. 6-312
Minor Modification	D			A						A		Sec. 6-312
Planned Area Development Overlay (PAD Overlay), and PAD Overlay Amendments							Rev		D	A	Yes	Sec. 6-305
Preliminary Review Process		Rev										Sec. 6-202
Shared Parking Applications		D					A	A	A	A		Sec. 6-311
Sign Permit		D					A	A	A	A		Sec. 4-904
Subdivision, Preliminary		D					D	D	A	A		Sec. 6-307
Final or Amended		D						Rev	D	A		Sec. 6-307
Time Extension		D		D						A		Sec. 6-901
Use Permit					D		D/A	D/A	A	A		Sec. 6-308
Variance					D	D/A		D/A		A	Yes	Sec. 6-309
Zoning Map Amendment							Rev	Rev	D	A	Yes	Sec. 6-304

Purpose of change is to streamline the process for smaller projects and clarify requirements based on state statutes and engineering standards. Summary of Decision-Making Procedures: Subdivisions.

- a. Preliminary Subdivision Plat goes to staff for administrative approval.
- b. Condominium Plat goes to City Council
- c. Final Subdivision Plat goes to City Council
- d. Amended Final Subdivision Plat goes to City Council

Lot combination goes to staff for administrative approval.

Lot line adjustment goes to staff for administrative approval.

Lot split goes to Staff for administrative approval

Land splits are parcels that are not a part of a subdivision plat shall be processed as a subdivision plat.

**Part 6
Section 6-307:
Subdivisions,
Lot Splits, Lot
Combinations
and
Adjustments.**

**Section 6-307 Subdivisions, Lot Splits, LOT COMBINATIONS and Adjustments.
B. Applicability...**

1.

A. PRELIMINARY SUBDIVISION. A PRELIMINARY SUBDIVISION IS REQUIRED WHEN A PROPOSED SUBDIVISION OF FOUR (4) OR MORE LOTS, TRACTS, OR PARCELS OF LAND, OR A NEW STREET IS INVOLVED IN THE DIVISION OF TWO (2) OR MORE LOTS, CONTAINS ANY PORTION OF LAND NOT PREVIOUSLY PART OF A RECORDED SUBDIVISION PLAT.

2.

LOT COMBINATION. LOT COMBINATIONS APPLY TO NO MORE THAN THREE (3) CONTIGUOUS LOTS OR TRACTS ARE BEING

Modification to existing language to conform to State statutes and engineering standards, establishing definitions and procedures for smaller projects to streamline the process. (Modifications/additions are indicated in capitalized letters).

CONSOLIDATED INTO LARGER LOTS WITHIN AN EXISTING RECORDED SUBDIVISION FOR OWNERSHIP, DEVELOPMENT OR REDEVELOPMENT.

23. Lot Split. *Lot splits* apply to the division of improved or unimproved land whose area is two and one-half (2 1/2) acres or less, into two (2) or three (3) tracts or parcels of land for the purpose of sale or lease or as defined in A.R.S. § 9-463, WITHIN AN EXISTING RECORDED SUBDIVISION THAT COMPLIES WITH EXISTING SUBDIVISION LAWS.

4. LAND SPLITS APPLY TO THE DIVISION OF IMPROVED OR UNIMPROVED LAND WHOSE AREA IS TWO AND ONE-HALF (2 1/2) ACRES OR LESS, INTO TWO (2) OR THREE (3) TRACTS OR PARCELS OF LAND FOR THE PURPOSE OF SALE OR LEASE, AS DEFINED IN A.R.S. § 9-463. PREVIOUS LAND SPLITS SHALL BE COUNTED TOWARD THE MAXIMUM LAND SPLITS ALLOWED.

35. Lot Line Adjustment. *Lot line* adjustments apply to *property line* modifications within a recorded *subdivision* plat. THE LOT LINE ADJUSTMENT PROCESS WILL YIELD THE SAME NUMBER OF LOTS. THE LOT LINE ADJUSTMENT PROCESS IS NOT USED TO CREATE ADDITIONAL LOTS.

C. Procedure.

1. Subdivision.

a. Preliminary Subdivision Plat. REQUIRES AN ADMINISTRATIVE APPROVAL BY THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE. APPEALS OF THE COMMUNITY DEVELOPMENT DIRECTOR, OR DESIGNEE, DECISION SHALL BE APPEALED TO THE CITY COUNCIL WITHIN FOURTEEN (14) CALENDAR DAYS OF ACTION. ~~Shall be processed to the Development Review Commission for approval at a public meeting.~~

b. CONDOMINIUM PLAT. SHALL BE PROCESSED TO THE CITY COUNCIL FOR APPROVAL AT A PUBLIC MEETING.

c. Final Subdivision Plat. Shall be processed to the City Council for approval at a public meeting.

d. Amended Final Subdivision Plat. Shall be processed to the City Council for approval at a public meeting.

	<p><u>2.</u> <u>LOT COMBINATION. REQUIRES AN ADMINISTRATIVE APPROVAL BY THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE. APPEALS OF THE COMMUNITY DEVELOPMENT DIRECTOR DECISION SHALL BE APPEALED TO THE CITY COUNCIL WITHIN FOURTEEN (14) CALENDAR DAYS OF ACTION. PARCELS THAT HAVE NOT BEEN PART OF A RECORDED SUBDIVISION SHALL BE PROCESSED AS A SUBDIVISION PLAT</u></p> <p><u>23.</u> Lot Split. Requires an administrative approval by the Community Development Director, or designee. Appeals of the Community Development Director, or designee, decision shall be appealed to the City Council within fourteen (14) calendar days of action.</p> <p><u>D.</u> <u>LAND SPLIT. REQUIRES AN ADMINISTRATIVE APPROVAL BY THE COMMUNITY DEVELOPMENT DIRECTOR, OR DESIGNEE. APPEALS OF THE COMMUNITY DEVELOPMENT DIRECTOR, OR DESIGNEE, DECISION SHALL BE APPEALED TO THE CITY COUNCIL WITHIN FOURTEEN (14) CALENDAR DAYS OF ACTION.</u></p> <p><u>35.</u> Lot Line Adjustment. Requires <u>AN ADMINISTRATIVE</u> approval by the <u>City Council at a public meeting. COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE. APPEALS OF THE COMMUNITY DEVELOPMENT DIRECTOR, OR DESIGNEE, DECISION SHALL BE APPEALED TO THE CITY COUNCIL WITHIN FOURTEEN (14) CALENDAR DAYS OF ACTION.</u></p> <p>Reference — Subdivisions, City Code, Chapter 30.</p> <p>D. Approval Criteria. See City Code Chapter 30, Subdivisions.</p>	
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Additional Definitions

