

ORDINANCE NO. 2020-1464

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING ARTICLE 3 (ZONING DISTRICTS) OF THE ZONING ORDINANCE, AS AMENDED, BY AMENDING SECTION 3-3-6 (COMMERCIAL DISTRICTS STANDARDS), SUBSECTION A (DIMENSION REQUIREMENTS) FOR C-1 (NEIGHBORHOOD COMMERCIAL DISTRICT) AND C-2 (GENERAL COMMERCIAL DISTRICT) TO MODIFY HOW MINIMUM FRONT SETBACKS ARE DETERMINED UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CORRECTIONS, SEVERABILITY, AN EFFECTIVE DATE, AND PENALTIES.

WHEREAS, the city of Goodyear Zoning Ordinance regulates the development of all land within the city. Regulations set forth in the Zoning Ordinance may be amended when deemed necessary to best serve the public interest, health, comfort, convenience, safety and general welfare of the citizens of the city; and

WHEREAS, the current Zoning Ordinance was originally adopted by the City Council in May 1999 and has been the subject of a number of amendments since that time; and

WHEREAS, the purpose of the proposed text amendment is to update the Commercial Districts Standards section of the Zoning Ordinance; and

WHEREAS, the intent of the proposed text amendment is to increase the opportunity for unified developments within Commercial Districts to be subdivided or platted, while ensuring minimal impacts on city residents and on adjacent properties; and

WHEREAS, public notice that this amendment to the city of Goodyear Zoning Ordinance was to be considered and reviewed at a public hearing held before the Planning and Zoning Commission on April 15, 2017, appeared in the Arizona Republic Southwest Valley edition on March 27, 2020; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on April 15, 2020 to consider amendments to Article 3 (Zoning Districts). At that hearing, the Commission voted 5 to 0 to recommend/deny approval of the proposed amendment to the city of Goodyear Zoning Ordinance; and

WHEREAS, public notice that this amendment to the city of Goodyear Zoning Ordinance is to be considered and reviewed at a public hearing held before the City Council on April 27, 2020, appeared in the Arizona Republic Southwest Valley edition on March 27, 2020; 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. AMENDING ARTICLE 3 OF THE CITY OF GOODYEAR ZONING ORDINANCE

Section 3-3-6 (Commercial Districts Standards) Paragraph A (Dimension Requirements) is amended to read as follows:

Section 3-3-6 Commercial Districts Standards

A. DIMENSION REQUIREMENTS

Lot area, height, setback and related standards for the Commercial **Districts** (including Central Business and Public Facilities **Districts**) are as follows:

Figure 8.

COMMERCIAL DISTRICTS						
Districts		C-O	C-1	C-2	CBD	PFD
Minimum Net Site Area		6,000	10,000 ⁽³⁾	10,000 ⁽³⁾	None	None
Minimum Lot Width		60 ft.	150 ft. ⁽³⁾	150 ft. ⁽³⁾	None	None
Maximum Height		30 ft.	30 ft.	56 ft.	75 ft.	40 ft
Maximum Building Coverage		50%	50%	50%	None	None
Minimum Setbacks						
	Front	30 ft.	30 ft. ⁽⁴⁾	30 ft. ^{(2) (4)}	None	None
	Side	20 ft. ⁽¹⁾	20 ft. ⁽¹⁾	N/A ⁽¹⁾	None	None
	Rear	20 ft. ⁽¹⁾	20 ft. ⁽¹⁾	N/A ⁽¹⁾	None	None
	Street side	30 ft.	30 ft.	30 ft. ⁽²⁾	30 ft.	30 ft.

(1) Buildings adjacent to any residential use or district are subject to additional minimum building setbacks as defined in Subsection B.6 (c).

(2) Buildings with heights in excess of 30 ft. shall provide 1 foot of additional setback for each foot of building height over 30 ft.

(3) Except as provided herein, minimum net site area and lot width requirements do not apply for lots within a unified commercial development, which is a development intended for three or more businesses, so long as the development has permanent cross-access, shared parking and access easements, in a form approved by the City Attorney or his/her designee, necessary to meet minimum parking and maneuvering requirements and any other applicable requirements. If there are conflicts between this exception and other requirements in the Zoning Ordinance pursuant to which a site would be required to meet or exceed the minimum net site area or minimum lot width requirements, this exception shall not apply.

(4) Except as provided herein, the setback for lots within a unified commercial development, which is intended for three or more businesses with permanent cross access and shared parking easements, shall be measured from the nearest public streets. If there are conflicts between this exception and other requirements in the Zoning Ordinance pursuant to which a site would be required to meet or exceed the minimum setbacks, this exception shall not apply.

SECTION 2. 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 3. 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 4. 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 5. 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. 2020-1464 is a true, correct and accurate copy of Ordinance No. 2020-1464, 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