

ORDINANCE NO. 2024-1595

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 71.48 ACRES OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF BULLARD AVENUE AND INTERSTATE-10 (PAPAGO FREEWAY) TO BE KNOWN AS SEC OF BULLARD AND I-10, FROM PLANNED AREA DEVELOPMENT (PAD) TO THE PLANNED AREA DEVELOPMENT (PAD) ZONING DISTRICT WITH AN UNDERLYING ZONING DISTRICT OF I-1 (LIGHT INDUSTRIAL) AND A PLANNED AREA DEVELOPMENT (PAD) OVERLAY; AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR NON-ABRIDGEMENT; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PENALTIES; AND DIRECTING THE CITY CLERK TO RECORD A COPY OF THIS ORDINANCE.

WHEREAS, this property subject to this Ordinance consists of approximately 71.48 acres and is located at the southeast corner of Bullard Avenue and the Interstate-10 (Papago Freeway) and is known as SEC of Bullard and I-10 as more particularly described in that certain document titled "Legal Description – FULL PROPERTY," which document is declared a public record herein and which is referred to and made a part hereof as if fully set forth in this Ordinance (the "Property"); and,

WHEREAS, on October 8, 2007, the City Council of the City of Goodyear adopted Ordinance No. 07-1091 conditionally rezoning the approximately 243 acres to Preliminary Planned Area Development (PAD) for Airport Gateway at Goodyear; and

WHEREAS, the approximately 71.48 acres known as SEC Bullard and I-10 is within a portion of the aforementioned 243 acres zoned Preliminary Planned Area Development (PAD) for Airport Gateway at Goodyear, Ordinance No. 07-1091; and,

WHEREAS, the approximately 71.48 acres of Property is designated as 'Regional Retail' which contemplated uses such as banks, hotels, convention facilities, restaurants, gas stations and general retail among others; and,

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

WHEREAS, this request intends to replace the Regional Retail uses on this property with I-1 (Light Industrial), subject to modified Planned Area Development (PAD) Overlay as established with this Ordinance; and,

WHEREAS, the applicant desires to construct freeway pylon signs without requiring a Use Permit; 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 development of a commercial and business park development; and,

WHEREAS, an alternative notification process was used for this rezoning. A formal citizen review meeting was not held, but notice providing information on the rezone was mailed to the owners of property within 500 feet of the subject property and other stakeholders on September 21, 2023; and,

WHEREAS, public notice that this rezoning request would be considered and reviewed at a public hearing to be held before the Planning and Zoning Commission on January 17, 2024 appeared in the Arizona Republic Southwest Valley Edition December 29, 2023; postcards were mailed to adjoining owners on December 20, 2023; and signs were updated on the site to advertise the public hearing on December 28, 2023; and,

WHEREAS, a public hearing was held before the Planning and Zoning Commission on January 17, 2024, and at that meeting the Commission voted (TBD-TBD) to recommend approval/denial of the proposed amendment; and,

WHEREAS, a public notice that this rezoning request would be considered and reviewed at a public hearing to be held before the City Council on January 29, 2024 appeared in the Arizona Republic Southwest Valley Edition December 29, 2023; postcards were mailed to adjoining owners on December 20, 2023; and a sign was posted on the site on December 28, 2023; 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 DECLARATIONS OF PUBLIC RECORDS

That certain document titled “Official Supplementary Zoning Map No. 23-09”, a copy of which is attached hereto as Exhibit A, is hereby declared a public record and incorporated herein by this reference.

That certain document titled “Legal Description for Ordinance 2024-1595”, a copy of which is attached hereto as Exhibit B, is hereby declared a public record and incorporated herein by this reference.

Either three paper copies or one paper copy and one electronic copy maintained in compliance with section A.R.S 44-7041 of each of the aforementioned documents being declared public records herein are ordered to remain on file with the City Clerk and to be available for public use and inspection during regular business hours.

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. DESCRIPTION OF PROPERTY BEING REZONED

This Ordinance No. 2024-1595 applies to approximately 71.48 acres located at the southeast corner of N. Bullard Avenue and Interstate-10 (Papago Freeway) and legally described in that certain document titled “Legal Description for Ordinance No. 2024-1595” attached hereto as Exhibit B and declared a public

record herein, which is hereby referred to and made a part hereof as if fully set forth in this Ordinance (the "Property").

SECTION 4. REZONING WITH PLANNED AREA DEVELOPMENT OVERLAY

The Property, consisting of approximately 71.48 gross acres and legally described and depicted in that certain document titled "Legal Description for Ordinance 2024-1595", attached hereto as Exhibit B and declared a public record herein, which is hereby referred to and made a part hereof as if fully set forth in this Ordinance ("The Property") is conditionally rezoned to the Planned Area Development (PAD) Zoning District with an underlying zoning district of I-1 (Light Industrial) Zoning District with the following PAD (Planned Area Development) Overlay (the "PAD Overlay"). The Property shall be developed in accordance with the Permitted Uses and Development Standards applicable to the I-1 (Light Industrial) Zoning District in the Goodyear Zoning Ordinance except as modified herein and except as further modified by the Conditions of Approval/Stipulations set forth in this Section and Section 5 below:

1. The following uses permitted in the C-2 (General Commercial) Zoning District of the Goodyear Zoning Ordinance, are collectively referred to as the ("Permitted Additional Commercial Uses"), shall be permitted uses within The Property. The Permitted Additional Commercial Uses shall be developed in accordance with the Development Standards to C-2 (General Commercial) Zoning District in the Goodyear Zoning Ordinance except as otherwise modified by the Conditions and Stipulations set forth herein:
 - 1.1. One (1) retail store or convenience store that exceeds 50,000 square feet in size with a gas station with fueling pumps and canopies ("Large Retail User with Gas Station") shall be permitted to be developed within The Property and outdoor vending machines, ice machines, vending kiosks, outdoor display of goods, and the like shall be permitted to be stored outdoors adjacent to the retail/convenience store subject to the following:
 - 1.1.1. The Large Retail User with Gas Station shall be developed in accordance with City of Goodyear Design Guidelines Chapter 4 (Commercial and Mixed-Use Development); and,
 - 1.1.2. The Large Retail User with Gas Station shall comply with the requirements of Article 10-12 of the Goodyear Zoning Ordinance; and,
 - 1.1.3. In no event shall the Large Retail User with Gas Station be required to provide more than twenty (20) bicycle parking spaces and those spaces may be located up to seven hundred (700) feet from the primary building entrance; and,
 - 1.1.4. In no event shall the Large Retail User with Gas Station contain a Truck Stop/Travel Center, which is defined as a building or buildings providing facilities used for commercial truck drivers during stopovers at the facility and may include overnight parking, maintenance of semi-trucks or commercial vehicles, showering facilities and laundry facilities; and,
 - 1.1.5. A car wash shall be a permitted accessory use to the permitted Large Retail User with Gas Station subject to compliance with the sub-sections below:

