

ORDINANCE NO. 2020-1476

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING ARTICLE 3 (ZONING DISTRICTS) OF THE GOODYEAR ZONING ORDINANCE; 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, over the years, the City of Goodyear has seen a demand for multi-family residential developments that allow for the the development of multiple detached and attached single family dwelling units on a single parcel of land housing; and

WHEREAS, the existing multi-family residential districts in the City of Goodyear Zoning Ordinance do not accommodate these types of developments, resulting in their being developed through the use of the Planned Area Development Zoning District; and

WHEREAS, the creation of 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 is needed to minimize the reliance on Planned Area Development Zoning Districts, and to provide consistency in the treatment of these types of developments; and

WHEREAS, a public notice appeared in the Arizona Republic Southwest Valley edition on June 12, 2020 that amendments to Article 1 of the Goodyear Zoning Ordinance to modify the Protest Area applicable to proposed zoning amendments; amendments to Article 3 to add the MF-12 multi-family residential district; amendments to Article 6, including amendments to Section 6-2-2, which regulates residential vehicular access and Article 6-3 to including parking design standards for parking structures; and amendments to Article 2 to add new definitions required because of other changes were to be considered and reviewed at a public hearing held before the Planning and Zoning Commission on July 1, 2020 and at a public hearing before the City Council on July 13, 2020; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on July 1, 2020 to consider: amendments to Article 1 of the Goodyear Zoning Ordinance to modify the Protest Area applicable to proposed zoning amendments; amendments to Article 3 to add the MF-12 multi-family residential district; amendments to Article 6, including amendments to Section 6-2-2, which regulates residential vehicular access and Article 6-3 to including parking design standards for parking structures; and amendments to Article 2 to add new definitions required because of other changes; and

WHEREAS, at that hearing, the Commission voted 7-0 to recommend approval of the proposed amendments to Articles 1, 2, 3 and 6 of the Goodyear Zoning Ordinance; and

WHEREAS, the amendments to Articles 1, 2 and 6 of the Goodyear Zoning Ordinance considered by the Goodyear City Council on July 13, 2020; and

WHEREAS, the amendments to Article 3 were not presented to the Goodyear City Council during the July 13, 2020 to allow staff time to prepare amendments to the City of Goodyear Design guidelines for the new multi-family residential district; and

WHEREAS, during the public hearing held on July 13, 2020, the Goodyear City Council and the public were informed that the amendments to Article 3 were to be considered at a future meeting that would be properly noticed; and

WHEREAS, public notice that amendments to Article 3 of the Goodyear Zoning Ordinance were to be considered and reviewed at a public hearing held before the City Council on September 28, 2020, appeared in the Arizona Republic Southwest Valley edition on August 28, 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 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 A to Resolution No. 2020-2087 and was declared a public record by Resolution No. 2020-2087, 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. 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 4. 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 5. 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 6. 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. 2020-1476 is a true, correct and accurate copy of Ordinance No. 2020-1476, 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