

ORDINANCE NO. 2020-1481

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 9.3 ACRES OF PROPERTY LOCATED EAST OF THE NORTHEAST CORNER OF PEBBLECREEK PARKWAY AND MONTE VISTA ROAD, KNOWN AS DISTRICT AT CIVIC SQUARE; AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR NON-ABRIDGEMENT; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PENALTIES.

WHEREAS, this property subject to this Ordinance consists of approximately 9.3 acres and is located east of the northeast corner of PebbleCreek Parkway and Monte Vista Road and is known as District at Civic Square as more particularly described in that certain document titled Legal Description,” which document was declared public record by Resolution No. 2020-2103, 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 (the “Property”); and

WHEREAS, on February 14, 2000, the City Council conditionally approved the Final Planned Area Development (PAD) for Goodyear Planned Regional Center with the adoption of Ordinance No. 00-679; and,

WHEREAS, on June 12, 2019, the City Council approved a Use Permit for a convenience storage (mini storage) on the property; and,

WHEREAS, no construction has commenced on a convenience storage or any other commercial building on the property; and

WHEREAS, the General Plan Land Use Plan shows the Property designated as ‘Business and Commerce; and,

WHEREAS, Business and Commerce does allow for the consideration of Multi-Family Residential; and,

WHEREAS, this request intends to replace the commercial uses on this property with multi-family residential rezoning the property to the Multi-Family Residential District MF-24 with a planned area development overlay that will modify the development standards applicable to MF-24 to allow up to 39 dwelling units per acre subject to development standards; and,

WHEREAS, city staff finds that the proposed rezoning will not adversely impact the surrounding area as the proposed land uses will allow for the orderly growth and continued development of residential uses at this site; and

WHEREAS, an alternative citizen review process was conducted for this proposal due to the city of Goodyear Emergency Declaration in Response to Coronavirus and notice of the application was provided to property owners within 500 feet of the property at least 35 calendar days prior to public

hearing to provide ample opportunity for input prior to noticing the public hearing itself. To date, no objections or inquiries were received as a result of this notification

WHEREAS, public notice that this rezoning was to be considered and reviewed at a public hearing held before the Planning and Zoning Commission on October 14, 2020, appeared in the Arizona Republic Southwest Valley edition on September 25, 2020; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on October 14, 2020, and at that meeting the Commission voted 5-1 to recommend approval of the proposed rezoning; and

WHEREAS, public notice that this rezoning was to be considered and reviewed at a public hearing held before the City Council on October 26, 2020, appeared in the Arizona Republic Southwest Valley edition on September 25, 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 interest, health, comfort, convenience, safety, and general welfare of the citizens of the City.

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

SECTION 1. DESCRIPTION OF PROPERTY BEING REZONED

This Ordinance No. 2020-1480 applies to approximately 9.3 acres located at the east of the northeast corner of PebbleCreek Parkway and Monte Vista Road and legally described in that certain document titled “Legal Description,” which document was declared public record by Resolution No. 2020-2103, 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 (the “Property”).

SECTION 2. ADOPTION OF FINDINGS

The clauses set forth above are hereby adopted and incorporated herein by this reference as if fully set forth herein.

SECTION 3. REZONING

The Property is conditionally rezoned to Multi-Family Residential Zoning District MF-24 with a planned area development overlay by the adoption herein of that certain document titled District at Civic Square Planned Area Development Overlay which document was declared public record by Resolution No. 2020-2081, 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 4. STIPULATIONS

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

1. The Property shall be developed in accordance with the requirements of the City of Goodyear Zoning Ordinance as it may be amended from time to time applicable to the Multi-Family Residential Zoning District MF-24, except as modified by the District at Civic Square Planned Area Development Overlay, which document was declared public record by Resolution No. 2020-2103, three copies of which are on file with the City Clerk of the City of Goodyear, Arizona, and which is hereby referred to and made a part hereof as if fully set forth in this Ordinance and except as modified the stipulations set forth herein;
2. In addition to the specific infrastructure identified in this Ordinance, Owner shall construct all infrastructure improvements required for the City of Goodyear to provide services to the Property and all infrastructure improvements required by the City of Goodyear subdivision regulations and Engineering Design Standards and Policy Manual in effect at the time of construction;
3. Owner shall construct all remaining improvements needed for the completion of full half-street improvements north of the center line along the section of W. Monte Vista Drive adjacent to the Property, which includes, but is not limited to sidewalks, landscaping and irrigation;
4. Owner shall dedicate, at no cost to the City, all rights-of-way and/or easements, whether within the boundaries of the Property or outside the boundaries of the Property that are: (i) required to be dedicated under any applicable law, code, ordinance, rule, regulations, standards, guidelines governing the development of the Property including, but not limited to the City of Goodyear subdivision regulations, Building Codes and Regulations, and the City of Goodyear's Engineering Design Standards and Policies; (ii) required for the construction of the infrastructure improvements to be constructed pursuant to the stipulations herein, and/or (vi) required for the public infrastructure improvements Owner is required to construct pursuant to any applicable

law, code, ordinance, rule, regulations, standards, guidelines governing the development of the Property including, but not limited to the City of Goodyear subdivision regulations, Building Codes and Regulations, and the City of Goodyear's Engineering Design Standards and Policies. The rights-of-way to be dedicated shall be dedicated in fee and all rights-of-ways and easements shall be dedicated lien free and, unless otherwise agreed to by the City, free of all other easements or other encumbrances;

5. The Preliminary Water Report submitted with the application for the rezoning of the Property is not approved. At the time of Site Plan submittal, Owner shall submit an updated Preliminary Water Report that complies with all applicable City of Goodyear requirements, including, but not limited to:
 - a. Use of the calculations, references and tables in the 2018 International Fire Code.
 - b. Inclusion of irrigation demands in the Max Day + Fire Flow demand tables; and
6. Owner shall provide Roosevelt Irrigation District an easement for the area where existing RID improvements are located on the Property and over the area needed to provide access to such improvement and to RID's property line. Said easement shall be recorded prior to the issuance of the first construction permit for any development within the Property.

SECTION 5. ABRIDGMENT 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. AMENDMENT TO ZONING MAP

The Zoning Map of the City of Goodyear is hereby amended to reflect the rezoning set forth in Section 3 of this Ordinance by the adoption of that certain document titled, "Official Supplementary Zoning Map No. 20-02A," declared a public record by Resolution 2020-2081, 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, and such amendment to the Zoning Map shall be filed with the City Clerk in the same manner as the Zoning Map of the City of Goodyear.

SECTION 7. 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 8. 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 9. 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 10. PENALTIES

Any person who violates and 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. 2020-1481 is a true, correct and accurate copy of Ordinance No. 2020-1481, 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