

AGENDA ITEM #: \_\_\_\_\_

DATE: July 13, 2020

CAR #: 2020-6968



## CITY COUNCIL ACTION REPORT

**SUBJECT:** Various Zoning Ordinance Text Amendments

**STAFF PRESENTER(S):** Katie Wilken, Planning Manager, Development Services

**OTHER PRESENTER(S):**

**Summary:** Request to amend the city of Goodyear Zoning Ordinance.

### **Recommendation:**

1. Conduct a public hearing to consider a request to amend various Articles of the city of Goodyear Zoning Ordinance.
  - a. Open Public Hearing
  - b. Staff Presentation
  - c. Applicant Presentation (10 minutes)
  - d. Receive Public Comment (3 minutes per speaker)
  - e. Close Public Hearing
2. ADOPT RESOLUTION NO. 2020-2066 DECLARING A PUBLIC RECORD THOSE CERTAIN DOCUMENTS FILED WITH THE CITY CLERK AND TITLED "AMENDING ARTICLE 1 OF THE ZONING ORDINANCE"; AND "AMENDING ARTICLE 6 OF THE GOODYEAR ZONING ORDINANCE".
3. ADOPT ORDINANCE NO. 2020-1470 AMENDING ARTICLE 1 (ADMINISTRATION AND PROCEDURES), ARTICLE 2 (DEFINITIONS); AND ARTICLE 6 (OFF-STREET PARKING AND LOADING) OF THE ZONING ORDINANCE, AS AMENDED; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PENALTIES.

**Fiscal Impact:** There is no direct budget impact associated with the approval of this Zoning Ordinance Text amendment.

### **Background and Previous Actions**

The City of Goodyear Zoning Ordinance was adopted on May 24, 1999, and has been amended periodically to reflect the evolving operational methods and criteria of the community. The goal of amending the City of Goodyear's Zoning Ordinance is to provide clear criteria in order to simplify the zoning process and increase the opportunities for developers and businesses seeking

to establish locations in the city, as well as ensure positive impacts on city residents and on adjacent properties.

## **Staff Analysis**

### **Current Policy:**

The City of Goodyear Zoning Ordinance Article 1, Section 1-3-1, provides regulations to amend, supplement, modify or repeal zoning districts when deemed necessary.

### **Details of the Request:**

Arizona Revised Statutes 9-462.04 contains requirements for property owners who are to receive notices ("Protest Area") of a public hearing on zoning ordinances. The City of Goodyear adopted requirements in the zoning ordinance to comply with those requirements. Recently the Arizona Legislature adopted revisions to A.R.S. 9-462.04 to modify the Protest Area for proposed zoning amendments. Accordingly, the City of Goodyear needs to amend Article 1 Section 1-3-1 to conform to the current state requirements for the property owners who are to receive notices of a public hearing on zoning ordinances.

Two provisions in Article 6 are being amended. The first provision being amended is section 6-2-2, which regulates residential vehicular access, including the maximum width of residential driveways in the front yard setback. The purpose of the amendment is to limit the amount of front yards that can be paved in order to ensure there is proper drainage and control the number of access points onto the street. The changes are required because in older neighborhoods, front yards have been modified by laying cement or other materials to accommodate additional parking in the front yard area and to reduce yard maintenance. However, parking in the front yard setback is limited to parking upon a driveway. The proposed amendment to section 6-2-2 is intended to: (i) limit the amount of paved surfaces within the front yard setback to no more than 50% of the required front yard setback area for any residentially zoned lot with the remainder of the lot being a pervious surface such as grass, soil, gravel or rock that absorbs or infiltrates water across the surface; (ii) to clarify that paved areas that are in excess of one hundred square feet in size and that are contiguous to a driveway are part of the driveway; (iii) to clarify that motor vehicles are not to be parked in a front yard except on a paved driveway; and (iv) to delete the current requirement that driveways be setback 3-feet from the property line.

The other provision in Article 6 that is being amended is Article 6-3 (Parking Design Standards). The Civic Square Project that will house the new City of Goodyear City Hall is to be constructed with a multi-story parking structure. There currently are no standards in the Zoning Ordinance for parking structures. Accordingly, an amendment to Article 6 of the Zoning Ordinance is being proposed to add section 6-3-4 (Parking Structures) adopting standards for parking structures.

Section 2-2 of the Zoning Ordinance is being amended to add new definitions required because of the changes being adopted to Article 6.

### **Planning and Zoning Commission Meeting**

Notice for the public hearings before the Planning and Zoning Commission and City Council included a legal notice published in the Arizona Republic on June 12, 2020. Information on the Zoning Ordinance Text Amendment request and these public hearings was also posted to the current development applications section of the city's website. To date, staff has not received any public inquiries as a result of this notice.

At the regular Planning and Zoning Commission meeting on July 1, 2020, staff made a presentation regarding the amendment request. Staff also presented on proposed changes on Article 3, including adding a new MF-12 zoning district to accommodate the new single family rental projects. Although the Planning and Zoning Commission recommended approval of the amendment to Article 3, it is not being brought to City Council at this time because the Design Guidelines will also need to be updated. It would be beneficial to City Council to be able to review the proposed Design Guidelines when making a decision regarding the proposed Zoning Ordinance Text Amendment. Both the Zoning Ordinance and Design Guidelines amendments to address the single family rental projects are anticipated to be presented to City Council in August.

No public comments were received regarding the proposed amendments during the course of the meeting. Based upon the staff findings presented in the Commission staff report, and repeated in this Council Action Report, the Commission recommended approval of the Ordinance by a vote of 7-0.

### **Attachments**

1. Ordinance No. 2020-1470
2. Resolution No. 2020-2066 (w/exhibits attached)
3. Attachments
  - Article 1 Section 1-3-1 reflecting changes in redlined format
  - Article 2 Section 2-2 reflecting changes in redlined format
  - Article 6 Section 6-2-2 reflecting changes in redlined format
  - Article 6 Section 6-3-4 reflecting changes in redlined format