

## **ORDINANCE NO. 2018-1405**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 45 ACRES LOCATED AT THE SOUTHEAST CORNER OF CITRUS ROAD AND CAMPBELL AVENUE, KNOWN AS CITRUS FARMS, BY REZONING APPROXIMATELY 45 ACRES FROM FINAL PLANNED AREA DEVELOPMENT (PAD) TO R1-6 SINGLE FAMILY DETACHED RESIDENTIAL ZONING, AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR NON-ABRIDGEMENT; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PENALTIES.

WHEREAS, on May 8, 2006, the City Council of the city of Goodyear, in a manner prescribed by law, adopted Ordinance No. 2006-998, conditionally approving the rezoning (05-200-00024) of 256 acres of property for the purpose of establishing the Talaverde Estates Final Planned Area Development, a portion of which has been included in this rezoning; and

WHEREAS, on November 13, 2007, the City Council of the city of Goodyear, in a manner prescribed by law, adopted Ordinance No. 07-1094, conditionally approving the rezoning (07-200-00014) of 41 acres of property to C-2 General Commercial, a portion of which has been included in this rezoning; and

WHEREAS, this request is intended to remove the Final Planned Area Development (PAD) zoning from approximately 45 acres located at the southeast corner of Citrus Road and Campbell Avenue, by rezoning approximately 45 acres, as more specifically described in that certain document titled "Zoning Exhibit Zone R1-6 Legal Description, which document was declared a public record by Resolution No. 2018-1893, three copies of which are on file with the City Clerk of the city of Goodyear, Arizona, and which is referred to and made a part hereof as if fully set forth in this ordinance," (the "Property"), from Final PAD to R1-6 Single Family Detached Residential; and

WHEREAS, city staff finds that the proposed rezoning will not adversely impact the surrounding area as the proposed R1-6 and zoning will allow for the orderly growth and continued development of residential uses at the southeast corner of Citrus Road and Campbell Avenue; and

WHEREAS, public notice that this rezoning was to be considered and reviewed at a public hearing held before the Planning and Zoning Commission on September 12, 2018, appeared in the Arizona Republic Southwest Valley edition on August 24, 2018; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on September 12, 2018, and at that meeting the Commission voted 5-0 to recommend approval of the proposed rezoning; and

WHEREAS, public notice that this rezoning was to be considered and reviewed at a public hearing held before the City Council on September 24, 2018, appeared in the Arizona Republic Southwest Valley edition on August 24, 2018; 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 interest, health, comfort, convenience, safety, and general welfare of the citizens of the city;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. REZONING

Subject to the stipulations in Section 2 below, the property legally described in that certain document titled Zoning Exhibit Zone R1-6 Legal Description, which document was declared a public record by Resolution No. 2018-1893, three copies of which are on file with the City Clerk of the city of Goodyear, Arizona, and which is referred to and made a part hereof as if fully set forth in this ordinance (the "Property"), is hereby conditionally rezoned to the R1-6 Single Family Detached Zoning District.

SECTION 2. STIPULATIONS

1. Development of the Property shall comply with the R1-6 Single Family Detached Zoning District criteria and regulations in the city of Goodyear Zoning Ordinance dated May 1999 as amended and with all applicable federal, state, county, city codes and ordinances;
2. The maximum number of lots that may be developed within the Property, which includes the portion of the property described in Zoning Exhibit Zone R1-6 Legal Description, which document was declared a public record by Resolution No. 2018-1893, three copies of which are on file with the City Clerk of the city of Goodyear, Arizona, and which is referred to and made a part hereof as if fully set forth in this ordinance, is 110 lots;
3. Except as provided herein, Owner shall construct the applicable water and sewer infrastructure improvements identified in the Integrated Water Master Plan ("IWMP") in effect at the time of development. Per the current IWMP, the parcels within Section 23, including the Citrus Farms property, are planned to flow to the regional lift station. Should Owner desire a different wastewater solution than reflected in the existing IWMP, Owner shall, at Owner's sole cost, either: (i) obtain the approval of the City Engineer and City Council of both an amendment to the IWMP and the termination of the existing Cost Recovery Resolution 08-1279, which provides cost recovery for certain of the infrastructure improvements needed to provide wastewater service within Section 23 pursuant to the current IWMP; or (ii) obtain the approval of the City Engineer and City Council of both a Master Wastewater Study for Section 23 and the termination of the existing Cost Recovery Resolution 08-1279, which provides cost recovery for certain of the infrastructure improvements needed to provide wastewater service within Section 23 pursuant to the current IWMP. Any IWMP Amendment or Master

Wastewater Study for Section 23 shall provide for an alternative water and sewer solution for all of the properties within Section 23 and for every property impacted by the changes to the current IWMP. Unless a Master Wastewater Study for Section 23 and termination of Cost Recovery Resolution 08-1279 has been approved by the City Engineer and City Council prior to preliminary plat approval, Owner shall construct the applicable water and sewer infrastructure improvements identified in the Integrated Water Master Plan (“IWMP”) in effect at the time of preliminary plat approval. If a Master Wastewater Study for Section 23 and termination of Cost Recovery Resolution 08-1279 has been approved by the City Engineer and City Council prior to preliminary plat approval, Owner shall construct the applicable water and sewer infrastructure improvements identified in the Master Wastewater Study for Section 23;

4. Owner shall underground all permanent utilities, excluding power lines 69 kV or larger, within the proposed development, and abutting the Development’s portion of perimeter arterial streets prior to issuance of the first Certificate of Occupancy, including those for model homes;
5. The Owner shall dedicate in fee and at no cost to the city, the following rights-of-way prior to or concurrent with recordation of any Final Plat:
  - a. East half of Citrus Road right-of-way, 55 feet from centerline;
6. The Owner shall construct, at no cost to the city, the half-street improvements for Citrus Road adjacent to the subject property. Improvements shall include but are not limited to curb, gutter, sidewalk, paving, half street width of the median, landscaping, landscape irrigation, street lights, traffic signals (as necessary), signing and striping. Unless the City Engineer or his/her designee approves a written phasing plan, the improvements referred to herein shall be completed prior to issuance of the first certificate of occupancy within the Property, including model homes;
7. The Owner is responsible for a proportionate share of the costs for adjacent traffic signals. The Owner shall either construct these signals when warranted or pay to the city the proportionate share of the costs to install the required signals when requested by the City Engineer, or his/her designee. The following traffic signals obligations are as follows:
  - a. 25% at Citrus Road and Campbell Avenue.

### SECTION 3. 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 4.     AMENDMENT TO 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 that certain document titled, “Official Supplementary Zoning Map No. 18-07,” declared a public record by Resolution 2018-1893, three copies of which are on file with the City Clerk of the city of Goodyear, Arizona and which is referred to and made a part hereof as if fully set forth in this ordinance, 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 5.     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 6.     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 7.     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 8.     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: \_\_\_\_\_

Darcie McCracken, City Clerk

Roric Massey, City Attorney

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. 2018-1405 is a true, correct and accurate copy of Ordinance No. 2018-1405, 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