

ORDINANCE NO. 2020-1470

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING ARTICLE 1 (ADMINISTRATION AND PROCEDURES), ARTICLE 2 (DEFINITIONS); ARTICLE 3 (ZONING DISTRICTS) AND ARTICLE 6 (OFF-STREET PARKING AND LOADING) OF THE ZONING ORDINANCE, AS AMENDED; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR 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, Article 1 Section 1-3-1 of the Zoning Ordinance is being amended to conform to recent changes in state law (A.R.S. § 9-462.04) as to which property owners are to receive notices of a public hearing on zoning ordinances; and

WHEREAS, various sections of Article 3 of the Zoning Ordinance are being amended to create a new multi-family zoning district to accommodate the development of multiple detached and attached single family dwelling units on a single parcel of land, which have been developed in the city through the Planned Area Development zoning district; and

WHEREAS, to provisions in Article 6 of the Zoning Ordinance are being amended, the first are revisions to section 6-2-2, which regulates residential vehicular access and the other are revisions to Article 6-3, which regulate parking design standards; and

WHEREAS, the revisions to section 6-2-2 are intended to: (i) limit the amount of paved surfaces within the front yard setback to no more than 50% of the required front yard setback area for any residentially zoned lot with the remainder of the lot being a pervious surface such as grass, soil, gravel or rock that absorbs or infiltrates water across the surface; (ii) to clarify that paved areas that are in excess of one hundred square feet in size and that are contiguous to a driveway are part of the driveway; (iii) to clarify that motor vehicles are not to be parked in a front yard except on a paved driveway; and (iv) to delete the current requirement that driveways be setback 3-feet from the property line; and

WHEREAS, the revisions to Article 6-3 is to add a new section 6-3-4 to adopt standards for parking within a parking structure and standards for the design of parking structures; and

WHEREAS, Article 2, Section 2-2 is being amended to include definitions for terms used in the amendments to Article 6; 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 July 1, 2020 appeared in the Arizona Republic Southwest Valley edition on June 10, 2020; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on July 1, 2020 to consider amendments to Article 1 Section 1-3-1; Article 2 Section 2-2; Article 3 and Article 6, Section 6-3. At that hearing, the Commission voted [REDACTED] to recommend approval/denial of the proposed amendments 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 July 13, 2020, appeared in the Arizona Republic Southwest Valley edition on June 10, 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 of the residents of Goodyear.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. AMENDING ARTICLE 1 (ADMINISTRATION AND PROCEDURES) OF THE CITY OF GOODYEAR ZONING ORDINANCE.

Section 1-3-1 (Amendments) of the Goodyear Zoning Ordinance is hereby amended as set forth in that certain document titled Amending Article 1 of the Goodyear Zoning Ordinance, which document is attached as Exhibit A to Resolution No. 2020-2066 and was declared a public record by Resolution No. 2020-2066, three copies of which are on file with the City Clerk of the city of Goodyear and which is referred to, adopted, and made part hereof as if fully set forth in the Ordinance

SECTION 2. AMENDING ARTICLE 2 (DEFINITIONS) OF THE CITY OF GOODYEAR ZONING ORDINANCE

ARTICLE 2-2 (DEFINITIONS) OF THE CITY OF GOODYEAR ZONING ORDINANCE IS AMENDED TO ADD THE FOLLOWING DEFINITION:

Parking Structure means a parking garage consisting of one or more levels, including other primary or accessory uses. A parking structure may be located above or below ground.

SECTION 3. AMENDING ARTICLE 3 (ZONING DISTRICTS) OF THE CITY OF GOODYEAR ZONING ORDINANCE.

Section 3-2-1 (Purpose), Section 3-2-2 (Permitted Uses) and Section 3-2-5 (Development Standards for the Multi-Family District) of the Goodyear Zoning Ordinance are hereby amended as set forth in that certain document titled

Amending Article 3 of the Goodyear Zoning Ordinance, which document is attached as Exhibit B to Resolution No. 2020-2066 and was declared a public record by Resolution No 2020-2066, three copies of which are on file with the City Clerk of the city of Goodyear and which is referred to, adopted, and made part hereof as if fully set forth in the Ordinance.

SECTION 4. AMENDING ARTICLE 6 (OFF-STREET PARKING AND LOADING) OF THE CITY OF GOODYEAR ZONING ORDINANCE

Section 6-2-2 (Residential Vehicular Access) and Article 6-3 (Parking Design Standards) of the Goodyear Zoning Ordinance are hereby amended as set forth in that certain document titled Amending Article 6 of the Zoning Ordinance, which document is attached as Exhibit C to Resolution No. 2020-2066 and was declared a public record by Resolution No. 2020-2066, three copies of which are on file with the City Clerk of the city of Goodyear and which is referred to, adopted, and made part hereof as if fully set forth in the Ordinance.

SECTION 5. 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 6. 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 7. 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 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