Part 7 Section 7-103: "B" Definitions.	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	New definition added. (Modifications/additions are indicated in capitalized letters)
Part 7 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.	New definition added. (Modifications/additions are indicated in capitalized letters)

**PROJECTS FROM 2018-2022 THAT WOULD HAVE BEEN STREAMLINED UNDER THE PROPOSED
CODE TEXT AMENDMENT FOR DEFINITION OF MAJOR VS. MINOR DEVELOPMENT PLAN REVIEW PROCESS**

Record #	Application Name	Street #	Dir	Street Name	Type	Description	PROJECT SQUARE FOOTAGE:	# UNITS
DPR180020	STREETLIGHTS RIO 2100	2062	E	RIO SALADO	PKWY	DPR FOR NEW 1,526 S.F. RESTAURANT	1,526	
DPR180050	PDQ TEMPE	1639	W	WARNER	RD	DPR - NEW RESTAURANT WITH DRIVE THRU & PATIO	3,340	
DPR180095	NEC BASELINE RD. & ROOSEVELT ST. RETAIL	660	W	BASELINE	RD	TWO BUILDING RETAIL W/DRIVE THRU LANES	4,630	
DPR180121	Grooming Humans Hair	2308	S	RURAL	RD	New Hair studio	1,798	
DPR180142	RAISING CANE'S	1781	E	WARNER	RD	NEW RESTAURANT W/DRIVE THRU	2,798	
DPR190004	FRANCIS & SONS EXPRESS CARWASH	2121	W	UNIVERSITY	DR	DPR & USE PERMIT	4,322	
DPR190019	HUMAN BEAN	1602	N	SCOTTSDALE	RD	NEW COFFEE SHOP	828	
DPR190048	CHIPOTLE STORE #3457	1655	W	ELLIOT	RD	NEW RESTAURANT	2,318	
DPR190056	VALVOLINE TEMPE	8805	S	MCCLINTOCK	DR	DPR & USE PERMIT FOR NEW BUILDING	4,174	
DPR190069	HAMMOND RESIDENCES	2046	S	FOREST	AVE	CONSTRUCT NEW 3,840 SF SINGLE STORY FOUR PLEX		4
DPR190075	IN-N-OUT BURGER	2401	W	BASELINE	RD	NEW RESTAURANT W/DRIVE THRU	4,185	
DPR190092	GEORGE DRIVE BUNGALOWS	807	S	GEORGE	DR	DPR for 4 single-family detached residences		4
DPR190094	ROOSEVELT CORNER	305	S	ROOSEVELT	ST	NEW 6-UNIT ATTACHED SINGLE-FAMILY DEVELOPMENT		6
DPR190100	SALAD AND GO	7800	S	PRIEST	DR	CONSTRUCT NEW RESTAURANT	826	
DPR190127	430 W 7th Apts	430	W	7TH	ST	New 3-story attached multi-family 4 unit apartment complex		4
DPR190128	RAISING CANES	5201	S	MCCLINTOCK	DR	CONSTRUCT NEW RESTAURANT W/DRIVE THRU	2,630	
DPR190152	Del Taco	1331	N	SCOTTSDALE	RD	DRIVE THROUGH RESTAURANT	2,053	
DPR190162	19TH Street Homes	667	W	19TH	ST	New Development of (4) SFR's		4
DPR190167	UNIVERSITY LOFTS	800	W	UNIVERSITY	DR	DPR AND USE PERMIT STANDARD FOR NEW TOWNHOMES		5
DPR200012	SALAD AND GO	1804	E	ELLIOT	RD	CONSTRUCT NEW RESTAURANT W/DRIVE THRU	758	
DPR200052	SALAD & GO	3229	S	48TH	ST	DEVELOPMENT PLAN REVIEW WHICH INCLUDES A NEW SINGLE-STORY BUILDING WITH PROPOSED USES THAT INCLUDE A TAKE-OUT RESTAURANT WITH A DRIVE-THROUGH WITHIN A 718 SQUARE-FOOT BUILDING AREA ON 0.57 NET ACRES	718	
DPR200060	Vedanta Center Addition	1138	E	HENRY	ST	This project involves the 800 sf. additional building space on the 1138 E. Henry St. The new building will include a Worship space, an accessible restroom, and a small living space. 1132 E Henry, will be developed into a parking area for the worship space.	800	
DPR200083	Habitat for Humanity Don Carlos	1969	E	DON CARLOS	AVE	Development Plan Review for six single-family detached two-story residences		6
DPR200124	Whataburger Tempe	1800	W	ELLIOT	RD	DPR and UP application for a new 2-lane drive-through restaurant	3,751	
DPR210075	Starbucks at Southern Palms	3206	S	MCCLINTOCK	DR	NEW RESTAURANT BUILDING & DRIVE-THRU, DEMOLISH EXISTING BUILDING AND DRIVE-THRU LANE	2,626	
DPR220063	Scooter's Coffee	8775	S	PRIEST	DR	Drive thru only coffee kiosk	745	

ORDINANCE NO. O2022.XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING PART 1 SECTION 1-209; PART 3 SECTIONS 3-102, 3-202, 3-302, AND 3-420; PART 4 SECTION 6-302; PART 6 SECTION 6-306; AND PART 7 DEFINITIONS SECTIONS 7-102 THROUGH 7-105, 7-113 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 (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 not ancillary to main use	U	U	U	U
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> P	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 (ACCESSORY TO 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
<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

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

Uses	Districts		
	LID	GID	HID
Sales/Rental (indoor or outdoor)	N	U	U
Service Station	N	U	U
Towed Vehicle Storage	N	P	P
<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, INCLUDING THE ADDITION OF A DETACHED ACCESSORY BUILDING. THIS PROVISION IS APPLICABLE TO VIEWING DECKS, PLAY STRUCTURES AND DETACHED ACCESSORY BUILDINGS AND STRUCTURES.

