

## **ORDINANCE NO. 16-1337**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, REZONING APPROXIMATELY 40 ACRES OF CITY-OWNED PROPERTY LOCATED AT THE SOUTHWEST CORNER OF COTTON LANE AND INDIAN SCHOOL ROAD FROM THE AG, AGRICULTURAL, AND C-2, GENERAL COMMERCIAL, ZONING DISTRICTS TO THE I-1, LIGHT INDUSTRIAL, ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT OVERLAY; AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR, PROVIDING FOR CORRECTIONS, SEVERABILITY, AN EFFECTIVE DATE, AND PENALTIES.

WHEREAS, the City of Goodyear Zoning Ordinance regulates the development of all land within the City. Boundaries of zoning districts set forth in the Zoning Ordinance may be changed when deemed necessary to best serve the public interest, health, comfort, convenience, safety and general welfare of the citizens of the City; and

WHEREAS, the current Zoning Ordinance was originally adopted by the City Council in May 1999 and has been the subject of a number of amendments since that time; and

WHEREAS, the subject property is located within the Luke Compatible Land Use Overlay as designated in the Goodyear 2025 General Plan, with said Overlay established to protect areas surrounding Luke Air Force Base; and

WHEREAS, the Zoning Ordinance permits the Zoning Administrator to initiate an amendment to the boundaries of a zoning district for the purposes of rezoning City-owned property; and

WHEREAS, the City of Goodyear Zoning Administrator has initiated a rezoning of approximately 40 acres of City-owned property from the AG, Agricultural, and C-2, General Commercial, zoning districts to the I-1, Light Industrial, zoning district with a Planned Area Development (“PAD”) Overlay; and

WHEREAS, the rezoning will permit the property to be developed with light industrial uses subject to standards consistent with adjacent properties; and

WHEREAS, the subject property will adhere to the principal permitted uses, permitted accessory uses, use permit uses, special uses and development regulations as established in the city of Goodyear Zoning Ordinance for the I-1, Light Industrial, zoning district, except as modified by the PAD Overlay; and

WHEREAS, the PAD Overlay modifies certain uses, development standards and other requirements for the I-1, Light Industrial, zoning district; and

WHEREAS, City staff finds the proposed rezoning will be consistent with the Luke Compatible Land Use Overlay as the proposed industrial zoning and associated conditions permit development that will be compatible with the flying operations at Luke AFB; and

WHEREAS, the proposed overlay to allow additional building height will not adversely affect Luke AFB, as the requested 75-foot maximum height is already permitted on adjacent properties, and with such additional height having already been deemed acceptable by Luke AFB; and

WHEREAS, City staff finds that the proposed rezoning will not adversely impact the surrounding area as this area is intended for industrial development, with several industrial uses already developed and in operation; and

WHEREAS, a request to rezone property requires public review and approval by the Planning and Zoning Commission and City Council; and

WHEREAS, public notice that this amendment to the City of Goodyear Zoning Ordinance was to be considered and reviewed at a public hearing held before the Planning and Zoning Commission on September 21, 2016, appeared in the Arizona Republic Southwest Valley edition on September 2, 2016; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on September 21, 2016, and at that meeting the Commission voted 7-0 to recommend approval of the proposed rezoning; and

WHEREAS, public notice that this amendment to the City of Goodyear Zoning Ordinance is to be considered and reviewed at a public hearing held before the City Council on October 3, 2016, appeared in the Arizona Republic Southwest Valley edition on September 2, 2016; and

WHEREAS, the Mayor and Council of the City of Goodyear find the adoption of this Ordinance to be in the best interests of the public interest, health, comfort, convenience, safety and general welfare of the citizens of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

## SECTION 1. REZONING

The subject property depicted in Supplementary Zoning Map 16-02, attached hereto as Exhibit A and legally described Exhibit B, attached hereto, is rezoned from the AG, Agricultural, and C-2, General Commercial, zoning districts to the I-1, Light Industrial zoning district with a PAD Overlay modifying uses, development standards, and requirements applicable to the I-1, Light Industrial, zoning district, as follows:

