

ORDINANCE NO. 2024-1613

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING GOODYEAR ZONING ORDINANCE ARTICLE 2-2 (DEFINITIONS), AMENDING SECTIONS 3-3-2, 3-3-3, 3-4-1, 3-4-2 OF ARTICLE 3 (ZONING DISTRICTS), AMENDING SECTIONS 4-1-3, 4-2-2 AND 4-2-3 OF ARTICLE 4 (REGULATION OF PARTICULAR USES) RELATED TO CONVENIENCE USES, AUTOMOTIVE REPAIR, AUTOMOBILE SERVICE STATION (GAS STATIONS), USE PERMITS, AND SPECIAL USE PERMITS; PROVIDING FOR CORRECTIONS, SEVERABILITY, AND AN EFFECTIVE DATE; AND DIRECTING THE CITY CLERK TO RECORD A COPY OF THIS ORDINANCE.

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 August 14, 2024 appeared in the Arizona Republic West Valley Edition July 26, 2024; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on August 14, 2024, and at that meeting the **Commission voted (X-X)** to recommend approval of the proposed ordinance; 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 August 26, 2024 appeared in the Arizona Republic West Valley Edition July 26, 2024; and

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

SECTION 1. Article 22 (Definitions) of the Goodyear Zoning Ordinance is hereby amended as follows to amend and add the definitions set forth below (with deletions shown by ~~strikeout text~~ and additions shown by double underlined text):

Automotive Repair. All aspects of repair of motor vehicles including, but not limited to, ~~lubrication, oil change (lubrication) Shop,~~ tune up, upholstering and preventive maintenance but does not include body and fender work unless specified.

Automobile Service Station (Gas Stations), Automotive. Retail business engaged primarily in the sale of motor fuels or electricity used exclusively for electric vehicle charging, ~~but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles (sale of petroleum products; sale and servicing of tires, batteries, automotive maintenance and repair; and supplying of incidental customer services and products; and does not include or contain a truck stop/ travel center as defined in this section.~~ Major automotive repairs, painting and body and fender work, ~~rental and sales of motor bikes, automobiles, boats, trailers, trucks, and any other type of sales or services not specifically approved as part of the~~

original ~~Use Permits~~ must be approved prior to an area being used for these purposes.

Convenience Store. A standalone retail store that is less than seven thousand five hundred (7,500) square feet that does not include a drive-through window, drive-through aisles or any other sort of drive-through facility. That generally sells groceries, reading materials, personal, household goods, general merchandise, or food and/or drink primarily for consumption off premises.

Convenience Uses. Include the following commercial uses:

Convenience uses include those **commercial uses** in which:

a. ~~Retail gasoline is sold.~~

~~a. b. All Sstores less than seven thousand five hundred (7,500) square feet and all stores, regardless of size, that have a drive-through window, drive-through aisles or any other sort of drive-through facility that sell: groceries, reading materials, personal, household goods, general merchandise, or food and/or drink primarily for consumption off premises.~~

c. Car washes (self service and/or automated), dDrive through laundry/dry cleaners, and drive through video stores.

d. Any other establishment tThe Development Services Director makes a determination that an establishment determines is a "**convenience use**" by virtue of being an **analogous** use to the businesses described above.

Truck Stop/Travel Center. A building or buildings providing facilities used for commercial truck drivers during stopovers at the facility and may include but is not limited to, overnight parking, maintenance of semi-trucks or commercial vehicles, showering facilities and laundry facilities.

SECTION 2. Section 3-3-2(A) (Principal Permitted Uses) of Section 3-3-2 (C-1 Neighborhood Commercial District) of the Goodyear Zoning Ordinance is hereby amended as follows (with deletions shown by ~~strikeout text~~ and additions shown by double underlined text):

A. *PRINCIPAL PERMITTED USES.* Only listed use of **structures** or land shall be permitted.

1. Auto sales, leasing.

2. Automobile **service stations** (gas stations) that do not include or contain commercial fueling stations for semi-trucks and subject to the requirements of Section 423 (**Automobile Service Stations (Gas Stations) Regulations**).

3.2. Banks and financial **institutions**, including drive-thru facilities, but excluding **non-chartered financial institutions**.

4.3. Business and professional offices.

5. Convenience Store.

6.4. Crematory.

7.5. Equipment rental.

8.6. **Day care** (elderly or youth).

9.7. **Manufactured home** sales.

10.8. Personal and household services, such as barber and hair styling shops, beauty salons, clothing alterations, dry cleaning shops, furniture and appliance repair, copying shops, self service **laundry**, shoe repair shops, but excluding drive through window facilities.

11.9. Retail stores with sales only, not to exceed ten thousand (10,000) square feet of **gross floor area**, individually; and not to exceed fifty thousand (50,000) square feet in a commercial complex. Drive through facilities and **convenience uses** require **Use Permit** approval.

12. 10. **Self-service storage facilities**, subject to the requirements of Section 4220 (**Self-Service Storage Facilities Regulations**).

13.11. Studios for the practice and sale of the fine arts.

14.12. **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, Drive-Through Restaurants with drive-through lanes located within five hundred (500) feet from any residential zoning district. The area in the restaurant devoted primarily to the consumption of alcoholic beverages shall not exceed twenty-five (25) percent of the total public floor area. Drive-Through

Restaurants permitted herein shall meet the requirements of Section 4-2-18 (Drive-Through Restaurants).

SECTION 3. Section 3-3-2(C) (Use Permit Uses) of Section 3-3-2 (C-1 Neighborhood Commercial District) of the Goodyear Zoning Ordinance is hereby amended as follows (with deletions shown by ~~strikeout text~~ and additions shown by double underlined text):

C. **USE PERMIT USES.** The following uses may be approved by **Use Permit**.

~~1. Automobile **service stations** subject to Article 4.~~

~~1.2. Convenience store use~~ subject to Article 4.

~~2.4. Hospitals~~ and health care facilities which may include assisted living facilities.

~~3.2. Veterinary Offices~~, provided such facilities are constructed to prevent objectionable noises and odors outside the **walls** of the office. Boarding of animals shall be permitted only for short time periods for the purpose of observation incidental to care.

~~4.5. Public utility facilities~~ to serve the immediate area, but not including outside storage or maintenance yards for public utility use.

~~5.6. Drive-In Restaurants.~~ The required information and evaluation criteria shall be the same as for convenience uses under Section 4-2-2.

~~6.7. Drive-Through Restaurants~~ when any portion of a drive-through lane is located within five hundred (500) feet of any residential zoning district. The required information and evaluation criteria shall be the same as for convenience uses under Section 4-2-2. Drive-Through Restaurants shall meet the requirements of Section 4-2-18 (Drive-Through Restaurants).

SECTION 4. Section 3-3-3(A) (Principal Permitted Uses) of Section 3-3-3 (C-2 General Commercial District) of the Goodyear Zoning Ordinance is hereby amended as follows (with deletions shown by ~~strikeout text~~ and additions shown by double underlined text):

A. **PRINCIPAL PERMITTED USES.** Only listed use of **structures** or land shall be permitted.

1. Adult bookstore, adult novelty store and adult theater, subject to the conditions of subsection 4-2-1.

2. Automotive Repair and upholstery.

3. **Automobile service stations** (Gas Stations), that do not include or contain commercial fueling stations for semi-trucks, subject to the requirements of Section 423 (**Automobile Service Stations (Gas Stations) Regulations**).

4.3. Banks and financial **institutions**, excluding **non-chartered financial institutions**.

5.4. **Bar/cocktail** lounge subject to the following conditions or limitations:

a. 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.

b. The area devoted to patron dancing shall not exceed twenty-five percent (25%) of the total floor area.

6.5. Bus terminals.

7.6. Business and professional offices.

8.7. Carpet and rug **cleaning services**.

9.7. Cleaning and dying plants.

10. **Convenience Store**.

11.9. Costume rentals.

12.10. **Day care** (elderly and youth).

13.14. Drive through windows and outdoor teller facilities for banks and financial institutions.

14.12. Employment agency.

15.13. 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.

16.14. Express office, including railway.

17.15. Fine arts studios.

18.16. Frozen food lockers.

19.17. Funeral home.

20.18. Fur cleaning and storage.

21.19. Health **club**.

22.20. **Hospital** supplies.

23.21. **Hotels** and **motels**.

24.22. Key and lock service.

25.23. **Large Retail User**, subject to the provisions of Article 4-2-7.

