ARTICLE 1 ADMINISTRATION AND PROCEDURES

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ARTICLE 1-1 TITLE AND PURPOSE

1-1-1 Title
1-1-2 Purpose
1-1-3 Establishment of **Districts**
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Section 1-1-1 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**."

Section 1-1-2 Purpose

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.

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

A. 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 **district**s; 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 **building**s and other **structure**s; limiting **lot** occupancy and the size of **yard**s and other **open space**s; establishing standards of performance and design; adopting a map of said **district**s; 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 **street**s; 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.

B. 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 material**s 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.

Section 1-1-3 Establishment of Districts

In order to promote the orderly development of the City and carry out the provisions of this **Ordinance** and in order to classify, regulate, restrict, and separate the **use** of land, **building**s and **structure**s, the City is hereby divided into the following **district**s:

A. RESIDENTIAL **DISTRICT**S:

Agricultural	AG
Agricultural Preservation	AP
Agricultural-Urban	AU
Single **Family** Residential	R1-10
Single **Family** Residential	R1-7
Single **Family** Residential	R1-6
Single and Two **Family** Residential	R2
Multi-**Family** Residential	MF-18
Manufactured Home Subdivision	MHS
Manufactured Home Park or **Recreational Vehicle Park**	MH/RVP

B. COMMERCIAL **DISTRICT**S:

Commercial Office	C-O
Neighborhood Commercial	C-1
General Commercial	C-2
Central Business **District**	CBD
Public Facilities **District**	PFD

C. INDUSTRIAL **DISTRICT**S:

Light Industrial Park	I-1
General Industrial Park	I-2

D. PLANNED AREA DEVELOPMENT **DISTRICTS**:

Preliminary Planned Area Development	P-PAD
Final Planned Area Development	F-PAD

Section 1-1-4 Location and Boundaries of Districts

The locations and boundaries of zoning **district**s are established on the City of Goodyear Zoning Map, dated and signed by the Mayor and City Clerk, which map accompanies and is hereby declared a part of this **Zoning Ordinance**.

A. The Zoning **District** boundary lines are intended to follow **street**, **alley**, **lot**, or property lines, as they exist at the effective date of this **Ordinance** except where such **district** boundary lines are fixed by dimensions shown on the Zoning Map, in which case such dimensions shall govern. Where a zoning **district** boundary line is indicated as approximately following streets or highway rights-of-way, the zoning **district** of the adjacent property shall be extended to the centerline of such street or highway right-of-way. In no case, however, is the Zoning Map intended to be used as a precise, legal narrative of any zoning **district** boundary.

B. Where a Zoning **District** boundary is not clearly defined on the Zoning Map, the location of such boundary shall be determined administratively by the **Zoning Administrator.**

Section 1-1-5 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**.

A. The provisions of this **Ordinance** and any **amendment**s 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.

B. A parcel of land zoned subject to a plan of development, standards or stipulations adopted prior to the effective date of this **Ordinance** shall be developed in accordance with that approved plan of development, standards or stipulations 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 plan of development, standards or stipulations, the approved plan of development, standards or stipulations shall control.

1. Development agreements or design themes adopted or established prior to the effective date of this **Ordinance** shall, likewise, control.

2. If the 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**.

C. Any **use**s of land, **structure**s, 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 4-3, 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.

Section 1-1-6 Regulations Governing Newly Annexed Areas

A. INITIAL ZONING. Within newly annexed areas, the City shall initially adopt zoning classifications which permit densities and **use**s no greater than those permitted by Maricopa County immediately prior to annexation, unless an **amendment** of the Zoning **District** boundary is processed concurrently with such annexation, pursuant to the procedures required for such an **amendment**. Areas, when annexed to the City, shall, until officially zoned by the City Council, be considered to be zoned to City classification closest to that shown on the official zoning map of Maricopa County at the time of annexation. Such County 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.**

B. CONSTRUCTION AND **BUILDING** PERMITS.

1. Maricopa County **building** permits or **Use Permit**s 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. If construction has not commenced on or before the sixtieth (60th) day after the effective date of annexation, a City **building** or **Use Permit** shall be required.

