

ORDINANCE NO. 2022-1565

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING ARTICLE 2-2 (DEFINITIONS) AND ARTICLE 5-1 (LANDSCAPING STANDARDS) OF THE GOODYEAR ZONING ORDINANCE; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND DIRECTING THE CITY CLERK TO RECORD A COPY OF THIS ORDINANCE.

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 1, Section 1-3-1, of the Zoning Ordinance establishes the process for the review and approval of text amendments to the Zoning Ordinance. Amendments must be reviewed by the Planning and Zoning Commission and approved by the City Council through the public hearing process; and

WHEREAS, Article 2-2 (Definitions) of the Zoning Ordinance defines certain words and terms used throughout the Ordinance; and

WHEREAS, Article 5-1 (Landscaping Standards) of the Zoning Ordinance establishes standards for the design, installation and maintenance of landscaping within the city; and

WHEREAS, the purpose of this text amendment is to provide an update to the city's landscaping standards while addressing water efficiencies, specifically setting forth: the purpose of the landscape standards; the applicability of the standards to all properties within city limits; the general provisions of the Article, including the recommended components of a landscape design, installation of landscaping per approved plans, and minimum area requirements; landscape design objectives and standards, including water efficient design criteria; and the standards for landscape maintenance and enforcement; and

WHEREAS, public notice that this text amendment was to be considered and reviewed at a public hearing held before the Planning and Zoning Commission on November 30, 2022, appeared in the Arizona Republic Southwest Valley Edition on November 11, 2022; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on November 30, 2022, and at that meeting the Commission voted (x-x) to recommend _____ of the proposed text amendment; and

WHEREAS, public notice that this text amendment was to be considered and reviewed at a public hearing held before the City Council on December 12, 2022, appeared in the Arizona Republic Southwest Valley Edition on November 11, 2022; and

WHEREAS, the Mayor and Council of the city of Goodyear, Arizona, find that the interests of the City of Goodyear and its citizens and businesses are best served by adopting this update to the city's landscape standards; 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. AMENDING ARTICLE 2-2 (DEFINITIONS) OF THE CITY OF GOODYEAR ZONING ORDINANCE

Article 2-2 (Definitions) of the Zoning Ordinance is hereby amended as set forth in that certain document titled, "Landscape Standards Zoning Ordinance Text Amendment" which document was declared a public record by Resolution No. 2022-2281 and which is referred to, adopted, and made part hereof as if fully set forth in the Ordinance.

SECTION 2. AMENDING ARTICLE 5-1 (LANDSCAPING STANDARDS) OF THE CITY OF GOODYEAR ZONING ORDINANCE

Article 5-1 (Landscaping Standards) of the Goodyear Zoning Ordinance is hereby amended as set forth in that certain document titled, "Landscape Standards Zoning Ordinance Text Amendment" which document was declared a public record by Resolution No. 2022-2281 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.

SECTION 6. 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.

SECTION 7. RECORDATION

This Ordinance shall be recorded with the Maricopa County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20____.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney