

**DRAFT**  
**March 21, 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 ZTA16-01 FOR DONATION DROP BOXES AND AMENDING 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 ZTA16-01 in the manner prescribed by law for the purpose of amending various sections of the Zoning Ordinance for donation drop boxes 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:

...

Complex/Center: A commercial and/or office development defined by shared facilities, including but not limited to, circulation, parking, utilities, storm water retention and landscaping that service the shopping complex / center.

Donation Center: A center operated by an organization that collects and sells donated clothing and household items. All such merchandise shall be displayed and stored in an enclosed building.

Donation/Recycling Drop-off Box means any container, storage unit or structure, other than a primary building, accessory building or shed, that is used for the collection of charitable or for-profit donated items by the general public, including but not limited to clothing, household goods, toys, books, and newspapers.

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

Section 3.100 Administration Bodies and Officers.

Section 3.920 Temporary Use Permit.

Section 3.9320 Establishing a Historic Preservation (HP) District.

Section 3.9324 Temporary Restraint of Demolition.

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 3.920 Temporary Use Permit.

3.921 Purpose.

The City of Glendale recognizes that certain uses which may be appropriate in certain zoning districts may be allowed on a temporary basis. The Temporary Use Permit will regulate uses which are semi-permanent in nature. It is the intent to provide for certain temporary uses for limited periods of time. Allowing temporary uses is not intended to permit uses otherwise prohibited by the Zoning Ordinance or to allow permanent uses to be established. The purpose of this Section is to establish the procedures and outline the review criteria to be used by the Planning Director when considering an application for a Temporary Use Permit. All Temporary Uses shall be conducted so as not to be detrimental to the surrounding properties and shall be subject to the standards and regulations contained herein. Every Temporary Use on private property shall require a Temporary Use Permit.

A. Permitted Temporary Uses. The City may grant a Temporary Use Permit for any of the following uses.

1. Temporary municipal uses.
2. Such other uses as the City may deem to be within the intent and purpose of this Section.
3. Donation/Recycling Drop-Off Boxes.

3.922 Application.

A property owner or duly authorized agent may submit an application for a Temporary Use Permit. The applicant shall obtain the official application materials from the City.

Submittal requirements shall be as outlined on the official form and any other requirements that the City deems necessary to understand the proposal, including a Site Plan. The applicant shall submit the official application and associated materials, together with the applicable fee, to the City. Temporary Uses which, in the opinion of the City, meet all the following criteria shall not require posting:

1. The use and/or structure complies with all applicable codes and Ordinances;
2. The use and/or structure does not interfere with pedestrian access ways, fire lanes, driveway entrances, or traffic visibility at driveways or street intersections;
3. Parking on the property is adequate to serve any existing permanent use and the temporary use;
4. The temporary use shall not be conducted between the hours of 10 p.m. and 7 a.m., excluding Donation/Recycling Drop-Off Boxes; and,
5. The City Engineer, or designee thereof, approves vehicular access for the proposed temporary use.

### 3.923. Review and Approval

Application for a Temporary Use Permit shall be reviewed by the City who shall approve, conditionally approve, or disapprove the application. Approval shall be given only when in the judgment of the City such approval is consistent with the intent and purpose of this Section. In considering the application, the City may include, but are not be limited to, the following conditions:

- a. Regulation of parking, dust control measures, and site lighting.
- b. Regulation of hours of operation.
- c. Regulation of site ingress and egress.
- d. Assurance of compliance with building, fire, electrical, and all other appropriate codes.
- e. Such other conditions deemed necessary to carry out the intent and purpose of this Section.
- f. All signage proposed for the temporary use or event shall be in compliance with Section 7.100. All signage shall obtain a separate sign permit.
- g. The Department shall notify the applicant, in writing, of the decision to approve or deny the application, and shall state any conditions for approval or reasons for denial.

h. Issuance of Permits. To be issued a permit, the applicant shall sign an agreement with the City stating that within 72 hours of cessation of the use or expiration of the permit, whichever occurs first, the site shall be restored to the same condition prior to commencement of the temporary use.

i. Time Limits and Renewal of Permits. All Temporary Use Permit approvals shall be subject to a time limit as set forth by the City.

j. Temporary Use Permits for Donation / Recycling Drop-Off Boxes may be permitted for a renewable duration not to exceed 3 years, or as determined by the City. Each renewal requires a new Temporary Use Permit application and fee.

k. All other Temporary Use Permits shall be limited to a maximum of thirty (30) consecutive days per event, and the cumulative total of all Temporary Uses shall not exceed ninety (90) days per calendar year per lot. A maximum of 12 Temporary Use Permits shall be granted per lot or complex per calendar year.

l. Each occurrence of a Temporary Use and each distinct Temporary Use on a property shall require separate submittal and approval of a Temporary Use Permit Application.

