

ARTICLE 1 – AUTHORITY & PURPOSE

1.1. Title

The ordinance embraced in the following chapters and sections shall constitute and be designated "The Zoning Ordinance of the City of Goodyear, Arizona," and may be so cited. Such ordinance may also be cited as the "Zoning Ordinance."

1.2. Authority

This Article establishes duties and responsibilities necessary to exercise zoning and planning authority for the City of Goodyear pursuant to State of Arizona municipal planning and zoning enabling legislation.

1.3. Purpose

This Ordinance of the Mayor and City Council (hereafter collectively the "City Council") of the City of Goodyear, Maricopa County, Arizona (hereafter "City") is hereby adopted for the following purposes:

1. To promote and protect the health, safety, and welfare of the residents of the City of Goodyear and to establish land use classifications; dividing the City into districts; imposing regulations, prohibitions and restrictions for the promotion of health, safety, convenience, aesthetics, and welfare; governing the use of land for residential and non-residential purposes; regulating and limiting the height and bulk of buildings and other structures; limiting lot occupancy and the size of yards and other open spaces; establishing standards of performance and design; adopting a map of said districts; prescribing penalties for violations of said Ordinance; and repealing all Ordinances in conflict therewith.

Further, such regulations are deemed necessary to lessen congestion in the streets; to provide adequate open space for light and air; to conserve property values; to assure orderly growth; to facilitate the adequate provision of transportation, water, sewer, schools, parks and other improvements; and to promote public health, safety, and welfare.

2. This Ordinance shall be considered the minimum requirements necessary for the promotion of the General Plan, as amended from time to time, and for the protection of the citizens of Goodyear and the general public.

Compliance with all other ordinances, codes, rules, regulations, policies and guidelines adopted by the Goodyear City Council, such as, but not limited to, International Fire Codes, International Building Codes, hazardous materials regulations, City of Goodyear Engineering Design Standards and Policy Manual, or PAD standards approved by the City of Goodyear shall be adhered to, and where differences occur, the more restrictive shall prevail.

1.4. Consistency with the General Plan

It is the intent of the City Council that this Code be consistent with and implement the planning policies adopted by the City Council as expressed in the General Plan. The City Council affirms that this Code, including any amendments, shall remain in conformance with the adopted General Plan, applicable specific area plans, and any amendments to those documents.

1.5. Applicability

1.5.1. General Applicability

All buildings, structures, uses of land, and site improvements are subject to the provisions of this Code and any companion documents incorporated by reference within this ordinance. Any change to an existing building, structure, use of land, or site condition, including changes that increase parking demand, modify occupancy, alter drainage or landscaping, or involve additions or physical modifications made after the effective date of this Code, shall comply with all applicable requirements of this Code. The establishment of a zoning district or the approval of a development application does not constitute a guarantee of infrastructure capacity; all future development remains dependent upon the availability of infrastructure, including water, necessary to support the intended uses.

1.5.2. Previously Approved Planned Area Developments

A Planned Area Development (PAD) approved prior to the adoption of this Code shall continue to govern the permitted uses and development standards applicable to the property, unless amended in accordance with this Code. Where such PAD does not expressly address a development standard or procedural requirement, the applicable provisions of this Code shall apply.

1.5.3. Prohibited Uses

Any use not expressly identified in this Code as a permitted use, a use subject to supplemental use conditions, or a use requiring a use permit within a specific zoning district shall be prohibited in that district, except where the Zoning Administrator determines the use to be comparable to or a functional equivalent of a listed use and assigns it to the appropriate zoning district and use category consistent with the intent of this Code.

1.6. Transition Procedures

In order to ensure the orderly adoption and enforcement of this Zoning Ordinance, the following transition rules shall govern the applicability of this Ordinance.

1. The provisions of this Ordinance and any amendments shall not apply to those developments for which a building permit has been issued prior to the adoption of this Ordinance, provided said building permit remains in full force and effect. In the event the building permit expires, said permit may not be extended or renewed unless all provisions of this Ordinance are met.
2. A parcel of land subject to an approved site plan, stipulations or Planned Area Development adopted prior to the effective date of this Ordinance shall be developed in accordance with that approved site plan, stipulations or Planned Area Development provided said development standards or stipulations are in full force and effect, but shall comply with these regulations to the maximum extent possible. In the event of a conflict between provisions of these regulations and the approved site plan, stipulations or Planned Area Development the approved site plan, stipulations or Planned Area Development shall prevail.
3. Development agreements adopted or established prior to the effective date of this Ordinance shall control.

4. If a rezoning was subject to a schedule for development, the time period for which has expired, then the development of that parcel of land shall be subject to all applicable provisions of this Ordinance.
5. Any uses of land, structures, or parcels which existed on the effective date of this Ordinance and which do not meet the standards and regulations of this Ordinance, shall be deemed nonconforming and shall be controlled by the provisions of Article 7.3, except that the City may require a nonconforming use to be brought into compliance by a specific date if such compliance is mandated by state law and only after the new requirement has been made part of this Zoning Ordinance through an amendment adopted pursuant to the amendment procedures specified herein.

1.7. Regulations Governing Newly Annexed Areas

1.7.1. Initial Zoning.

Within newly annexed areas, the City shall initially adopt zoning classifications which make every effort to permit densities and uses no greater than those permitted by Maricopa County or the municipality Goodyear is receiving the property from immediately prior to annexation, unless a zoning amendment which establishes initial City zoning is processed concurrently with such annexation, pursuant to the procedures required for such an amendment. Newly annexed areas for which a zoning amendment is not concurrently processed, shall, until officially zoned by the City Council, be considered to be zoned to a City classification closest to that shown on the official zoning map of Maricopa County at the time of annexation. Per ARS 9-462.07, such zoning shall apply for not more than six (6) months. Subsequent changes in zoning of the annexed territory shall be made according to procedures established by this Ordinance.

1.7.2. Construction and Building Permits.

- A. Maricopa County building permits, Use Permits or Special Use Permits validly issued pursuant to County requirements not more than sixty (60) days prior to the effective date of annexation, shall be accepted by the Chief Building Official, or his designee, as valid permits for a period of sixty (60) days after the effective date of annexation and said Use Permit or Special Use Permit shall be provided to the City. If construction has not commenced on or before the sixtieth (60th) day after the effective date of annexation, a City building permit, Use Permit or Special Use Permit shall be required.
- B. For buildings under construction with a valid building permit, Use Permit or Special Use Permit issued by Maricopa County prior to the effective date of an annexation ordinance, a City building permit shall not be required, but the Chief Building Official, or his designee, shall require that buildings constructed under such County building permit, Use Permit or Special Use Permit shall be structurally safe and shall conform to pertinent County zoning regulations in effect at the time the County permit was issued.

1.7.3. Existing Use, Activity or Structure.

- A. Any use or activity conducted contrary to County zoning regulations at the effective date of annexation and not constituting a nonconforming use under the County zoning regulations shall not be considered a nonconforming use, and shall constitute a violation of this Ordinance.

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- B. Any use, activity or structure that is existing at the effective date of annexation, under a Maricopa County Use Permit or Special Use Permit with a time limit imposed, shall not be a nonconforming use, but may, unless considered a permitted use under subsequently-established City zoning, continue for the extent of the time limit. Such Use Permits or Special Use Permits may be extended with subsequent City Use Permit or Special Use Permit approval in accordance with this Ordinance.
- C. Any lot or parcel of land duly recorded in the Maricopa County Recorder's Office prior to the effective date of this Ordinance and having an area, width or depth less than that required in the Zoning District regulations in which such lot or parcel is situated, shall be deemed to be a lot and may be used as a building site, provided that all other applicable provisions within this Zoning Ordinance shall apply.

1.7.4. Land Use Map to Be Prepared.

Upon annexation, the property owners requesting annexation shall prepare a land use map which shall depict the manner in which buildings and/or lands were being used at the time of annexation.

1.8. Conflicting Provisions

In the event any provision of this Ordinance is found to be in conflict with any other zoning, building, fire safety, health, or other code provision of the City, the provision which establishes a higher standard for the promotion and protection of the public health, safety, and welfare of the residents of the City shall prevail.

1.9. Rules for Interpretation

The Zoning Administrator shall interpret any provision or any method of measurement not expressly identified in this Chapter, and provide clarification and determination of these rules and their application to a specific site. The Zoning Administrator shall maintain a record of these interpretations.

1.10. Exceptions and Modifications

Regulations specified in this Ordinance shall be subject to the following exceptions, modifications and interpretations:

1.10.1. Extension of Time.

Under special conditions, the City Council may grant extensions of time unless otherwise provided in this Ordinance. For applications approved administratively, the Zoning Administrator may grant extensions of time under the same standards.

1.10.2. Use of Existing Lots of Record.

In any district where residential dwellings are permitted, a single-family dwelling may be located on any lot or plot of official record that existed on the effective date of this Ordinance, which does not meet area and/or width requirements of this Ordinance; all other applicable provisions within this Zoning Ordinance shall apply.

1.10.3. Structures Permitted Above the Height Limit.

The building height limitations of this Ordinance may be modified as follows: Public, semi-public, or public service buildings, including sanitariums, schools, and places of worship, when permitted in a district, may have the applicable height limit waived by

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the Planning and Zoning Commission, provided that each required setback for the building receiving the height modification is increased by one (1) foot for each one (1) foot of additional building height above the maximum height otherwise permitted in that district. The approved height increase and corresponding setback adjustment shall apply to the entire building for which the modification is granted.

1.10.4. Area Requirements.

In any residential district where neither the public water supply nor public sanitary sewer is accessible, lot area and frontage requirements shall be consistent with County or State health requirements and meet the minimum requirements of the zoning district in which it is located.

1.10.5. Other Exceptions to Yard Requirements.

Every part of a required yard shall be open to the sky, unobstructed by any structure, except for permitted accessory buildings, and except for ordinary projections of sills, bay windows, cornices and other features permitted elsewhere in this Ordinance (Section 4.3: Screening, Walls and Fences). Such projection shall not exceed twenty-four (24) inches, except for portals as noted in Section 3.1.6.C.

1.10.6. Mixed-Use Yard Requirements.

When buildings are erected containing two (2) or more uses housed vertically, required side yards for the first floor use shall control.

1.11. Repeal & Severability

1.11.1. Repeal

All other City of Goodyear Zoning Ordinances or parts in conflict with this Ordinance are hereby repealed. Repeal of any Ordinance or parts thereof by this Ordinance shall not:

- A. Affect suits pending or rights existing prior to the date of this Ordinance; or
- B. Affect any grant or conveyance made, or right acquired, or cause of action now existing under any repealed Ordinance or amendment thereto; or
- C. Affect the validity of any bond or other obligation issued or sold (constituting a valid obligation of the issuing authority) prior to the effective date of this Ordinance.

1.11.2. Severability

A finding by a court of competent jurisdiction that any article, part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, term, or word within this Ordinance is declared invalid shall not invalidate the remaining portions. A permit issued pursuant to this Ordinance does not grant any authority to violate any other law or regulation that may apply. Any permit or approval issued in conflict with this Ordinance shall be void.