

## **ORDINANCE NO. 17-1363**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 0.5 ACRES OF PROPERTY WITHIN THE PV303 PLANNED AREA DEVELOPMENT LOCATED AT THE NORTHEAST CORNER OF INDIAN SCHOOL ROAD AND THE LOOP 303 FROM PAD/GENERAL COMMERCIAL TO PAD/LIGHT INDUSTRIAL; AMENDING THE UNDERLYING ZONING EXHIBIT OF THE PV303 PAD, UPDATING THE LAND USE EXHIBIT TO PV 303 PLANNED AREA DEVELOPMENT DATED FEBRUARY 2017; AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR, PROVIDING FOR CORRECTIONS, NON-ABRIDGEMENT, SEVERABILITY, AND EFFECTIVE DATE, AND PENALTIES.

WHEREAS, the “Subject Property” consists of 0.5 acres generally located northeast of the Loop 303 and Indian School Road as shown on Supplementary Zoning Map No. 17-04A, attached hereto as Exhibit A and legally described in Exhibit B, attached hereto; and,

WHEREAS, on January 14, 2008, the City Council of the City of Goodyear in the manner prescribed by law, adopted Ordinance No.07-1097 establishing the Palm Valley 303 Planned Area Development and designating the Subject Property as General Commercial; and,

WHEREAS, on March 27, 2017, the City Council of the City of Goodyear in the manner prescribed by law, adopted Ordinance No. 17-1346, conditional rezoning certain of the property subject to Ordinance 2007-1097 from C-2, General Commercial to I-1, Light Industrial and adopting revised development standards for the property being rezoned; and,

WHEREAS, the Subject Property is adjacent to the property rezoned by Ordinance No. 17-1346, but Ordinance No. 17-1346 did not include the Subject Property because it was not under common ownership; and

WHEREAS, the owner of the property rezoned by Ordinance No. 17-1346 has acquired ownership of the Subject Property and is desirous of the Subject Property being rezoned consistent with the current zoning for the adjacent property as set forth in Ordinance No. 17-1346 and to update the land use exhibit attached to the PV 303 Planned Area Development dated February 2017 to include the Subject Property; and

WHEREAS, on June 14, 2017, in a manner provided by law, the city of Goodyear Planning and Zoning Commission held a public hearing on Case No. 17-200-00002 for the purpose of considering this rezoning request; and,

WHEREAS, due and proper notice of such public hearing before the city of Goodyear Planning and Zoning Commission was given in the time, form, substance, and manner provided by law, including publication of such notice in the ARIZONA REPUBLIC SOUTHWEST EDITION on July 28, 2017; and,

WHEREAS, the city of Goodyear Planning and Zoning Commission has recommended to the Mayor and Council of the city of Goodyear, Arizona, that \_\_\_\_\_; and,

WHEREAS, the Mayor and Council of the city of Goodyear, Arizona desire to accept the recommendation of the Planning and Zoning, and rezone the Subject Property from the PAD/General Commercial to the PAD/Light Industrial zoning district

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 17-04A, attached hereto as Exhibit A and legally described in Exhibit B, attached hereto, is conditionally rezoned from the PAD/General Commercial to the PAD/Light Industrial zoning district as provided in the Zoning Ordinance, subject to the following stipulations:

1. All development within the Subject Property shall comply with the PV303 Planned Area Development dated February 2017 and the stipulations and conditions set forth in Ordinance No. 17-1346;
2. No development on the Subject Property shall occur until the Subject Property is consolidated with adjacent property to create a lot that is of sufficient size to comply with all applicable development standards such as minimum lot size, set back requirements, and buffer requirements.

SECTION 2. AMENDMENT TO THE PV303 PLANNED AREA DEVELOPMENT

The “Underlying Zoning” exhibit of the PV303 Planned Area Development is hereby amended to reflect the rezoning set forth in Section 1 of this Ordinance, a copy of which is attached hereto as Exhibit C. The amended exhibit shall be incorporated into the official copies of the PV303 Planned Area Development, declared a public record by Resolution 17-1796.

SECTION 3. AMENDMENT TO THE 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 17-04A, 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 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     ABRIDGEMENT OF OTHER LAWS

Except where expressly provided, nothing contained herein shall be construed to be an abridgment of any other ordinance, regulation, or requirement of the City of Goodyear.

#### SECTION 6.     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 7.     EFFECTIVE DATE

This Ordinance shall become effective as prescribed by law. The provisions of the any ordinance, regulation, or requirement of the City of Goodyear 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:

\_\_\_\_\_  
Darcie McCracken, City Clerk

\_\_\_\_\_  
Roric Massey, City Attorney

## CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA )  
 ) ss.  
County of Maricopa )

I, the undersigned Darcie McCracken, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Ordinance No. 17-1363 is a true, correct and accurate copy of Ordinance No. 17-1363, 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