

DRAFT May 16, 2017

ORDINANCE NO. _____ NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE ZONING ORDINANCE OF THE CITY OF GLENDALE, ARIZONA, BY APPROVING ZONING TEXT AMENDMENT ZTA17-XX FOR FLAGPOLE REGULATIONS AND MISCELLANEOUS AMENDMENTS TO THE ZONING ORDINANCE AS FOLLOWS: ARTICLE 2 (DEFINITIONS); ARTICLE 3 (ADMINISTRATION); ARTICLE 5 (ZONING DISTRICT REGULATIONS) AND ARTICLE 7 (GENERAL DEVELOPMENT STANDARDS); PROVIDING FOR SEVERABILITY, SETTING FORTH AN EFFECTIVE DATE; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED

WHEREAS, the City of Glendale Planning Commission held a public hearing on _____ in zoning text amendment case ZTA17-XX in the manner prescribed by law for the purpose of amending various sections of the Zoning Ordinance for flagpole regulations, amended definitions, and other amendments; and

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance and manner provided by law including publication of such notice in *The Glendale Star* on _____; and

WHEREAS, the City of Glendale Planning Commission has recommended to the Mayor and the Council approval of the Zoning Text Amendment; as aforesaid and the Mayor and the Council desire to accept such recommendation and amend various sections of the Zoning Ordinance.

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

SECTION 1. That the Zoning Ordinance of the City of Glendale, Article 2 (Definitions and Rules of Construction, Sec. 2.300 (Definitions) is hereby amended by adding the following definitions to read as follows:

...

Convenience Use: Convenience uses are commercial activities, which have relatively high traffic generation compared to other commercial uses. A use is designated as a “convenience use” if the method of operation includes one (1) or more of the following characteristics:

- A. Retail gasoline is sold.
- B. The primary business is the sale of food or drink for consumption, either on or off premises, over a counter, or from an outdoor service window or automobile drive-thru service window. ~~Of the food or drink sold, at least twenty (20) percent is in disposable, carry out, or edible containers.~~
- C. Freestanding Stores less than seven thousand (7,500) square feet where food and drink is sold primarily for consumption off premises. Freestanding Stores located in an in-line shop space are not considered a convenience use.
- D. Car washes (self-serve and / or automated).
- E. Any commercial use with service designed to be accessed by occupants of a vehicle, excluding accessory uses such as video rental machines, vending machines, package delivery lockers, and ice and water dispensing machines.

Disk Jockey: A person who plays recorded music and mixes recorded music from multiple sources and may or may not perform for the audience.

Medical Marijuana Dispensary Offsite Cultivation Location: The additional location where marijuana is cultivated by a Medical Marijuana Dispensary as referenced in A.R.S. § 36-2804(B) (1) (b) (ii). A Medical Marijuana Dispensary Offsite Cultivation Location may include a Medical Marijuana Infusion (or Manufacturing) Facility provided that both facilities are preparing for sale by the same dispensary. The co-located Offsite Cultivation Location and Infusion Facility must meet the separation requirements from other Dispensaries, Infusion Facilities, and Cultivation Locations, separate or co-located as provided for in Section 7.801 (D) and 7.803 (E).

Mobile Home Subdivision: A subdivision for residential use by mobile homes, exclusively-manufactured homes or single family homes as otherwise permitted in the zoning district.

SECTION 2. That the Zoning Ordinance of the City of Glendale, Arizona, Article 3 (Administration) is hereby amended to read as follows:

Section 3.810 Change of Classification of Requested Zoning Zone District.

Section 3.600 Design Review.

Section 3.603 Minor Design Review and Waiver of Design Review.

Some projects such as single residences, exterior color changes of existing multi-family, office, commercial or industrial projects, may not need a complete review in accordance with Section 3.604 and 3.605 even though one (1) of the seven (7) requirements of Section 3.602 is

met. The Planning Director may waive full Design Review if it is determined that such review will not further that purpose of this section.

SECTION 3. That the Zoning Ordinance of the City of Glendale, Arizona, Article 3 (Administration) Sec. 3.810 is hereby amended to read as follows:

Section 3.810 Change of Classification of Requested Zoning Zone District.

Section 3.811 Re-application.

In cases where the amendment has been denied, no application for an amendment for the same or substantially same request and, in the case of a map amendment on the same or substantially the same property shall be filed within 12 months ~~one hundred eighty (180) days~~ from the date of denial of the amendment.

SECTION 4. That the Zoning Ordinance of the City of Glendale, Arizona Article 5 (Zoning District Regulations) Table 1 Subscript 6 is hereby added to read as follows:

6 – Maximum height of accessory structures is 15 feet (architectural design features such as cupolas and rotundas, can increase the height by 3 feet for an area of twenty-five (25%) percent of the roof area). Maximum flagpole height for model home complexes is sixty (60) feet.

