

ORDINANCE NO. 2019-1432

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 45 ACRES OF LAND LOCATED SOUTH OF W. YUMA ROAD, EAST OF N. COTTON LANE (FUTURE LOOP 303), NORTH OF W. PIMA STREET, AND WEST OF CANYON TRAILS UNIT 4 SOUTH TO AMEND THE CANYON TRAILS PHASE II 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, 1999, the City Council adopted Ordinance No. 99-676 approving the rezoning of 782 acres to the Final PAD zoning district to facilitate development within a project known as Canyon Trails Phase II. All but 5.91 acres of the 45.51 acres are within this district. The remaining 5.91 acres are zoned AU; and

WHEREAS, the request is to create a Planned Area Development (PAD) for a mixed use community containing 'Pocket Neighborhoods' with both for sale and for lease single family homes, mixed use commercial, and shared open space; 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 Canyon Trails Phase II PAD was to be considered and reviewed at a public hearing held before the Planning and Zoning Commission on May 8, 2019, appeared in the Arizona Republic Southwest Valley edition on April 19, 2019; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on May 8, 2019 to consider the rezoning of the Property by amending the Canyon Trails Phase II PAD, and the Commission voted [REDACTED] to recommend approval of the proposed PAD Amendment; and

WHEREAS, public notice that this amendment to the Canyon Trails Phase II PAD is to be considered and reviewed at a public hearing held before the City Council on May 20, 2019, appeared in the Arizona Republic Southwest Valley edition on April 19, 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. 2019-1432 applies to that parcel of land in Goodyear, Maricopa County, Arizona, generally located south of W. Yuma Road, east of N. Cotton Lane (future Loop 303), north of W. Pima Street, and west of Canyon

Trails Unit 4 South as shown on that certain document titled Official Supplementary Zoning Map No. 18-05A Rezone from PAD to PAD Amendment 18-210-00005, declared a public record by Resolution No. 2019-1962, 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 DeRosier Ranch Legal Description – PAD Rezoning declared a public record by Resolution No. 2019-1962, 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 “DeRosier Ranch Planned Area Development Standards Book” dated March 28, 2019, declared a public record by Resolution No. 2019-1962, 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 “DeRosier Ranch Planned Area Development Standards Book” dated March 28, 2019 (the “DeRosier Ranch Development Standards”) declared a public record by Resolution No. 2019-1962, 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 except as modified by the stipulations and conditions set forth below; and
2. Notwithstanding any references to the contrary in the DeRosier Ranch Development Standards, the document referenced as the DesRosier Ranch PAD Narrative does not govern or apply to the development of the Property; and
3. The portion of the Property identified on Exhibit A – Zoning Plan of the PAD as DRPNR-PAD, and the portion of the Property identified as Flexible Zoning Overlay, if developed as residential, shall be developed entirely as Pocket Neighborhood or shall be developed entirely as Goodyear Residential Zoning District R1-C. If developed as Goodyear Residential Zoning District R1-C, the development standards in the City of Goodyear Zoning Ordinance applicable to Goodyear Residential Zoning District R1-C, including the City

of Goodyear's Design Guidelines and Standards, referred to therein, shall apply; and

4. For purposes of this Ordinance and the DeRosier Ranch Development Standards, a Pocket Neighborhood is a development that is in "substantial compliance with the Conceptual Pocket Neighborhood Site Plan, declared a public record by Resolution No. 2019-1962, 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. If the residential portion of the Property is developed as Pocket Neighborhood, the Community Pool, Community Center and Central Open Space Park, Turf Areas Pedestrian walk ways and adjacent parking, substantially in conformance with the Community Park and Recreation Center declared a public record by Resolution No. 2019-1962, 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, shall be completed with the first phase of the development of the Property that includes any residential development and shall be completed prior to the issuance of any certificate of occupancy for residential development within the Property except for model homes; and
5. Residential development within the Property, whether R1-C or Pocket Neighborhood, is limited to two-stories and 30' in height; and
6. 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; and
7. Development of this Property shall comply with the requirements in the Engineering Design Standards and Policies Manual, subdivision regulations adopted by the City Council, all building codes adopted by the City Council, and all master plans approved by the City Council in effect at the time of development (collectively the "Development Regulations"). This includes by way of example, but not limitation, the subdivision regulations currently referenced in Chapter 15 of the Goodyear City Code, building codes currently referenced in Chapter 9 of the Goodyear City Code, the Integrated Water Master Plan.
8. Owner shall construct all infrastructure identified as being necessary for the proposed development of the property and for ensuring that adequate public services are available to the property in accordance with the Engineering Design Standards and Policy Manual and all other applicable City Codes.

