

ORDINANCE NO. 17-1342

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING ARTICLE 2 (DEFINITIONS) AND ARTICLE 4-1-2 (SPECIAL USES) OF THE ZONING ORDINANCE, AS AMENDED, TO ADD INERT MATERIAL LANDFILL AS A USE THAT MAY BE CONSIDERED THROUGH A SPECIAL USE PERMIT AND CREATE DEFINITIONS; 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. Regulations set forth in the Zoning Ordinance may be amended 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 purpose of the proposed text amendment is to add “inert material landfill” as a use that can be considered in any zoning district through a special use permit; and

WHEREAS, public project borrow pits have been created through the development of public infrastructure projects such as the development of Interstate 10 and these borrow pits can be an attractive nuisance within the community; and,

WHEREAS, it will best serve the public interest, health, comfort, convenience, safety, and general welfare of the citizens of the City to reclaim these public project borrow pits; and,

WHEREAS, when properly regulated, an inert material landfill is an appropriate option to facilitate land reclamation of a public project borrow pit; 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 February 22, 2017, appeared in the Arizona Republic Southwest Valley edition on February 3, 2017; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on February 22, 2017, and at that meeting the Commission voted 5 to 0 to recommend approval of the proposed amendment to the City of Goodyear Zoning Ordinance; 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 March 26, 2017, appeared in the Arizona Republic Southwest Valley edition on February 3, 2017; 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 health, safety, and welfare;

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

SECTION 1. AMENDING THE CITY OF GOODYEAR ZONING ORDINANCE

Article 2-2 (Definitions) of the City of Goodyear Zoning Ordinance is amended to insert the definition of “Inert Material Landfill” directly following “Household Employee’s Quarters” and to insert the definition of “Public Project Borrow Pit” directly following “Prohibited Use” as follows:

INERT MATERIAL LANDFILL. AN AREA IN WHICH CONSTRUCTION DEBRIS THAT IS NEITHER CHEMICALLY REACTIVE NOR BIODEGRADABLE AND WILL NOT DECOMPOSE, SUCH AS CONCRETE, BRICK, ROCKS AND UNCONTAMINATED SANDS, SOILS AND EARTH MAY BE DEPOSITED TO FACILITATE LAND RECLAMATION FOR A **PUBLIC PROJECT BORROW PIT**.

PUBLIC PROJECT BORROW PIT. AN AREA WHERE MATERIAL HAS BEEN REMOVED FROM THE GROUND FOR USE IN A PUBLIC CONSTRUCTION PROJECT.

Section 4-1-2 (Special Use Considered in Any District) of the City of Goodyear Zoning Ordinance is amended to add Section 4-1-2(A)(7) as follows:

Section 4-1-2 Special Uses Considered in Any District

Particular uses not otherwise listed in any **District**; or those which are listed in certain **Districts** but which, under appropriate circumstances, may be considered for approval in any location, notwithstanding its zoning map **district** classification are as follows:

A. CONSIDERED USES.

Uses which may be considered in any **District** are:

1. **Churches**, parish houses, convents, temples and similar places of worship, except temporary revival tents and temporary **buildings**.
2. Wireless communications facilities, subject to the requirements of subsection 4-2-4.
3. **Day care** (elderly or youth), **preschool** and child care nurseries.
4. Residential office uses permitted in Section 3-3-1-A-1, -3 and -4 and residential service uses permitted in Section 3-3-2-A-8 and -10.

5. Public, Parochial and Charter Schools.
6. Energy generation facility.
7. **INERT MATERIAL LANDFILL WHICH PURPOSE IS TO FACILITATE LAND RECLAMATION OF A PUBLIC PROJECT BORROW PIT.**

B. ACCESSORY USES

Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.

C. DEVELOPMENT REGULATIONS.

Unless otherwise modified by Council approval, the standards and regulations for the District in which the Special Use is located shall apply.

SECTION 2. 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 3. 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 4. 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 5. PENALTIES

Any person who violates any 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 a criminal misdemeanor complaint in the City of Goodyear Municipal Court for violations hereunder.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, this _____ day of _____, 20_____.

Georgia Lord, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Maureen Scott, City Clerk

Roric Massey, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Maureen Scott, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Ordinance No. 17-1342 is a true, correct and accurate copy of Ordinance No. 17-1342, passed and adopted at a regular meeting of the Council of the city of Goodyear, Maricopa County, Arizona, held on the _____ day of _____, 20____, at which a quorum was present and, by a _____ vote, _____ voted in favor of said ordinance.

Given under my hand and sealed this _____ day of _____, 20____.

seal

City Clerk