

## **ORDINANCE NO. 2019-1431**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 22 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF 173<sup>RD</sup> AVENUE AND VAN BUREN STREET TO AMEND THE CHRISTOPHER TODD COMMUNITIES AT CANYON TRAILS PAD; 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, on December 13, 2009, the City Council adopted Ordinance No. 99-676 approving the rezoning of 782 acres of property to the Final Planned Area (PAD) District, Mixed Uses to facilitate development known as Canyon Trails Phase II (the “Canyon Trails Phase II PAD”); and

WHEREAS, On June 25, 2018, the City Council adopted Ordinance No. 2018-1389 rezoning approximately 22 acres of land located at the southeast corner of 173<sup>rd</sup> Avenue and Van Buren street from final Planned Area Development (PAD), mixed uses, to final Planned Area Development (PAD) the Christopher Todd Communities at Canyon Trails PAD; 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; and

WHEREAS, this request is to increase the height of the residential main structures in the Christopher Todd Communities at Canyon Trails PAD from “16’/one story” to “20’/one story”. All other PAD standards will remain the same. The elevations and architectural style of the residences do not change; and

WHEREAS, a rezoning amendment requires public review and approval by the Planning and Zoning Commission and the City Council. The proposed amendment is in conformance with the General Plan and should not adversely impact the surrounding area; and

WHEREAS, public notice that this amendment to the Christopher Todd Communities at Canyon Trails PAD was to be considered and reviewed at a public hearing held before the Planning and Zoning Commission on April 10, 2019, appeared in the Arizona Republic Southwest Valley edition on March 22, 2019; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on April 10, 2019 to consider the rezoning of the Property by amending the Christopher Todd Communities at Canyon Trails PAD, and the Commission voted (5-0) to recommend approval of the proposed PAD Amendment; and

WHEREAS, public notice that this amendment to the Christopher Todd Communities at Canyon Trails PAD is to be considered and reviewed at a public hearing held before the City Council on April 22, 2019, appeared in the Arizona Republic Southwest Valley edition on March 22, 2019; 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. 2019-1431 applies to that parcel of land in Goodyear, Maricopa County, Arizona, generally located on the south side of Van Buren west of Loop 303 as shown on that certain document titled Official Supplementary Zoning Map No. 19-02A Rezone from PAD to PAD Amendment 19-210-00002, declared a public record by Resolution No. 2019-1943, 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 as legally described in that certain document titled Christopher Todd Communities at Canyon Trails Legal Description – PAD Rezoning declared a public record by Resolution No. 2019-1948, 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”).

SECTION 2. PLANNED AREA DEVELOPMENT AMENDMENT

The Property is hereby conditionally rezoned from Final Planned Area Development (PAD) District to Final Planned Area Development (PAD) District by the adoption herein of that certain document titled the “Christopher Todd Communities at Canyon Trails Final PAD Development Regulations” dated March 5, 2019, declared a public record by Resolution No. 2019-1948, 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.

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 “Christopher Todd Communities at Canyon Trails PAD” dated March 5, 2019 except as modified by the stipulations and conditions set forth below;
2. Approval of the rezoning does not constitute approval of the site plan. All future development will be subject to site plan review and approval by city staff, at which time all elements of site development will be reviewed, including, but not limited to, architecture, landscaping, grading and drainage, lighting, infrastructure, parking, access and circulation;

3. The Owner is responsible for the half street improvements along N. 173<sup>rd</sup> Avenue fronting the Property. Such road improvements shall include, but are not limited to, sidewalks, landscaping, street signage, and lighting as identified on the appropriate plan(s) submitted to the City, which shall be designed and installed in accordance with the prevailing Engineering Design Standards at the time the improvement plans are reviewed and approved by the City Engineer, or his designee;
4. The Owner shall provide for the dedication of any necessary easements and right-of-way, in form and substance acceptable to the City, prior to issuance of any construction permits on the rezoned land. This dedication shall include the fee dedication of right of way for N. 173<sup>rd</sup> Avenue fronting the Property and the required P.U.E.'s along N. 173<sup>rd</sup> Avenue;
5. The landscape strip along 173<sup>rd</sup> Avenue between the back of curb and sidewalk shall contain trees at a rate of one tree approximately every 23 feet. The landscape strip along Van Buren Street between the back of curb and sidewalk shall contain trees at a rate of one tree approximately every 60 feet; and,
6. A sound wall that complies with the requirements of Section 9-1 of the City of Goodyear Zoning Ordinance and all other applicable codes and regulations, shall be constructed on the Property along the west side of SR 303. Owner shall submit a sound wall plan detail for the sound wall for review and approval prior to the approval of the civil construction drawings associated with the site plan for the property. The sound wall shall be constructed prior to the issuance of the first Certificate of Occupancy for a residential unit within the Property.

#### 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 "Supplementary Zoning Map No. 19-02A Rezone from PAD to PAD Amendment 19-210-00002," declared a public record by Resolution 2019-1948, 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.

#### SECTION 5. ABRIDGEMENT 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 provision 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.

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. 2019-1431 is a true, correct and accurate copy of Ordinance No. 2019-1431, 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