

## **ORDINANCE NO. 2020-1469**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING ARTICLE 2 (DEFINITIONS), ARTICLE 5 (PROPERTY IMPROVEMENT STANDARDS) AND ARTICLE 8 (GENERAL REQUIREMENTS) 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, the purpose of the proposed text amendment is to amend Article 8 to allow for the construction of unenclosed shade structures to be constructed within the front yard setbacks within subdivisions established prior to 1975; and

WHEREAS, the purpose of the proposed text amendments to section 5-2-2 is to clarify where open wire fences or chain link fences are permitted under the Zoning Ordinance; to specifically allow chain link fencing for single-family residential lots with less than 20,000 square feet and within subdivisions established before 1975; to expand the opportunities for open wire fences or chain link fences around recreational facilities, and to adopt , and to adopt a standard imposing a minimum distance of twenty feet between block walls; and

WHEREAS, the purpose of the amendments to section 2-2 is to include definitions for terms used in the amendments to Article 5; 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 2 Section 2-2, Article 5 Section 5-2-2, Article 8 Section 8-1. At that hearing, the Commission voted 6-0 to recommend approval 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 2 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:**

**Paved** means a surface covered in hard materials such as concrete, masonry, bricks, pavers, cobblestone, asphalt and the like.

SECTION 2. AMENDING ARTICLE 5 (PROPERTY IMPROVEMENT STANDARDS) OF THE CITY OF GOODYEAR ZONING ORDINANCE

Paragraph A (Design Criteria) and Paragraph B (Construction Maintenance) of Section 5-2-2 (Design, Construction and Development Standards) of the Goodyear Zoning Ordinance are hereby amended as set forth in that certain document titled Amending Article 5 of the Zoning Ordinance, which document is attached as Exhibit A to Resolution No. 2020-2065 and was declared a public record by Resolution No. 2020-2065, 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 3. AMENDING ARTICLE 8 (GENERAL REQUIREMENTS) OF THE CITY OF GOODYEAR ZONING ORDINANCE

Paragraph F of Article 8-1 (General Requirements) of the Goodyear Zoning Ordinance is amended as set forth in that certain document titled Amending Article 8 of the Goodyear Zoning Ordinance, which document is attached as Exhibit B of Resolution No. 2020-2065 and was declared a public record by Resolution No. 2020-2065, 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. 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 5. 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 6. 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 7. 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. 2020-1469 is a true, correct and accurate copy of Ordinance No. 2020-1469, 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