

ORDINANCE NO. 2020-1472

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 224 ACRES FROM PLANNED AREA DEVELOPMENT (PAD) AND AG (AGRICULTURAL) TO PLANNED AREA DEVELOPMENT (PAD) FOR A NEW DEVELOPMENT TO BE KNOWN AS THE INNOVATION CENTRE PLANNED AREA DEVELOPMENT; AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR NON-ABRIDGMENT; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PENALTIES.

WHEREAS, the subject property (the “Property”) consists of approximately 224 acres generally located south of I-10, between the Loop 303 and Citrus Road, legally described in that certain document titled “Innovation Centre – Legal Description,” which document was declared a public record by Resolution No. 2020-2073 and which is referred to and made a part hereof as if fully set forth in this Ordinance; and

WHEREAS, the Property is designated as “Business and Commerce” on the General Plan Land Use and Transportation Plan. This land use category provides for the growth and development of shopping, office and entertainment areas along with high-density residential and public and community facilities; and

WHEREAS, the Property is zoned Planned Area Development (PAD) and AG (Agricultural); and

WHEREAS, the portion of the property zoned PAD is part of the Cotton Lane RV/Mobile Home & Golf Resort PAD, which was initially approved on May 28, 1996, with the adoption of Ordinance No. 96-551. The PAD provides for the development of 1,500 residential sites along with complementary commercial uses; and

WHEREAS, the request is to rezone the approximately 224-acre Property from Planned Area Development (PAD) and AG (Agricultural) to Planned Area Development (PAD) to create a new PAD known as the Innovation Centre Planned Area Development. The PAD will permit the development of commercial and light industrial uses upon the subject property; and

WHEREAS, the PAD proposes to establish three land use districts, with each District having established uses and development standards. The three Districts include: District A (Commerce Park), District B (Commercial/Retail and Entertainment) and District C (Office/Employment); and

WHEREAS, the PAD requests deviations to maximum building height for District A (Commerce Park) without any corresponding increase in the size of the set back as required in Section 3-4-3 of the Goodyear Zoning Ordinance and the minimum width of the freeway landscape buffer; and

WHEREAS, in accordance with the City’s Citizen Review Process, an alternative notification process was used for this request. A formal citizen review meeting was not involved, but notice providing information on the request was mailed to surrounding property owners within 500 feet of the subject property; and

WHEREAS, a request to rezone property requires public review and approval by the Planning and Zoning Commission and the City Council through the public hearing process. The rezoning must be in conformance with the General Plan and should not adversely impact the surrounding area as outlined in the Zoning Ordinance; and

WHEREAS, the City Council has determined that the proposed PAD rezoning request is in conformance with the General Plan and will not adversely impact the surrounding area; and

WHEREAS, public notice that this PAD rezoning was to be considered and reviewed at a public hearing held before the Planning and Zoning Commission on September 16, 2020 appeared in the Arizona Republic Southwest Valley edition on August 28, 2020; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on September 16, 2020, to consider this PAD rezoning, and the Commission voted (_ - _) to recommend _____ of the PAD rezoning, (subject to the stipulations that have been presented); and

WHEREAS, public notice that this PAD rezoning is to be considered and reviewed at a public hearing held before the City Council on _____, 2020, appeared in the Arizona Republic Southwest Valley edition on August 28, 2020; and

WHEREAS, based on the foregoing Recitals and the other information presented, the Mayor and Council of the City of Goodyear, Arizona find the rezoning of the Property subject to the conditions and stipulations reflected in this ordinance to be in the best interests of the public health, safety, and welfare;

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

SECTION 1. DESCRIPTION OF THE PROPERTY BEING REZONED

This Ordinance No. 2020-1472 applies to that parcel of land in Goodyear, Maricopa County, Arizona, generally located south of I-10, between the Loop 303 and Citrus Road, as shown on “Official Supplementary Zoning Map No. 19-11A,” and as legally described in that certain document titled “Innovation Centre – Legal Description,” both documents having been declared public records by Resolution No. 2020-2073 and which documents are referred to and made a part hereof as if fully set forth in this Ordinance (the “Property”).