- 1.1.5.1. Car washes are not permitted as an accessory use for any other permitted use other than as an accessory use to the one (1) permitted Large Retail User with Gas Station; and,
- 1.1.5.2. If a car wash is constructed in a stand-alone building as an accessory use, the car wash shall not be located within 300 feet of Bullard Avenue; and,
- 1.1.5.3. The noise generated from the operation of any car wash constructed whether as a primary or accessory use shall not exceed 74.1dB from the footprint of the car wash facilities. For purposes of this stipulation footprint means the external boundaries of each car wash facility as determined by the Zoning Administrator or designee. Prior to the issuance of a Temporary Certificate of Occupancy that will allow for the operation of the car wash or a permanent Certificate of Occupancy the property owner or operator of the car wash shall submit a noise study/test that demonstrates that the noise generated by the operation of the car wash does not exceed the noise limits set forth herein. The property owner or operator of the car wash shall make all modifications to its equipment and/or to the site as needed to ensure that the noise generated from the operation of the car wash does not exceed 74.1dB as measured from the footprint of the car wash facilities; and,
- 1.1.5.4. All car washes shall be developed in accordance with City of Goodyear Design Guidelines Chapter 4 (Commercial and Mixed-Use Development); and,
- 1.2. Banks and financial institutions, excluding non-chartered financial institutions; and,
- 1.3. Bar/cocktail lounge subject to the following conditions or limitations:
 - 1.3.1. Live music or entertainment shall only be allowed as an accessory use if the facility is located a minimum of three hundred feet (300') from the property line of any residentially zoned or designated property. The area within the facility designated for music or entertainment activities shall not exceed 5,000 square feet. All noise generated by live music or entertainment activities shall be fully contained within the indoor space occupied by the bar/cocktail lounge; and,
 - 1.3.2. The area devoted to patron dancing shall not exceed twenty-five percent (25%) of the total floor area; and,
- 1.4. Business and professional offices; and,
- 1.5. Drive through windows and outdoor teller facilities for banks and financial institutions; and,
- 1.6. Entertainment establishments, general, including athletic facilities, bowling alleys, electronic game centers and arcades, ice and roller rinks, miniature golf, performing arts centers, pool halls and theaters; and,
- 1.7. Fine Arts Studios; and,
- 1.8. Health Club; and,
- 1.9. Hospital Supplies; and,
- 1.10. Hotels and motels; and,
- 1.11. Large Retail User, subject to compliance with the provisions of Article 4-2-7 of the Goodyear Zoning Ordinance; and,

- 1.12. Personal and household services, such as barber and hair styling shops, beauty salons, clothing alterations, dry cleaning shops, furniture and appliance repair, copying services, self-service laundry, shoe repair shops (but excluding drive through facilities; and,
 - 1.13. Restaurants, including Drive-Through Restaurants with drive-through lanes located more than five hundred (500) feet from any residential zoning district, but excluding Drive-In Restaurants and all other Drive-Through Restaurants except as set forth herein, subject to the following conditions or limitations:
 - 1.13.1. Live music and/or other forms of entertainment activities shall only be allowed as an accessory use if all of the following requirements are met. The restaurant is located a minimum of three hundred (300) feet from the property line of any residentially zoned or designated property. The area within the restaurant designed and/or used for live music and/or entertainment activities does not exceed five thousand (5,000) square feet. All noise generated by live music and/or entertainment activities is fully contained within the indoor space of the restaurant; and,
 - 1.13.2. Patron dancing within the indoor space of a Restaurant shall be allowed as an accessory use provided the area within a Restaurant devoted to patron dancing does not exceed twenty-five (25) percent of the total indoor floor area of the Restaurant; and,
 - 1.13.3. Drive-Through Restaurants shall meet the requirements of Section 4-2-18 of the Goodyear Zoning Ordinance (Drive-Through Restaurants); and,
 - 1.14. Retail stores with sales only, excluding drive through facilities and convenience uses as defined in Article 4 of the Goodyear Zoning Ordinance; and,
 - 1.15. Brewpub, subject to compliance with the provisions of Article 4-2-15 of the Goodyear Zoning Ordinance; and,
 - 1.16. Microbrewery, producing 15,000 barrels of beer or less per year; and,
 - 1.17. Private business, professional, and trade schools; and,
2. Owner, at Owner's sole cost and expense, except as otherwise provided in a Development Agreement approved by the Goodyear City Council, shall develop a 50-foot wide landscape buffer along the frontage of the western boundary of the Property adjacent to Bullard Avenue that complies with the design strategies as established within that certain document titled "Bullard Avenue Corridor Design Treatment Strategies November 2018", which document was declared a public record by Resolution No. 2018-1914, and which is referred to and made a part hereof as if fully set forth in this Ordinance (the "Bullard Avenue Landscape Buffer"). No Final Certificate of Occupancy shall be issued for any structure that abuts Bullard Avenue until the Bullard Avenue Landscape Buffer has been completed; and,
 - 2.1. Retention basins, in excess of 50% of the landscaped frontage may be permitted to locate on the eastern 25 feet of the Bullard Avenue landscape setback; and,
 3. A minimum thirty-foot (30') landscape buffer is to be constructed along the northern boundary of the Property. The buffer shall include a minimum of

one 24-inch nondeciduous box tree and one 15-gallon nondeciduous box tree shall be planted for every 30-feet of highway-adjacent lot line, or in equivalent groupings. If such trees are restricted or prohibited by Arizona Public Service and/or Roosevelt Irrigation District, the Zoning Administrator and/or his/her designee may approve an alternative tree spacing or alternative to trees within the (30') landscape buffer; and,

4. A maximum of two (2) freeway pylon signs may be permitted on the Property without obtaining a use permit, subject to the following provisions below:
 - 4.1. A single-user freeway pylon sign may be permitted in lieu of one of the above referenced freeway pylon signs if the single-user is a retail store, convenience store or other commercial development that exceeds 50,000 square feet in size; and,
 - 4.2. No freeway pylon sign shall exceed 85 feet in height; and,
5. No cross-dock warehousing (i.e. warehouses with dock doors on opposing sides of the building for loading or unloading of stored goods) and no cross-dock transfer facilities (i.e. facilities that provide for the transfer of goods from incoming vehicles from one side of a building to outbound vehicles on the other side of the same building with little or no storage) are permitted on the Property; and,
6. Buildings within the western portion of the Property that will be visible to N. Bullard Avenue shall not have roll-up doors and/or service and wash bay doors facing N. Bullard Avenue and shall be oriented in a manner so that roll-up doors and/or service and wash bay doors do not directly face N. Bullard Avenue unless other existing buildings or planned buildings that will be constructed that will block the roll-up doors and/or service and wash bay doors from being visible from N. Bullard Avenue; and,
7. Except as provided herein, roll-up doors and/or service and wash bay doors on the Property shall be oriented in a manner so that roll-up doors and/or service and wash bay doors do not directly face the Interstate-10 (Papago Freeway) or any public road to be developed along the southern boundary of the Property (the "Southern Roadway").
 - 7.1. Up to four (4) roll-up doors and/or service and wash bay doors shall be permitted to face Interstate-10 (Papago Freeway) and up to four (4) roll-up doors and/or service and wash bay doors shall be permitted to face the Southern Roadway; and
 - 7.2. Additional buildings with roll-up doors and/or service and wash bay doors that face Interstate 10 (Papago Freeway) and the Southern Roadway may be constructed provided there are existing buildings or planned buildings that will be constructed that will substantially block the roll-up doors and/or service and wash bay doors from being visible from the Interstate-10 (Papago Freeway) and the Southern Roadway; and,
8. All industrial use truck courts and dock doors located within truck courts visible from Bullard Avenue and/or the Southern Roadway shall be substantially screened from the public right-of-way through either/or a

combination of building, walls and berms. If screening is required it shall be a minimum height of 10 foot in height in order to screen truck courts visible from N. Bullard Avenue and the Southern Roadway. Landscaping including berms and trees shall be included at the base of the wall facing the public roadways. This provision does not apply to the Permitted Additional Commercial Uses; and,

9. All industrial use truck courts and dock doors located within truck courts visible from the Interstate-10 (Papago Freeway) shall be substantially screened through either/or a combination of building, walls and berms. If screening is required it shall be a minimum height of 10 foot in height in order to screen truck courts adjacent to Interstate-10 (Papago Freeway). Landscaping including berms and trees shall be included at the base of the wall facing the freeway. This provision does not apply to the Permitted Additional Commercial Uses; and,
10. Buildings should include bold colors and not simply be a gray base color with shades of gray, black and white but rather a neutral desert base color with additional bolder accent colors to add vibrancy unless the Development Services Director or designee has determined that alternative color and design elements are consistent with the requirements set forth in this Ordinance or provide an equal or greater level of quality and functionality as the design elements.