B. EXCEPTIONS:

1. This section shall not apply to replacement *dwellings* 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 NEW OR EXISTING VACANT LOTS OR PARCELS OF LAND.
3. THIS SECTION SHALL NOT APPLY TO CONVERSIONS OF EXISTING ATTICS WHERE NO CHANGES 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 IN CHARACTER WITH THE SURROUNDING RESIDENCES;

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. SHALL BE REQUIRED TO MEET CURRENT SINGLE FAMILY PARKING STANDARDS PURSUANT TO SECTION 4-603, PARKING RATIOS.

SECTION 6. That Part 4 Section 6-302 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 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.

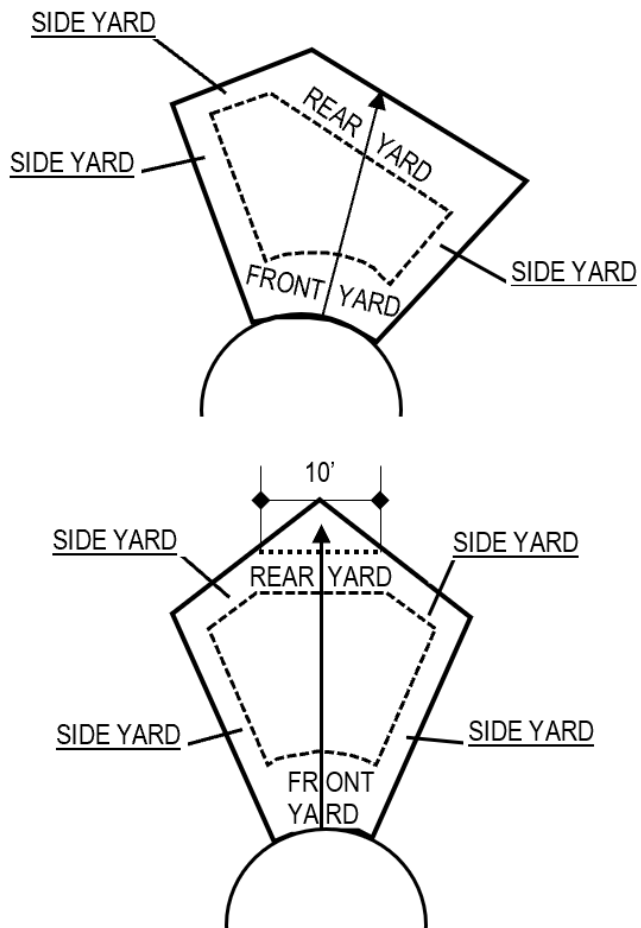
Density, allowable means the number of *dwelling* units allowed within the zoning district multiplied by the number of acres, rounded to the nearest one hundredth (100th) decimal place, per *gross site area*. TO CALCULATE ACREAGE FOR DENSITY, ROUND THE TOTAL GROSS ACRES TO THE NEAREST ONE HUNDREDTH (100TH) 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.



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.

Sections 7-115-122 “N” 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 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 ___ day of _____, 2022.

Corey D. Woods, Mayor

ATTEST:

Carla R. Reece, City Clerk

APPROVED AS TO FORM:

Sonia Blain, City Attorney

ORDINANCE NO. O2022.YY

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE ZONING AND DEVELOPMENT CODE, PART 6, SECTIONS 6-101 AND 6-307.

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

SECTION 1. That Section 6-101 Table 6-101A of the Zoning and Development Code, pertaining to the application process for Lot Line Adjustments, Lot Combinations, and Preliminary Subdivision Plats, is hereby amended to read as follows:

Table 6-101A – Applications by Decision Body and Type of Procedure¹

Type of Procedure:	Decision Body:	CD DIR.	ZA	ORIGINAL	HO	BA	DRC	JRC ²	CC	Superior Court	Nghd. Meeting	Code Reference
Abatements					D	A				A		Sec. 6-310
Annexation									D	A		Sec. 2-106
Code Interpretation/ Similar use Rulings			D			A		A		A		Sec. 6-301
Code Text Amendment							Rev	Rev	D	A		Sec. 6-304
Development Plan Review												
Major							Rev/D	D	D/A	A		Sec. 6-306
Minor		D					A	A	A	A		Sec. 6-306
General Plan Amendment							Rev	Rev	D	A	Yes	Sec. 6-302
Major Amendment							Rev	Rev	D	A	Yes	Sec. 6-302
Lot Line Adjustment		<u>D</u>							<u>D</u>	A		Sec. 6-307
LOT COMBINATION (UP TO 3 LOTS)		<u>D</u>							<u>A</u>			
Lot Split		D							A	A		Sec. 6-307
Modify Approved Development Plan, PAD Overlay or Condition of Approval:												
Major Modification				D						A	Yes	Sec. 6-312
Minor Modification		D		A						A		Sec. 6-312
Planned Area Development Overlay (PAD Overlay), and PAD Overlay Amendments							Rev		D	A	Yes	Sec. 6-305
Preliminary Review Process		Rev										Sec. 6-202
Shared Parking Applications		D					A	A	A	A		Sec. 6-311
Sign Permit		D					A	A	A	A		Sec. 4-904
Subdivision, Preliminary		<u>D</u>					<u>D</u>	<u>D</u>	A	A		Sec. 6-307
Final or Amended								Rev	D	A		Sec. 6-307
Time Extension		D		D						A		Sec. 6-901
Use Permit					D		D/A	D/A	A	A		Sec. 6-308
Variance					D	D/A		D/A	A	A	Yes	Sec. 6-309
Zoning Map Amendment							Rev	Rev	D	A	Yes	Sec. 6-304

- Where this Code identifies more than one possible decision or appeal body, the Community Development Director shall determine which body is applicable to a particular project.
- The JRC jurisdiction and process only applies to the MU-Ed zoning district. Appeals of a JRC decision shall first be heard by the President or designee of Arizona State University. That decision can be appealed to the City Council.