2. For **building**s under construction with a valid **building** or **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 **building**s constructed under such County **building** or **Use Permit** shall be structurally safe and shall conform to pertinent County zoning regulations in effect at the time the County permit was issued.

C. EXISTING **USE**, ACTIVITY OR **STRUCTURE**.

1. 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**.

2. Any **use**, activity or **structure** that is existing at the effective date of annexation, under a Maricopa County **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 Permit**s may be extended with subsequent City **Use Permit** approval in accordance with this **Ordinance**.

3. 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 applicable **use**, setback, height and **lot** coverage, parking, **signage**, landscaping, and **Site Plan** criteria for the Zoning **District** shall apply.

D. 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 **building**s and/or lands were being used at the time of annexation.

Section 1-1-7 Exceptions and Modifications

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

A. EXTENSION OF TIME. Under special conditions, the City Council may grant extensions of time unless otherwise set forth in this **Ordinance**.

B. **USE** OF EXISTING **LOT**S OF RECORD. In any **district** where 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**.

C. **STRUCTURE**S PERMITTED ABOVE THE HEIGHT LIMIT. **Building height** limitations of this **Ordinance** may be modified as follows: Public, semi-public or public service **building**s, sanitariums, schools, **church**es, and **temple**s, when permitted in a **district**, may have the applicable height limit waived by City Council, provided that each setback is increased one foot for each foot of additional **building height** above the height limit otherwise provided in that **district.**

D. AREA REQUIREMENTS. In any residential **district** where neither the public water supply nor public sanitary sewer is **access**ible, **lot area** and **frontage** requirements shall

be consistent with County or State health requirements, and meet the minimum requirements of the zone **district** in which located.

E. 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** (Article 5-2: Walls, Fences). Such projection shall not exceed twenty-four (24) inches, except for **portals** as noted in Article 8-1 F. 4.

F. MIXED-**USE YARD** REQUIREMENTS. When **building**s are erected containing two (2) or more **use**s housed vertically, required side **yard**s for the first floor **use** shall control.

ARTICLE 1-2 ADMINISTRATION

1-2-1	Repeal, Severability, and Application
1-2-2	**Zoning Administrator** - Enforcement, Interpretation and Conflict
1-2-3	Violations and Penalties
1-2-4	Injunction
1-2-5	Planning and Zoning Commission
1-2-6	Development Review **Committee**
1-2-7	Board of Adjustment

Section 1-2-1 Repeal, Severability, and Application

A. REPEAL. All other City of Goodyear **Zoning Ordinance**s or parts in conflict with this **Ordinance** are hereby repealed.

B. SEVERABILITY. Should any section or provision of this **Ordinance** be decided by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the **Ordinance** as a whole or part thereof, other than the part so decided to be unconstitutional or invalid.

C. APPLICATION. Repeal of any Ordinance or parts thereof by this **Ordinance** shall not:

1. Affect suits pending or rights existing prior to the date of this **Ordinance**; or

2. Affect any grant or conveyance made, or right acquired, or cause of action now existing under any repealed Ordinance or **amendment** thereto; or

3. 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**.

Section 1-2-2 Zoning Administrator - Enforcement, Interpretation and Conflict

A. The office of **Zoning Administrator** is hereafter established and such **Zoning Administrator** shall have the responsibility for enforcement and interpretation of the **Zoning Ordinance** and the authority to approve, conditionally approve, or deny site plan and design review applications, pursuant to the processes set forth in this **Ordinance**, the **Administrative Process Manual**, and the **Engineering Standards**. The Development Services Department Director of the City shall serve as the **Zoning Administrator**.

B. In interpretation and application, provisions of this **Ordinance** shall be considered the minimum requirements for the promotion of public health, safety and general welfare.