SECTION 5. That the Zoning Ordinance of the City of Glendale, Arizona Article 5 (Zoning District Regulations) is hereby amended to read as follows:

Section 5.500 OFFICE DISTRICTS. ~~R_O—Residential Office.~~

Section 5.51004 RO Residential Office.

Section 5.5110. Purpose.

Section 5.51202. Permitted Uses.

Section 5.51303 Uses Subject to Conditions.

Section 5.51404 Uses Subject to Conditional Use Permit.

Section 5.51505 Accessory Uses.

Section 5.51606 Development Standards.

Section 5.51707 Design Review.

Section 5.51808 Landscaping and Screening.

Section 5.51909 Signs.

Section 5.52010 Parking.

Section 5.53020 C-O – Commercial Office

Section 5.53121 Purpose.

Section 5.53222 Permitted Uses.

Section 5.53323 Uses Subject to Conditions.

Section 5.53424 Uses Subject to Conditional Use Permit.

Section 5.53525 Accessory Uses.

Section 5.53626 Development Standards.

Section 5.53727 Design Review.

Section 5.53828 Landscaping and Screening.

Section 5.53929 Signs.

Section 5.54030 Parking.

Section 5.55040 G-O – General Office.

Section 5.55141 Purpose.

Section 5.55242 Permitted Uses.

Section 5.55343 Uses Subject to Conditions.

Section 5.55444 Uses Subject to Conditional Use Permit.

Section 5.55545 Accessory Uses.

Section 5.55646 Development Standards.

Section 5.55747 Design Review.

Section 5.55848 Landscaping and Screening.

Section 5.55949 Signs.

Section 5.56050 Parking.

Section 5.700 Commercial.

Section 5.701 NSC – Neighborhood Shopping Center.

Section 5.703 Permitted Uses.

M. Assisted living facilities (on sites less than 4 acres).

Section 5.730 C-1 – Neighborhood Commercial.

Section 5.750 C-2 – General Commercial.

Section 5.770 C-3 – Heavy Commercial.

Section 5.772 Permitted Uses.

S. Auction houses.

T. Brewery, production and wholesale.

U. Data centers.

Section 5.774 Uses Subject to Conditional Use Permit.

B. Community Correctional ~~Corrections~~ Facilities.

Section 5.810 B-P – Business Park.

Section 5.840 M-1, Light Industrial.

Section 5.842 Permitted Uses.

A. Manufacturing and Assembly.

10. Brewery, production and wholesale.

B. Non-Manufacturing.

9. New and used car, truck, and recreational vehicle sales.

10. Auction houses.

C. Support Office.

5. Data centers.

Section 5.860 M-2, Heavy Industrial.

Section 5.862 Permitted Uses.

A. Manufacturing and Assembly.

11. Brewery, production and wholesale.

B. Non-Manufacturing.

5. Auction houses.

6. Data centers.

Section 5.900 PAD Planned Area Development.

Section 5.912 Public Art.

Each request for a PAD shall include a public art component. The public art component will be established in the approval of the PAD.

Section 5.91~~2~~³ Procedures.

Section 5.91~~3~~⁴ Findings.

SECTION 6. That the Zoning Ordinance of the City of Glendale, Arizona Article 5 (Zoning District Regulations) Sec. 5.900, Table 3 Subscript 6 is hereby amended to read as follows:

6 – Maximum height of accessory structures is 15 feet (architectural design features such as cupolas and rotundas, can increase the height by 3 feet for an area of twenty-five (25%) percent of the roof area). Maximum flagpole height is 60 feet. Refer to Special Building Heights and Floor Area Ratio Maps, found at the end of this ordinance.

SECTION 7. That the Zoning Ordinance of the City of Glendale, Arizona Article 7 (General Development Standards) is hereby amended by amending portions of Sec. 7.104 regarding Permitted Permanent Signs, amending Sec. 7.504 Subdivision Model Home Complexes and amending Sec. 7.800 regarding Medical Marijuana.

Section 7.104 Permitted Permanent Signs.

Permitted signs shall conform to the definitions in Section 2.300 and the specific provisions for each zoning district. The following signs are permitted:

A. Agricultural and Residential~~lee~~ Districts.

1. General:

- a. This applies to all signs in the A-1, RR-90, RR-45, SR-30, SR17, SR-12, R1-10, R1-8, R1-7, R1-6, R1-4, R-2, R-3, R-4, and R-5 zoning districts.

B. Office Districts.

1. General. This applies to all signs in the R-O, C-O, and G-O zoning districts.

2. Wall, fascia, mansard, and parapet identification signs.

- b. The maximum sign area permitted per building shall be twenty-four (24) square feet in the R-O and C-O districts and forty-eight (48) square feet in the G-O district.