SECTION 2. PLANNED AREA DEVELOPMENT REZONING

The Property is conditionally rezoned to Planned Area Development (“PAD”) with the adoption of the Innovation Centre PAD Overlay, which document was declared a public record by Resolution No. 2020-2073 and which is referred to and made a part hereof as if fully set forth in this Ordinance (hereinafter referred to as the (Innovation Centre PAD Overlay”).

SECTION 3. STIPULATIONS

The development of the Property shall be subject to the following stipulations:

1. Except as otherwise modified by the stipulations herein, the Property shall be developed in conformance with the Innovation Centre PAD Overlay;
2. The portion of the Property described as Commerce Park District (A) in the Innovation Center – Legal Description shall be subject to the requirements of Section 3-4-1 of the Goodyear Zoning Ordinance for the Light Industrial (“I-1”) Zoning District and the Industrial District Standards set forth in Section 3-4-3 of the Goodyear Zoning Ordinance except as modified by the Innovation Centre PAD Overlay as modified by the stipulations herein;
3. No building larger than 250,000 square feet shall be permitted within 300 feet of the northern boundary of the Property unless the primary use of the building is office, retail, entertainment, or similar uses as determined by the Zoning Administrator and/or a combination of the foregoing uses;
4. The portion of the Property described as Commercial/Retail & Entertainment District (B) in the Innovation Centre – Legal Description shall be subject to the requirements of Section 3-3-3 of the Goodyear Zoning Ordinance for the General Commercial (“C-2”) Zoning District and the Commercial District Standards set forth in Section 3-3-6 of the Goodyear Zoning Ordinance except as modified by the Innovation Centre PAD Overlay as modified by the stipulations herein;
5. The portion of the Property described as Office-Employment District (C) in the Innovation Centre – Legal Description shall be subject to the requirements of Section 3-3-3 of the Goodyear Zoning Ordinance for the General Commercial (“C-2”) Zoning District and the Commercial District Standards set forth in Section 3-3-6 of the Goodyear Zoning Ordinance except as modified by the Innovation Centre PAD Overlay as modified by the stipulations herein;
6. The Design Standards submitted to the City with the rezoning application are not being approved or adopted and any references to the Design Standards in the Innovation Centre PAD Overlay have no effect or application. The development of the Property shall comply with the City of Goodyear Design Guidelines Manual in effect at the time of development except as modified by the stipulations herein;
7. All buildings within 300 feet of the northern boundary of the Property shall be similar in design and quality, which includes but is not limited to, such architectural and design features such as articulations, massing, and materials, as depicted in that document titled Enhanced Design Examples, which

document having been declared public record by Resolution No. 2020-2073 is referred to and made a part hereof as if fully set forth in this Ordinance;

8. The 150-foot height limitation for buildings within the portion of the Property described as Commerce Park District (A) in the Innovation Center – Legal Description is limited solely to buildings that are at least three (3) stories and designed and intended primarily for use as office, retail, including large retail, hotels, entertainment uses, restaurants and bars, convention centers or mixed uses consisting of a combination of the foregoing. Except as provided herein, the maximum height for all other buildings within the portion of the Property described as Commerce Park District (A) in the Innovation Center – Legal Description is limited to 70 feet. This provision does not modify the graduated height requirements applicable to the portion of the Property described as Commerce Park District (A) in the Innovation Center – Legal Description set forth in the Innovation Centre PAD Overlay as modified by stipulation 27 below;
9. The development of the Property shall comply with the City of Goodyear Engineering Design Standards and Policies and the City of Goodyear Subdivision regulations in effect at the time the Property is developed;
10. If the Property is located within the City of Goodyear’s water service area, Owner shall, prior to the earlier of the following (i) recordation of the first final plat or minor land division subdividing all or part of the Property or (ii) the approval of the first site plan for development within the Property, extinguish all grandfathered irrigation rights attached to the Property and convey, at no cost to the City, any assured water supply credits issued by ADWR as a result of the extinguishment of such rights;
11. If the Property is located within the City of Goodyear’s water service area and if the water demands for development within the Property exceed the amounts reflected in the City of Goodyear Integrated Water Master Plan (“IWMP”) in effect at the time of such development for the proposed land uses, Owner shall, unless otherwise provided in a Development Agreement approved by the Goodyear City Council, provide the City, at Owner’s sole cost, with a physically and legally available water supply sufficient to provide the water service needed to serve the Property water in excess of the amounts reflected in the IWMP. The physically and legally available water supply to be provided shall satisfy the Arizona Department of Water Resources’ (“ADWR”) standards for modifications of Designations of Assured Water Supply, to increase the Designation water portfolio by an amount equivalent to the amount of the additional water needed to serve the Property and that provides for sufficient extinguishment credits or renewable supplies to offset the additional water demands;