C. Provisions of this **Ordinance** are not intended to interfere with, abrogate, or annul any ordinance, rule, regulation or permit not in conflict with this **Ordinance**. This

Ordinance is not intended to interfere with, abrogate or annul any easement, covenant or other agreement between parties.

D. A property owner and/or occupant shall allow the **Zoning Administrator**, or authorized agents, **access** to private property for such inspections as are necessary to ensure that requirements of this **Ordinance** are met.

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 **amendment**s 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 1-2-4 Injunction

A. If any **building** or **structure** is constructed, reconstructed, altered, repaired, converted or maintained, or any **building**, **structure** or land is used, in violation of this **Ordinance**, or

of a condition upon which approval of any **amendment**, **Use Permit** or **Site Plan** is based, any owner or tenant of real property in the same zoning **district** or the **Zoning Administrator** or any duly authorized representative thereof may institute an appropriate action:

1. To prevent unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use of the land, whether improved or otherwise;

2. To prevent occupancy of the **building**, **structure** or land whether improved or otherwise;

3. To prevent any illegal act, conduct, business or **use** in or about the premises; or,

4. To restrain, correct or abate the violation.

B. When any action is instituted pursuant to this Section 1-2-4, notice shall be served upon the City Attorney when suit is begun, and by personally serving a copy of the complaint to the owner and/or tenant.

C. In any such action under this Section 1-2-4 the court with jurisdiction, in its discretion, may issue a temporary restraining order, a preliminary injunction, or a permanent injunction upon such terms and conditions as will do justice and enforce this **Ordinance**.

Section 1-2-5 Planning and Zoning Commission

A. PURPOSE. The Planning and Zoning Commission (hereinafter "Commission") is created to provide analysis and recommendation of the City's General Plan, proposed developments, rezonings, and Ordinance **amendment**s to the City Council. Its purpose is to review all aspects of a proposed and future development including, but not limited to present and projected growth of the City, site planning and the relationship of the development to the surrounding environment and community. The Commission recognizes the interdependence of land values, aesthetics and good site planning by promoting harmonious, attractive and compatible development that is therefore considered to be in furtherance of the public health, safety and general welfare.

B. ORGANIZATION. There is created a Planning and Zoning Commission to consist of seven (7) members, each of whom shall be a resident of the City, to be appointed by the Mayor with the approval of the City Council. Four members shall constitute a quorum, or as otherwise specified in the Commission's By-Laws. The members of the City Planning and Zoning Commission shall serve for three (3) year terms unless sooner removed by the Council, provided nothing herein shall effect the expiration of the current terms of said City Planning and Zoning Commission. All members shall hold office until their successors are appointed and qualified. Any member of the Commission may be removed by the Mayor with the consent of a majority vote of the City Council for inefficiency, neglect of duty, malfeasance in any office, or other good and sufficient

cause. Any vacancy shall be filled within a reasonable time and by appointment by the Mayor with approval of the City Council for the unexpired term.

The members of the Commission may be compensated for the time spent in performance of official duties at such rates and schedules as the Council may establish. Individuals may not serve more than three (3) consecutive three-year terms, subsequent to the effective date of this **Ordinance**.

1. The Commission shall elect a Chairman and Vice Chairman from among its own members.

2. Meetings of the Commission shall be open to the public. The minutes of its proceedings, showing the vote of each member and records of its examinations and other official actions shall be kept and filed in the office of the City Clerk as a public record.

3. The Commission shall adopt rules of procedure not inconsistent with the provisions of this **Ordinance** for the conduct of its business and procedure.

4. The concurring vote of four members of the Commission shall be necessary to recommend approval of any application. Any other motion shall be governed by Robert's Rules of Order.

