

ORDINANCE NO. O2016.63

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE ZONING AND DEVELOPMENT CODE, PART 3 – LAND USE, SECTIONS 3-202, 3-423, PERTAINING TO PAWN SHOPS GOLD-BUYING STORES AND USE SEPARATION REQUIREMENTS.

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

SECTION 1. That Section 3-202 of the Zoning and Development Code, pertaining to a portion of Table 3-202A “Resale Items” and “Services”, is hereby amended to read as follows:

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
Resale Items	N	U	U	U	U	U
Antiques	N	U	U	U	U	U
Pawn Shops <u>(SEE SECTION 3-423)</u>	N	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>
Second Hand Stores	N	U	U	U	U	U
<u>GOLD-BUYING STORES (SEE SECTION 3-423)</u>	<u>N</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>
Services [See Appendix M.]	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Auto title loan [Section 3-423]	N	U(S)	U(S)	U(S)	U(S)	U(S)
Barber/ beauty salon	P	P	P	P	P	P
Employment agency	U	U	U	U	U	U
Financial institution (without drive through)	P	P	P	P	P	P
Financial institution, non-chartered <u>DEFERRED PRESENTMENT COMPANIES</u> [Section 3-423]	N	U(S)	U(S)	U(S)	U(S)	U(S)
Massage establishment	U	U	U	U	U	U
Mortuary	N	U	U	U	U	U
Personal or business (e.g. drycleaner, small appliance repair)	N	P	P	P	P	P
Photography Studio, except adult-oriented businesses	N	P	P	P	P	P
Tattoo, body piercing establishment [Section 3-424]	N	U(S)	U(S)	U(S)	U(S)	U(S)

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
Tutoring/After school learning center	P	P	P	P	P	P
Vehicle based service (e.g. courier, delivery service, taxi and ambulance dispatch)	N	U	U	U	U	U
With drive through (e.g. dry cleaner) [Section 3-408]	N	S	S	S	S	S

SECTION 2. That Section 3-202 of the Zoning and Development Code, pertaining to a portion of Table 3-202B “Resale Items” and “Services”, is hereby amended to read as follows:

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
Resale Items	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>
Antiques	U	U	U	U	U
Pawn Shops (<u>SEE SECTION 3-423</u>)	N	N	N	N	N
Second Hand Stores	N	N	N	N	U
<u>GOLD-BUYING STORES (SEE SECTION 3-423)</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>
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
<u>Financial institutions, non-chartered DEFERRED PRESENTMENT COMPANIES</u> [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)

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

Section 3-423 Use Separation Requirements.

A. ~~Non-Chartered Financial Institutions~~ LIMITED FINANCIAL SERVICE BUSINESSES.

1. LIMITED FINANCIAL SERVICE BUSINESSES SHALL BE DEFINED HEREIN AS DEFERRED PRESENTMENT COMPANIES (PAY DAY LOAN), AUTO TITLE LOAN, PAWN SHOP, OR GOLD-BUYING STORES.
12. ~~Non-chartered financial institutions~~ A LIMITED FINANCIAL SERVICE BUSINESS shall not be located on a lot within 1,320 feet, measured by a straight line in any direction, from the lot line of another non-chartered financial institution LIMITED FINANCIAL SERVICE BUSINESS.
23. ~~Non-chartered financial institutions~~ LIMITED FINANCIAL SERVICE BUSINESSES shall not be located on a lot within five hundred (500) feet, measured by a straight line in any direction, from the lot line of a residential district, CHILD CARE CENTER, OR THE LOT LINE OF A CHARTER SCHOOL, PRIVATE SCHOOL, OR PUBLIC SCHOOL, WHICH PROVIDES ELEMENTARY OR SECONDARY EDUCATION. INSTRUCTIONAL OR VOCATIONAL SCHOOLS ARE EXCLUDED FROM THE SEPARATION REQUIREMENT.
34. The requirements pursuant to Section 3-423(A) shall also apply to ~~Non-chartered financial institutions~~ DEFERRED PRESENTMENT COMPANIES (PAY DAY LOAN) OR AUTO TITLE LOAN BUSINESSES which are ancillary to another existing or permitted use.

~~**B. Auto Title Loan.** *Auto Title Loan* businesses shall not be located on a lot within 1,320 feet, measured by a straight line in any direction, from the lot line of another *auto title loan*. The requirements in this section shall also apply to *auto title loan* businesses which are ancillary to another existing or permitted use.~~

~~**CB. Tobacco Retailer.** *Tobacco Retailers* shall not be located on a lot within 1,320 feet, measured by a straight line in any direction, from the lot line of a *charter school, private school, or public school*, which provides elementary or secondary education. *Instructional or vocational schools* are excluded from the separation requirement.~~

SECTION 5. 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 _____, 2016.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney