

ORDINANCE NO. 2024-1614

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 3-2-2, 3-2-4 OF ARTICLE 3 (ZONING DISTRICTS), RELATED TO ANIMAL KEEPING AND MINOR SCRIVENER'S ERROR; 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 September 11, 2024 appeared in the Arizona Republic West Valley Edition August 23; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on September 11, 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 September 23, 2024 appeared in the Arizona Republic West Valley Edition August 23, 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 2-2 (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):

Animals. The following terms relate to definitions, distinctions, and types of animals.

Domestic Animals

Any animal customarily kept by humans for companionship including, but not limited to, dogs, cats, birds, rabbits, hamsters, mice, turtles, and the like.

Fowl

A cock or hen of the domestic chicken.

Large Animals

Cattle, horses, mules, sheep, goats, pigs, beasts of burden, llamas, alpacas, or any other animal not listed weighing more than twenty (20) pounds, except Domestic Animals, unusual/exotic animals, or donkeys.

Small Animals

Any animal that does not reside in a home, including rabbits for agriculture purposes, ~~chickens, roosters, fowl~~ or any other animal weighing less than twenty (20) pounds, except domestic animals or unusual/exotic animals.

SECTION 2. Section 3-2-2 (Table 3-2-2: Residential Districts Use Classifications) of the Goodyear Zoning Ordinance is hereby amended as follows (with deletions shown by ~~strikeout text~~ and additions shown by double underlined text):

Table 3-2-2: Residential Districts Use Classifications											
P - Principal Permitted Use; U - Use Permit Use; C - Uses that are permitted if certain conditions are met; AC - Accessory Use that are permitted if certain conditions are met	Single Family						Multi-Family			Additional Use Definitions and Regulations*	
	AG	AU	R1-10, R1-7, R1-6	R1-4, R1-C	R1-A	R2	MF-12	MF-18/24	MHS		MH/RVP
Household Living											
Dwelling, one single family detached	P	P	P	P		P	P				
Dwelling, one single family attached					P		P				
Dwelling, two family (duplex)						P	P				

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	AG	AU	R1-10, R1-7, R1-6	R1-4, R1-C	R1-A	R2	MF-12	MF-18/24	MHS	MH/RVP	
Dwelling, multiple							P	P			
Detached accessory building	AC	AC	AC	AC	AC	AC	AC				8-2
Guest ranch and resort	U	U									
An additional single family dwelling for every 20 acres of lot area above the first ten acres	U										
Manufactured home								P	P		3-2-6-A
Recreational vehicle									P		3-2-6-A
Group Living											
Assisted Living Facility						U		U			
Group Home											

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	AG	AU	R1-10, R1-7, R1-6	R1-4, R1-C	R1-A	R2	MF-12	MF-18/24	MHS	MH/RVP	
1-10 residents, Shall be no closer than 1,320 feet (1/4 Mile) from another Group Home	C	C	C	C	C	C		U			3-2-4-B
1-10 residents, less than 1,320 feet 1/4 mile from another Group Home with 1-10 residents	U	U	U	U	U	U		U			3-2-4-B
Civic and Institutional											
Day care											
Home day care: 1-3 adults or children	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	3-2-4-A
Home day care: 4-10 adults or children	U	U	U	U	U	U	U	U	U	U	

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	AG	AU	R1-10, R1-7, R1-6	R1-4, R1-C	R1-A	R2	MF-12	MF-18/24	MHS	MH/RVP	
Day care facility	U	U	U	U	U	U	U	U	U	U	
Home business, other than home day care	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	3-2-4-A
Hospital and related uses								U			
Parks, playgrounds and other recreational facilities including accessory eating and drinking establishments which many not be located closer than 100 feet to any adjacent residential use or district.	P	P	P	P	P	P	P	P	P	P	
Public utility facility to serve immediate area,	U	U	U	U	U	U	U	U	U	U	

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	AG	AU	R1-10, R1-7, R1-6	R1-4, R1-C	R1-A	R2	MF-12	MF-18/24	MHS	MH/RVP	
excluding office facilities and maintenance yards											
Temporary office, construction sheds, storage, and similar uses incidental to a construction project, which shall be removed upon completion or abandonment of the construction work.	P	P	P	P	P	P	P	P	P	P	
Model Home Complex	P	P	P	P	P	P	P	P	P	P	
Uses of land or structures customarily incidental and subordinate to one of the principal uses	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	

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	AG	AU	R1-10, R1-7, R1-6	R1-4, R1-C	R1-A	R2	MF-12	MF-18/24	MHS	MH/RVP	
Agriculture											
Agricultural uses and buildings for commercial	P										
Agricultural uses and buildings for non-commercial gain	P	P									
Animal Keeping	C	C	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>					3-2-4-C
Dairies, egg and poultry farms for commercial gain.	U										3-2-4-D
Growing and harvesting of fields or trees	P										
Agricultural, flower, and vegetable gardening, nurseries and greenhouses for the	P	P									

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	AG	AU	R1-10, R1-7, R1-6	R1-4, R1-C	R1-A	R2	MF-12	MF-18/24	MHS	MH/RVP	
purpose of propagating and cultivating only, provided no direct sales business shall be carried out on the premises, and provided that no obnoxious fertilizers shall be stored and no obnoxious soil renovations shall be carried out on the premise											
Nurseries and greenhouses for commercial growing of plants, trees, buses, flowers, and vegetables and other food crops, provided that such enclosures not be located	AC	AC									

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	AG	AU	R1-10, R1-7, R1-6	R1-4, R1-C	R1-A	R2	MF-12	MF-18/24	MHS	MH/RVP	
closer than 50 feet from any dwelling, and no direct sales are permitted on the premise.											
Aviaries and apiaries. Shall not be located closer than 200 feet from any dwelling or public roadway, street, no direct sales is permitted.	C	C									
Sales building or stand for the direct sale of agricultural products produced on the premises.	U										

SECTION 3. Section 3-2-4 (C) (Single-Family – Additional Use Definitions and Regulations.) of the Goodyear Zoning Ordinance is hereby amended as follows (with deletions shown by ~~strikeout text~~ and additions shown by double underlined text):

c. ANIMAL KEEPING.

a. In the AG district, there is no maximum number of animals. Dairies, egg and poultry farms are not permitted except through a use permit.

b. In AU district, the number of animals allowed on a property shall be limited to a maximum of three (3) large animals and (5) small animals for each one (1) acre of lot area, or any combination thereof. Animals may only be kept for purposes of non-commercial gain.

1. Animals under six (6) months old shall not be counted.

2. Regulations do not pertain to domestic animals.

~~3. Roosters are not permitted in the AU district.~~

~~3.~~ 4. The maximum number of animals allowed on the property may be exceeded for an additional animal (or animals) that is being kept and raised in connection with participation in a Supervised Agriculture Experience (SAE) Project, or similar program, by obtaining a temporary use permit from the Zoning Administrator, and paying the required fee. Issuance of a temporary use permit for this purpose by the Zoning Administrator, may be withheld if the Zoning Administrator finds that allowing additional animals is contrary to the public health or safety.

~~4.~~ 5. A stable or shade structure shall be provided for horses equal to a minimum of one hundred (100) square feet of cover per horse.

~~6. Any egg laying fowl maintained in the AU district shall be located 200 feet from any lot line.~~

c. Requirements for corrals, stables, and other similar structures used or required for the keeping of animals in both AG and AU Districts:

1. Corrals, structures, pens, stables, shade structures and like enclosures for the keeping of animals shall be located in the rear yard and such facilities shall not be located any closer than one

hundred (100) feet from any dwelling, nor fifty (50) feet from any lot line.

2. Corrals, structures, pens, stables, shade structures and like enclosures shall be cleaned and waste material removed from the site no less than twice per week.

3. Any open pasture area provided for the animals must be enclosed by a stock-tight fence which shall be located outside of the front setback.

d. A resident of a single-family detached residence is permitted to keep Fowl on the property in the AU, R1-10, R1-7, R1-6, R1-4, R1-C and R2 Districts, subject to the following:

1. Fowl located on the property shall be limited to six (6) or fewer.

2. Male Fowl, including Roosters, are not permitted.

3. Fowl shall be kept in an enclosure and kept from running at-large.

4. All Fowl enclosures shall be located in the rear or side yard of the property, all Fowl enclosures shall be kept at least twenty (20) feet from a neighboring property, all Fowl enclosures shall be a maximum of two hundred (200) square feet and no greater than eight (8) feet in height, provided that any enclosure shall be shorter than the fence line on the property.

4. All Fowl enclosures shall be maintained and manure picked up and disposed of or composted at a minimum of twice weekly.

5. All composted manure shall be kept in a way that prevents migration of insects.

6. All Fowl water sources shall have adequate overflow drainage.

7. All Fowl feed shall be stored in insect-proof and rodent-proof containers.

SECTION 4. 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 5. 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 6. EMERGENCY CLAUSE AND EFFECTIVE DATE. The immediate operation of the provision of this ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of the City. Therefore an emergency is hereby declared to exist, and this Ordinance is enacted as an emergency measure and will be in full force and effect upon its passage and adoption.

SECTION 7. RECORDATION. This Ordinance shall be recorded with the Maricopa County Recorder's Office.

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

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney