

ORDINANCE NO. 17-1348

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, PROVIDING FOR AN AMENDMENT TO THE DEVELOPMENT PARAMETERS APPLICABLE TO I-1 LIGHT INDUSTRIAL DEVELOPMENT WITHIN PHASE WEST I OF THE PV303 FINAL PLANNED AREA DEVELOPMENT (PAD), GENERALLY LOCATED BETWEEN SR 303 ON THE EAST AND COTTON LANE ON THE WEST, AND BETWEEN CAMELBACK ROAD ON THE NORTH AND INDIAN SCHOOL ROAD ON THE SOUTH, AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR, PROVIDING FOR CORRECTIONS, SEVERABILITY, NON-ABRIDGEMENT, AN EFFECTIVE DATE, AND PENALTIES.

WHEREAS, Article 3-5 of the City of Goodyear Zoning Ordinance, adopted May 24, 1999, as amended, authorizes the City to approve Planned Area Developments which may include standards or criteria that differ from those regulations pertaining to other districts to accommodate variations in building design, lot arrangements and land uses; coordinated and compatibly arranged variety of land uses; and to assist in fulfilling the goals, objectives and policies of the Goodyear General Plan; and,

WHEREAS, the City Council of the City of Goodyear conditionally approved the rezoning of the property known as the Palm Valley 303 (formerly Palm Valley Phase 6, Perimeter West) Final Planned Area Development ("PV 303 Final PAD") through adoption of Ordinance No. 05-948, conditionally approved Ordinance No. 07-1097, conditionally approved Ordinance No. 11-1243, conditionally approved Ordinance No. 12-1266, conditionally approved Ordinance No. 15-1318, and conditionally approved Ordinance No. 17-1346, in the manner prescribed by law, for the purpose of establishing the PV 303 Final PAD which included certain land uses, development parameters, and standards specific to this property; and,

WHEREAS, the property subject to the PV 303 Final PAD consists of six phases, West I, West II, West III, East I, East II and East III; and

WHEREAS, the owner of PV 303 Final PAD Phase West I, which consists of approximately 223.1 acres generally located between SR 303 on the east and Cotton Lane on the west, and between Camelback Road on the north and Indian School Road on the south, as more specifically described in Exhibit B attached hereto and incorporated herein by reference (the "Property") has requested that the PV 303 Final PAD development parameters for I-1 Light Industrial development within Phase West I of the PV 303 Final PAD be amended to allow electric security fencing to be installed on the interior of perimeter walls surrounding structures for which a certificate of occupancy has been issued; and

WHEREAS, city staff finds that the proposed amendment will not adversely impact the surrounding area as Phase West I within the PV303 Final PAD, with the exception of the Camelback Road commercial frontage, is zoned I-1, Light Industrial for industrial development; and

WHEREAS, the PV 303 PAD Development Parameters and Uses dated April 12, 2017, which was declared a public record by Resolution 17-1802, three copies of which are on file with the City Clerk of the city of Goodyear, Arizona, reflects the proposed changes to the development parameters for PV 303 Final PAD Phase West I development parameters; and

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

WHEREAS, public notice that this PAD amendment was to be considered and reviewed at a public hearing held before the Planning and Zoning Commission on April 19, 2017, appeared in the Arizona Republic Southwest Valley edition on March 31, 2017; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on April 19, 2017, and at that meeting the Commission voted 6 - 0 to recommend approval of the proposed amendment; and

WHEREAS, public notice that this PAD amendment was to be considered and reviewed at a public hearing held before the City Council on May 8, 2017, appeared in the Arizona Republic Southwest Valley edition on March 31, 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 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. PLANNED AREA DEVELOPMENT AMENDMENT

That a parcel of land in Goodyear, Maricopa County, Arizona, generally located between SR 303 on the east and Cotton Lane on the west, and between Camelback Road on the north and Indian School Road on the south, as more specifically described in Exhibit B (the "Property") is hereby conditionally rezoned by amending the PV303 PAD zoning in conformance with that certain document titled the PV303 PAD Development Parameters and Uses dated April 12, 2017, which document was declared a public record by Resolution 17-1802, three copies of which are on file with the City Clerk of the City of Goodyear, Arizona and which is referred to, adopted and made a part hereof as if fully set forth in this ordinance.

SECTION 2. STIPULATION

That the rezoning provided for herein is conditioned on and subject to the following:

1. Development being in conformance with the PV303 PAD Development Parameters and Uses dated April 12, 2017, which document was declared a public record by Resolution 17-1802, three copies of which are on file with the City Clerk of the City of Goodyear, Arizona and which is referred to, adopted and made a part hereof as if fully set forth in this ordinance.

SECTION 3. 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 17-02A, a copy of which is attached hereto as Exhibit A and legally described in Exhibit B, 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 4. 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 5. 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 6 NON ABRIDGEMENT

Except as provided in the PV303 PAD Development Parameters and Uses dated April 12, 2017, this Ordinance shall not be construed to limit, abridge or otherwise abrogate requirements of any other ordinance of the City of Goodyear, including conditions of approval from other ordinances referred to above that amended the zoning on the Property.

SECTION 7. 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 8. 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. 17-1348 is a true, correct and accurate copy of Ordinance No. 17-1348, 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