KEY:

CD DIR. = Community Development Director or designee
ZA = Zoning Administrator
ORIGINAL = Decision body that made the original decision (modifications)
HO = Hearing Officer
BA = Board of Adjustment
DRC = **Development Review Commission**

JRC = Joint Review Committee
CC = City Council
Rev = Reviews and recommends action to decision-making body
D = Decision-making authority
A = Appeal authority
Nghd. Meeting = Neighborhood Meeting requirement

SECTION 2. That Section 6-307 of the Zoning and Development Code, pertaining to Subdivisions, Lot Splits, Lot Combinations and Lot Line Adjustments is hereby amended to read as follows:

Section 6-307 Subdivisions, Lot Splits, LOT COMBINATIONS and Adjustments.

A. Purpose. The purpose of this section is to provide for the orderly growth and harmonious *development* of the city; to insure adequate traffic circulation through coordinated *street*, transit, bicycle and pedestrian systems with relation to major thoroughfares, adjoining *subdivisions*, and public facilities; to achieve individual property *lots* of reasonable utility and livability; to secure adequate provisions for water supply, drainage, sanitary sewerage, and other health requirements; to insure consideration for adequate sites for *schools*, recreation areas, and other public facilities; and to promote the conveyance of land by accurate legal description and plat.

B. Applicability.

1. *Subdivision.* *Subdivision* applies to improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more *lots*, tracts or parcels of land. Also, 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*, cooperative, community apartment, *townhouse* or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the *buildings* or the manner in which the *buildings* or airspace above the property shown on the plat are to be divided or as defined in A.R.S. § 9-463.02, as it may be amended.

A. PRELIMINARY SUBDIVISION. A PRELIMINARY SUBDIVISION IS REQUIRED WHEN A PROPOSED SUBDIVISION OF FOUR (4) OR MORE LOTS, TRACTS, OR PARCELS OF LAND, OR A NEW STREET IS INVOLVED IN THE DIVISION OF TWO (2) OR MORE LOTS, CONTAINS ANY PORTION OF LAND NOT PREVIOUSLY PART OF A RECORDED SUBDIVISION PLAT.

2. LOT COMBINATION. LOT COMBINATIONS APPLY TO NO MORE THAN THREE (3) CONTIGUOUS LOTS OR TRACTS ARE BEING CONSOLIDATED INTO LARGER LOTS WITHIN AN EXISTING RECORDED SUBDIVISION FOR OWNERSHIP, DEVELOPMENT OR REDEVELOPMENT.

23. Lot Split. *Lot splits* apply to the division of improved or unimproved land whose area is two and one-half (2 1/2) acres or less, into two (2) or three (3) tracts or parcels of land for the purpose of sale or lease or as defined in A.R.S. § 9-463, WITHIN AN EXISTING RECORDED SUBDIVISION THAT COMPLIES WITH EXISTING SUBDIVISION LAWS.
4. LAND SPLITS APPLY TO THE DIVISION OF IMPROVED OR UNIMPROVED LAND WHOSE AREA IS TWO AND ONE-HALF (2 1/2) ACRES OR LESS, INTO TWO (2) OR THREE (3) TRACTS OR PARCELS OF LAND FOR THE PURPOSE OF SALE OR LEASE, AS DEFINED IN A.R.S. § 9-463. PREVIOUS LAND SPLITS SHALL BE COUNTED TOWARD THE MAXIMUM LAND SPLITS ALLOWED.
35. Lot Line Adjustment. *Lot line adjustments* apply to *property line* modifications within a recorded *subdivision* plat. THE LOT LINE ADJUSTMENT PROCESS WILL YIELD THE SAME NUMBER OF LOTS. THE LOT LINE ADJUSTMENT PROCESS IS NOT USED TO CREATE ADDITIONAL LOTS.

C. Procedure.

1. Subdivision.
- a. Preliminary Subdivision Plat. REQUIRES AN ADMINISTRATIVE APPROVAL BY THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE. APPEALS OF THE COMMUNITY DEVELOPMENT DIRECTOR, OR DESIGNEE, DECISION SHALL BE APPEALED TO THE CITY COUNCIL WITHIN FOURTEEN (14) CALENDAR DAYS OF ACTION. ~~Shall be processed to the Development Review Commission for approval at a public meeting.~~
 - b. CONDOMINIUM PLAT. SHALL BE PROCESSED TO THE CITY COUNCIL FOR APPROVAL AT A PUBLIC MEETING.
 - c. Final Subdivision Plat. Shall be processed to the City Council for approval at a public meeting.
 - d. Amended Final Subdivision Plat. Shall be processed to the City Council for approval at a public meeting.
2. LOT COMBINATION. REQUIRES AN ADMINISTRATIVE APPROVAL BY THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE. APPEALS OF THE COMMUNITY DEVELOPMENT DIRECTOR DECISION SHALL BE APPEALED TO THE CITY COUNCIL WITHIN FOURTEEN (14) CALENDAR DAYS OF ACTION. PARCELS THAT HAVE NOT BEEN PART OF A RECORDED SUBDIVISION SHALL BE PROCESSED AS A SUBDIVISION PLAT
23. Lot Split. Requires an administrative approval by the Community Development Director, or designee. Appeals of the Community Development Director, or designee, decision shall be appealed to the City Council within fourteen (14) calendar days of action.

D. LAND SPLIT. REQUIRES AN ADMINISTRATIVE APPROVAL BY THE COMMUNITY DEVELOPMENT DIRECTOR, OR DESIGNEE. APPEALS OF THE COMMUNITY DEVELOPMENT DIRECTOR, OR DESIGNEE, DECISION SHALL BE APPEALED TO THE CITY COUNCIL WITHIN FOURTEEN (14) CALENDAR DAYS OF ACTION.

35. Lot Line Adjustment. Requires AN ADMINISTRATIVE approval by the City Council ~~at a public meeting.~~ COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE. APPEALS OF THE COMMUNITY DEVELOPMENT DIRECTOR, OR DESIGNEE, DECISION SHALL BE APPEALED TO THE CITY COUNCIL WITHIN FOURTEEN (14) CALENDAR DAYS OF ACTION.

Reference — Subdivisions, City Code, Chapter 30.

D. **Approval Criteria.** See City Code Chapter 30, Subdivisions.

SECTION 3. 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 ___ day of _____, 2022.

