

ORDINANCE NO. 17-1372

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING ARTICLE 6 (OFF-STREET PARKING AND LOADING) OF THE ZONING ORDINANCE, AS AMENDED, BY AMENDING ARTICLE 6-4 SECTION 6-4-1 (DETERMINATION OF REQUIRED SPACES) TO ALLOW A REDUCTION IN REQUIRED PARKING FOR A KNOWN INDUSTRIAL USER, UNDER CERTAIN CIRCUMSTANCES, AND BY AMENDING ARTICLE 6-4 SECTION 6-4-2 (PARKING REQUIREMENTS) TO REFLECT CURRENT OPERATIONS AND PARKING NEEDS OF INDUSTRIAL USERS; 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 update the Determination of Required Spaces and Parking Requirements sections of the Zoning Ordinance; and

WHEREAS, the intent of the proposed text amendment is to increase the likelihood that industrial businesses will choose the city of Goodyear to establish new locations, while ensuring minimal impacts on city residents and on adjacent properties; 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 October 11, 2017, appeared in the Arizona Republic Southwest Valley edition on September 22, 2017; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on October 11, 2017 to consider amendments to Article 6 (Off-street Parking and Loading). At that hearing, 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 November 13, 2017, appeared in the Arizona Republic Southwest Valley edition on September 22, 2017; and,

WHEREAS, the Mayor and Council of the city of Goodyear, Arizona 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 ARTICLE 6 OF THE CITY OF GOODYEAR ZONING ORDINANCE

Article 6-4 (Parking Requirements) of the city of Goodyear Zoning Ordinance is amended as follows:

Section 6-4-1 (Determination of Required Spaces) is amended to add Paragraph F as follows:

- F. The required minimum number of developed parking spaces for the Manufacturing, Assembling and Processing Use Classification and the Warehouse or Distribution Facility Use Classification set forth in paragraph E. (General Industrial Manufacturing and Warehousing) of the Table in Section 6-4-2 may be reduced for a known user if the known user's operations can demonstrate to the satisfaction of the Zoning Administrator that the user's parking needs can be met with fewer parking spaces because of the nature of the known user's operations (i.e. a user with a highly automated facility that requires minimal employees because of the automation). Although a known user may not be required to build the minimum number of required parking spaces reflected in the Table in Section 6-4-2, the property shall be developed such that additional parking spaces necessary to meet the minimum parking requirements in the Table in Section 6-4-2 below can be developed in the future should the user change. The site plan for the known user shall depict such future additional parking spaces, including the circulation that will be required to access such spaces, and the ability to accommodate the drainage for the additional parking.

Item E. (General Industrial, Manufacturing and Warehousing) in the table in Section 6-4-2 (Parking Requirements) E. is amended to read as follows:

| <i>Use Classification</i> | <i>Required Minimum Parking</i> |
|---|---|
| E. General Industrial, Manufacturing and Warehousing | |
| <i>Manufacturing, Assembling and Processing</i> | 1 space per 1,000 sq. ft. for the 1 st 10,000 sq. ft. of floor area & 1 space per 5,000 sq. ft. for the remaining floor area & 1 space per 300 sq. ft. of office floor area (See Section 6-4-1 (F). for allowed reduction of required parking) |
| <i>Mini-storage or RV storage</i> | 1 space per 300 sq. ft. office area and 1 space per 50 storage units |
| <i>Warehouse or Distribution Facility</i> | 1 space per 1,000 sq. ft. for the 1 st 10,000 sq. ft. of floor area & 1 space per 5,000 sq. ft. for the remaining floor area & 1 space per 300 sq. ft. of office floor area (See Section 6-4-1 (F). for allowed reduction of required parking) |
| <i>Motion picture or recording studio</i> | 1 space per 500 sq. ft. floor area |

Other Industrial Uses

1 space per 1,000 sq. ft. for the 1st 10,000 sq. ft. of floor area & 1 space per 5,000 sq. ft. for the remaining floor area & 1 space per 300 sq. ft. of office floor area

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:

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. 17-1372 is a true, correct and accurate copy of Ordinance No. 17-1372, 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