1. Uses allowed on the subject property shall be limited to the uses allowed in the I-1, Light Industrial zoning district that are permitted in A.R.S. § 28-8481 (J) as it exists as of the effective date of this Ordinance for property located in the Accident Potential Zone (APZ) Two;

2. Prior to the issuance of any building permit, Luke Air Force Base shall be given an opportunity to review and provide written comment on all site plans, building plans and land uses as provided in A.R.S. § 28-8481 as it exists as of the effective date of this Ordinance;
3. Development of the subject property shall be consistent with and comply with the requirements of A.R.S. §28-8481 as it exists as of the effective date of this Ordinance;
4. The maximum building height within the subject property shall be 75 feet or five stories, whichever is less;
5. The Architectural Design Standards in Section IV of the Palm Valley 303 Master Design Guidelines and Comprehensive Sign Program dated October 1, 2007, adopted by Ordinance 07-1097, shall apply to the development of the subject property; and,
6. A comprehensive sign package shall be submitted for any and all signs on the subject property, which sign package shall be generally consistent with the Palm Valley Comprehensive Sign Package (Section VII of the Palm Valley 303 Master Design Guidelines and Comprehensive Sign Program) dated October 1, 2007, adopted by Ordinance 07-1097.

SECTION 2. AMENDMENT TO ZONING MAP

The Zoning Map of the City of Goodyear is hereby amended to reflect the rezoning set forth in Section 1 of this Ordinance by the adoption of Supplementary Zoning Map 16-02, a copy of which is attached hereto as Exhibit A, and such amendment to the Zoning Map shall be filed with the City Clerk in the same manner as the Zoning Map of the City of Goodyear.

SECTION 3. CORRECTIONS

The Zoning Administrator, City Clerk, and the codifiers of this Ordinance are authorized to make necessary clerical corrections to this Ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

SECTION 4. SEVERABILITY

If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions of the ordinance or parts thereof.

## SECTION 5.     EFFECTIVE DATE

This Ordinance shall become effective as prescribed by law. The provisions of the City of Goodyear Zoning Ordinance being amended by this ordinance shall remain in full force and effect until the effective date of this ordinance.

## SECTION 6.     PENALTIES

Any person who violates and provision of this ordinance shall be subject to penalties set forth in Section 1-2-3 of the City of Goodyear Zoning Ordinance as it may be amended from time to time and which currently provides:

### **Section 1-2-3 Violations and Penalties**

- A.     It is unlawful to construct, erect, install, alter, change, maintain, use or to permit the construction, erection, installation, alteration, change, maintenance, or use of any house, **building, structure**, sign, landscaped area, **parking lot** or fence, or to permit the use of any **lot** or land contrary to, or in violation of any provisions of this **Ordinance**, or of any conditions, stipulations or requirements included as a condition of any applicable approval. Any land **use** that is specifically prohibited by this **Ordinance** or is unspecified and not classified by the **Zoning Administrator** is prohibited in any **district**.
- B.     Responsible Party. The responsible party for any violations hereunder is the owner of personal property improvements or real property and/or person in possession or control of any personal property improvements or real property (**Person**). The responsible party shall be responsible for any violations hereunder whether or not the responsible party or its agent committed the prohibited act(s) or neglected to prevent the commission of the prohibited act(s) by another.
- C.     Every Responsible Party shall be deemed responsible or guilty of a separate offense for each and every day during which any violation is committed or continued.
- D.     Penalty. Any **Person** who violates any of the provisions of this **Ordinance** and any **amendments** there to and/or any conditions, stipulations or requirements included as a condition of any applicable approval shall be:
  - 1.     Subject to civil sanctions of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) per offense; or
  - 2.     Guilty of a class 1 misdemeanor, punishable by a fine not exceeding two thousand five hundred dollars (\$2,500), or by a term of probation not exceeding three (3) years, or imprisonment for a term not exceeding six (6) months, or punishable by a combination of fine, probation or imprisonment. The City Prosecutor is authorized to file

City Clerk