Such construction shall be at Owner's sole cost except as otherwise provided in a development agreement approved by the Goodyear City Council;

9. Owner shall dedicate all easements and rights-of-way required to be dedicated by applicable City codes, regulations, and policies, including, but not limited to the requirements in the City's subdivision regulations and the Engineering Design Standards and Policies Manuals. This includes by way of example, but not limitation, rights of way for half-street improvements for roadways abutting the boundary of the Property and public utility easements adjacent to all roadways within and abutting the boundary of the Property. The dedications of the rights-of-way for streets shall be in fee. All dedications shall be at no cost to the City except as otherwise provided in a development agreement approved by the Goodyear City Council. The form of the easement shall be in a and substance acceptable to the City Attorney or his/her designee. The dedications required herein shall be made at the time of the recordation of a final plat subdividing all or part of the Property; prior to the issuance of any construction permits on the Property, or when requested by the Goodyear City Engineer or his/her designee, whichever is earlier; and
10. Additional parking/traffic studies shall be provided upon the request of the City Engineer or his/her designee if the portion of the Property identified as Flexible Zoning Overlay (5 acres) is developed as commercial to assure that the parking needs of the additional expanded commercial development are met; and
11. Owner shall provide a waiver agreement for each initial homebuyer to sign, and shall include the following statement in the waiver agreement as well as a similar statement in the Public Sales Report and on the final plat:
"DeRosier Ranch is in close proximity to the proposed Loop 303 (Cotton Lane) subject to potential noise intrusion, vibrations, dust, all other effects that may be caused by the proposed Loop 303. The Owner does release and discharge the City of Goodyear from any liability for any and all claims for future damages and complaints of any kind to persons or property that may arise at any time in the future from the operation of the water reclamation facility near and over the area."; and
12. If the residential portion of the Property is developed as Pocket Neighborhood residential, the total number of dwelling units within the Property shall not exceed 224. This includes all unit types such as, but not limited to, for-sale, for-lease, single family, multi-family, and above garage units; and
13. All development within 500 feet of the proposed right-of-way for the Loop 303 shall comply with the requirements of Article 9-1 (Freeway Development Overlay District) of the City of Goodyear Zoning Ordinance; and

14. Amendments to the PAD Development Standards Book or the stipulations of this Ordinance shall require a rezoning action; and
15. All common areas, open spaces, parks, common parking areas and common amenities identified by City staff as needed to support a particular phase of development, shall be completed prior to the issuance of the first certificate of occupancy other than certificates of occupancy issued for model homes; and
16. Signage shall adhere to the City of Goodyear Zoning Ordinance, unless expressly modified by a comprehensive sign package. Signage included in the DeRosier Ranch Development Standards is not approved with this Ordinance. The Sign Ordinance Development Standards on pages 22 through 24, inclusive, of the DeRosier Ranch Development Standards are hereby deleted. The existing signs on the Roman's Oasis site shall be considered historic and keep their legal, non-conforming status once the Roman's Oasis site has been moved, so long as the site plan for the new Roman's Oasis is approved within 2-years of the date of this Ordinance and a certificate of occupancy for the new Roman's Oasis is approved within 3-years of the date of this Ordinance, if Roman's Oasis has not been moved before then, the signs will be solely regulated by the City of Goodyear Zoning Ordinance, unless otherwise addressed by a development agreement or amendment to the rezoning. No new signs may be added to the Roman's Oasis existing site (with the plan to relocate them) or to the new site unless they conform to the City of Goodyear Zoning Ordinance. The existing Roman's Oasis site and the existing signs have been documented in the document titled Roman's Oasis Signage, declared a public record by Resolution No. 2019-1962, 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. Once the new Roman's Oasis building has received a certificate of occupancy, it shall conform to the City of Goodyear Zoning Ordinance sign standards including the legal, non-conforming sign standards referred to herein; and
17. Owner shall dedicate the right of way for and shall design and construct the following improvements to Yuma Road: all improvements necessary to improve the south side of Yuma Road to its ultimate half-street design along with any transition needed to existing or future improvements on either side of the Property, including the relocation of the existing traffic signal adjacent to the Property and the relocation of the existing utility lines that are installed adjacent to or within the Property. Owner shall cause the construction of the Yuma Road Improvements in accordance with the requirements of applicable Development Regulations except as otherwise approved by the City Engineer, which exception shall be supported by documentation required by the City Engineer that supports such

waiver. Unless otherwise approved in a written phasing plan approved by the City Engineer or his/her designee, the ~~The~~ improvements referred to herein shall be completed in connection with the recordation of the first final plat subdividing all or part of the Property or with the first site plan approved for development within the Property, whichever is earlier. If the City Engineer allows the Yuma Road improvements to be phased, Owner shall nonetheless provide financial assurances for the completion of all of the Yuma Road improvements prior to recordation of the first final plat subdividing all or part of the Property or prior to the first site plan approved for development within the Property, whichever is earlier. The terms related to reimbursements for these improvements are set forth in a development agreement between the City and the property owner; and

18. In the event of any conflict or inconsistency between the DeRosier Ranch Development Standards and the stipulations in this zoning ordinance, the stipulations in this zoning ordinance shall apply. In the event of any conflict or inconsistency between the DeRosier Ranch Development Standards or the requirements of any of the applicable Development Regulations, the Development Regulations shall apply. In the event of any conflict or inconsistency between the requirements of any of the applicable Development Regulations and the stipulations in this zoning ordinance, the stipulations in the zoning ordinance shall apply. If there are any inconsistencies between applicable Development Regulations, the more restrictive shall apply.

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. 18-05A Rezone from PAD to PAD Amendment 18-210-00005," declared a public record by Resolution 2019-1962, 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. 2019-1432 is a true, correct and accurate copy of Ordinance No. 2019-1432, 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