Corey D. Woods, Mayor

ATTEST:

Carla R. Reece, City Clerk

APPROVED AS TO FORM:

Sonia Blain, City Attorney

ORDINANCE NO. O2022.ZZ

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE TEMPE CITY CODE BY REPEALING CHAPTER 30 OF THE TEMPE CITY CODE PERTAINING TO SUBDIVISIONS AND REPLACING WITH A NEW CHAPTER 30 - SUBDIVISIONS.

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

SECTION 1. WHEREAS, Chapter 30, Subdivisions, of the Tempe City Code, is hereby repealed in its entirety.

SECTION 2. WHEREAS, Chapter 30, Subdivisions, of the Tempe City Code, is hereby added as follows:

Chapter 30 – SUBDIVISIONS ^[1] ^[2]

Footnotes:

--- (1) ---

Editor's note— Chapter 30 was REPEALED IN ITS ENTIRETY AND REWRITTEN (ORD. NO. O2022.ZZ). Prior ordinances pertaining to Subdivisions were Ord. No. 381, 10-25-62; Ord. No. 584, 11-20-69; Ord. No. 97.20, 4-10-97; Ord. No. 99.21, 8-12-99)

ARTICLE I. - PURPOSE AND DEFINITIONS

Sec. 30-1. - Purpose and intent.

(a) The purpose of this chapter is to provide for the orderly growth and harmonious development of the City; to ensure adequate traffic circulation through coordinated street, transit facilities, bicycle and pedestrian systems with relation to major thoroughfares, adjoining subdivisions, and public facilities; to achieve individual property lots of reasonable utility and livability; to secure adequate provisions for water supply, drainage, sanitary sewerage, and other health requirements; to ensure consideration for adequate sites for schools, recreation areas, and other public facilities; to promote the conveyance of land by accurate legal description and plat; and to provide logical procedures for the achievement of this purpose.

(b) In its interpretation and application, the provisions of this chapter are intended to provide a common ground of understanding and a sound and equitable working relationship between public and private interests to the end that both independent and mutual objectives can be achieved in the subdivision of land.

Sec. 30-2. - Definitions.

For the purpose of this chapter, certain words, terms and phrases are defined as follows:

Bicycle facilities means bike paths, bike lanes, lighting facilities, bike racks, bike lockers and all other necessary equipment and facilities to safely operate bicycles.

Block means a piece or parcel of land or group of lots entirely surrounded by public rights-of-way, streams, railroads or parks, or a combination thereof.

Council means the "City Council" of the City of Tempe.

Department means the "Community Development Department" of the City of Tempe.

Engineering design criteria means that criteria adopted by the Council and as amended from time to time.

Engineering plans means plans, profiles, cross-sections, and other required details for the construction or public improvements, prepared by an engineer, registered in the State of Arizona, in accordance with the approved preliminary plat and in compliance with standards of design and construction approved by the Council.

General plan means a comprehensive plan, or parts thereof, providing for the future growth and improvement of the City of Tempe and for the general location and coordination of streets and highways, schools and recreation areas, public building sites, and other physical development, which shall have been duly adopted by the City Council.

Irrigation facilities includes canals, laterals, ditches, conduits, gates, pumps, and allied equipment necessary for the supply, delivery, and drainage of irrigation water and the construction, operation and maintenance of such.

Lot combinations means consolidating no more than three (3) contiguous lots, tracts or parcels into larger lots within an existing recorded subdivision for ownership, development or redevelopment.

Lot splits means the division of improved or unimproved land whose area is two and one-half (2-1/2) acres or less into two (2) or three (3) tracts or parcels of land for the purpose of sale or lease or as defined in A.R.S. § 9-463 **within an existing recorded subdivision**.

Lot means a piece or parcel of land separated from other pieces or parcels by description, as in a subdivision or on a record survey map, or by metes and bounds, for purposes of sale, lease, or financing.

Multi-use path means a paved concrete pathway physically separated from on-street motorized vehicular traffic by an open space or barrier (e.g. landscaping) and designated for the exclusive use by non-motorized traffic, as shown in City of Tempe Standard Details.

Pedestrian way means a public walk dedicated entirely through a block from street to street or providing access to a school, park, transit facilities, multi-use path, recreation area or shopping center.

Plat means any recorded map of subdivision or combination of land as follows:

Plat, Amended means a map of all or part of a subdivision that modifies a final plat.

Plat, Final means a map of all or part of a subdivision providing substantial conformance to an approved preliminary plat, prepared by a registered land surveyor.

Plat, Preliminary means a preliminary map, including supporting data, indicating a proposed subdivision development.

Recorded plat means a final plat bearing all of the certificates of approval required of this Code and duly recorded in the Maricopa County Recorder's office.

Subdivision: Any improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more *lots*, tracts or parcels of land. Also, 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*, cooperative, community apartment, *townhouse* or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the *buildings* or the manner in which the *buildings* or airspace above the property shown on the plat are to be divided or as defined in A.R.S. § 9-463.02, as it may be amended.

Public improvement standards means a set of regulations setting forth the details, specifications, and instructions to be followed in the planning, design, and construction of certain public improvements in the City, formulated by the City Engineer, the County Health Department and other city departments and as approved by the Council.

Subdivider means those persons or entities as defined by A.R.S. § 9-463, as it may be amended from time to time.

Transit facilities means bus bays, transit stops, transit shelters and furniture, transit dedicated lanes, railroad tracks, rights-of-way, easements and other allied equipment necessary for the safe operation of the transit system and well-being of passengers.

Utilities means installations or facilities, underground or overhead, furnishing for the use of the public: electricity, gas, steam, communications, water, drainage, sewage disposal, or flood control, owned and operated by any person, firm, corporation, municipal department, or board, duly authorized by state or municipal regulations.

ARTICLE II. - PLATTING PROCEDURES STANDARDS AND REQUIREMENTS

Sec. 30-3. - Procedures.

The preparation, submittal, review, and approval of all subdivision plats located inside the limits of the City shall comply with the processes and requirements outlined in the Zoning and Development Code, Section 6-307 – Subdivisions, Lot Splits and Adjustments and

associated application submittal checklist requirements implemented by the Community Development Department.

Sec. 30-4. - Standards.

