

ORDINANCE NO. 17-1374

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY AMENDING THE ZONING ON A PORTION OF PARCEL 12 OF THE GOODYEAR PLANNED REGIONAL CENTER PLANNED AREA DEVELOPMENT BY CHANGING THE LAND USE ON APPROXIMATELY 12.2 ACRES FROM COURT HOME TO SINGLE FAMILY; AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR NON-ABRIDGMENT; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PENALTIES.

WHEREAS, the subject property (“Property”) is part of the Goodyear Planned Regional Center Planned Area Development (PAD). It is designated as Parcel 12 on the PAD Land Use plan; and

WHEREAS, the PAD is a mixed-use development containing residential uses of varying densities along with neighborhood and regional commercial centers; and

WHEREAS, the Property is designated as Neighborhoods on the General Plan Land Use plan. This land use category permits residential development with a wide range of densities and housing products; and

WHEREAS, the zoning for the residential portion of the Goodyear Planned Regional Center PAD, which included Parcel 12, an approximate 18.6 acre parcel with a designated land use for Court Homes, was approved on September 24, 2001, with the adoption of Ordinance No. 01-762; and

WHEREAS, an APS electrical substation was developed on approximately 1.2 acres of Parcel 12 and approximately 5.13 acres of Parcel 12 was rezoned by Ordinance No. 13-1283 to allow for the development of an assisted living facility; and

WHEREAS, the subject request is to amend the Property by changing the land use on the remaining approximate 12.2-acres of Parcel 12 from PAD/Court Home to PAD/Single Family; and

WHEREAS, a request to amend an approved PAD must be processed as a rezoning request, which requires public review and approval by the Planning and Zoning Commission and the City Council. The proposed amendment should be in conformance with the General Plan and should not adversely impact the surrounding area; and

WHEREAS, public notice that this amendment to the Goodyear Planned Regional Center PAD was to be considered and reviewed at a public hearing before the Planning and Zoning Commission on November 8, 2017, appeared in the Arizona Republic Southwest Valley edition on October 20, 2017; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on November 8, 2017 to consider an amendment to the Goodyear Planned Regional Center PAD, and the Commission voted to recommend approval of the proposed PAD Amendment; and

WHEREAS, public notice that this amendment to the Goodyear Planned Regional Center PAD is to be considered and reviewed at a public hearing before the City Council on November 20, 2017, appeared in the Arizona Republic Southwest Valley edition on October 20, 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. DESCRIPTION OF THE PROPERTY BEING REZONED

This Ordinance No. 17-1374 applies to that parcel of land in Goodyear, Maricopa County, Arizona, generally located north of the northeast corner of Pebble Creek Parkway and Virginia Avenue, as shown on Supplementary Zoning Map No. 17-05, attached hereto as Exhibit A, and as legally described in Exhibit B, attached hereto.

SECTION 2. PLANNED AREA DEVELOPMENT AMENDMENT

The Property is hereby conditionally amended from PAD/Court Home to PAD/Single Family, by adopting the “Goodyear Planned Regional Center – Parcel 12 PAD Amendment” dated October 16, 2017, which document was declared a public record by Resolution 17-1834, three copies of which are on file with the City Clerk of the city of Goodyear, Arizona and which is referred to and made part hereof as if fully set forth in this Ordinance.

SECTION 3. STIPULATIONS

The development of the Property is subject to the following stipulations:

1. Development of the Property shall be in conformance with the “Goodyear Planned Regional Center – Parcel 12 PAD Amendment” dated October 16, 2017 as it applies to the Property;
2. Except as expressly modified by this Ordinance No. 17-1374 and the “Goodyear Planned Regional Center – Parcel 12 PAD Amendment” dated October 16, 2017, development of the Property shall be in compliance with all stipulations and conditions of approval for the Goodyear Planned Regional Center PAD as set forth in Ordinance No. 01-762, as amended;
3. No two story homes shall be located adjacent to Pebble Creek Parkway or on any lots along the northern boundary of the Property nor on any corner lots. A note with this requirement shall be added to any final plat;

4. No more than three two-story homes will be allowed side by side, and three consecutive two-story homes must be followed by a minimum of two single-story homes. If two two-story homes are located side by side, then they must be followed by at least one one-story home. A note with this requirement shall be added to any final plat;
5. The property owner and/or developer shall construct a full-view fence of wrought iron along the RID canal that shall provide for visual openness. The view fence shall be completed prior to the issuance of the first certificate of occupancy issued within the Property;
6. The property owner and/or developer shall construct a trail connection over city owned property that connects the pedestrian trail being constructed within the Property with the existing city of Goodyear trail located north of the Property;
7. For each single family lot, at least one 24-inch box tree shall be planted within the adjoining area between the curb and sidewalk. The tree shall be maintained by the adjoining homeowner, and any tree that does not survive shall be replaced by the adjacent homeowner with a tree that is of like species and size to the one that is being replaced. A note with this requirement shall be added to any final plat;
8. The property owner and/or developer is responsible for the ultimate half-width street improvements for Pebble Creek Parkway along the entire frontage of the Property. Said improvements shall include, but not be limited to, street frontage landscape, median landscape, and landscape irrigation. The property owner and/or developer shall provide a two-year warranty on all public improvements dedicated to the city of Goodyear;
9. Nothing in this Ordinance or in the "Goodyear Planned Regional Center – Parcel 12 PAD Amendment" dated October 16, 2017 modifies Stipulation No. 24 in Ordinance No. 01-762 regarding minimum lot sizes;
10. The maximum density for the Property shall be 4.02 dwelling units per acre (gross) and 4.25 dwelling units per acre (net) with the maximum number of dwelling units permitted on the Property being 52; and,
11. A \$721 police and fire O&M payment for each single family home constructed within the Property shall be paid at the time the building permit for the home is issued, as provided in the Goodyear Planned Regional Center Residential Development Agreement recorded in the Official Records of the Maricopa County Recorder's Office at Instrument No. 2001-0912634.

SECTION 4. AMENDMENT OF ZONING MAP

The Zoning Map of the city of Goodyear is hereby amended to reflect the amendment of the Property with the adoption of the “Goodyear Planned Regional Center – Parcel 12 PAD Amendment” dated October 16, 2017, referred to herein by the adoption of Supplementary Zoning Map No. 17-05, a copy of which is attached hereto as Exhibit A, and such amendment shall be filed with the City Clerk in the same manner as the Zoning Map of the city of Goodyear.

SECTION 5. ABRIDGMENT OF OTHER LAWS

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

SECTION 6. 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 7. 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 8. 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 9. 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. 17-1374 is a true, correct and accurate copy of Ordinance No. 17-1374, 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