26.24. **Parking lots**.

27.25. Pawn shop.

28.26. 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).

29.27. Plumbing shop.

30.28. Private business, professional, and trade schools.

31.29. **Public utility facilities** and offices including facilities to serve the immediate area, but not including outside storage or maintenance **yards** for public utility use.

32.30. **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:

a. 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.

b. 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.

c. Drive-Through Restaurants shall meet the requirements of Section 4-2-18 (Drive-Through Restaurants).

~~33.~~~~31.~~ Retail stores with sales only, excluding drive through facilities and **convenience uses** as defined in Article 4.

~~34.~~~~32.~~ Second hand stores.

~~35.~~~~33.~~ Seed and feed, **retail** and sales office.

~~36.~~~~34.~~ **Self-service storage facilities**, subject to the requirements of Section 4220 (**Self-Service Storage Facilities Regulations**).

~~37.~~~~35.~~ **Sign** painting shop.

~~38.~~~~36.~~ Taxidermist.

~~39.~~~~37.~~ Travel bureaus.

~~40.~~~~38.~~ Typewriter and business machine sales and repair.

~~41.~~~~39.~~ Window glass installation shops.

~~42.~~~~40.~~ **Veterinary Offices**, provided such facilities are constructed to prevent objectionable noises and odors outside the **walls** of the office. Boarding of animals shall be permitted only for short time periods for the purpose of observation incidental to care.

~~43.~~~~41.~~ **Non-Chartered Financial Institution**, subject to the provisions of Article 4-2-8.

~~44.42.~~ **Massage Establishment, Tattoo Studio and Body Piercing Studio**, subject to the provisions of Article 4-2-10.

~~45.43.~~ **Brewpub**, subject to the provisions of Article 4-2-15.

~~46.44.~~ **Microbrewery**, producing fifteen thousand (15,000) barrels of beer or less per year.

SECTION 5. Section 3-3-3(C) of Section 333 (C2 General Commercial District) of the Goodyear Zoning Ordinance is hereby amended as follows (with deletions shown by ~~strikeout text~~ and additions shown by double underlined text):

C. **USE PERMIT USES.** The following uses may be approved by **Use Permit**:

1. ~~Automobile service stations~~, subject to the provisions of Article 4. **Automobile Service Stations (Gas Stations)** that include or contain commercial fueling stations for semi-trucks, subject to the requirements of Section 4-2-3 (Automobile Service Stations (Gas Stations) Regulations).
2. Car wash (hand or automatic), subject to the provisions of Article 4.
3. **Convenience use** subject to the provisions of Article 4.
4. **Hospitals** and related uses.
5. Limited outdoor display of nursery stock, lawn furniture, garden supplies and outdoor accessory items, in conjunction with a primary **retail** use, when not in conflict with pedestrian and/or traffic movement or established parking areas.
6. Mobile home sales.
7. **Veterinary Hospitals**, provided such facilities are constructed to prevent objectionable noises and odors outside the **walls** of the office.
 - a. Keeping or boarding of animals shall not occupy more than twenty-five percent of the gross area of the office.
 1. There shall be no outdoor **kennels** or runs.
 2. There shall be no direct outside exit from any room containing **kennels**.

8. *Drive-In Restaurants*. The required information and evaluation criteria shall be the same as for convenience uses under Section 4-2-2.

9. Drive-Through Restaurants when any portion of a drive-through lane is located within five hundred (500) feet of any residential zoning district. The required information and evaluation criteria shall be the same as for convenience uses under Section 4-2-2. Drive-Through Restaurants shall meet the requirements of Section 4-2-18 (Drive-Through Restaurants).

SECTION 6. Section 3-4-1(A) (Principal Permitted Uses) of Section 3-4-1 (I-1 Light Industrial Park) of the Goodyear Zoning Ordinance is hereby amended as follows (with deletions shown by ~~strikeout text~~ and additions shown by double underlined text):

A. *PRINCIPAL PERMITTED USES*. Only listed use of structures or land shall be permitted.

1. **Automobile Service Station (Gas Stations)** subject to the requirements of Section 423 (**Automobile Service Stations (Gas Stations) Regulations**).

2.1. **Manufacturing**, assembling, and processing.

