

## **ORDINANCE NO. 2020-1479**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING SECTIONS OF ARTICLE 7 (SIGN REGULATIONS) AND ARTICLE 9 (SPECIAL DISTRICTS) OF THE ZONING ORDINANCE, AS AMENDED; PROVIDING FOR CORRECTIONS; SEVERABILITY; 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 7 (Sign Regulations) of the Zoning Ordinance regulates all signage within the city of Goodyear; and

WHEREAS, Article 9 (Special Districts) of the Zoning Ordinance provides for the establishment of special districts within the city of Goodyear to provide unique regulations and approval processes above and beyond the regulations and approval process of the underlying zoning district; and

WHEREAS, on June 8, 2020, the Mayor and Council of the city of Goodyear provided direction to city staff to allow the use of electronic message displays as a permitted sign type within the city; and

WHEREAS, in conformance with City Council direction, Article 7-8-B of the Zoning Ordinance is being amended to allow electronic message displays on monument signs within commercial zoning districts, including the PFD (Public Facilities District) zoning district, and to include provisions for the configuration and operation of such signs; and

WHEREAS, in conformance with City Council direction, Article 7-8-C of the Zoning Ordinance is being amended to allow electronic message displays on monument signs within industrial zoning districts and to include provisions for the configuration and operation of such signs; and

WHEREAS, Article 7-10 (Special Sign Areas) of the Zoning Ordinance is being amended by the deletion of Section B, which shall remove the reference to the McDowell Road Business and Entertainment District, as this district is no longer necessary given the city-wide adoption of provisions for electronic message displays in commercial and industrial zoning districts; and,

WHEREAS, Article 7-11 (Prohibited Signs) of the Zoning Ordinance is being amended to include reader panel signs as a prohibited sign type, to further clarify that such signs are prohibited within the city, and to encourage the use of electronic message displays, which are the city's preferred technology for signs utilizing change of copy; and

WHEREAS, Article 9-2 (McDowell Road Business and Entertainment District) of the Zoning Ordinance created the McDowell Road Business and Entertainment District, with the primary intent of allowing electronic message displays within this designated district; and

WHEREAS, Article 9-2 (McDowell Road Business and Entertainment District) of the Zoning Ordinance is deleted in its entirety, as this district is no longer necessary given the adoption of provisions allowing the use of electronic message displays within the city's commercial and industrial zoning districts; 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 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 to consider amendments to Article 7 and Article 9 of the Zoning Ordinance. At that hearing, the Commission unanimously voted (6-0) to recommend denial of the proposed amendments to the 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 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 believe it is in the best interest of the city to amend the herein specified portions of Article 7 and Article 9 of the Zoning Ordinance to permit the use of electronic message displays on monument signs in the city's commercial and industrial zoning districts.

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

SECTION 1. AMENDING ARTICLE 7 (SIGN REGULATIONS) OF THE CITY OF GOODYEAR ZONING ORDINANCE.

Article 7-8 (Permitted Signage by Zoning Type), Article 7-10 (Special Sign Areas), and Article 7-11 (Prohibited Signs) of the Zoning Ordinance are hereby amended as set forth in that certain document titled, "Amending Article 7 of the City of Goodyear Zoning Ordinance," which document is attached as Exhibit A to Resolution No. 2020-2098 and was declared a public record by Resolution No. 2020-2098, 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 9 (SPECIAL DISTRICTS) OF THE CITY OF GOODYEAR ZONING ORDINANCE

Article 9-2 (McDowell Road Business and Entertainment District) of the Zoning Ordinance and all sections and subsections therein are hereby deleted in their entirety.

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. 2020-1479 is a true, correct and accurate copy of Ordinance No. 2020-1479, 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