- d. The maximum sign area permitted per building shall be one-hundred (100) square feet in the C-O and G-O districts for any office building which exceeds ten-thousand (10,000) square feet or more ~~and is located on a site with three hundred thirty (330) lineal feet or more of continuous frontage on an arterial street~~, and the sign face cannot be seen from residential districts. The maximum sign area per tenant shall not exceed forty (40) square feet on any building elevation.

- e. Major Medical Center:

- (3) The maximum aggregate sign area is ~~six~~ eight hundred (~~6800~~) square feet per major medical center.

3. Freestanding Identification Signs.

- a. One (1) freestanding sign shall be permitted per project per street frontage.

- c. The sign shall not exceed a height of eight (8) feet in the C-O and G-O districts when the project includes a building of ten-thousand (10,000) square feet or more, ~~and the site has a minimum of three hundred thirty (330) lineal feet of continuous frontage on an arterial street.~~

- e. The maximum sign area in the C-O and G-O districts is forty-eight (48) square feet when the project includes a building of ten-thousand (10,000) square feet or more, ~~and the site has a minimum of three hundred thirty (330) lineal feet of continuance frontage on an arterial street.~~

- f. The maximum sign area in the R-O district is twelve (12) square feet. The maximum sign area in the C-O and G-O districts is ~~twenty four (24) square feet on parcels up to two (2) acres and~~ thirty-six (36) square feet, ~~for parcels over two (2) acres.~~

- h. Multi-tenant buildings and complexes: The sign may identify the name of the building or complex and the name of up to ~~three (3)~~ five (5) businesses within the building or complex. ~~However, when a business name is included in the name of the complex, only two (2) additional businesses may be identified.~~ Such sign shall not include any advertising copy.

- j. Major medical center:

5. Directional signs when required to assist the flow of traffic not to exceed ~~six (6)~~ twelve (12) square feet in area or a height of ~~three (3)~~ five (5) feet. Such signs may include business identification by word or symbol on up to ~~twenty-five percent (25)~~ fifty percent (50) of the sign area.

C. Commercial and Industrial Districts except Pedestrian Retail (PR) and Glendale Centerline Overlay District (Overlay District).

1. General. This applies to all signs in the SC, C-1, NSC, C-2, CSC, C-3, B-P, M-1, and M-2 zoning districts unless otherwise restricted.

3. Freestanding Identification Signs.

d. Multi-tenant buildings in the B-P, M-1 and M-2 zoning districts.

Section 7.504 Subdivision Model Home Complexes.

A model home complex may be provided in conjunction with residential subdivisions subject to the following:

C. A temporary flag pole may be erected on the model home complex. The maximum flag pole height shall be sixty (60) feet.

D. E. Prior to occupancy as a single-family residence, all model homes ~~must~~ shall conform to all provisions of this ordinance and any temporary parking, office, lighting, fencing, flag poles, or other similar improvements shall be removed.

Section 7.800. Medical Marijuana.

7.801 – Medical Marijuana Dispensary Offsite Cultivation Location.

A Medical Marijuana Dispensary Offsite Cultivation Location shall be permitted only in the Light Industrial (M-1) and Heavy Industrial (M-2) zoning districts, subject to the following conditions and limitations:

D. Shall not be located within 5,280 feet of any other Medical Marijuana Dispensary, Medical Marijuana Dispensary Offsite Cultivation Location, Medical Marijuana Infusion (or Manufacturing) Facility which is not an integral part of the Medical Marijuana Dispensary Offsite Cultivation Location or Medical Marijuana Designated Caregiver Cultivation Location,- This distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted.

7.803 – Medical Marijuana Infusion (or Manufacturing) Facility.

Medical Marijuana Infusion (or Manufacturing) Facility shall be permitted only in the Light Industrial (M-1) and Heavy Industrial (M-2) zoning districts, subject to the following conditions and limitations:

- C. The Facility shall not be located within 5,280 feet of any other Medical Marijuana Cultivation, Medical Marijuana Dispensary, Medical Marijuana Dispensary Offsite Cultivation Location which is not an integral part of the Medical Marijuana Infusion (or Manufacturing) Facility, Medical Marijuana Infusion (or Manufacturing) Facility, or Medical Marijuana Designated Caregiver Cultivation Location. This distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted.

SECTION 8. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 9. Effective Date. This Ordinance shall become effective at the time and in the manner prescribed by law.

SECTION 10. That the City Clerk be instructed and authorized to forward a certified copy of this ordinance for recording to the Maricopa County Recorder's Office.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this ____ day of _____, 2017.

M A Y O R

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager