

## **ORDINANCE NO. 2018-1407**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 2.28 ACRES FROM THE AU (AGRICULTURAL URBAN) ZONING DISTRICT TO THE I-1 (LIGHT INDUSTRIAL) ZONING DISTRICT; 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 (the “Property”) consists of approximately 2.28 acres generally located on the west side of Bullard Avenue, halfway between Van Buren Street and Yuma Road, legally described in that certain document titled “Exhibit B – Legal Description – Rezoning Exhibit Arizona Public Service Company,” which document was declared a public record by Resolution No. 2018-1901, 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,

WHEREAS, the Property is designated as Business and Commerce on the General Plan Land Use and Transportation Plan. This land use includes uses such as business parks, offices, warehouses, regional hospitals, high density residential, and light industrial uses. This category may also include public and community facilities; and,

WHEREAS, the Property is currently zoned AU (Agricultural Urban); and,

WHEREAS, the property owner, APS, intends to build a new substation on the Property to meet the growing demand for electrical service in this area. In order to build the new substation, APS desires to rezone the property to the I-1 (Light Industrial) zoning district; and,

WHEREAS, public utility facilities, including electrical substations, are a permitted use in I-1 (Light Industrial) zoning district; and,

WHEREAS, as outlined in the Zoning Ordinance, staff has determined that the proposed rezoning request is consistent with the General Plan and shall not adversely impact the surrounding area; 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, to consider this rezoning, and the Commission voted unanimously (5-0) to recommend approval of the rezoning; and,

WHEREAS, public notice that this rezoning is 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 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. 2018-1407 applies to that parcel of land in Goodyear, Maricopa County, Arizona, generally located on the west side of Bullard Avenue, halfway between Van Buren Street and Yuma Road, as shown on “Official Supplementary Zoning Map No. 18-08,” and as legally described in that certain document titled “Exhibit B – Legal Description – Rezoning Exhibit Arizona Public Service Company,” both documents having been declared public records by Resolution No. 2018-1901, three copies of both documents being on file with the City Clerk of the city of Goodyear, Arizona, and which documents are referred to and made a part hereof as if fully set forth in this Ordinance (the “Property”).

SECTION 2. REZONING

The Property is hereby conditionally rezoned from the AU (Agricultural Urban) zoning district to the I-1 (Light Industrial) zoning district. Development of the Property shall be in conformance with the development regulations and standards applicable to the I-1 (Light Industrial) zoning district as set forth in the city of Goodyear Zoning Ordinance, as amended.

SECTION 3. STIPULATIONS

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

1. Prior to obtaining civil construction permits, the property owner shall dedicate in fee, and at no cost to the city, the right-of-way for the west half of Bullard Avenue, 32 feet from centerline, adjacent to the Property;
2. The property owner shall construct, at no cost to the city, the half-street improvements for Bullard Avenue adjacent to the 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; and,
3. Driveway locations are not approved as part of this zoning request and shall be approved through the site plan review process.

SECTION 4.     AMENDMENT OF ZONING MAP

The Zoning Map of the city of Goodyear is hereby amended to reflect the rezoning of the Property, provided for herein by the adoption of that certain document titled “Official Supplementary Zoning Map No. 18-08,” declared a public record by Resolution No. 2018-1901, 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 herof as if fully set forth in this Ordinance and such “Official Supplementary Zoning Map No. 18-08,” 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.