3.2. Marijuana Dual Facility subject to the provisions of Section 4-2-17.

4.3. **Medical Marijuana Dispensary** subject to the provisions of Section 4-2-11.

5.4. **Medical Marijuana Cultivation Location** subject to the provisions of Section 4-2-12.

6.5. **Microbrewery**, producing fifteen thousand (15,000) barrels of beer or less per year.

7.6. **Office buildings**.

8.7. Parking lot or garage.

9.8. Private business, professional, and trade schools.

10.9. **Public utility facilities**.

11.10. Scientific or research laboratories.

~~12.11.~~ **Self-service storage facilities**, subject to the requirements of Section 4220 (**Self-Service Storage Facilities Regulations**).

~~13.12.~~ **Veterinary Offices**.

~~14.13.~~ **Veterinary Hospitals** and animal boarding facilities, provided:

- a. Activities at such facilities are conducted entirely indoors, except for supervised and controlled outdoor exercise areas;
- b. The facilities are constructed to prevent objectionable noises and odors outside the walls of the office;
- c. There shall be no outdoor kennels or runs; and
- d. There shall be no direct outside exit from any room containing kennels.

~~15.14.~~ Warehouse, wholesale, or distribution facility.

~~16.15.~~—Similar uses as determined by the **Zoning Administrator**, or his or her designee.

SECTION 7.

Section 3-4-2(A) (Principal Permitted Uses) of Section 3-4-2 (I-2 General Industrial Park) of the Goodyear Zoning Ordinance is hereby amended as follows (with deletions shown by ~~strikeout text~~ and additions shown by double underlined text):

A. *PRINCIPAL PERMITTED USES*. Only listed use of **structures** or land shall be permitted.

1. Adult bookstore, adult novelty store and adult theater, subject to the conditions of Section 4-2-1.

2. Automobile Service Stations (Gas Stations) subject to the requirements of Section 423 (**Automobile Service Stations (Gas Stations) Regulations**).

~~3.2.~~ Food Bank.

~~4.3.~~ Animal boarding, breeding, shelter, or pound.

~~5.4.~~ Automotive repair including body and fender works.

~~6.5.~~ **Brewery**, producing forty thousand (40,000) barrels of beer or less per year.

7.6. Cement and paving material mixing plant.

8.7. Egg handling facility.

9.8. Parking lot or garage.

10.9. Private business, professional, and trade schools.

11.10. **Public utility facilities**, wastewater treatment plants, and water reclamation facilities.

12.11. Emissions testing and vehicle licensing.

13.12. Foundry or casting of metal which does not cause noxious odors or fumes.

14.13. Highway maintenance facilities.

15.14. Machine shop.

16.15. **Manufacturing**, assembling, and processing.

17.16. Marijuana Dual Facility subject to the provisions of Section 4-2-17.

18.17. Meat products, packing, smoking and curing, providing no objectionable fumes are emitted.

19.18. **Medical Marijuana Cultivation Location** subject to the provisions of Section 4-2-12.

20.19. **Medical Marijuana Dispensary** subject to the provisions of Section 4-2-11.

21.20. Monument Works.

22.21. **Office buildings.**

23.22. Private Commercial Outdoor Entertainment Venue.

24.23. Public works facilities.

25.24. Radio and television transmitting tower and facilities.

26.25. Sand blasting.

27.26. Scientific or research laboratories.

~~28, 27.~~ **Self-service storage facilities**, subject to the requirements of Section 4220 (**Self-Service Storage Facilities Regulations**).

~~29, 28.~~ Sewage disposal and treatment plant.

~~30, 29.~~ Tire retreading and vulcanizing.

~~31, 30.~~ The following uses, provided they are conducted within a **building** or an area enclosed and screened from view by a solid masonry **wall** on all sides:

- a. Contractors equipment storage **yard** or plant, or rental of equipment commonly used by contractors.
- b. Lumber **yard**, planing mills.
- c. Motion picture studio.
- d. Transfer company, trucking terminal.

~~32, 31.~~ **Veterinary Offices.**

~~33, 32.~~ **Veterinary Hospitals.**

~~34, 33.~~ Warehouse, wholesale or distribution facility.

~~35, 34.~~ Similar uses as determined by the **Zoning Administrator**, or his or her designee.

SECTION 8. Section 4-1-3(A) (Considered Uses) of Section 4-1-3 (Special Uses Considered in Specified Districts) of the Goodyear Zoning Ordinance is hereby amended as follows (with deletions shown by strikeout text and additions shown by double underlined text):

A. **CONSIDERED USES.** Uses which may be considered in certain Districts are:

1. Commercial Districts.

- a. Adult live entertainment, erotic dance or performance studio (C-2 only), subject to the requirements of subsection 4-2-1.
- b. Amusement park, auditorium, stadium, arena, gymnasium, or other similar places for public events. (C-2 only)
- c. Bus terminal, railroad passenger station.

- d. Large Retail Users (C-2 only), subject to the requirements of subsection 4-2-7.
- e. Mini storage and recreational vehicle Self-service storage facilities that do not meet the regulations outlined in section 4-2-20 (Self-Service Storage Facilities Regulations).
- f. Plant nurseries, which are defined as a business where trees, shrubs, flowers and other plants are grown on or brought to the premises and maintained there for the purpose of sale from the premises. Such other additional products shall be permitted to be sold as are customarily incidental to the plant nursery operation.
- g. Microbrewery (C-2 only), producing more than 15,000 barrels of beer per year.
- h. Private clubs and fraternal organizations.
- i. Restaurants, bars/cocktail lounges, brewpubs or microbreweries with any of the following factors (C-2 only):
 - 1. live music or entertainment when the facility is located less than three hundred feet (300') from the property line of any residentially zoned or designated property;
 - 2. the area within the facility designated for music or entertainment activities exceeds 5,000 square feet;
 - 3. the area devoted to patron dancing exceeds twenty-five percent (25%) of the total floor area; or,
 - 4. open after hours as defined by State law (generally, closing time of the dance floor is later than that of the bar).
- j. Teen Entertainment Center, if the facility is located a minimum of 500 feet from a bar/cocktail lounge (C-2 only).

2. Industrial Districts.

- a. Any Special Use which may be considered in Commercial Districts.
- b. Airport, heliport, helistop, and other landing areas, subject to local, state and federal requirements and restrictions.
- c. Brewery (I-2 only), producing more than 40,000 barrels of beer per year.
- d. Brewery (I-2 only), if the brewery will have live music or entertainment activities.

e.e. Cemeteries, crematories, mausoleums, including those for pets.

f.d. Circus and carnival grounds having permanent facilities.

g.e. Development or extraction of earth products, clay, gas, gravel, minerals, sand, stone, topsoil.

h.f. Drive in theaters.

i. Microbrewery (I-1 only), with any of the following factors:

1. live music or entertainment when the facility is located less than three hundred feet (300') from the property line of any residentially zoned or designated property;

2. the area within the facility is designated for music or entertainment activities exceeds 5,000 square feet;

3. the area devoted to patron dancing exceeds twenty-five percent (25%) of the total floor area; or,

4. open after hours as defined by State law (generally, closing time of the dance floor is later than that of the bar)

j.g. Race tracks, speedways.

k.h. Sanitary landfills, transfer stations, recycling facilities.

l. Truck Stop/Travel Center (I-2 only), that is outside of both the Luke Air Force Base and the Phoenix Goodyear Airport Noise contour area having a day-night average sound level of 65 decibels or higher.

m.j. Swap meets, auctions.

n.j. Zoos.

k. Brewery (I-2 only), producing more than 40,000 barrels of beer per year.

l. Brewery (I-2 only), if the brewery will have live music or entertainment activities.

m. Microbrewery (I-1 only), producing more than 15,000 barrels of beer per year.

n. Microbrewery (I-1 only), with any of the following factors:

- ~~1. live music or entertainment when the facility is located less than three hundred feet (300') from the property line of any residentially zoned or designated property;~~
- ~~2. the area within the facility is designated for music or entertainment activities exceeds 5,000 square feet;~~
- ~~3. the area devoted to patron dancing exceeds twenty-five percent (25%) of the total floor area; or,~~
- ~~4. open after hours as defined by State law (generally, closing time of the dance floor is later than that of the bar)~~

SECTION 9. Section 4-2-2 (Convenience Uses) of Article 4-2 (Uses Requiring Additional Evaluation) of the Goodyear Zoning Ordinance is hereby amended as follows (with deletions shown by ~~strikeout text~~ and additions shown by double underlined text):

§ 4-2-2 Convenience Uses.

~~**Convenience uses**, as herein defined, shall be evaluated regarding their potential impact on traffic congestion, the neighborhood in general and their appropriateness for the site.~~

A. *REQUIRED INFORMATION.* Except where "**convenience uses**" are structurally attached as part of a larger center (at least fifty thousand [50,000] square feet) located on an arterial corner, a **Use Permit** and separate **Site Plan** approval are required for "**convenience uses**" except where the **convenience use** is (i) structurally attached as part of a larger center (at least fifty thousand (50,000) square feet) located on an arterial corner, or (ii) allowed as a Principal Permitted Use or a Permitted Accessory Use in the applicable zoning district.

1. A use conforming to the definition of "**convenience use**", herein, may be permitted upon obtaining ~~**Use Permit**~~ approval. requiring a **Use Permit** shall be evaluated regarding its potential impact on traffic congestion, the neighborhood in general and its appropriateness for the site. Where free-standing **convenience uses** are part of a larger center (at least fifty thousand [50,000] square feet), such use should not be located on an arterial corner **building** pad site unless, in the judgment of the City Council the findings support the proposal and stipulations designed to mitigate potential problems are attached to the property.
2. When an application is made for a **Use Permit** for a **convenience**

use, accompanying the application must be a **Site Plan**, drawn at an appropriate scale by a registered civil engineer which includes the following:

- a. Size and location of the parcel.
- b. Location, size, area, and orientation of all **structures** including any gas pumps and canopies.
- c. Property lines.
- d. Existing and future right of way lines.
- e. Existing and proposed curb cuts.
- f. Location of any drive through windows and queuing lanes.
- g. On site vehicular and pedestrian circulation plan.
- h. All parking **spaces**.
- i. Within three hundred (300) feet of the site show the following:
 1. **Access** from **streets** to business and vice vise versa.
 2. Existing land use.
 3. Driveways.
 4. Existing **Street** system with roadways, curbs, gutters, medians, turn lanes and sidewalks.
 5. Circulation pattern.
 6. Description and location of traffic lights and signs.

B. *CONVENIENCE USE EVALUATION CRITERIA*. Prior to a **convenience use that requires a Use Permit** being considered by the Planning and Zoning Commission, the **Site Plan Review** Committee will review and evaluate the proposed **convenience use Site Plan** and report to the Community Development Services Department. The Community Development Services Department's report to the Commission will include, but not be limited to, findings on the following:

1. Adequacy of the parcel size and configuration to provide for proper **access** and internal circulation.

2. Compatibility of proposed hours of operation with **adjacent** residential areas (hours of operation to be indicated in narrative).
3. Required traffic and **access** mitigation measures, if any, which may include:
 - a. Additional right of way.
 - b. Off site traffic mitigation measures.
 - c. Restriction of some traffic movements through signs or other measures.
 - d. Segregation of queuing lanes, vehicle **access** and pedestrian circulation areas.
 - e. Cross **access** easements.
 - f. Driveway locations.
4. Other concerns which may place the advisability of the proposed **convenience use** in question.

SECTION 10. Section 423 (Service Stations, Automotive) of Article 4-2 (Uses Requiring Additional Evaluation) of the Goodyear Zoning Ordinance is hereby amended as follows (with deletions shown by ~~strikeout text~~ and additions shown by double underlined text):

**§ 4-2-3 Automobile Service Stations (Gas Stations)
Regulations, Automotive.**

Automobile Service stations (Gas Stations) uses require specified, additional conditions and design criteria.

A. *REQUIRED CONDITIONS.* ~~Use Permit and Site Plan approval is~~ **are** required.

1. If Automobile Repair is provided with the Automobile Service Station (Gas Station), it shall be required to locate in locations where both uses are permitted. ~~The repair of motor vehicles shall not include painting, upholstery, body and fender repair work or major engine overhauling.~~
2. The outside display of tires, oil or other sale items is prohibited. ~~shall be located adjacent to main building.~~

3. If located within three hundred (300) feet of the nearest right-of-way line of an existing or planned intersection of two arterials (including parkways) or within three hundred (300) feet of an existing or planned signalized intersection, the site shall include (i) a two thousand five hundred (2,500) square foot or larger plaza with shade structure and seating (up to 50% of the plaza landscaping may be designed within the street side landscape setback). or (ii) the fuel canopy shall be located to the rear of the building, not facing the intersection.