The standards governing the formatting content and design requirements of subdivision plats located within the limits of the City shall comply with **the Engineering Design Criteria manual, as adopted by the City Council.**

Sec. 30-5. - Lot planning.

(a) Lot width, depth, and area shall comply with the minimum requirements of the Zoning and Development Code and shall be appropriate for the location and character of development proposed, and for the type and extent of street and utility improvements being installed. In general, urban density of three (3) or more lots per gross acre must have urban street and utility improvements. "Urban improvements" is interpreted to mean paved and curbed streets, sidewalks, local storm drainage system, public water supply, and, wherever reasonably possible, public sanitary sewerage.

(b) Where steep topography, unusual soil conditions, or drainage problems exist or prevail, the commission may recommend special lot width, depth, and area requirements which exceed the minimum requirements of the particular zoning district.

(c) Lot depths shall conform to the Zoning and Development Code standards.

(d) Side lot lines shall be substantially at right angles or radial to street lines, except where other treatment may be justified in the opinion of the City.

(e) Every lot shall abut upon a public street or furnish satisfactory access thereto.

(f) Single-family residential lots extending through the block and having frontage on two (2) parallel streets shall not be permitted; backing of lots to thoroughfares shall be prohibited except where expressly permitted by this chapter or where justified in the opinion of the City.

Sec. 30-6. - Requirements.

(a) Plat Submittal Review

(1) In the event that the site has processed entitlements with a Development Plan Review, this process fulfills requirements for any preliminary review. Through the entitlement process conditions of approval will determine what type of Subdivision Plat is required.

(2) If a subdivision plat is being proposed independent of a new development, an application filing for plat submittal review of any subdivision requires the subdivider to submit a site plan of existing conditions or potential development with new property lines for building code and zoning compliance review.

(b) Subdivider Responsibilities:

- (1) Comply with (a) application filing for plat submittal review as described above.
- (2) Provide plans regarding land use, street and lot arrangement, tentative lot and tract sizes.
- (3) Provide proposed water supply, sewage disposal, surface drainage and street improvements.
- (4) Identify irrigation facilities on or adjacent to the proposed Subdivision.
- (4) Notify the Arizona Department of Transportation, where the plat abuts a state highway.
- (5) Notification to the County Health Department.
- (6) Notification to private utilities inclusive of but not limited to natural gas, electric, telecommunications, cable, etc.

(c) City Responsibilities:

- (1) Check existing zoning of the site for conformance of development standards with existing or proposed site configuration and lot lines and determine if a zoning change is necessary.
 - (2) Determine the adequacy of existing or proposed schools, parks and other public spaces.
 - (3) Verify the site relationship to major streets, transit facilities, bicycle facilities, pedestrian ways, utility systems, and adjacent land uses and to determine any unusual problems such as topography, utilities, flooding, access, easements, etc.
 - (4) Determine site access for fire, solid waste services and emergency response and sufficient land for circulation and parking of existing or proposed uses on site.
 - (5) Verify conformance with drainage and flood control requirements.
 - (6) Determine which process is necessary for this request: Preliminary, Final or Amended Subdivision Plat, Lot Line Adjustment, Lot Combination or Lot Split.
 - (7) Advise the applicant of specific public objectives, right of way dedications, design modifications or improvement standards for the proposed project.
 - (8) Advise the applicant of the procedural steps and general plat requirements.
- (d) Street Naming: The subdivider may propose the street names subject to approval by the City Engineer at the preliminary or final plat stage.

(e) Easement Planning

- (1) *Utility easements.* Easements for utilities shall be provided alongside lot lines, three (3) feet on each side of lot lines for distribution facilities.

(2) *Utility easements on curvilinear streets.* For lots facing on curvilinear streets, utility easements or alleys may consist of a series of straight lines with points of deflection not less than one hundred twenty (120) feet apart. Points of deflection should always occur at the junction of side and rear lot lines on the side of the exterior angle. Curvilinear easements or alleys may be provided, providing that the minimum radius for the alley or easement shall be not less than eight hundred (800) feet.

(3) *Drainage easements.* Where a stream or important surface drainage course abuts or crosses the tract, dedication of a public drainage easement of a width sufficient to permit widening, deepening, relocating, or protecting said water course shall be required.

(4) *Lot areas.* Land within a public street or drain easement or land within a utility easement for major power transmission (tower) lines or pipelines shall not be considered a part of the minimum required lot area except where lots exceed one-half (1/2) acre in area. This shall not be construed as applicable to land involved in utility easements for distribution or service purposes.

(5) *Bus bay and shelter easements.* All lots at far side of arterial to arterial and arterial to collector intersections shall provide bus bay and shelter easements as shown in the City of Tempe Standard Details.

(6) *Multi-use path easements.* All lots abutting multi-use corridors as designated by the most recent update of the Tempe Bikeway Plan and Map shall provide easements as shown in the City of Tempe Standard Details.

ARTICLE III. - CRITERIA

Sec. 30-7. – Criteria.

(a) Conformance with Arizona State Statutes Title 9, Chapter 4, Article 6.2 Municipal Subdivision Regulations.

(b) Conformance with the Tempe General Plan

(c) Conformance with the Tempe Zoning and Development Code, including lot sizes, depths, and widths.

(d) Conformance with the Assured Water Supply, as required by the Arizona Department of Water Resources.

(e) Conformance with Stormwater Retention and Drainage requirements, found in the City of Tempe Stormwater Management Plan.

(f) Conformance with the Comprehensive Transportation Plan, Traffic Engineering Standards for street design standards and details, bicycle facilities, multi-modal path and pedestrian requirements, transit facilities, drive configurations and access requirements to public rights of way to assure each lot has access to a public street.

(g) Provision of all requisite utilities, easements and dedications.

(h) Conformance with City of Tempe, Engineering and Transportation Department engineering design criteria manual, engineering standards and details.

Sec. 30-8. – Prohibition.

No person, firm, corporation, or other legal entity shall hereafter sell or offer for sale any lot, piece, or parcel of land which is within a subdivision as defined in [Section 30-2](#) of this chapter without first having recorded a plat thereof in accordance with the provisions of this chapter.

Sec. 30-9. – Violations and penalties.

Any person, firm, corporation, or other legal entity who violates any provision of this chapter shall be guilty of a misdemeanor, as set forth in [Section 1-7](#) of this Code. Each day that a violation is permitted to exist may constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of these regulations.

