

ORDINANCE NO. 17-1369

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING ARTICLE 1 (ADMINISTRATION AND PROCEDURES) AND ARTICLE 2 (DEFINITIONS) AND ARTICLE 3 (ZONING DISTRICTS) OF THE ZONING ORDINANCE, AS AMENDED; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR 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 Residential Districts section of the Zoning Ordinance by deleting the Residential District Classification AP (Agricultural Preservation), adding three new Residential District Classifications, R1-4 (Single Family Residential (Detached)), R1-A (Single Family Residential (Attached)) and R-1C (Single Family Residential (Court Home)); and amending development standards; and

WHEREAS, the intent of this amendment is to enhance the development review process for residential districts by providing flexibility in the Zoning Ordinance as well as maintaining high quality and enhanced subdivisions as required by the new regulations; 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 (7 to 0) to recommend approval of the proposed amendments 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 1 OF THE CITY OF GOODYEAR ZONING ORDINANCE

Paragraph A of Section 1-1-3 (Establishment of Districts) of the City of Goodyear Zoning Ordinance is hereby deleted and replaced with the following:

A. RESIDENTIAL DISTRICTS:	
Agricultural	AG
Agricultural-Urban	AU
Single Family Residential	R1-10
Single Family Residential (Detached)	R1-7
Single Family Residential (Detached)	R1-6
Single Family Residential (Detached)	R1-4
Single Family Residential (Attached)	R1-A
Single Family Residential (Court Home)	R1-C
Two Family Residential	R2
Multi- Family Residential	MF-18
Multi- Family Residential	MF-24
Manufactured Home Subdivision	MHS
Manufactured Home Park or Recreational Vehicle Park	MH/RVP

Section 1-3-1 (Amendments) of the City of Goodyear Zoning Ordinance is amended to add Section 1-3-1(D)(6)

6. Commencing vertical construction in the rezoned area within two (2) years of City Council approval of a rezone request. Failure to commence shall be cause for the City Council to rescind the zoning, unless an extension of time is granted by the City Council.

SECTION 2. AMENDING ARTICLE 2 OF THE CITY OF GOODYEAR ZONING ORDINANCE

ARTICLE 2-2 (DEFINITIONS) OF THE CITY OF GOODYEAR ZONING ORDINANCE IS AMENDED AS FOLLOWS:

ARTICLE 2-2 (DEFINITIONS) IS AMENDED TO ADD THE FOLLOWING DEFINITIONS:

Animals. The following terms relate to definitions, distinctions, and types of animals.

Domestic Animals. Any animal customarily kept by humans for companionship including, but not limited to, dogs, cats, birds, rabbits, hamsters, mice, turtles, and the like.

Large Animals. Cattle, horses, mules, sheep, goats, pigs, beasts of burden, llamas, alpacas, or any other animal not listed weighing more than twenty (20) pounds, except Domestic Animals, unusual/exotic animals, or donkeys.

Small Animals. Any animal that does not reside in a home, including rabbits for agriculture purposes, chickens, roosters, fowl or any other animal weighing less than twenty (20) pounds, except domestic animals or unusual/exotic animals.

Assisted Living Facility. A facility, licensed by the State of Arizona to provide supervised care for more than ten (10) adults who are living together by reason of age, disability, illness, infirmity or companionship and for whom meals, recreation or other diversion, and general health care is provided.

Day Care Facility. A facility not occupied as a residence that is used to provide day time care and supervision for more than ten (10) children or more than ten (10) adults not related to the proprietor.

Home Day Care. A residential dwelling used by persons residing on the premises to provide day time care and supervision for up to ten (10) children or up to ten (10) adults not related the residents. It is a form of Home Business.

ARTICLE 2-2 (DEFINITIONS) IS AMENDED TO DELETE THE FOLLOWING DEFINITIONS:

Day Care

Adult Care Facility

ARTICLE 2-2 (DEFINITIONS) IS AMENDED AS FOLLOWS:

The definition of Assisted Living Home is amended to read as follows:

Assisted Living Home. Assisted Living Home. A single family detached dwelling having common kitchen facilities that provides resident rooms and is shared as a primary residence by one (1) to ten (10) persons with a disability or by one (1) to ten (10) elderly persons living together as a single housekeeping unit, which is licensed by the State of Arizona and which the operator provides or contracts to provide 24-hour supervisory care services, personal care services or directed care services on a continuous basis.

The definition of Common Open Space is amended to read as follows:

Useable open space, other than **private open space** or required setbacks, may include recreation oriented areas.

The definition of Home Business is amended to read as follows:

Home Business. An occupation or profession carried on entirely within the confines of a Dwelling, Single Family, detached, including an attached garage, a manufactured home, or in a mobile home by a member of a family residing on the premises, which is clearly incidental to the use of the structure for dwelling purposes and meets all of the following requirements:

- does not change the exterior character of the premises in any way;
- does not involve the direct sale or bartering of goods;
- does not involve the use of materials or mechanical equipment not recognized as part of normal household or hobby use
- does not involve manufacturing
- does not involve cabinet or furniture making;
- does not involve auto or appliance repair;
- does not involve the provision of services to animals at the dwelling, such as veterinary offices, and kennels;
- does not involve the sale or distribution of food products at the dwelling;
- does not include any sort of “waiting” area and that serves only one customer at a time.

SECTION 3. AMENDING ARTICLE 3 OF THE CITY OF GOODYEAR ZONING ORDINANCE

Article 3-1 and Article 3-2 of the Goodyear Zoning Ordinance are hereby deleted in their entirety and replaced with the Article 3-1 and Article 3-2 set forth in that certain document titled Updated Article 3-1 and Article 3-2 dated November 8, 2017, which document was declared a public record by Resolution No. 17-1823, three copies of which are on file with the City Clerk of the city of Goodyear and which is referred to, adopted, and made part hereof as if fully set forth in the Ordinance.

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. 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 7. 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. 17-1369 is a true, correct and accurate copy of Ordinance No. 17-1369, 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