4. **Automobile Service stations (Gas Stations)** shall not be located within two hundred fifty (250) feet of residential districts (excluding open space tracts or greenbelts in a developed or platted residential neighborhood), unless separated by a public roadway, canal, or railroad track.

5. **Automobile Service stations (Gas Stations)** with commercial fueling stations for semi-trucks are prohibited in the C1 Neighborhood Commercial **District**.

6. **Automobile Service stations (Gas Stations)** with commercial fueling stations for semi-trucks are permitted in the C-2 General Commercial **District** if located within three hundred (300) feet of either an Industrial Zoning District, a major highway, the Freeway Overlay District, and/or a major truck route, subject to approval of a Use Permit pursuant to the requirements set forth in Section 1-3-2 (Use Permits) of the Goodyear Zoning Ordinance.

7. **Automobile Service stations (Gas Stations)** with commercial fueling stations for semi-trucks are permitted in I-1 Light Industrial Park and in I-2 General Industrial Park.

8. In the C1 Neighborhood Commercial **District** and the C2 General Commercial **District**, no more than two (2) **Automobile Service stations (Gas Stations)** are permitted within a quarter mile of the nearest existing or planned intersection of two arterials (including parkways), unless one of them is an **Accessory Use**.

a. Two (2) **Automobile Service stations (Gas Stations)** shall not be located on the same quarter mile quadrant (corner) of the intersection, unless one of them is an **Accessory Use**.

9. **Automobile Service stations (Gas Stations)** without commercial fueling stations for semi-trucks are allowed in the C2 General Commercial

District as an Accessory Use to **Large Retail User** or retail stores of fifty thousand (50,000) square feet or larger, subject to all restrictions on service stations as a principal use.

10. On-site semi-truck parking or overnight parking accommodations are prohibited in the C1 Neighborhood Commercial **District**, the C2 General Commercial **District**, and the I1 Light Industrial Park **District**.

11. **Truck Stop/Travel Centers** either constructed as a standalone building or as part of an **Automobile Service station (Gas Station)** are prohibited within all of the following:

a. Within the C1 Neighborhood Commercial **District**;

b. Within the C2 General Commercial **District**;

c. Within the I1 Light Industrial Park **District**;

d. Within the Luke Air Force Base noise contour area having a day-night average sound level of 65 decibels or higher; and,

e. Within the Phoenix Goodyear Airport noise contour area having a day-night average sound level of 65 decibels or higher.

12. **Truck Stop/Travel Centers** are permitted within the I-2 General Industrial Park **District** when outside of both the Luke Air Force Base and Phoenix Goodyear Airport noise contour area having a day-night average sound level of 65 decibels or higher; and subject to the approval of a Special Use Permit in conformance with the Procedure and Conditions of Approval described in Section 4-1 of the Goodyear Zoning Ordinance.

13. Convenience Stores are permitted with Automobile Service stations (Gas Stations).

B. DESIGN CRITERIA.

1. The design of the **Automobile Service station (Gas Station) service station building** and site shall be compatible with the type of development surrounding the station.

2. **Automobile Service stations (Gas Stations) Service stations** which are situated within a larger commercial development shall be separated from **adjacent** property by a three (3) foot high **wall**,

landscaping, or curbing, except for necessary driveways, in order to control vehicular movements and circulation.

3. The width or depth of any **Automobile Service station (Gas Station)** ~~service station~~ site shall be a minimum of one hundred-fifty (150) feet.

4. Pump islands shall be located at least thirty-five (35) feet from the **street** right-of-way line.

5. Service areas and bay doors shall not front onto or be substantially visible from any public **street** and shall be subject to the screening standards.

6. **Automobile Service stations (Gas Stations)** ~~Service stations~~ shall be subject to all landscaping and design standards including screening of parking and maneuvering areas with **walls** and landscaping.

SECTION 11. CORRECTIONS. The 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 12. 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 13. EFFECTIVE DATE. This Ordinance shall become effective thirty days after adoption in the manner prescribed by law.

SECTION 14. 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