

STAFF REPORT

CODE TEXT AMENDMENT FOR LAND USES (PL250051)



COMMENTS:

The Community Development Department, Planning Division, have been working on various Zoning and Development Code (ZDC) text amendments that are now being brought forward for consideration and action. **These proposed amendments include new land uses, clarifications to smoking establishment (as a separate land use) from the tobacco retailer land uses,** the reorganization of the industrial land use table, modifications to applications, updates to security plans, and definitions.

The Planning Division proposes adding new land uses to the ZDC; agritainment, data centers, high water user, and shelters:

Agritainment is proposed as a land use in the AG, Agricultural zoning district with uses including, but not limited to, fitness, education, special events, festivals and markets, art exhibits, agricultural food processing, petting zoos, camping, short term rentals, and similar entertainment attractions. This land use addition is based on two prior Planning cases which would have benefitted from agritainment as an allowed use, and from observations of economic development in other communities that use agricultural land as an attraction for business. Planning staff proposes agritainment as a permitted use in the Agricultural district subject to Use Permit approval and a twenty-foot separation requirement from any residential property line with the ability to add additional separation requirements to address uses and compatibility concerns,

Other neighboring cities like Chandler and now Phoenix have made land use and zoning regulation changes for data centers due to concerns over land and energy usage. These proposed changes intend to better manage data center growth, including regulating locations and design specifications. The goal is to locate future facilities away from innovation hubs and rail corridors, zoning land use regulations will be updated and proposed separation requirements from sensitive land uses that may be impacted by noise. The addition of data centers as a land use is based on recent large developments in other communities which may impact energy and water consumption and may not add significant employment opportunities to a site. The evaluation of appropriate locations for data centers is warranted based on limitations of land and infrastructure. Data centers are proposed to require a use permit in the MU-ED Mixed Use Educational, GID, General Industrial and HID, Heavy Industrial Districts and meeting special standards. A 500-foot separation requirement is proposed from the property line of a site containing a residential use or a residentially zoned district along with a requirement to enclose generators on the site. Approval criteria language is also proposed for data centers to help evaluate the appropriateness of a data center use in a particular location within Tempe. These changes will bring this land use more in line with other Valley cities proposing similar regulations. In addition, there is a complementary ordinance amendment within the Tempe City Code, Chapter 33 – Water, for new definitions and review requirements for high-water users and extreme-water users.

Planning staff proposes to add clarification language regarding smoking establishment land uses based on recent Use Permit requests and questions about the use in general. This use will be added to the commercial and mixed-use land use table as permitted in the CSS, Commercial Shopping and Service; CC, City Center; PCC-1, Planned Commercial Center Neighborhood; PCC-2 Planned Commercial Center General; RCC, Regional Commercial Center; MU-2, Mixed-Use, Medium Density; MU-3, Mixed-Use, Medium-High Density; MU-4, Mixed-Use High Density; and MU-Ed, Mixed-Use

Educational districts subject to Use Permit approval.

Based on input from representatives of the ASU MU-ED zoning district, this code text amendment also proposes adding new land use to the ZDC Mixed-Use Education Zoning District including data centers, Industrial, scientific, bio-technology or business research, development and testing laboratories, and Motion Picture/Recording Studios.

The reorganization of the industrial land use table in the ZDC is proposed to assist both Planning Division staff and customers when evaluating a variety of manufacturing uses by grouping all forms of manufacturing in one place for easier location in the land use chart. Specifically, nine types of manufacturing uses have been added to this land use table.

The section of the ZDC regarding security plans is proposed to be updated for clarifications regarding smoking establishments, changing an outdated term, discotheque, to dance club to match the City Code language, and the addition of shelters to establishments requiring a security plan.

Definitions are proposed to be added for Agritainment, Carport, Data Center, Lot that does not abut a street, Shelter, and Studio Unit to address new uses or clarify uses that were not specifically defined in the ZDC. Finally, definitions are proposed to be modified for Hardscape, Landscape low water use, Tattoo, and Tobacco Retailer to clarify the existing definitions within the ZDC. Changes in the definition for Tattoo and Body Piercing Establishments were based on a 2024 Board of Adjustment appeal in determining “fine line tattoos” as a similar use to other tattoo establishments. As a result, the definition update was required to reflect such use, as well as other updates to address changes in the industry and advanced technologies in the removal process. Changes in piercing was also updated to add greater exclusions to more mainstream and accepted piercings found in jewelry shops.

The Tempe City Code is also proposed to be updated for continuity with these proposed changes being made in the ZDC.

PUBLIC INPUT

The proposed code text amendments are based on input received from stakeholders and staff over the past year, including cases heard before the Development Review Commission, Board of Adjustment and City Council, and customer inquiries. The changes are intended to address questions regarding land uses for greater clarity and use of the ZDC. No specific public outreach was done for these changes. Since the agenda advertisement of the Development Review Commission and Joint Review Commission meetings, and upon completion of this report, there have been no public comments or inquiries.

DEVELOPMENT REVIEW COMMISSION

The Development Review Commission approved the proposed Zoning and Development Code Text amendments without questions on consent on May 13, 2025.

JOINT REVIEW COMMISSION

The Joint Review Commission was scheduled to hear this on June 4, 2025; the report for this first Council hearing was submitted prior to the meeting.

GENERAL PLAN

The proposed code text amendments will not impact the goals and objectives of the Tempe Tomorrow: General Plan 2050. The additions and modifications to the land use tables comply with the projected land uses in the General Plan. The proposed additions, clarifications, and definitions to the ZDC will facilitate implementation of certain objectives within the General Plan relating to economic development, sustainability, and the protection of public health, safety and welfare.

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.
- May 13, 2025 Development Review Commission unanimously recommended approval of the requested Zoning and Development Code text amendments.
- June 4, 2025 Joint Review Commission is scheduled for hearing of the requested applicable land use and definition Zoning and Code text amendments related to MU-Ed zoning.
- June 5, 2025 City Council is scheduled for the first public hearing for the requested Zoning and Development Code text amendments and associated Tempe City Code text amendment.
- July 1, 2025 City Council is scheduled for a second and final public hearing for Zoning Ordinance 2003.36 and associated code text amendments.

ZONING AND DEVELOPMENT CODE REFERENCE:

- Section 3-012 Permitted Uses in Residential Districts
- Section 3-202 Permitted Uses in Commercial and Mixed-Use Districts
- Section 30302 Permitted Uses in Office/Industrial Districts
- Section 3-404 Agricultural Uses
- Section 3-429 Data Centers (New Section)
- Section 3-313 Security Plan
- Section 7-102 "A" Definitions
- Section 7-104 "C" Definitions
- Section 7-105 "D" Definitions
- Section 7-109 "H" Definitions
- Section 7-113 "L" Definitions
- Section 7-120 "S" Definitions
- Section 7-121 "T" Definitions

CITY CODE REFERENCE:

- Section 26.70 Security Plans