

ORDINANCE NO. 2024-1601

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 583.33 GROSS ACRES GENERALLY LOCATED AT THE SOUTHWEST CORNER OF LOWER BUCKEYE ROAD AND THE 169TH AVENUE ALIGNMENT (S. CANYON TRAILS BLVD.) TO THE EL CIDRO 9TH AMENDED PLANNED AREA DEVELOPMENT (MAY 2024); 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, on March 5, 2007, the City Council of the city of Goodyear, in the manner prescribed by law, adopted Ordinance No. 07-1060 conditionally approving the rezoning (06-200-00015) of approximately 616.70 acres of property for the purpose of establishing the El Cidro Final Planned Area Development (PAD); and,

WHEREAS, on April 14, 2008, the City Council of the city of Goodyear, in the manner prescribed by law, adopted Ordinance No. 08-1111 conditionally approving a request (07-200-00028) to amend the El Cidro Final PAD by increasing the number of permitted residential lots in various parcels, reconfiguring the boundaries of approximately 47.62 acres of planned commercial and industrial land uses, increasing the size of the commercial parcel at Elwood Street and Cotton Lane, and changing the land use designation for the parcel at Cotton Lane and the UP/SP Railroad was changed from Commercial to Industrial; and,

WHEREAS, on May 24, 2010, the City Council of the city of Goodyear, in the manner prescribed by law, adopted Ordinance No. 10-1215 conditionally approving a request (09-200-00017) to amend the El Cidro Final PAD by adopting the El Cidro Planned Area Development Amended March 24, 2010 to include an additional 20 acres in the PAD designated as commercial, revising parcel numbers, creating a new Multi-Use land use category, reconfiguring and modifying existing land uses for several parcels, and zoning the adjacent city-owned property; and,

WHEREAS, on June 24, 2013, the City Council adopted Ordinance No. 13-1285 approving a request (13-210-00002) to amend the El Cidro Final PAD to change the land use designation from Commercial to Industrial for Parcel 10, located on the west side of Cotton Lane between Elwood Street and Commerce Drive, and a portion of Parcel 13 located adjacent to and west of Parcel 10; and,

WHEREAS, on December 14, 2015, the City Council adopted Ordinance No. 15-1327 approving a request (15-210-00004) to amend the El Cidro Final PAD to modify the side setbacks from five feet and 10 feet (15 feet total) to five feet and five feet (10 feet total) for Parcels 1A and 1D generally located in the area south of Lower Buckeye Road and east of Citrus Road; and,

WHEREAS, on June 5, 2017, the City Council adopted Ordinance No. 17-1352 approving a request (17-210-00002) to amend the El Cidro Final PAD to (1) increase the maximum lot coverage standard in the Low Density Residential land use categories from 45% to 55% in LDR1; from 45% to 60% in LDR2; and from 45% to 50% in LDR3; and (2) revise the boundaries between Parcels 1D, 1E, and 2 to conform to the platting of these parcels; and,

WHEREAS, on July 9, 2018, the City Council adopted Ordinance No. 2018-1387 approving a request (18-210-00003) to amend the El Cidro Final PAD to reduce the rear yard setback from 20

feet to 18 feet in Parcel 1D Phase 1 within the LDR2 residential land use category for single story homes; and,

WHEREAS, on September 24, 2018, the City Council adopted Ordinance No. 2018-1408 approving an amendment which: (i) consolidated all applicable stipulations of approval from previous rezonings, (ii) modified the rear yard setbacks for the LDR2 and LDR3 land use categories by reducing the rear yard setback from 20 feet to 18 feet for single story homes, (iii) modified the side yard setbacks for the LDR1 and LDR3 land use categories by reducing the side yard setbacks from 5 feet and 10 feet to 5 feet and 5 feet, and (iv) modified the maximum lot coverage for the LDR1 and LDR3 land use categories by increasing the maximum lot coverage from 50% and 55% to 60%; and,

