

ORDINANCE NO. 17-1373

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING ARTICLE 3 (ZONING DISTRICTS) OF THE ZONING ORDINANCE, AS AMENDED, BY AMENDING ARTICLE 3-4 SECTION 3-4-3 (INDUSTRIAL DISTRICTS STANDARDS) TO ALLOW LOADING, DELIVERY, ROLL-UP/DOCK DOORS, AND SERVICE AND WASH BAYS TO FRONT ON PUBLIC STREETS, AND TO ALLOW ABOVE GROUND SILOS, TANKS AND OTHER SIMILAR STRUCTURES TO EXCEED THE MAXIMUM HEIGHT LIMIT IN THE I-1, LIGHT INDUSTRIAL AND THE I-2, GENERAL INDUSTRIAL ZONING DISTRICTS, UNDER CERTAIN CIRCUMSTANCES; 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 Industrial Districts Standards section of the Zoning Ordinance; and

WHEREAS, the intent of the proposed text amendment is to increase the opportunities for industrial businesses seeking to establish locations in the city, 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 3 (Zoning Districts). 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 3 OF THE CITY OF GOODYEAR ZONING ORDINANCE

Section 3-4-3 (Industrial Districts Standards) Paragraph B (Development Standards for Industrial Districts) is amended to read as follows:

B. DEVELOPMENT STANDARDS FOR INDUSTRIAL DISTRICTS

1. All new **buildings** and uses of land or substantial additions to or remodeling twenty percent (20%) or more of the total **building** area of existing **buildings** shall be subject to **Site Plan** review.
2. Required **yards** fronting on an arterial **street** shall be entirely landscaped except for driveways and walkways. Along all other public **streets**, a minimum **landscaped area** of thirty (30) feet per side shall be provided. Parking and maneuvering area shall not be permitted within the **landscaped area**.
3. Performance Standards: No use shall be established, maintained or conducted within any Industrial District which may cause any of the following:
 - a. Dissemination of smoke, gas, dust, noxious odor or any other atmosphere pollutant outside the **building** in which the use is conducted; or with respect to a use that is not conducted within a completely enclosed **building**, any dissemination whatsoever.
 - b. Noise perceptible beyond the property boundaries of the immediate site.
 - c. Discharge of any waste material into any water course or ditch.
 - d. Dissemination of glare or vibration beyond the immediate site.
 - e. Potential hazards (fire, explosion, radioactive or any similar cause) to property in the same or any **adjacent district**.
 - f. Conditions detrimental to the health, safety and general welfare of the community, as determined by the **Zoning Administrator** or his designee.
4. All principal **buildings** and all **accessory buildings** or **structures**, including loading and unloading facilities shall be located at least one hundred (100) feet away from any existing or planned residential use, except where adjoining a railroad right-of-way.

5. A **mobile home, recreational vehicle**, or similar vehicle shall be prohibited as a facility for any industrial **Use Permitted** in this Ordinance except construction trailers and offices may be allowed while construction of the primary **structure** is being completed.
6. Manufactured buildings would be permitted if their architecture complies with Staff-approved exterior materials.
7. Industrial uses located **adjacent** to or separated by an **alley** from any existing or planned residential use shall provide:
 - a. A ten (10) foot wide landscape strip, planted with one (1) tree every (20) linear feet, shall be required along the common property line. Trees must be low water use, as approved by the Arizona Department of Water Resources.
 - b. A six (6) foot solid masonry **wall** shall be required along the common property line and along interior property lines. An eight (8) foot **wall** may be required for industrial projects warranting higher screening. Within the front **yard** setback, a minimum **wall** height shall be three (3) foot.
 - c. Walls which front onto a public **street** shall be constructed of masonry with stucco, slump block, or brick designed to match the main **building** on the site.
8. Screening standards shall be observed as follows:
 - a. All outdoor storage areas for materials, trash, equipment, vehicles or similar items shall be screened from view along all **street frontages** by a six (6) foot **wall** constructed of slump block, brick, or masonry with a stucco or mortar wash finish designed to match the main **building** on the site.
 - b. Loading, delivery, roll-up/dock doors, and service and wash bays may front onto a public **street** or a limited access highway, provided all of the following circumstances are met:
 - (1) There is no existing or planned residential use within 500 feet of the right-of-way line on the opposite side of the public street or limited access highway;
 - (2) The loading, delivery, roll-up/dock doors, and service and wash bays occupy a maximum of 50% of the building width facing the public street (50% may be increased to 75% if the site is a corner lot);