Section 3.9320 Establishing a Historic Preservation (HP) District.

3.9321 Temporary Restraint of Demolition

SECTION 5. That the Zoning Ordinance of the City of Glendale, Arizona Article 5 (Zoning District Regulations) Sec. 5.700 Commercial is hereby amended to read as follows:

Section 5.520 C-O – Commercial Office.

Section 5.525 Uses Subject to Temporary Use Permit.

A. Donation/Recycling Drop-Off Boxes.

5.5256. Accessory Uses.

5.2567 Development Standards.

5.5278 Design Review.

5.5289 Landscaping and Screening.

5.52930 Signs.

5.5301 Parking.

5.540 G-O – General Office.

Section 5.545 Uses Subject to Temporary Use Permit.

A. Donation/Recycling Drop-Off Boxes.

5.545~~6~~ Accessory Uses.

5.546~~7~~ Development Standards.

5.701 NSC – Neighborhood Shopping Center.

5.703 Permitted Uses.

Section 5.705 Uses Subject to Conditional Use Permit.

F. Donation centers.

Section 5.710 SC – Shopping Center.

Section 5.714 Uses Subject to Conditional Use Permit.

K. Donation centers.

Section 5.706 Uses Subject to Temporary Use Permit.

A. Donation/Recycling Drop-Off Boxes.

5.706~~7~~ Accessory Uses.

5.707~~8~~ Development Standards.

5.708~~9~~ Performance Standards.

5.709~~10~~ Master Development Plan.

5.709~~11~~ Design Review.

5.709~~12~~ Landscaping and Screening.

5.709~~13~~ Signs.

5.709~~14~~ Parking.

Section 5.710 SC – Shopping Center.

Section 5.715 Uses Subject to Temporary Use Permit.

A. Donation/Recycling Drop-Off Boxes.

5.71~~5~~6 Accessory Uses.

5,71~~6~~7 Development Standards.

5.71~~7~~8 Design Guidelines.

5.71~~8~~9 Landscaping and Screening.

5.71~~9~~20 Signs.

5.72~~0~~1 Parking.

Section 5.730 C-1 – Neighborhood Commercial.

Section 5.734 Uses Subject to Conditional Use Permit.

H. Donation centers.

Section 5.735 Uses Subject to Temporary Use Permit.

A. Donation/Recycling Drop-Off Boxes.

5.73~~5~~6 Accessory Uses.

5.73~~6~~7 Development Standards.

5.73~~7~~8 Performance Standards.

5.73~~8~~9 Design Review.

5.73~~9~~40 Landscaping and Screening.

5.74~~0~~1 Signs.

5.74~~1~~2 Parking.

Section 5.750 C-2 – General Commercial.

Section 5.754 Uses Subject to Conditional Use Permit.

Z. Donation centers.

5.755 ~~Reserved~~ Uses Subject to Temporary Use Permit.

A. Donation/Recycling Drop-Off Boxes.

Section 5.770 C-3 – Heavy Commercial.

Section 5.774 Uses Subject to Conditional Use Permit.

H. Donation centers.

5.775 Uses Subject to Temporary Use Permit.

A. Donation/Recycling Drop-Off Boxes.

~~5.775~~6 Accessory Uses.

~~5.776~~7 Development Standards.

~~5.777~~8 Performance Standards.

~~5.778~~9 Design Review.

~~5.779~~80 Landscaping and Screening.

~~5.780~~1 Signs.

~~5.784~~2 Parking.

Section 5.782 CSC – Community Shopping Center.

Section 5.786 Uses ~~s~~Subject to e~~C~~onditional u~~se~~ p~~ermit~~.

J. Donation centers.

5.787 Uses Subject to Temporary Use Permit.

A. Donation/Recycling Drop-Off Boxes.

~~5.787~~8 Accessory Uses.

~~5.788~~9 Development Standards.

~~5.789~~0 Performance Standards.

~~5.790~~1 Master Development Plan.

~~5.794~~2 Design Review

5.7923 Landscaping and Screening.

5.7934 Signs.

57945 Parking.

SECTION 7. That the Zoning Ordinance of the City of Glendale, Arizona Article 7 (General Development Standards) is hereby amended by adding a new Sec. 7.900 to read as follows:

## **Article 7. GENERAL DEVELOPMENT STANDARDS**

### Section 7.900. Donation/Recycling Drop-Off Boxes.

#### Sec. 7.900. Donation/Recycling Drop-Off Boxes

- A. Donation/Recycling Drop-Off Boxes are subject to the issuance of a Business License and approval of a Temporary Use Permit (TUP) and upon receipt of notarized written authorization by the property owner or authorized agent. An authorized agent must provide written evidence he/she has the authority to approve and locate a donation / drop-off box on the parcel.
- B. Donation/Recycling Drop-Off Boxes may be permitted as an accessory use to all permitted non-residential uses within a residential zoning district pursuant to this article.
- C. Donation/Recycling Drop-Off Boxes shall be located on a paved surface.
- D. Donation/Recycling Drop-Off Boxes shall not be located within the front or side yard setbacks, required landscaped areas or within required parking spaces.
- E. Donation/Recycling Drop-Off Boxes shall not obstruct pedestrian or vehicular circulation, or be located within the public right-of-way, drive aisles, fire lanes, loading zones, or any other location that may cause hazardous conditions, or constitute a threat to the public health, safety, and welfare.
- F. There shall be no more than one (1) Donation/Recycling Drop-Off Box on lots or parcels or shopping complexes/centers less than one (1) acre in size, no more than two (2) Donation/Recycling Drop-Off Boxes on lots or shopping complexes/centers of one (1) to three (3) acres in size, and no more than four (4) Donation/Recycling Drop-Off Boxes on lots or complexes/centers greater than three (3) acres in size. No more than two donation boxes shall be clustered together in any one location.

#### Donation Box Allotment

Property or Premises / Complex Size 1 acre = 1 Box.

1-3 Acres = 2 Boxes \*.

3 + Acres = 4 Boxes \*



\* No more than 2 (two) Donation Bins shall be clustered together in any one location.

- G. Each Donation/Recycling Drop-Off Box shall have a firmly closing and locking lid, shall be clearly marked to identify the specific items and materials to be collected for donation, and shall be clearly marked to identify the City of Glendale Temporary Use Permit number with contrasting paint. The numbers shall be a minimum of 2 inches high and located on the deposit face of the box.
- H. The name and local telephone number of the entity obtaining the TUP shall be affixed to the box on an area no larger than 1 foot by one foot.
- I. Donation/Recycling Drop-Off Boxes shall have a capacity no greater than 6 cubic yards.
- J. All donated items must be collected and stored in the Donation/Recycling Drop-Off Box and all contents cleared no less than once a week. Any items or materials left outside of the Donation/Recycling Drop-Off Boxes shall be removed within 24 hours of discovery or notification, whichever occurs first. If a container is damaged or vandalized, it must be repaired or removed within 5 business days of discovery or notification. If there is a public health, safety or welfare concern pursuant to the authority granted to the City, the container must then be removed within 24 hours of discovery or notification.
- K. It is the joint responsibility of the property owner or authorized agent and the entity obtaining the TUP to keep the area around the Donation/Recycling Drop-Off Boxes free of litter and debris, and remove any graffiti within 24 hours of discovery or notification, whichever occurs first.
- L. It is the responsibility of the entity obtaining the TUP to maintain the Donation/Recycling Drop-Off Box painted or otherwise un-rusted and un-dented and in good condition.
- M. Donation/Recycling Drop-Off Boxes not located or maintained in compliance with this Article may be subject to revocation of the Business License and the Temporary Use Permit (TUP).
- N. The City may consider prior permit revocations, prior notices of violation, and fraudulent application information when granting or denying new Temporary Use Permits for Donation/Recycling Drop-Off Boxes.
- O. Any Donation/Recycling Drop-Off Box (including its contents) which is determined to be unauthorized, unpermitted, or is otherwise in violation of this ordinance shall be deemed a public nuisance and may be removed pursuant to those provisions.
- P. The property owner shall control the Temporary Use Permit. The permittee or drop box operator does not control the Temporary Use Permit unless he/she is also the property owner. As such, the property owner or authorized agent may rescind his/her authorization for the donation/drop-off box at any time and the permit shall be revoked. Nothing in this Ordinance prohibits a property owner from removing a donation/drop-off box regardless

of whether said box is permitted or not permitted. A property owner retains the right to remove and dispose of an unwanted donation / drop-off box at any time.

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. (THE CITY CLERK'S OFFICE WILL FILL IN THE DATE.)

\_\_\_\_\_  
M A Y O R

ATTEST:

\_\_\_\_\_  
City Clerk (SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

\_\_\_\_\_  
City Manager