

ORDINANCE NO. 2019-1457

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 5 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF NORTH 143RD AVENUE AND WEST CELEBRATE LIFE WAY FROM PLANNED AREA DEVELOPMENT (PAD) DISTRICT TO PUBLIC FACILITIES DISTRICT (PFD); AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR NON-ABRIDGMENT, CORRECTIONS; SEVERABILITY; AN EFFECTIVE DATE; AND PENALTIES.

WHEREAS, the City of Goodyear owns approximately 5 acres (“Subject Property”) located at the southwest corner of North 143rd Avenue and West Celebrate Life Way; and,

WHEREAS, The Subject Property consists of a 4.09-acre parcel of land zoned Planned Area Development (PAD), which was purchased by the City of Goodyear on or about April 4, 2019, from State of Arizona, and a .89-acre parcel of land zoned Planned Area Development (PAD), which was purchased by the City on May 22, 2019 from Cheyenne Valley LLC; and

WHEREAS, the Subject Property was acquired by the City in connection with its planned capital improvement project for the construction of replacement Fire Station 181; and,

WHEREAS, the City of Goodyear filed an application to rezone the Subject Property to the Public Facilities District (PFD); and,

WHEREAS, a rezoning requires public review and approval by the Planning and Zoning Commission and the City Council.

WHEREAS, the proposed amendment is in conformance with the General Plan and should not adversely impact the surrounding area; and,

WHEREAS, public notice that this rezoning request would be considered and reviewed at a public hearing to be held before the Planning and Zoning Commission on November 6, 2019 appeared in the Arizona Republic Southwest Valley Edition on October 18, 2019; postcards were mailed to adjoining owners on October 19, 2019; and a sign was posted on the site on October 9, 2019; and,

WHEREAS, a public hearing was held before the Planning and Zoning Commission on November 6, 2019 to consider the rezoning of the property to the Public Facilities District and the Commission voted (X-X) to recommend approval of the proposed rezoning; and,

WHEREAS, public notice that this rezoning request would be considered and reviewed at a public hearing to be held before the Goodyear City Council on November 18, 2019 appeared in the Arizona Republic Southwest Valley Edition on October 18, 2019; postcards were mailed to adjoining owners of property within 500 feet on October 19, 2019; and a sign was posted on the site on October 9, 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. 2019-1457 applies to approximately five (5) acres of land in Goodyear, Maricopa County, Arizona, generally located at the southwest corner of North 143rd Avenue and West Celebrate Life Way as legally described in that certain document titled “Legal Description for Fire Station 181,” and as shown on that certain document titled “Official Supplementary Zoning Map No. 19-07A,” both documents having been declared public records by Resolution No. 2019-2010, three copies of both documents being on file with the City Clerk of the City of Goodyear, Arizona, and which documents are referred to made a part hereof as if fully set forth in this Ordinance (the “Property”).

SECTION 2 REZONING

The Property is conditionally rezoned from the Planned Area Development (PAD) District to the Public Facilities District.

SECTION 3. STIPULATIONS

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

1. Prior to the issuance of the first construction permit for development within the Property, Owner shall complete the following to bring the site to its ultimate boundary:
 - a. Owner shall prepare and record a minor land division (MLD) to split the portion of the Property acquired from ADOT from ADOT’s parcel to the south.
 - b. Owner shall prepare, obtain the necessary approvals, and record the necessary plat(s) to release or split the portion of the Property that is currently included within Final Plat for Airport Gateway at Goodyear from such said plat.
 - c. Following the recordation of the MLD and plat(s) referred to in stipulations 1b, Owner shall prepare and record a second MLD to combine all of the Property into one lot.
2. If the MLD referred to in stipulation 2c is not recorded immediately after the recordation of the MLD referred to in stipulation 1a, Owner shall record a temporary access easement to provide legal access to N. 143rd Avenue from the landlocked parcel created by the recordation in the MLD referred to in stipulation 1a concurrently with the recordation of the MLD referred to in stipulation 1a.

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. 19-07A, declared a public record by Resolution 2019-2010, 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_____.

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