- (3) The loading, delivery, roll-up/dock doors, and service and wash bays shall be screened from public view with a combination of a two (2) foot berm and a six (6) foot **wall**, or an eight (8) foot wall. Either wall is to be constructed of brick, slump block, or masonry with a stucco or mortar wash finish, or a similar finish, designed to match the main **building** on the site; and
 - (4) Other than along a road designated as a scenic arterial, a minimum of two (2) continuous offset rows of 24 inch box trees are planted twenty feet on center along the frontage of the public street or limited access highway, within the required 30-foot wide landscape area.
 - (5) When loading, delivery, roll-up dock doors, and service and wash bays front on a scenic arterial, as designated on the Land Use and Transportation Map of the General Plan, a 40-foot wide landscaped area shall be required, and a minimum of two (2) continuous offset rows of trees shall be planted twenty feet on center along the frontage of the scenic arterial with the external of the two (2) rows being 24 inch box trees and the interior of the two (2) rows being 36 inch box trees. Clustering of trees to provide better screening may be approved at site plan review and approval.
- c. The storage of materials, trash, equipment, vehicles, or other items within an enclosed storage area should not be substantially visible from adjoining **streets** or properties.
 - d. Dismantling, servicing or repairing of vehicles and/or equipment shall be within completely enclosed **building** or within an area enclosed by brick, block or masonry **walls**.
 - e. All outdoor refuse enclosures shall be located a minimum of 50 feet from any existing or planned residential use, or a minimum of 30 feet if a 30-foot wide landscape is established and maintained between the enclosure and the existing or planned residential use along the entire length of the industrially designated property, as measured from the exterior **wall** of the refuse enclosure to the nearest residential property line.
9. **Buildings** with metal or steel exteriors shall be architecturally altered through the construction of veneers, facades, or other architectural treatments and installation of landscaping to minimize the extent of metal surfaces visible from the **street**.

10. All **buildings** located within a unified, planned industrial park development shall be architecturally styled to achieve harmony and continuity of design. **Building** elevations shall be coordinated with regard to color, texture, materials, finishes, and form.
11. All lighting shall be screened in a downward direction and directed away from **adjacent** properties and **streets**.
12. Electrical utility, cable TV and all other utility lines for **buildings** shall be placed underground. Overhead lines are permitted only for 69kV or greater electrical transmission facilities.
13. Mechanical equipment, whether ground-level or roof mounted, and other fixtures such as, but not limited to, telephones, vending machines and ice machines shall be screened from **street** view and be so located to be perceived as an integral part of the **building**.
14. All four sides of a **building** shall receive consistent architectural treatment.
15. Above ground silos, tanks, and other similar structures that are accessory uses to the primary building and are not occupied may be either freestanding or integrated into a building, up to a maximum height of 65 feet, exclusive of mechanical equipment, screening, and architectural embellishments, which shall be limited to five (5) feet above the height of the silo, tank, or structure. Notwithstanding the foregoing, the maximum height of any above ground silo, tank or similar structure provided for herein that will penetrate a slope of 100:1 from the runway centerline or runway end of an operating airport shall only exceed 40 feet upon a determination by the Federal Aviation Administration ("FAA") that the proposed height presents no hazard to air navigation as evidenced by the receipt of a Determination of No Hazard to Air Navigation issued by the FAA.
16. Any part of the silos, tanks, and other similar structures visible from the public way shall be painted to match the primary building and shall be located at the side or rear of the primary building so as to be partially screened by the primary building.

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. 17-1373 is a true, correct and accurate copy of Ordinance No. 17-1373, 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