WHEREAS, on August 19, 2019, the City Council adopted Ordinance No. 2019-1446, which created a separate PAD known as the Vita at El Cidro Ranch PAD for a portion of the property within the El Cidro PAD, changing the land use designation of a portion of Parcel 4 to multi-family residential; and,

WHEREAS, on December 18, 2023, the City Council adopted Ordinance No. 2023-1598, which created a separate PAD known as Logistics 85 for a portion of the property within the El Cidro PAD, changing the land use designation of Parcel 7 to Industrial; and,

WHEREAS, the 9th amended El Cidro PAD proposes to modify the land use designation of a 42.3-acre portion of the property within the El Cidro PAD identified as Parcel 4 on the land use plan from to Low Density Residential 1 (LDR1, 2-4DU/AC) to allow for the development to be known as the Willow at El Cidro by creating three new land use districts (Low Density Residential 5 (LDR-5), Medium Density Residential A (MDR-A) and Multi Family Residential (MFR)) and adopting development standards and other rules, regulations and requirements applicable to development within the Willow at El Cidro; and,

WHEREAS, the General Plan Land Use Plan designates the 42.3-acre portion of the Property, referenced above, as 'Neighborhoods', and the proposed rezoning is consistent with the designation of the Property in the General Plan as 'Neighborhoods' and will not adversely impact the surrounding area; and,

WHEREAS, City staff finds that the proposed amendment will not adversely impact the surrounding area the uses proposed on this site are currently allowed elsewhere within the property; and,

WHEREAS, a request to rezone property requires public review by the Planning and Zoning Commission and public review and approval by the City Council; and,

WHEREAS, this rezoning seeks to amend the development standards for the property within the El Cidro PAD to provide standards applicable to the entire El Cidro development; and,

WHEREAS, public notice that this rezoning request was to be considered and reviewed at a public hearing held before the Planning and Zoning Commission on June 12, 2024, appeared in the Arizona Republic West Valley edition on July 26, 2024; postcards were mailed to adjoining owners on June 19, 2024 and all property owners within the PAD on July 24, 2024; and signs were updated on the site to advertise the public hearing on June 18, 2024; and,

WHEREAS, a public hearing was held before the Planning and Zoning Commission on June 12, 2024, to consider the rezoning of the Property, and the Commission **voted (XX-XX)** to recommend **approval / denial** of the proposed rezoning; and,

WHEREAS, public notice that this rezoning request is to be considered and reviewed at a public hearing held before the City Council on August 26, 2024, appeared in the Arizona Republic West Valley edition on July 26, 2024; postcards were mailed to adjoining owners on June 19, 2024 and all property owners within the PAD on July 24, 2024; and signs were updated on the site to advertise the public hearing on June 18, 2024; 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 of Goodyear.

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

SECTION 1 DECLARATION OF PUBLIC RECORDS

That certain document titled "Official Supplementary Zoning Map No. 23-07", 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 "El Cidro Final PAD Legal Description", a copy of which is attached hereto as Exhibit B, is hereby declared a public record and incorporated herein by this reference.

That certain document titled "The Willow Legal Description", a copy of which is attached hereto as Exhibit C, is hereby declared a public record and incorporated herein by this reference.

That certain document titled "El Cidro 9th Amended Planned Area Development (May 2024)," a copy of which is attached hereto as Exhibit D, 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. DESCRIPTION OF THE PROPERTY BEING REZONED

This Ordinance No. 2024-1601 applies to that parcel of land in Goodyear, Maricopa County, Arizona, generally located approximately at the southwest corner of Lower Buckeye Road and 169th Avenue more particularly described in that certain document titled "El Cidro Legal Description," attached hereto as Exhibit B and which is declared a public record and incorporated herein by reference in Section 1 of this Ordinance (the "Property").

