



February 16, 2024

SENT VIA E-MAIL ONLY

Cameron C. Artigue  
Gammage & Burnham, PLC  
Attorneys At Law  
40 North Central Avenue, 20<sup>th</sup> Floor  
Phoenix, Arizona 85004

**RE: Zoning Interpretation Letter (ZIV24-01) of the Unified Development Code (UDC), Section 35.4.310, in conjunction to the Park 303 Planned Area Development (PAD), Adopted Ordinance 020-42, Glendale, Arizona**

Dear Ms. Artigue:

### **Background Information**

*In summary, but not inclusive, the 1993 Zoning Ordinance states the following:*

Zoning Ordinance:

PAD (Planned Area Development), 5.901, Purpose: In summary, mixed-use development promotes flexibility and encouraging variations in building design, and land uses. The intent of the PAD district is to:

- Encourage creative and effective use of land, not billboard signage.
- Encourage innovative development or redevelopment concepts.
- Provide a process which relates to urban design and scale of project to be unique with unique characteristics.

A subsection, 5.911 – Signs: In summary, references Section 7.100. Special signage standards may be established in the approval of the PAD. However, special sign standards may not deviate from the standards set forth in Sections 7.106 Billboards and Section 7.110 Digital Billboard.

Signs, Section 7.101, Purpose: In summary, the purpose is to regulate the number, type, location, physical dimensions, and design of signs to protect public interest and achieve community objectives as follows:

- Balance public and private objectives by allowing adequate signage for business identification
- Promote the free flow of traffic and protect pedestrians and motorists from injury and property damage which may be caused by cluttered, distracting, and illegible signage
- Promote the use of signs which are well designed, of appropriate scale, and integrated with surrounding buildings and landscape in order to meet the communities desire for quality development.
- Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape which affects the image of the city of Glendale.

The adopted Ordinance 020-42, Park 303 PAD, states per

**Stipulation #1:**

All Development shall be in conformance with the Park 303 PAD development narrative dated June 1, 2020.

In summary, among other regulations, Section X, Billboard Signs, of the Park 303 PAD, allows the following:

- Maximum sign height, including any supporting structures, for a Digital Billboard Sign must be no more than sixty (60) feet.
- Maximum Billboard Sign area must not exceed six hundred seventy-five (675) square feet.
- Billboard Sign must be located within three hundred (300) feet of the freeway right-of-way.
- A minimum distance of four hundred ninety (490) feet between all Digital Billboard Signs within and contiguous to the Park 303 Planned Area Development.

Section XIII, Consistency with Surrounding PADs, of the Park 303 PAD, states "...This PAD has attempted to be consistent with Lincoln Logistic (sic) This PAD (sic) to maintain consistency with the direction and vision of development in the area along the Loop 303 corridor, as requested in discussions with City staff."

**Stipulation #6:**

Billboards and Digital Billboards as proposed in the PAD are expressly not permitted per current zoning ordinance regulations which cannot be amended through a PAD, except that billboards and digital billboards shall be permitted if ordinances are amended at a future dated (sic) that would allow them as proposed in the PAD.

In summary, but not inclusive, the 2023 UDC states the following:

Section 35.2.901 Planned Area Development, D (1) states

- Development Standards

- All standards are established within the approval process including residential density, lot sizes, building setbacks, lot coverage, and building heights, except as follows:
  - 35.4.300 Signage, standards may be established in the approval of a PAD, however, special sign standards may not deviate from the standards set forth in Sections 35.4.310.A and Section 35.4.310.B. Billboard Signs and Digital Billboard Signs are prohibited on property located within a Scenic Corridor.

Section 35.4.310 Site Signs, B. Billboards, Digital (Electronic) states the following credentials:

- A minimum of one thousand (1,000) feet of lineal frontage adjacent to Loop 303.
- Digital Billboard Sign must be located within three hundred (300) feet of the freeway right-of-way.
- A minimum distance of one thousand seven hundred sixty (1,760) feet between all Digital Billboard Signs on any single Planned Area Development
- Maximum Digital Billboard Sign area must not exceed six hundred seventy-five (675) square feet.
- Maximum sign height, including any supporting structures, for a Digital Billboard Sign must be no more than sixty (60) feet.

### **Analysis:**

The analysis considers the regulations of the adopted 1993 Zoning Ordinance and the practices of the Planning Division at the time of submittal and approval of the Park 303 PAD. The analysis also compares the regulations of the current adopted UDC compared to the language within the approved Park 303 PAD. The correlation of these various factors is relevant in rendering a formal interpretation.