12. If the Property is located within the City of Goodyear's water service area, the City shall have the right, but not the obligation, to purchase, at fair market value, the site, including the improvements thereon, where a well exists (the "Well Site"). The size of the Well Site shall be 100 feet by 100 feet. If the City acquires the site, but decides not to rehabilitate the well on the Well Site, the City will abandon the well in accordance with the requirements of the Arizona Department of Water Resources. The City shall notify Owner of its intent to acquire the Well Site within one year of the effective date of this Ordinance and will make a written offer to purchase the Well Site for the fair market value established in an appraisal obtained by the City within two years of the effective date of this Ordinance;
13. Prior to the approval of any preliminary plat or site plan for the Property, Owner shall submit a wastewater study consistent with the requirements of the City of Goodyear Engineering Design Standards and Policies Manual that identifies the specific wastewater system needs and requirements to provide sewer service to the Property. Capacity shall be studied to the nearest 15-inch or larger sewer main. If capacity in existing infrastructure does not exist to support the increased uses proposed for this development, the wastewater study shall identify all of the infrastructure needed to provide sewer service to the Property. Any study that proposes the use of any infrastructure subject to Cost Recovery Resolution 2006-1065 as modified by Cost Recovery Resolution 2014-1622 shall demonstrate the reliance on such infrastructure provides sufficient capacity to serve the needs of the properties identified in the cost recovery resolutions as being benefitted by such infrastructure;
14. Except as otherwise provided in a development agreement or a cost recovery ordinance adopted by Council, Owner shall, at its sole cost, design, install, and/or construct, all infrastructure, on-site and/or off-site, convey all land necessary for such infrastructure, and acquire all capital equipment necessary to allow the City to provide wastewater service to the Property at build out and to provide water service to the Property at build out if the Property is located within the City of Goodyear's water service area;
15. Notwithstanding stipulation 14 above, Owner shall not be entitled to any reimbursement under Cost Recovery Resolution 2006-1065 as modified by Cost Recovery Resolution 2014-1622 for the construction of any of the infrastructure identified in the cost recovery resolutions unless Owner, at Owner's sole cost and expense, modifies the cost recovery resolutions to include the Property as a benefitted property and to allocate to the Property a proportionate share of the costs of the infrastructure that will benefit the Property;
16. Notwithstanding stipulation 14 above, Owner shall not be entitled to any reimbursement under Cost Recovery Resolution 2006-1064 as modified by Cost Recovery Resolution 2014-1621 for the construction of any of the

infrastructure identified in the cost recovery resolutions unless Owner, at Owner's sole cost and expense, modifies the cost recovery resolutions to include the Property as a benefitted property and to allocate to the Property a proportionate share of the costs of the infrastructure that will benefit the Property;