SECTION 3. REZONE

The Property is conditionally rezoned from the Planned Area Development (PAD) District to Planned Area Development (PAD) District by the adoption of the PAD Amendment “El Cidro 9th Amended Planned Area Development (May 2024)” attached hereto as Exhibit D, which is declared a public record and incorporated herein by reference in Section 1 of this Ordinance subject to the conditions of approval set forth below. .

SECTION 4. CONDITIONS OF REZONING

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

1. The Property shall be developed in conformance with the El Cidro 9th Amended Planned Area Development (May 2024) (the “9th Amended PAD”) except as modified by the conditions of approval set forth herein; and,
2. The provisions of the City of Goodyear Zoning Ordinance shall apply to the development of the Property except as modified by the 9th Amended PAD as further modified by any conditions and/or stipulations in this Ordinance; and
3. Because the El Cidro project is no longer owned by a single entity, failure of a developer within the El Cidro project to comply with any other City codes and regulations in the development of El Cidro, then the Development Services Director may result in the Development Services Director, or his designee, suspending the issuance of building or construction permits within such developer’s portion of the El Cidro project until such developer cures the item in default; and,
4. The owner shall apply to the Department of Water Resources (DWR) for the extinguishment of the Type 1 Rights appurtenant to the Property and request that any assured water supply credits issued by DWR as a result of any such extinguishment be credited to the City of Goodyear. Said extinguishment shall occur prior to recordation of any final plat for the development; and,
5. The maximum number of residential dwelling units permitted within the Property shall not exceed 1,476, of which no more than 463 may be part of Willow at El Cidro; and,
6. The underground placement of all permanent utilities, excluding power lines 69 kV or larger, within the development and abutting the development’s portion of perimeter arterial streets per phase prior to issuance of the first Certificate of Occupancy within such phase of the development; and,

7. The owner shall construct off-site improvements in accordance with a phasing plan approved by the City Engineer, or his designee; and,
8. The owner will be required to construct off-site water line facilities and transmission lines adjacent to the Property as set forth in the City approved Master Water Study prepared for the West Goodyear Central Planning Area; and,
9. The owner will be required to construct off-site sewer trunk line(s) as set forth in the City approved Master Wastewater Trunk Line Study prepared for the West Goodyear Central Planning Area; and,
10. If the required retention basins do not drain within the time frame required, the owner shall be responsible for implementing alternative corrective measures for the duration of the project's warranty period and shall identify such alternative method or methods on the grading and drainage plans submitted to the City Engineer, or his designee, for review and approval prior to the issuance of the grading permit for the project; and,
11. The owner shall provide for a waiver agreement, which shall run with the land, for each initial homebuyer to sign, and shall include the following statement in the waiver agreement: "El Cidro is subject to attendant noise, vibrations, dust, 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. The waiver shall release and discharge the City of Goodyear and the owner from any liability for any and all claims for future damages to persons or property and complaints of any kind that may arise at any time in the future from the operation of such aircraft near and over the area"; and,
12. The Public Sales Report and each final plat shall include a statement that El Cidro is subject to attendant noise, vibrations, dust, 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; and,
13. The owner shall post signage within all subdivision sales offices identifying the location of the Luke Air Force Base Accident Potential Zones (APZs), 65 Ldn and higher noise contours, and departure corridors, as well as the Phoenix-Goodyear Airport Traffic Pattern Area and noise contours per the Goodyear General Plan 2003-2013 (Policy B-3e of Section 9 .2). This display shall include a twenty-four by thirty-six inch (24"x36") map at the main entrance of such sales facility and shall include the approximate locations of the homes or apartments being sold or leased clearly depicted. The required contents of the map shall be provided by the City of Goodyear; and,
14. The following information shall be disclosed in the Public Sales Report, noted on each final plat and be provided in a separate

acknowledgment, which shall run with the land, for each initial homebuyer to sign: "El Cidro is in close proximity to agricultural uses and may therefore be subject to noise, dust, and odors associated with such uses"; and,

