

## **ORDINANCE NO. 17-1343**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING ARTICLE 1-3-10 (ADMINISTRATION) OF THE ZONING ORDINANCE, AS AMENDED, TO ESTABLISH AN EXPIRATION DATE FOR INACTIVE LAND USE AND DEVELOPMENT APPLICATIONS; 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 establish an expiration date for planning applications that are inactive; 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 27, 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**

**Section 1-3-10 (Administration) of the City of Goodyear Zoning Ordinance is amended as follows:**

**Section 1-3-10 Applications and Fees**

A. APPLICATIONS.

1. ALL LAND USE AND DEVELOPMENT APPLICATIONS REQUIRED UNDER THE ZONING ORDINANCE shall be filed in the office of the **Zoning Administrator** on forms provided by the Development Services Department. Applications shall include: the information identified on the application form(s); the information identified in the **Administrative Process Manual** and **Engineering Standards**, if applicable; the information set forth herein and specified elsewhere in this **Ordinance**; and any other data required by the **Zoning Administrator** that is needed for the review of the application.
2. Applications will be processed and reviewed by the **Zoning Administrator** in a manner that is consistent with the procedures generally described in this **Ordinance** and as more particularly described in the **Administrative Process Manual** and **Engineering Standards**, if applicable.
3. Except as otherwise expressly provided in the **Administrative Process Manual**, all applications referred to herein shall be executed by all of the owners of the subject property and their respective spouses, if any, or an agent of all of the property owners authorized to sign on behalf of all of the property owners and their respective spouses when such authorization is in writing and filed with the application. An application must be made by the property owner or authorized agent, unless otherwise specified in this **Ordinance**.
4. ALL APPLICATIONS SHALL BE ACTIVELY PURSUED TO A DECISION. IF A COMPLETE AND FULL SUBMITTAL OF ALL DOCUMENTS AND INFORMATION REQUESTED IN THE STAFF WRITTEN REVIEW COMMENTS HAS NOT OCCURRED WITHIN 180 CALENDAR DAYS FROM THE DATE ON STAFF'S WRITTEN REVIEW COMMENTS, THE APPLICATION WILL BE DEEMED INACTIVE AND SHALL EXPIRE. THE APPLICANT MAY FILE A REQUEST FOR AN EXTENSION. ANY AND ALL REQUESTS FOR AN EXTENSION SHALL BE MADE IN WRITING AND RECEIVED PRIOR TO THE EXPIRATION DATE. THE **ZONING ADMINISTRATOR** MAY AUTHORIZE, IN WRITING, A 90-DAY EXTENSION(S) FOR GOOD CAUSE IF THERE IS A REASONABLE BELIEF THAT THE APPLICATION WILL BE ACTIVELY PURSUED DURING THE EXTENSION PERIOD. THIS PROVISION APPLIES TO ALL LAND USE AND

## DEVELOPMENT APPLICATIONS REQUIRED UNDER THE ZONING ORDINANCE.

### 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 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 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. 17-1343 is a true, correct and accurate copy of Ordinance No. 17-1343, 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