

## **ORDINANCE NO. 2019-1447**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 86 ACRES LOCATED AT THE NORTHWEST CORNER OF ESTRELLA PARKWAY AND GOODYEAR BOULEVARD FROM THE PAD (PLANNED AREA DEVELOPMENT) ZONING DISTRICT TO THE PFD (PUBLIC FACILITIES DISTRICT) ZONING DISTRICT; AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR REPEAL OF CONFLICTING LAWS; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PENALTIES.

WHEREAS, the subject property (the “Property”) consists of approximately 86 acres generally located at the northwest corner of Estrella Parkway and Goodyear Boulevard, as shown on “Official Supplementary Zoning Map No. 19-05 City of Goodyear, AZ – Rezone Case,” and as legally described in that certain document titled “Goodyear Recreation Campus – Legal Description,” both documents having been declared public records by Resolution No. 2019-1990, with 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”); and

WHEREAS, the General Plan Land Use Plan designates the subject property as ‘Business & Commerce’ and ‘Neighborhood’. The ‘Business & Commerce’ land use category provides areas for commercial and light industrial development. The ‘Neighborhood’ land use category provides areas for the growth and development of neighborhoods, which includes a wide range of densities and housing products that suit the needs of existing and future residents; and

WHEREAS, pursuant to the General Plan, the PFD (Public Facilities District) zoning district is considered appropriate in both the ‘Business & Commerce’ and ‘Neighborhood’ land use categories; and

WHEREAS, the Property is currently zoned Planned Area Development (PAD). The PAD is known as University Park Final Planned Area Development (PAD) (hereinafter the “University Park PAD”); and

WHEREAS the University Park PAD, which was approved on June 22, 2009 with the adoption of Ordinance No. 09-1183, applied to 100 acres of land, which, at the time, was owned by the city of Goodyear; and

WHEREAS, the University Park PAD contemplated the development of one or more universities along with a community park, along with an ancillary commercial and retail development; and

WHEREAS, the universities contemplated by the University Park PAD were not developed, and in 2014 the city sold a portion of the 100 acres for the development of a charter school known as Basis Goodyear; and

WHEREAS, this rezoning ordinance will rezone the undeveloped portion of the property included within the University Park PAD zoning to PFD (Public Facilities District) to facilitate the development of the city's planned recreational campus; and

WHEREAS, the PFD (Public Facilities District) zoning district is intended for uses that are typically provided by governmental entities for general public use, convenience and to insure compatibility with adjacent residential areas; and

WHEREAS, a neighborhood meeting, in conformance with Section 1-3-8 (Citizen Review Process), of the city of Goodyear Zoning Ordinance, was held on July 24, 2019 to discuss the rezoning with surrounding property owners and stakeholders; and

WHEREAS, a request to rezone real property requires public review and approval by the Planning and Zoning Commission and the City Council through the public hearing process. The rezoning must be in conformance with the General Plan and should not adversely impact the surrounding area as outlined in the Zoning Ordinance; and

WHEREAS, staff has determined that the rezoning is in conformance with the General Plan and will 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 August 7, 2019 appeared in the Arizona Republic Southwest Valley edition on July 19, 2019; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on August 7, 2019, to consider this rezoning, and the Commission voted ( \_ - \_ ) to recommend \_\_\_\_\_ of the rezoning, subject to the stipulations that have been presented; and

WHEREAS, public notice that this rezoning is to be considered and reviewed at a public hearing held before the City Council on August 19, 2019, appeared in the Arizona Republic Southwest Valley edition on July 19, 2019; and

WHEREAS, based on the foregoing Recitals and the other information presented, 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. 2019-1447 applies to that parcel of land in Goodyear, Maricopa County, Arizona, generally located at the northwest corner of Estrella Parkway and Goodyear Boulevard, as shown on "Official Supplementary Zoning Map No. 19-05 City of Goodyear, AZ – Rezone Case," and as legally described in that certain document titled "Goodyear Recreation Campus – Legal Description," both documents having been declared public records by Resolution

No. 2019-1990, with 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 conditionally rezoned from the PAD (Planned Area Development) zoning district to the PFD (Public Facilities District) zoning district as set forth in this Ordinance. Development of the Property shall be in conformance with the Goodyear Zoning Ordinance, including the development regulations and standards applicable to the PFD (Public Facilities District) zoning district as set forth in the city of Goodyear Zoning Ordinance, as amended, and the stipulations as set forth herein.

## SECTION 3. STIPULATIONS

The development of the Property shall be subject to the following stipulations:

1. Owner shall comply with the requirements of 49 CFR Part 77 *et seq.* in the development of the Property, and if the development of the Property, including the use of construction equipment, triggers the notice requirement, a Notice of Proposed Construction in compliance with Federal Regulation 49 CFR Part 77 *et seq.* shall be filed with the Federal Aviation Administration (“FAA”) and a copy of the filed notice shall be submitted to the city with the application for building permit;
2. All outdoor lighting for the recreation campus shall be in conformance with Article 10 (Outdoor Lighting Standards) of the Zoning Ordinance; and,
3. The Principal Permitted Uses shall be those identified in city of Goodyear Zoning Ordinance Section 3-3-5(A) except for water reclamation and wastewater treatment facilities, which are expressly prohibited.

## 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. 19-05 City of Goodyear, AZ – Rezone Case,” declared a public record by Resolution No. 2019-1990, 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 “Official Supplementary Zoning Map No. 19-05 City of Goodyear, AZ – Rezone Case,” shall be filed with the City Clerk in the same manner as the Zoning Map of the city of Goodyear.

SECTION 5.     REPEAL OF CONFLICTING LAWS

All ordinances, resolutions, motions and parts of ordinances, resolutions and motions of the City of Goodyear in conflict with the provisions of this ordinance are hereby repealed effective as of the effective date of this ordinance.

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.

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. 2019-1447 is a true, correct and accurate copy of Ordinance No. 2019-1447, 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