SECTION 3. 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 ___ day of _____, 2022.

Corey D. Woods, Mayor

ATTEST:

Carla R. Reece, City Clerk

Zoning Code Text Changes

Please share your feedback on the proposed changes to the Zoning and Development Code.

Summary Of Responses

Topic Registration Type: No registration

As of July 15, 2022, 7:41 AM, this forum had:	Topic Start	Topic End
Attendees: 68	June 28, 2022, 2:13 PM	July 14, 2022, 11:59 PM
Responses: 17		
Minutes of Public Comment: 51		

QUESTION 1

Select all that apply

		%	Count
Tempe resident		94.1%	16
Tempe business owner		5.9%	1
Other		5.9%	1

QUESTION 2

Do you support the proposed Part 1 change?

		%	Count
Yes		85.7%	12
No		14.3%	2

QUESTION 3

Why or why not?

Zoning Code Text Changes

Please share your feedback on the proposed changes to the Zoning and Development Code.

Answered	3
Skipped	14

QUESTION 4

Do you support the PART 3 change?

		%	Count
Yes		52.9%	9
No		47.1%	8

QUESTION 5

Why or why not?

Answered	8
Skipped	9

QUESTION 6

Do you have any concerns about the proposed changes to the land use table?

		%	Count
Yes		20.0%	3
No		80.0%	12

QUESTION 7

If YES, please explain.

Answered	3
Skipped	14

Zoning Code Text Changes

Please share your feedback on the proposed changes to the Zoning and Development Code.

QUESTION 8

Do you have any concerns about the proposed additional criteria?

		%	Count
Yes		58.8%	10
No		41.2%	7

QUESTION 9

If YES, please explain.

Answered	8
Skipped	9

QUESTION 10

Are there any other considerations that you would like to see with this section?

		%	Count
Yes		38.5%	5
No		61.5%	8

QUESTION 11

If YES, please explain.

Answered	4
Skipped	13

QUESTION 12

These modifications are being proposed to respond to resident concerns regarding parking in neighborhoods where single-family residences are being modified to add more bedrooms. Do you have any concerns about the proposed changes to the land use table?

Zoning Code Text Changes

Please share your feedback on the proposed changes to the Zoning and Development Code.

		%	Count
Yes		62.5%	10
No		37.5%	6

QUESTION 13

Why or why not?

Answered	10
Skipped	7

QUESTION 14

This section is amended to allow for certain processes to be consistent with the state law, as well as, streamlining minor processes such as lot splits and preliminary plats to be administratively approved. Do you have any concerns about the proposed changes to?

		%	Count
Yes		41.2%	7
No		58.8%	10

QUESTION 15

If YES, please explain.

Answered	6
Skipped	11

QUESTION 16

Major Development Plan Reviews are required to be heard by the Development Review Commission. Minor Development Plan Reviews are administrative reviews. These modifications are proposed to streamline the current process. Do you have any concerns?

Zoning Code Text Changes

Please share your feedback on the proposed changes to the Zoning and Development Code.

		%	Count
Yes		23.5%	4
No		76.5%	13

QUESTION 17

If YES, please explain your concerns in detail.

Answered	4
Skipped	13

QUESTION 18

Do you have any concerns about the proposed changes to definitions?

		%	Count
Yes		17.6%	3
No		82.4%	14

QUESTION 19

If YES, please explain.

Answered	3
Skipped	14

QUESTION 20

Do you have any concerns about the proposed changes to the definitions?

		%	Count
Yes		20.0%	3

Zoning Code Text Changes

Please share your feedback on the proposed changes to the Zoning and Development Code.

		%	Count
No		80.0%	12

QUESTION 21

If YES, please explain.

Answered	3
Skipped	14

QUESTION 22

Please share any additional comments.

Answered	5
Skipped	12

QUESTION 23

Race

		%	Count
Asian/Pacific Islander		8.3%	1
Hispanic/Latino		8.3%	1
White		75.0%	9
Other		8.3%	1

QUESTION 24

Your age group

Zoning Code Text Changes

Please share your feedback on the proposed changes to the Zoning and Development Code.



Zoning Code Text Changes Open-ended Responses

Question 3 - Why or why not do you support the proposed Part 1 change?

Yes responses:

1. Basic math: yes, of course you round up!
2. I want the greatest amount of density, and believe this change will affect that. I do not care about the method used, only that housing and business density is increased. If this leads to increase in parking requirements, I am opposed to it
3. Rounding just makes sense. However, some parts of this are good and some are back. We need more density, more allowable building height, and less parking and setback requirements.

Question 5 - Why or why not do you support the proposed Part 3 change?

Yes responses:

1. Until this state is less car-dependent, developers and landlords need to provide space for realistic parking use, please and thank you!

No responses:

1. Does not consider the possibility that the additional bedroom tenant does not need a vehicle. There should be some means of verifying it is unnecessary In case of these exceptions.
2. Less parking, more bikes and transit
3. Parking stall numbers should be market driven, not regulatory.
4. The city shouldn't be requiring more parking. If we want to actually do something about climate change, we've got to stop having the government have so many of its regulations catered to gas-guzzling polluting cars.
5. This type of development is targeted at lower income residents that likely will not have a car and do not need any parking. Requiring parking would make this type of development more costly and reduce affordable housing.
6. We need to reduce parking minimums in several areas of Tempe, not increase them. This is the wrong way to address neighbor concerns about ADUs, and especially within a half-mile of high-capacity mass transit (light rail, streetcar), parking minimums will make housing less affordable in the long run.
7. We need to relax parking standards across the whole city, and this would bring older properties into compliance with more stringent, unnecessary restrictions.

Question 7 - Why or why not do you have any concerns about the proposed changes to the land use table?

Yes responses:

1. Further complication of land use roles will cause less people to start up small businesses as they are confused as to what is allowed or not allowed on the land that they are going to use.
2. Why would you make people apply for a use permit just to roast coffee???

No responses:

1. No, people should be able to use their land as they see fit as long as they are not being a nuisance.

Question 9 - Why or why not do you have any concerns about the proposed additional criteria?**Yes responses:**

1. Does not consider the possibility that the additional bedroom tenant does not need a vehicle. There should be some means of verifying it is unnecessary In case of these exceptions.
2. Don't make it harder to add density. We need density, the city is built out. And this limits maximizing the value of each property.
3. In general I oppose requiring use permits for people to build improvements on their own property. In specific I heavily oppose this change because it will make building ADUs and additional bedrooms more difficult and costly. Tempe has a 2% vacancy rate, what are we doing here?
4. Shouldn't the existing height requirement suffice?
5. There should be even more examples where a use permit is not required. We shouldn't need to require parking, we shouldn't need it to "match the architecture" (this is a super subjective item - one person's like is another person's dislike), and we shouldn't need to consider our neighbor's lights. These are all just bad excuses to not build housing and make Tempe unaffordable and expensive.
6. This is greatly complicate adding additional housing in a time in which Tempe is suffering from a lack of housing. We should be making it easier for home owners to add housing onto their land, not harder/more complicated/expensive.
7. This will be a barrier to building ADUs, when the language was originally intended to address HEIGHT additions to single-family dwellings. One-story ADUs do not create the same challenges vis-a-vis privacy, roofline, etc.
8. we should reduce parking requirements because many don't have a vehicle, ADUs and additional rooms may not require parking. It's better if they are for people with out a vehicle

Question 11 - Are there any other considerations that you would like to see with this section?

1. Reasonable course of addressing concerns for the editions in cases of NIMBY neighbor complaints that are excessive.
2. There is no parking crisis, we don't need more rules that focus on increasing the mandatory parking space in the city.
3. There should be very little to no situations where a permit is required.
4. Windows from 2nd stories directly looking into others yards or windows.

Question 13 - These modifications are being proposed to respond to resident concerns regarding parking in neighborhoods where single-family residences are being modified to add more bedrooms. Why or why not do you have any concerns about the proposed changes to the land use table?

Yes responses:

1. Does not consider the possibility that the additional bedroom tenant does not need a vehicle. There should be some means of verifying it is unnecessary In case of these exceptions. This is in alignment with the walkable city Tempe is working towards.
2. many people don't have a vehicle and don't want one or in some cases a family may share a single vehicle. people are aging out of driving and younger people are growing up with out a vehicle, why should people be required to provide parking even if they don't actually intent to use it and have no need for it?
3. Parking minimums exacerbate the housing crisis that we face. The higher occupancy housing is targeted at lower incoming residents and increasing these parking minimums will guarantee that lower cost housing is not built.
4. Parking stall numbers should be market driven, not regulatory
5. Requirement should be increased to 4 or5 when 6 or more bedrooms. Single family homes used as "boarding house rentals" will typically have 2 cars parked per house bedroom. A minimum of 3 does not address the issue.
6. There should not be any parking requirements at all. We need to stop designing our cities around cars if we want to do something about pollution and climate change.
7. We should not be adding more parking minimums. Parking minimum requirements are a significant contributor to housing affordability problems in cities. We need to be DECREASING parking minimum requirements, especially within a half mile of high-capacity transit.
8. We should not require more parking for houses that likely have lots of people who cannot afford to drive.
9. We want to make sure to keep parking off the yards and streets

No responses:

1. 6 bedrooms is a lot, I think this is fair

Question 15 - This section is amended to allow for certain processes to be consistent with the state law, as well as, streamlining minor processes such as lot splits and preliminary plats to be administratively approved. Why or why not do you have any concerns about the proposed changes?

Yes responses:

1. I'm not clear on what this means, and what a plat is.
2. I'm not clear what a plat is, It would be nice if this was defined (also, this survey should have an unsure option instead of just yes or no).
3. let people decide what size their lots should be
4. Streamline everything. If sending it directly to city council is the fastest way to make things happen, then do it. The development review commission and variance boards seem to move very slowly for these small changes. Make lot splits easier and faster.
5. The Zoning code is just too long. 10-20 pages should be more than enough. Also, this is written to only be understood by attorneys - rewrite the whole code in plain English.
6. Want to make sure the character of the neighborhood isn't changed.

Question 17 - Major Development Plan Reviews are required to be heard by the Development Review Commission. Minor Development Plan Reviews are administrative reviews. These modifications are proposed to streamline the current process. Please explain your concerns in detail.

Yes responses:

1. Both areas should have the same concerns as far as quality Of development. This may give too much sle-way to developers who don't want to go to one area to get approved so they'll switch it and go to another.
2. Major is 4-6 units but minor is 2-6 units??
3. Make it easier to make improvements on people's land and allow for greater residential density.
4. See previous comment.

Question 19 - Why or why not do you have any concerns about the proposed changes to definitions?

Yes responses:

1. I'm confused. A bedroom has to have direct access to the outside?
2. See previous comment
3. There should be no minimum room size requirement. If somebody wants to live in a boarding house or single room occupancy because it is all they can afford or because they only plan to live here temporarily, that is better than the alternative of them over consuming housing or becoming homeless.

Question 21 - Why or why not do you have any concerns about the proposed changes to the definitions?

Yes responses:

1. Always concerns.
2. See previous comment
3. The rear lot line definition doesn't work if the front and rear lot lines are not parallel but also not curved, because there is no such thing as the tangent of a straight line. Need to change "parallel" to something else. Also, on commercial use, I wouldn't want an Airbnb dragged into that category.

Question 22 - Please share any additional comments.

1. I am deeply concerned with the sections of the proposed language that keeps pushing up parking minimums in the city.
<https://www.theatlantic.com/ideas/archive/2021/05/parking-drives-housing-prices/618910/>
2. I am worried that these changes, in the name of clarity, will ratchet up the amount of legally required parking per building. In my mind, this would lead to increase in costs, decrease in flexibility, and a generally more sclerotic housing and construction sector. We should be removing constraints, not adding them.

3. Many changes are very concerning that makes it seem like the city's commitment to affordable housing and pedestrian safety is a broken promise. You cannot enforce a car centric development pattern and have affordable, dense housing. You cannot enforce a car centric development pattern and attempt to reduce the injury and fatality rate of pedestrians.
4. The code is far too proscriptive and need a lot more work, mostly cutting, than described in these changes.
5. The fewer zoning regulations and the more streamlined the process, the better. We should be upzoning as much of the city as possible.