17. The Owner shall provide two separate points of waterline connection for system looping purposes. If the looped water system involves the construction of water lines through private property, Owner, at Owner's sole cost and expense, provide the City with a permanent water line easement. The easement area shall be lien free and free of all other easements or other encumbrances unless otherwise agreed to by the City, and the easement shall be in a form acceptable to the City Attorney or his/her designee;
18. 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) needed for the construction of infrastructure improvements required for the City to provide wastewater services to the Property and to provide water services to the Property if the Property is within the City of Goodyear's water service area; (ii) 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; (iii) required to be dedicated pursuant to any development agreement with the City regarding the development of the Property; and/or (iv) required for the construction of infrastructure improvements required to be constructed pursuant to the stipulations herein. 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. Unless the timing of the required dedications is modified by the terms of a development agreement with the City regarding the development of the Property, all dedications shall be made prior to or concurrent with the earlier of the following (i) recordation of a final plat or minor land division that includes the area in which the dedicated property is located; (ii) the issuance of any permits for work on within the Property. The rights-of-way and easements to be dedicated include, but are not limited to the following:
 - a. additional right-of-way for the east half of N. Citrus Road so the City has 55 feet of right-of-way from the centerline of N. Citrus Road
 - b. a 10-foot public utility easement (PUE) along the east boundary of N. Citrus Road right-of-way;

19. Owner shall, at no cost to the City, construct half-street improvements for the roadways set forth below. Half-street Improvements are the improvements required in the Engineering Design Standards and Policies Manual for the applicable street designation (i.e. scenic, major arterial, arterial, major collector, collector etc.) and include, but are not limited to curb, gutter, sidewalk, paving, half street width of medians if required, half of median landscaping, landscaping, landscape irrigation, street lights, signing and striping. Unless modified by a written phasing plan approved by the City Engineer or his/her designee, the half-street improvements Owner is required to construct shall be completed prior to issuance of the first certificate of occupancy within the Property.
 - a. Half-street improvements to the eastern half of N. Citrus Road.
 - b. Notwithstanding the foregoing, at the request of the City Engineer or designee, rather than constructing the median and installing the median landscaping, Owner shall remit to the City an in-lieu payment for one-half the cost of a full median and full-median landscaping, for the median within N. Citrus Road. The in-lieu payment for the median shall be based on the estimated cost of the improvements as determined by the City Engineer or designee and the in-lieu payments for the medians and median landscaping shall be paid prior to or concurrent with the earlier of the following (i) recordation of a final plat or minor land division that includes the area in which the dedicated property is located; (ii) the issuance of any permits for work on within the Property.
20. Owner shall, at Owner's sole cost and expense, be responsible for the construction of all transportation-related infrastructure needed to support the development and occupancy use of the Property, which includes the transportation-related infrastructure improvements specifically identified in this Ordinance, the infrastructure improvements required to be constructed pursuant to applicable Development Regulations, and any additional on-site or off-site infrastructure identified in any Traffic Impact Analysis/Study provided in connection with the development of the Property. Prior to the approval of each site plan for development within the Property, Owner shall provide an updated Traffic Impact Analysis/Study which shall be subject to review and approval by the City Engineer or his/her designee. Owner shall, at Owner's sole cost and expense, be responsible for the acquisition of right(s)-of-way and the construction of all transportation related infrastructure identified in the approve Traffic Impact Analysis/Study as being necessary to provide for safe and adequate circulation within the Property, connectivity to neighboring adjacent properties, and connectivity to existing regional transportation routes, this includes the acquisition of rights-of-way needed for the construction of infrastructure that is not within or adjacent to the Property and the construction of such infrastructure. Unless

otherwise provided in this Ordinance or in a development agreement approved by Council, transportation-related infrastructure required to be constructed pursuant to this stipulation shall be constructed prior to the issuance of any certificate of occupancy for any structure reflected in the site plan that supported the need for such infrastructure;

