

ORDINANCE NO. 2019-1434

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING PARCEL 12.36 IN ESTRELLA PHASE I, GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH ESTRELLA PARKWAY AND WEST SAN MIGUEL AVENUE, FROM PAD COMMERCIAL (COM) TO THE ESTRELLA PARCEL 12.36 PAD, DESIGNATING THE PROPERTY FOR SINGLE FAMILY RESIDENTIAL USE; ADOPTING THE SUPPLEMENTARY ZONING MAP NO. 19-01 TO PROVIDE FOR THE AMENDMENT OF THE PLANNED AREA DEVELOPMENT; 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 June 22, 1987, the City Council adopted Ordinance No. 87-217 rezoning approximately 3,500 acres as Planned Area Development (PAD) and adopting the Estrella Phase One PAD daed October 28, 1986; and

WHEREAS, due and proper notice of such public hearings before the city of Goodyear Planning and Zoning Commission and City Council was given in the time, form, substance and manner provided by law, including publication of such notice in the ARIZONA REPUBLIC SOUTHWEST EDITION on May 24, 2019; and

WHEREAS, the city of Goodyear Planning and Zoning Commission **has/has not** recommended to the Mayor and City Council of the city of Goodyear, Arizona, that it approve this rezoning of Parcel 12.36, as aforesaid, subject to certain stipulations; and

WHEREAS, on June 24, 2019, in the manner provided by law, the city of Goodyear City Council held a public hearing on Case No. 19-200-00001 for the purpose of considering this PAD Amendment; and

WHEREAS, based on the information submitted by the applicant and the review conducted by city staff and the recommendation provided by the Planning and Zoning Commission for its consideration at said public hearing, the City Council finds that the proposed PAD Amendment is appropriate on the Property 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. DESCRIPTION OF THE PROPERTY BEING AMENDED

This Ordinance No. 2019-1434 applies to that parcel of land in Goodyear, Maricopa County, Arizona, generally located on the northeast corner of Estrella Parkway and San Miguel Avenue, as shown on that certain document titled, "Supplementary Zoning Map No. 19-01," which document was declared a public record by Resolution No. 2019-1968 three copies of which are on file with the

City Clerk of the city of Goodyear, Arizona and which is referred to, and is adopted and made a part hereof as if fully set forth in this ordinance and as legally described in that certain document titled “Estrella Parcel 12.36 Legal Description,” (the “Property”), which document was declared a public record by Resolution No. 2019-1968, three copies of which are on file with the City Clerk of the city of Goodyear, Arizona and which is referred to, and is adopted and made a part hereof as if fully set forth in this ordinance.

SECTION 2. PLANNED AREA DEVELOPMENT

The Property is conditionally rezoned from Final Planned Area Development (PAD) District PAD to Final Planned Area Development (PAD) District by the adoption of that certain document titled, “Estrella Parcel 12.36 PAD Amendment, Regulatory Standards Book, April 2019,” which document was declared a public record by Resolution No. 2019-1968, three copies of which are on file with the City Clerk of the city of Goodyear, Arizona and which is referred to, and is adopted and made a part hereof as is fully set forth in this ordinance.

SECTION 3. STIPULATIONS

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

1. All development within the Property shall be in substantial compliance with the development concepts and design standards in the city of Goodyear Design Guidelines, Subdivision Regulations, and Zoning Ordinance, as modified, except as modified by the Estrella One PAD dated October 28, 1986 adopted by Ordinance No. 87-217 as further modified by the Estrella Parcel 12.36 PAD Amendment Regulatory Standards Book April 2019 and the stipulations of approval as set forth herein;
2. In the event of a conflict between the Estrella One PAD dated October 28, 1986 and the Estrella Parcel 12.36 PAD Amendment Regulatory Standards Book April 2019, the requirement of the Estrella Parcel 12.36 PAD Amendment Regulatory Standards Book April 2019 shall apply;
3. Owner shall dedicate to the city, in fee, the full street right-of-way along the Property frontage of W. San Miguel Drive prior to the issuance of the first civil construction permit within the Property or when requested by the City Engineer, whichever is earlier;
4. The Owner shall construct, at no cost to the City, full-street improvements for W. San Miguel Drive, adjacent to the Property. Improvements shall include but are not limited to curb, gutter, sidewalk, half street width of the median, landscaping, landscape irrigation, street lights, traffic signals (as necessary), signing and striping. The improvements referred to herein shall be completed prior to issuance of the first certificate of occupancy within the Property, including model homes;

5. Owner is responsible for a proportionate share of the costs for adjacent traffic signals. Owner shall either construct such signal(s) when warranted or pay to the city the proportionate share of the cost of such signal(s) (“in-lieu payment”) when requested by the City Engineer, or his/her designee. If Owner makes an in lieu payment, the payment shall be based on the actual cost of the traffic signal if it has been constructed or if the payment is required before the signal is constructed it shall be based on the estimated cost of the traffic signal as determined by the City Engineer or designee. Owner’s traffic signal obligation is as follows:
 - a. 25% of the cost of the full traffic signal at the intersection of W. San Miguel Drive and S. Estrella Parkway.

SECTION 4. AMENDMENT OF ZONING MAP.

The Zoning Map of the city of Goodyear is hereby amended to reflect the changes set forth in Section 1 of this Ordinance by the adoption of that certain document titled “Supplementary Zoning Map 19-01,” and legally described in that certain document titled, “Parcel 12.36 Legal Description,” both documents which were declared public records by Resolution No. 2019-1968, three copies of which are on file with the City Clerk of the City of Goodyear, Arizona and which are 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. ABRIDGMENT OF OTHER LAWS.

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

SECTION 6. SEVERABILITY.

If any provision of this Ordinance is for any reason held invalid by any court or competent jurisdiction such provision shall be deemed as separate distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. EFFECTIVE DATE.

This ordinance shall become effective as prescribed by law.

SECTION 8. 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_____.

Date: _____

APPROVED AS TO FORM:

Roric Massey, City Attorney

STATE OF ARIZONA)
) ss.
County of Maricopa)

Given under my hand and sealed this _____ day of _____, 20____.

City Clerk