### **Planning Division's Practice:**

Planning's practice for digital billboards along the Loop 303 is as follows:

- Upon annexation, if the property has sign permits for digital billboard(s) with the county or an existing billboard is erected on the property being annexed such billboard would be allowed.
- The existing 1993 zoning ordinance explicitly states special sign standards may not deviate from the standards set forth in Sections 7.106 Billboards and Section 7.110 Digital Billboard. New digital Billboards along the Loop 303 cannot be approved at this time as the current Zoning Ordinance does not permit placing a Digital Billboard Sign outside of Township 2 North, Range 1 East, Gila and Salt River Base and Meridian.
- Any new digital billboard request would be reviewed (not approved) against the proposed regulations within the forthcoming UDC ("Uniform Development Code"),

noting until City Council adopts the proposed UDC no billboard(s) along the Loop 303 are permitted.

- Staff has consistently advised all applicants of the critical information noted above, understanding the UDC regulations are subject to changes that may be made prior to the adoption by the City Council. Thus, there are no City approved PADs within the Loop 303 area that allows for digital billboards.

The 1993 Zoning Ordinance does not allow deviation from the standards set forth for Billboards and Digital Billboards which is consistent with the language adopted in the 2023 UDC.

Stipulation #1 of Ordinance 020-42, states “All Development shall be in conformance with the Park 303 PAD development narrative dated June 1, 2020”. Billboards are defined as a sign which is referred to as a device used for visual communication and codified as such within the UDC. “Development” is intended for constructing a building(s) to develop property.”

The Park 303 PAD includes regulations for allowance of billboards and to ensure billboard regulation clarity, the city imposed a stipulation, referenced as Stipulation #6 in Ordinance 020-42, “Billboards and Digital Billboards as proposed in the PAD are expressly not permitted per current zoning ordinance regulations which cannot be amended through a PAD, except that billboards and digital billboards shall be permitted if ordinances are amended at a future dated (sic) that would allow them as proposed in the PAD.”

On June 23, 2020, the City Council approved the Park 303 Planned Area Development (Ordinance #O20-42). During the presentation of the item, Ms. Collins, interim Development Services Director, advised the council regarding the proposed billboards. Specifically, Ms. Collins advised the council that the then current ordinance did not allow a PAD to amend the billboard ordinance (1993, Zoning Ordinance, Section 5.911). However, in recognizing the language was a request of the landowner as part of the PAD, and in anticipation of the City Council considering an amendment to the zoning code, Ms. Collins advised the Council that the language was included in the event the council adopted the UDC with language regarding billboards to “allow as proposed in the PAD”. At the time of approval, the landowner did not object to the stipulation or Ms. Collin’s statement regarding the stipulation.

The City Council approved the PAD and in furtherance of Ms. Collins’ presentation adopted Stipulation 6; “Billboards and Digital Billboards as proposed in the PAD are expressly not permitted per current zoning ordinance regulations which cannot be amended through a PAD, except that billboards and digital billboards shall be permitted if ordinances are amended at a future dated (sic) that would allow them as proposed in the PAD.”

### **Formal Interpretation:**


The Park 303 Planned Area Development was approved, without objection by the landowner, with a stipulation setting forth the prohibition of billboards. The subsequent change to the zoning code (UDC\1) did not alter the zoning code in a manner that would allow for deviation of billboard standards within an approved PAD. More importantly, the approved language does not provide the landowner any relief from Stipulation #6 to the Park 303 Planned Area Development. As such, the Park 303 Planned Area Development does not allow for billboards in the manner and standards set forth in the PAD.

**Supporting Documentations:**

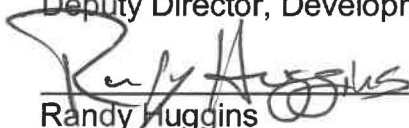
June 23, 2020 City Council Public Hearing Meeting and Minutes (Item #45), [Agenda - View Meetings \(destinyhosted.com\)](#)

1993 Zoning Ordinance, [5.911 - Signs. | Code of Ordinances | Glendale, AZ | Municode Library](#)

2023 UNC, [UDC 12.12.23 FINAL.pdf \(civiclive.com\)](#)

Interpretation by:   
Tabitha Perry  
Deputy Director, Development Services

Date: 2/16/24

Affirmed by:   
Randy Huggins  
Director, Development Services

Date: 2/16/24

Sincerely,

Tabitha Perry  
Deputy Director  
Planning

cc: Michael Bailey, City Attorney  
Jim Gruber, Chief Deputy City Attorney