21. Prior to the approval of each site plan for development within the Property, Owner shall provide an updated Traffic Impact Analysis/Study which shall be subject to review and approval by the City Engineer of his/her designee. If such study reflects the eventual need for any traffic signal at any intersection adjacent to the Property, Owner shall, at no cost to the City, convey in fee, lien free, and free of any easements or encumbrances unless specifically agreed to by the City, any additional right-of-way needed for the construction of the portion of the traffic signal that will be located on the Property. In addition, Owner shall make an in-lieu payment to the City towards the cost of the signal. Except as provided herein, the in-lieu payment will be 25% of the cost of a full traffic signal for each corner of the intersection adjacent to the Property. For example, if a traffic signal is required at an intersection where two of the four corners of the intersection are adjacent to the Property, Owner would be responsible for 50% of the cost of a full traffic signal. If a three-way traffic signal is required because of the demands of the Property and the intersection does not connect into any other property, Owner shall be responsible for 100% of the cost of the signal. The in-lieu payment shall be calculated based on the actual cost of the traffic signal if it has been constructed or, if the payment is made before the traffic signal has been completed, upon an engineer's estimate of the probable cost of the signal approved by the City Engineer or his designee traffic signal. The dedication(s) and in-lieu payment(s) required herein shall be made at the earlier of the following: (i) before the issuance of any engineering permit for any of the work reflected in a site plan, MLD or final plat that includes, is adjacent to, or requires connection to the intersection where the traffic signal is needed; or (ii) before the recordation of any final plat or MLD that includes, is adjacent, or requires connection to the intersection where the traffic signal is needed;
22. Owner shall pay the City an In-Lieu Payment for twenty-five percent (25%) of the cost of a four (4) lane bridge with a median on Citrus Road over the RID Canal ("RID Canal Bridge") when owner is required to construct the Citrus Road half-street improvements to the eastern half of N. Citrus Road (the "Citrus Road Expansion"). The in-lieu payment shall be based on the actual cost of the RID Canal Bridge if it has been constructed or, if the payment is required before the RID Canal Bridge has been constructed, it shall be based on the City's estimated cost of the RID Canal Bridge if the City has such an estimate or, if the City has not obtained an estimate, the estimated cost of the RID Canal Bridge prepared by a registered engineer retained by Owner subject to review and approval of the City Engineer or his designee.

Unless otherwise provided in a development agreement approved by Council, the in-lieu payment shall be paid prior to the issuance of any construction permits (civil or building) for development within the Property that triggers the Citrus Road expansion;

23. The Owner shall acknowledge and disclose to any subsequent purchaser or tenant that the subject property is subject to attendant noise, vibrations, and all other effects that may be caused by overflights and by the operation of aircraft landing at, or taking off from, Luke Air Force Base and/or the Phoenix-Goodyear Airport;
24. All site plan applications shall demonstrate that open spaces, amenities and pedestrian connections have been provided in conformance with the City of Goodyear Design Guidelines Manual in effect at the time the Property is developed;
25. All convenience uses, including restaurants, and other retail/service establishments with drive-through facilities shall require review and approval of a Use Permit if located within 500 feet of residentially zoned property. Financial institutions with drive-through facilities and/or outdoor teller facilities shall be considered permitted uses by-right;
26. Loading, delivery, dock and roll-up doors and service and wash bays may not front or face a public street, frontage road or freeway right-of-way;
27. Within PAD District A (Commerce Park), the maximum building height shall be 50 feet within 300 feet of the south property line. Parapet walls may extend an additional five feet above the maximum building height;
28. Within PAD District A (Commerce Park), loading, delivery, dock and roll-up doors, service and wash bays, and storage and loading areas may not front and/or back onto the south property line unless a landscape buffer with a minimum width of 100 feet is provided along the south property line. This buffer shall contain a double row of 24-inch box trees, and include a decorative eight-foot masonry wall, which shall be constructed in a location within or along the boundaries of the buffer to provide the most effective buffer as determined by the Zoning Administrator during the site plan process;
29. Within PAD District A (Commerce Park), outdoor land uses and operational activities, such as truck idling, trailer maneuvering and the loading/unloading of materials, shall be prohibited between the hours of 10 PM and 6 AM when occurring within 300 feet of the south Property line within the portion of the Property identified as A in that document titled Areas With Operational Limitations, which document having been declared a public record by Resolution No. 2020-2073 is referred to and made a part hereof as if fully set

forth in this Ordinance (the “Areas With Operational Limitations”), for as long as any portion of the property adjacent to the south Property line of the RID canal opposite of portion of the Property identified as A in the Areas With Operational Limitations is zoned for any residential use;