SECTION 5. CONDITIONS OF REZONING

The rezoning of the Property is subject to the following conditions of approval (“Stipulations”):

1. Approval of the rezoning does not constitute approval of any site plan for development within the Property. All future development will be subject to site plan review and approval by city staff, at which time all elements of site development will be reviewed, including, but not limited to, architecture, landscaping, grading and drainage, lighting, infrastructure, parking, access, and circulation; and,
2. Owner shall apply to the Arizona Department of Water Resources (ADWR) for the extinguishment of the Type 1 Rights appurtenant to the Property and request that any assured water supply credits issued by ADWR as a result of any such extinguishment be credited to the City of Goodyear. Said extinguishment shall occur prior to recordation of the first final plat subdividing all or part of the Property or the issuance of any construction permits for work within the Property, whichever is earlier; and,
3. In addition to compliance with the stipulations and conditions of approval set forth herein, the development of the Property shall comply with the Goodyear Zoning Ordinance, the City of Goodyear subdivision regulations, the City of Goodyear’s Engineering Design Standards and Policies, except as modified by the City Engineer, the Maricopa County Association of Governments standards for public works construction, all Building Codes and Regulations adopted by the City of Goodyear, and all other federal,

state and local laws, ordinances, rules, regulations, standards, and policies applicable to the development of the Property; and,

4. All Public Sales Reports for the Property, all final plats and minor land divisions subdividing all or part of the Property shall include the following disclosures:

- a. The Property is subject to attendant noise, vibrations, dust, and all other effects that may be caused by overflight and by the operation of aircraft landing at or taking off from Luke Air Force Base and or the Phoenix-Goodyear Airport; and

All final plats and minor land divisions subdividing all or part of the Property and all site plans for development within the Property shall include notes setting forth the foregoing requirements; and,

5. In addition to constructing the infrastructure improvements specifically identified herein, Owner shall construct, at no cost to the city, unless otherwise agreed to within an approved Development Agreement, all infrastructure improvements required by the City of Goodyear subdivision regulations, all Building Codes and Regulations adopted by city, and the Engineering Design Standards and Policy Manual in effect at the time of construction; and,
6. The references to specific obligations that are addressed in the City's Development Regulations, which include but is not limited to, the requirements in the City of Goodyear Engineering Design Standards and Policies Manual, the City of Goodyear Subdivision Regulations, the City of Goodyear Zoning Ordinance, and the Building Codes and Regulations adopted by the City of Goodyear, does not relieve Owner of complying with all applicable Development Regulations, and
7. Owner shall dedicate, at no cost to the city, unless otherwise agreed to within an approved Development Agreement, all rights-of-way and/or easements within the boundaries of the Property that are: (i) needed for the construction of infrastructure improvements required for the City to provide water and wastewater services to the Property; (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 for the construction of improvements for which Owner is responsible for making in-lieu payments; (iv) required to be dedicated pursuant to any development agreement with the City regarding the development of the Property; (v) required for the construction of the infrastructure improvements to be constructed pursuant to the stipulations herein, and/or (vi) required 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 (except for those easements in existence as of the date hereof) or other encumbrances. Unless the timing of the required dedications is modified by any stipulation in this ordinance, the terms of a written development agreement approved by the Council or a written phasing plan approved by the City Engineer or his designee, all dedications shall be made prior to or concurrent with recordation of a final plat or approval of a site plan that includes the area in which the dedicated property is located or when requested by the City Engineer or his/her designee, whichever is earlier; and,

8. All existing above ground utilities, except for electric lines that are 69kV or larger, located within the Property, including but not limited to, cable and electrical utilities, shall be placed underground at no cost to the city, unless otherwise agreed to within an approved Development Agreement. Unless modified by a written phasing plan approved by the City Engineer or his/her designee or by a development agreement approved by the Goodyear City Council, the undergrounding of the utilities required herein shall be completed prior to the issuance of the first Certificate of Completion, Temporary Certificate of Occupancy or Certificate of Occupancy for any structure within the Property, and,
9. No final plat shall be recorded, and/or no certificate of occupancy shall be issued until Owner has provided the City with all approvals and/or easements from jurisdictions or parties whose property interests will be impacted by the development contemplated by such final plat, and/or construction document. All required approvals and easements shall be in a form acceptable to the City Engineer or his/her designee; and,
10. Any modifications to existing private irrigation facilities as a result of the development of the Property shall be coordinated with the appropriate Irrigation District/private owner; and,
11. Notwithstanding anything to the contrary in this Ordinance, Owner shall convey the right-of-way and/or easements that are to be conveyed pursuant to the terms of this Ordinance prior to the deadlines for conveyance set forth herein or in a written phasing plan or development upon the written request by the City Engineer or his/her designee if such right-of-way and/or easement(s) are required for the construction of public infrastructure improvements by the city or others; and,
12. If any of the infrastructure improvements Owner is required to design and construct pursuant to the terms of this Ordinance have been constructed or is to be constructed by others, Owner shall remit a payment to the city in the amount of the actual costs incurred in the design and construction such infrastructure improvements if completed or, if not completed, the payment shall be in the amount of an

