

ORDINANCE NO. 17-1370

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING THE HUDSON COMMONS FINAL PAD DOCUMENT DATED NOVEMBER 2015, TO ALLOW PRIVATE PATIOS WITHIN THE WESTERN PERIMETER LANDSCAPE BUFFER AREA AND TO REMOVE REQUIREMENTS REGARDING THE ORIENTATION OF BUILDINGS ALONG ESTRELLA PARKWAY; PROVIDING FOR CORRECTIONS, NON-ABRIDGEMENT, SEVERABILITY, AN EFFECTIVE DATE, AND PENALTIES.

WHEREAS, on January 11, 2016, the City Council of the city of Goodyear, in a manner prescribed by law, adopted Ordinance 16-1326 conditionally approving the rezoning (Case No. 14-200-00003) of approximately 103 acres of property for the purpose of establishing the Hudson Commons Planned Area Development (PAD); and

WHEREAS, the owner of the Hudson Commons property has submitted a request (Case No. 17-210-00005) to amend the Hudson Commons PAD related to the multi-family parcels within the PAD consisting of approximately 16 acres; and

WHEREAS, a neighborhood meeting was held on September 27, 2017, in accordance with the Citizen Review Process of the City of Goodyear; and

WHEREAS, on October 11, 2016, in the manner prescribed by law, the City of Goodyear Planning and Zoning Commission held a public hearing on Case No. 17-210-00005 for the purpose of considering this Final PAD amendment; 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 September 25, 2017; and

WHEREAS, the City of Goodyear Planning and Zoning Commission has recommended to the Mayor and City Council of the City of Goodyear, Arizona, that it approve the PAD Amendment, as aforesaid; and

WHEREAS, based on the information submitted by the applicant and the review conducted by City staff, which was provided to the Planning and Zoning Commission for its consideration at said public hearing, the City has found that the requested PAD Amendment is appropriate, consistent with the Goodyear 2025 General Plan, and will not be detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare;

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

The Final PAD Zoning for the Property, as shown in Exhibit B and more particularly described in Exhibit A, copies of which are attached hereto and incorporated herein by this reference, is amended in this manner described and fully set forth in this ordinance, as follows:

1. The “MF-24 Development Parcel” standards of the Hudson Common Final Planned Area Development, dated November, 2015, (Page 21) is hereby amended as follows:

MF-24 Development Parcel:

- ~~Buildings oriented toward Estrella Parkway to enhance the goals of the City Center Gateway Design Standards related to buildings facing the street, with parking behind the buildings.~~
 - Centralized recreational open space with a requirement of 400 square feet per unit.
 - Pedestrian connectivity through the site to provide direct access to Estrella Parkway and the commercial center to the north.
 - A perimeter landscape buffer around the entire development, ensuring an appropriate transition between adjacent uses and buildings or parking areas (private patios shall be permitted within the western perimeter landscape buffer area). Included is the wide open space paseo along the southern boundary, providing a consistent open space buffer along the southern boundary of the property.
 - Shared access at the signalized intersection at Centerra Drive, creating a unified entry into the Hudson Commons community.
2. The “MF-24 PAD Development Standards” Table 4, on Page 45, is hereby amended to include a fifth footnote stating: “Private enclosed patios are permitted within the perimeter landscape buffer area along the western boundary of the multi-family parcel.”

SECTION 2. 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 17-05A, a copy of which is attached hereto as 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 3. 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 4. 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 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 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 7. 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. 17-1370 is a true, correct and accurate copy of Ordinance No. 17-1370, 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