15. The following information shall be disclosed in the Public Sales Report, noted on each final plat and be provided in a separate acknowledgement, which shall run with the land, for each initial homebuyer to sign: "El Cidro is in proximity to the proposed Loop 303 and I-10 Reliever freeways and may be subject to potential noise intrusion, vibrations, dust and all other effects that may be caused by said freeways"; and,
16. The Public Sales Report shall include a statement that El Cidro Parcel 5 may be subject to noise, light and other potential effects associated with commercial uses that may be developed on Parcel 6. The property owner and/or developer shall maintain a temporary sign on Parcel 6 announcing the future commercial development of the property. Said sign shall be located along Lower Buckeye Road, and be maintained until such time that Parcel 6 is developed; and,
17. All development on the Property shall comply with the prevailing City of Goodyear Design Guidelines except as modified by the 9th Amended PAD; and,
18. The owner shall de-emphasize the garage element of all dwelling units by using techniques such as front porches and livable areas of the home that project forward of the garage, side entry or recessed garages, or other design elements acceptable to the Development Services Director, or his designee; and,
19. The owner shall establish a Homeowner's Association (HOA) for the Property, with said HOA owning and maintaining all open space areas, trails, and other community amenities and maintaining all arterial and collector road rights-of-way landscaping except for arterial median landscaping. A note shall be placed on each final plat indicating HOA ownership and maintenance responsibilities of these tracts; and,
20. The owner shall submit a copy of the legal documents pertaining to the establishment of the HOA and any Conditions, Covenants and Restrictions (CC&R's) associated with the proposed development for City Staff review and comment prior to approval of any final plat; and,
21. All lots within the Property adjacent to internal open space areas shall have rear yard view fences. Those lots that have view fences shall be required to complete their rear yard landscaping within 90 days of the issuance of a Certificate of Occupancy for the dwelling. However, lots 78-80 in Parcel 1A, and any other similarly situated lots are exempt from the rear view fence requirement due to headlight intrusion; and,

22. The owner shall improve all tot lots within the Property with an approved shade canopy over the play equipment; and,
23. All open space, landscape, hardscape, entry monuments, walls, and other subdivision amenity improvements shall be constructed prior to the issuance of the first single-family certificate of occupancy, unless a phasing plan for the improvements is submitted to the City Staff for review and approval; and,
24. The Industrial portion of the project shall be developed in accordance with the land uses and development standards of the I-2 General Industrial District, as described within the City of Goodyear Zoning Ordinance; and,
25. Consistent with the existing right-of-way for Cotton Lane, the owner shall provide for the dedication of the west-half of the right-of-way for Cotton Lane, 75 feet from centerline adjacent to the renumbered Parcel 7 on the El Cidro Land Use Plan dated May 15, 2018, from Elwood Street to a point approximately 300 feet south of Commerce Drive, in a form and substance acceptable to the City Engineer, or designee, prior to or concurrent with approval of any site plan or recordation of any subdivision plat involving renumbered Parcel 7; and,
26. The owner shall be responsible for the construction of the half-street and half-median improvements along Cotton Lane, from its intersection with West Elwood Street (formerly Dunlap Road) south to MC 85, which shall consist of a minimum of two, twelve-foot travel lanes, one four-foot wide bike lane, curb and gutter, an eight-foot wide sidewalk, and a center median prior to or concurrent with approval of any site plan or recordation of any subdivision plat involving renumbered Parcel 7. A portion of this responsibility may be fulfilled by the owner by making a payment to the City of appropriate proportionate share of any existing improvements that have already been installed; and,
27. For homes proposed within Parcels 1A, 1B, 1C, 1D, 1E, 1F and 4, the front door or entryway shall be clearly visible from the front of the lot; and,
28. For homes proposed within Parcels 1A, 1B, 1C, 1D, 1E, and 1F, a roughly proportionate mix of garage orientations, including side-entry and recessed garages, shall be provided; and,
29. Homes with a forward-facing garage proposed within Parcels 1A, 1B, 1C, 1D, 1E, 1F and 4 shall provide for porches, courtyards, and/or livable areas in front of the garage. For homes within Parcel 4, the inclusion of a covered front porch that is at least 48 square feet on at least 50% of the homes will satisfy one (1) Streetscape Element; and,
30. For all homes in Land Use Categories LDR1, LDR2, and LDR3, the El Cidro enhanced landscape package prepared by CVL titled El Cidro Enhanced Landscaping Exhibit within the 9th Amended PAD, shall be

implemented within 60 days of issuance of the Certificate of Occupancy for that dwelling; and,

31. All phasing plans shall be approved by the City Engineer prior to construction plan approval for those phases; and,
32. The owner shall provide for the dedication of the following rights-of-way, in form and substance acceptable to the City Engineer, or his designee, prior to or concurrent with recordation of the applicable final plat:
 - a. East half of Citrus Road right-of-way, 55 feet from centerline;
 - b. South half of Elwood Road right-of-way west of Cotton Lane, 65 feet from centerline;
 - c. North half of Elwood Road right-of-way east of Cotton Lane to the eastern boundary of the project, at a width to be determined by the City;
 - d. North half of Broadway Road right-of-way west of the city of Goodyear property within the 303 alignment, at a width to be determined by the City, but no more than 55 feet from centerline; and,
33. The owner will be responsible for full-street improvements to the Cotton Lane from Elwood to Pioneer Street, including the proposed drainage channel, two travel lines in each direction, a center median, curbs and gutters, bike lanes and sidewalks. Owner shall be allowed to construct this portion of Cotton Lane in half-street segments in conjunction with the development of the adjacent portion of the property; and,
34. The owner will be responsible for the half-street and half-median improvements along those portions of Citrus Road, and Elwood Road adjacent to the property. The half-streets for Citrus Road, and Elwood Road shall be constructed with the following minimum improvements: two twelve foot travel lanes, one four-foot wide bike lane with curb and gutter, an eight foot sidewalk and center median; and,
35. The owner or successor shall warranty all public and private improvements constructed by the owner or successors within the City of Goodyear rights-of-way, tracts and easements for a period of not less than two (2) years from the date of acceptance by the City Engineer, or his designee; and,
36. The owner shall be responsible for a proportionate share of the costs for traffic signals to be installed at the following intersections;
 - a. Elwood Road and Cotton Lane - 75%;
 - b. Lower Buckeye Road and Cotton Lane - 50%; and,
37. The owner shall pay to the City the proportionate share of the costs to install the required signals when warranted, as determined by the City

Engineer or his designee, or at the time of the issuance of fifty percent (50%) of the building permits for the homes within the development, whichever comes first; and,

38. Street improvements and traffic signal contributions shall apply to the owner of the applicable portion of the El Cidro project; and,
39. The following additional stipulations and conditions of approval apply to the portion of the Property identified in the land use plan included in the 9th Amended PAD as Parcels 4A, 4B, and 4C and legally described in that certain document titled "The Willow Legal Description" attached as Exhibit C, which is declared a public record and incorporated herein by reference in Section 1 of this Ordinance (the "Willow at El Cidro"):
 - a. Approval of the rezoning does not constitute approval of any site plan for development within the Willow at El Cidro. 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,
 - b. A park(s) totaling 1.5 acres is to be located within Parcel 4B of the Willow at El Cidro (The 4B Park). The park shall be included in the first site plan approved for development within Parcel 4B of the Willow at El Cidro or in the first final plat or minor land division subdividing all or part of Parcel 4B of the Willow at El Cidro, whichever is earlier. No Temporary Certificates of Occupancy, Certificates of Occupancy or Certificates of Completion shall be issued for any residential structures within Parcel 4B of the Willow at El Cidro, except for model homes, until the approximately 1.5 acre 4B Park including the resident and recreational amenities set forth in the PAD have been substantially completed as determined by the City of Goodyear Building Official or his designee or are under construction and bonded for completion as approved by the City of Goodyear Zoning Administrator; and,
 - c. The 1.5 total acre park(s) is to be located within Parcel 4C of the Willow at El Cidro (The 4C Park) is to be located shall be included in the first site plan approved for development within Parcel 4C of the Willow at El Cidro or in the first final plat or minor land division subdividing all or part of Parcel 4C of the Willow at El Cidro, whichever is earlier. No Temporary Certificates of Occupancy, Certificates of Occupancy or Certificates of Completion shall be issued for any residential structures within Parcel 4C of the Willow at El Cidro, except for model homes, if any, until the approximately 2- acre 4C Park including the resident and recreational amenities set forth in the PAD have been substantially completed as determined by the City of Goodyear Building Official or his designee or are under construction and bonded for completion as approved by the City of Goodyear Zoning Administrator; and,

- d. Owner shall be responsible, at Owner's sole cost and expense, for constructing all street infrastructure improvements identified in traffic impact studies updated at the time of development as being needed to support the development of the Willow at El Cidro consistent with applicable Development Regulations. Notwithstanding the foregoing, unless the access points along Cotton Lane and Lower Buckeye are relocated or additional access points added, Owner shall have no obligation for the construction of improvements to Cotton Lane and Owner's obligations regarding infrastructure improvements to Lower Buckeye are limited to the improvements expressly identified herein and
- e. If any of the improvements are to be constructed within property owned by the City, Owner shall pay the city for the use of city's property needed for such improvements. No turn lanes/deceleration lanes shall be located within property owned by the city that are located within the cross-section for the adjacent streets. For instance, an additional travel lane and a bike lane will be required for the ultimate buildout for Lower Buckeye. If a deceleration lane/turn lane is required, it cannot be located where that travel lane or bike lane are to be constructed. The amount to be paid the City shall be the greater of the fair market value of the property as determined by an appraisal paid for by the property owner but commissioned by the City, or the value the City paid when it acquired the property; and
- f. If access to the Willow at El Cidro is required across city owned property, Owner shall acquire and pay for public access easements from the City for either fair market value as determined by an appraisal paid for by the property owner but commissioned by the City or for 90% of the value the City paid when it acquired the property where the access drives are located, whichever is greater. Notwithstanding the foregoing, the City, in its sole discretion, may waive the need for an appraisal if the City and Owner agree upon the value of the easement area. The easements shall be in place prior to the recordation of any final plat that includes the access areas within the Property; and
- g. Access to the Willow at El Cidro from Lower Buckeye Road shall be limited to right-in and right-out unless: (i) the access point is aligned with Canyon Trails Blvd; or (ii) unless additional access (three quarter access or full access) can be provided consistent with the requirements of the City of Goodyear Engineering Design Standards and Policies Manual AND ADOT has approved an updated Traffic Impact Analysis submitted at the time of development that includes the additional access; and
- h. Unless otherwise approved by ADOT, any access to the Willow at El Cidro from Cotton Lane shall be limited to right in/right out; and

- i. The Traffic Impact Analysis submitted with the application for rezoning is not approved. Unless otherwise waived by the City Engineer, updated Traffic Impact Analysis that complies with all of the requirements in the Engineering Design Standards and Policies Manual shall be submitted with preliminary plat submittals, site plan submittals, and final plat submittals submitted for the development of the Willow at El Cidro and approved by the City Engineer or his/her designee; and,
- j. Owner shall dedicate, at no cost to the City, all rights-of-way and/or easements within the boundaries of the Willow at El Cidro that are:
 - (i) needed for the construction of infrastructure improvements required for the City to provide water and wastewater services to the Property; and,
 - (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; and,
 - (iii) required for the construction of improvements for which Owner is responsible for making in-lieu payments; and,
 - (iv) required to be dedicated pursuant to any development agreement with the City regarding the development of the Property; and,
 - (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 or other encumbrances. Unless the timing of the required dedications is modified by any stipulation in this ordinance, all dedications shall be made prior to or concurrent with recordation of a final plat or the issuance of any permit for work within the Property whichever is earlier; and,

- k. Owner shall apply to the Arizona Department of Water Resources (ADWR) for the extinguishment of the Type 1 Rights appurtenant to the Willow at El Cidro 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 approval of the first site plan for development within the Property, prior to the recordation of the first final plat subdividing all or part of the Willow at El Cidro or prior to issuance of any construction permits for work within the Willow at El Cidro, whichever is earlier; and,
- l. Approval by the City Engineer or designee and the Arizona Department of Transportation (ADOT) of a current traffic impact study for the development of the Willow at El Cidro shall be obtained prior to the City of Goodyear issuing a Site Plan approval for any development within the Willow at El Cidro and prior to the issuance of any permit for any work within the Willow at El Cidro other than an at-risk grading permit. If the approved traffic impact study indicates the need for a traffic signal at any intersection adjacent to any portion of the Property, Owner shall be responsible for making an in-lieu payment for a proportionate share of the cost of a full traffic signal, with Owner being responsible for 25% of the full cost of a traffic signal for each corner of the intersection adjacent to the Property; and,
- m. Owner shall construct full half-street improvements for the south half of the section of W. Lower Buckeye Road between the western boundary of the driveway providing access to the Property from W. Lower Buckeye Road to the eastern boundary of the Property. Except as otherwise provided in a written development agreement approved by Council or a written phasing plan approved by the City Engineer or his/her designee, the W. Lower Buckeye Road Improvements described herein shall be constructed and accepted by the City prior to the issuance of any Certificate of Completion, Temporary Certificate of Occupancy or Certificate of Occupancy for any structure within the Property; and,
- n. To the extent any portion of the Willow at El Cidro that is within the ultimate alignment of W. Lower Buckeye Road from S. Cotton Lane to S. Canyon Trails Boulevard (S. 169th alignment) is located within the jurisdiction of the County, Owner shall create and submit for approval by the City Engineer, or his/her designee, all documentation required to annex W. Lower Buckeye Road from S. Cotton Lane to S. Canyon Trails Boulevard (S. 169th Avenue alignment), unless previously annexed as a part of the ADOT Loop 303 Extension project or by other means. Annexation shall be for the full 66 feet as stated in Book 3 Page 16 of the Maricopa County Recorder's Book of Maps. Annexation shall occur prior to issuance of any permits within the current Maricopa County jurisdiction unless an Inter-governmental Agreement (IGA) has been approved by the

City Council and County Board of Supervisors allowing permit issuance prior to the annexation effective date; and

- o. Prior to issuance of any permits for work within the Willow at El Cidro except for at-risk grading permits, Owner shall dedicate 10-foot Public Utility Easements in the following locations:
 - i. along the western boundary of the portion of the Property fronting the Cotton Lane alignment; and,
 - ii. along the northern boundary of the Property fronting the Lower Buckeye Road alignment; and,
- p. The Public Utility Easements to be dedicated herein shall be in a form and substance acceptable to the City Attorney or his designee and shall be lien free and, unless otherwise agreed to by the City, free of all other easements or other encumbrances; and,
- q. Any modifications to existing irrigation facilities as a result of this development shall be coordinated with the appropriate Irrigation District/private owner.

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 that certain document titled "Official Supplementary Zoning Map No. 24-07" attached hereto as Exhibit A and declared a public record herein, which is referred to and made a part hereof as if fully set forth in this Ordinance.

SECTION 5. ABRIDGEMENT 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 provision 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.

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.

SECTION 10. 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

All exhibits are on file with the City Clerk's Office online at
<https://www.goodyearaz.gov/government/departments/city-clerk-s-office/public-notice>
or at Goodyear City Hall, 1900 N Civic Square, Goodyear, AZ 85395.