engineer's estimate of the costs as approved by the Goodyear City Engineer or his/her designee. The payment requirement herein shall be paid prior to or concurrent with the recordation of a Final Plat triggering Owner's obligation to design and construct the infrastructure improvements or permit issuance, pursuant to an approved Site Plan, whichever is earlier; and,

13. Owner has submitted a Traffic Impact Analysis (TIA) dated, November 7, 2023 which identified proposed mitigation measures, which has not been approved by the city; and,

14. If the development of a Large Retail User with Gas Station occurs on The Property, improvements at N. Bullard Avenue and I-10 are required. The cost of these improvements are 100% the obligation of the developer of the Large Retail User with Gas Station. In conjunction with site plan and/or construction documents the applicant shall provide an updated traffic study that details out the improvements described in general terms below and in the attached exhibit. The improvements to Bullard Avenue between the Interstate-10 on and off ramps are as follows:

- Restripe the Bullard Avenue roadway in order to create:
 - a. 2 northbound through travel lanes; and,
 - b. 1 northbound shared through travel lane and northbound to westbound Interstate-10 (Papago Freeway) left turn lane; and,
 - c. 3 southbound through travel lanes; and,
 - d. 2 southbound left turn lanes to eastbound Interstate-10 (Papago Freeway); and,
 - e. Remove median on Bullard Avenue to facilitate the restriping; and,
 - f. The outside lanes of Bullard Avenue are to be 11.5' in width and there will be no dedicated bike lanes provided; and,
- Construct new improvements to create:
 - a. 1 additional northbound dedicated right turn lane from Bullard Avenue to eastbound Interstate-10 (Papago Freeway); and,
 - b. 1 additional eastbound lane at the Interstate-10 (Papago Freeway) off-ramp to Bullard Avenue; and,
 - c. 1 additional westbound lane at the Interstate-10 (Papago Freeway) off-ramp to Bullard Avenue; and,
- Reconstruction of the physical Interstate-10 (Papago Freeway) overpass or widening of the underpass beneath Interstate-10 (Papago Freeway) at N. Bullard Avenue shall not be required by the Owner of The Property or the developer of the Large Retail User with Gas Station, nor shall either such party be required to contribute any portion of the cost of any future reconstruction or widening of such overpass or underpass, whether through a cost recovery agreement or otherwise; and,

15. Owner shall submit updated Traffic Impact Analysis (TIA), with each Preliminary Plat submittal and Site Plan submittal which shall be subject

to review and shall be approved by the Goodyear City Engineer and Arizona Department of Transportation. The TIA shall comply with and adhere to the Maricopa County Department of Transportation (MCDOT) Traffic Impact Study Manual requirements and the City of Goodyear Engineering Design Standards (EDS) and Policies Manual. Except as modified by a Development Agreement or Reimbursement Agreement, which is approved by the Goodyear City Council, Owner shall, at Owner's sole cost and expense, construct all required improvements described in the approved TIA(s), except for any reconstruction of the physical Interstate-10 (Papago Freeway) overpass or widening of the underpass beneath Interstate-10 (Papago Freeway).

SECTION 6. 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 7. AMENDMENT TO ZONING MAP

The Zoning Map of the City of Goodyear is hereby amended to reflect the rezoning set forth in Section 4 of this Ordinance by the adoption of that certain document titled, "Supplementary Zoning Map No. 23-09," declared a public record herein, 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 9. 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 9. 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 10. EFFECTIVE DATE

This Ordinance shall become effective as prescribed by law.

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

SECTION 11. 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