30. Within PAD District A (Commerce Park), outdoor land uses and operational activities, such as truck idling, trailer maneuvering and the loading/unloading of materials, shall be prohibited between the hours of 10 PM and 6 AM when occurring within 220 feet of the south Property line within the portion of the Property identified as B in that document titled Areas With Operational Limitations, which document having been declared a public record by Resolution No. 2020-2073 is referred to and made a part hereof as if fully set forth in this Ordinance (the “Areas With Operational Limitations”), for as long as any portion of the property adjacent to the south Property line of the RID canal opposite of portion of the Property identified as B in the Areas of Operational Limitations is zoned for any residential use;
31. Within all PAD Districts, outdoor ground-mounted equipment and other machinery and all roof-mounted equipment shall be fully screened from public view, including view from adjacent properties and the Loop 303 and I-10 freeways, in conformance with the City of Goodyear Design Guidelines Manual in effect at the time the Property is developed;
32. Parking lots adjacent to a public street or private internal loop road shall be screened from view by a 36-inch masonry wall constructed of materials and colors that complement the onsite buildings and designed in conformance with the City of Goodyear Design Guidelines Manual in effect at the time the Property is developed;
33. A landscape buffer with a minimum width of 30 feet shall be placed along all freeway rights-of-way and shall be planted with at least one 24-inch box tree per 30 feet of linear buffer, along with shrubs and ground cover. Earthen berms, with a minimum height of 24 inches, shall also be incorporated into the buffer;
34. A building setback, with a minimum width of 30 feet, shall be observed from all public streets. This setback shall be entirely landscaped, except for necessary walkways and driveways needing to cross through the setback area. No more than 50% of this setback area may be used for retention purposes;
35. All trees planted within parking lot islands, adjacent to a pedestrian way or internal roadway, or within any rights-of-way shall be single trunk;
36. To facilitate the filling of the borrow pit, an application for a Special Use Permit (SUP) for Land Reclamation shall be submitted and processed with reasonable diligence within 18 months of the effective date of Ordinance No.

2020-1472. The SUP will establish the framework for the safe reclaiming and filling of the borrow pit over time. If the SUP is not submitted within the 18-month period specified herein, the City shall at the end of the 18 month period be entitled without liability to withhold civil engineering, permits, and/ or Temporary Certificates of Occupancy, and/or Certificates of Occupancy for development within the Property until the SUP is submitted. The terms of the SUP shall provide for the automatic termination of the SUP if the zoning is rescinded; and,

37. This rezoning is contingent upon vertical construction, in conformance with this Ordinance, the Innovation Centre PAD, and the stipulations contained herein commencing within two years of the effective date this Ordinance or a demonstration that substantial work and expenses have been incurred in the pursuit and execution of the Property pursuant to the SUP discussed above within two years of the effective date this Ordinance. The failure to commence vertical construction within two years of the effective date of this Ordinance shall be cause for the City Council to rescind the zoning, unless an extension of time is granted by the City Council. The commencement of vertical construction shall be defined as the active construction of a permanent commercial or light industrial building foundation in conformance with an approved building permit issued by the City of Goodyear.

SECTION 4. AMENDMENT OF ZONING MAP

The Zoning Map of the City of Goodyear is hereby amended to reflect the rezoning of the Property, provided for herein by the adoption of that certain document titled “Official Supplementary Zoning Map No. 19-11A” declared a public record by Resolution No. 2020-2073, which is referred to and made a part hereof as if fully set forth in this Ordinance and such “Official Supplementary Zoning Map No. 19-11A” shall be filed with the City Clerk in the same manner as the Zoning Map of the City of Goodyear.

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. 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 7. 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 8. 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 9. 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. 2020-1472 is a true, correct and accurate copy of Ordinance No. 2020-1472, 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