5. The **Zoning Administrator** shall serve ex-officio as Secretary of the Commission, but shall have no vote.

6. The Commission may hold closed executive sessions or like sessions for the purposes and the manner provided by law.

7. When any Commission member has direct pecuniary or proprietary interest in any matter before the Commission, said member shall declare same, be excused, and refrain from participating in voting on any matters over which the conflict occurs while being considered by the Commission.

C. POWERS. The Planning and Zoning Commission shall have the following powers:

1. Hear requests for **amendment**s, which include **planned area developments**, of the text of this **Ordinance** or the Zoning Map of the City, and recommend approval, denial, or approval with revisions of such requests to the City Council.

2. Hear requests for the granting of special uses or **Use Permit**s required and stipulated by this **Ordinance** and recommend approval, denial, or approval with revisions of such requests to the City Council.

3. Hear requests for planned area developments and subdivisions and recommend approval, denial, or approval with revisions of such requests to the City Council.

4. To promulgate rules of procedure and to supervise the enforcement of rules so promulgated by the Commission and approved by the City Council.

5. To advise the City Council in all such matters that may pertain to planning and zoning.

6. To oversee, and conduct requisite public hearings for the adoption, updating and processing of **amendments** to the General Plan.

Section 1-2-6 Development Review Committee

A. CREATION, COMPOSITION, AND MEETINGS.

1. A Development Review **Committee** (hereinafter "**Committee**") is created which shall include the **Zoning Administrator**, City Engineer, Chief **Building** Official, Police Chief, Fire Chief, and City Utilities Managers, or their respective designees, and any other City staff as deemed appropriate by the **Zoning Administrator**.

2. When any **Committee** member has direct pecuniary or proprietary interest in any matter before the **Committee**, said member shall be excused and refrain from participating in the review of any matters over which the conflict occurs while being considered by the **Committee**.

3. Meetings shall be at the call of the, **Zoning Administrator** or on an as-needed basis.

4. The **Zoning Administrator** shall be responsible for coordinating and directing the meetings of the **Committee** and issuing all written decisions.

B. PURPOSE. The primary purpose of the Development Review **Committee** is to review development plans and proposals and provide technical review, guidance and direction to the **Zoning Administrator** in making a decision to approve, conditionally approve, or deny an application for site plan review or design review. The Development Review **Committee** may also provide a prospective developer or builder with advice or direction for the purpose of achieving site development that conforms with Goodyear's General Plan, **City Code** and regulations, and the City's goals for quality development in the community.

C. POWERS, DUTIES, JURISDICTION.

1. The **Committee** shall advise the **Zoning Administrator** whether to approve, conditionally approve, or disapprove any application for **Site Plan** review or design review. The applicant shall be responsible for proving that the intent and purpose of

this **Ordinance** and other applicable provisions of the **Goodyear City Code** will be satisfied.

2. The **Committee**, upon reviewing an application for site plan review or design review, may recommend to the **Zoning Administrator** reasonable conditions to carry out the intent of this **Ordinance**.

3. The **Committee** shall also provide technical review and recommendations to the **Zoning Administrator** for transmittal to the Planning and Zoning Commission and City Council on zoning **amendment**s, **Use Permit**s, Special Use Permits, preliminary and final subdivision plats, General Plan amendments, and all other land **use** and development applications that require Planning and Zoning Commission and/or City Council review and action.

Section 1-2-7 Board of Adjustment

A. CREATION, COMPOSITION, TERMS OF MEMBERS.

1. The Board of Adjustment is created to provide for relief from the terms of this **Ordinance**, and to hear and decide appeals from decisions of the **Zoning Administrator**.

2. A Board of Adjustment ("Board") shall consist of five (5) members, each of whom shall be a resident of the City of Goodyear. The members of the Board shall be appointed by the Mayor with the approval of the City Council for three (3) year terms, unless sooner removed by the Council, provided nothing herein shall affect the expiration of the current terms of said Board. Members may be appointed to shorter terms at the discretion of the Mayor and City Council as necessary to provide for staggered terms. Any member of the Board may be removed by the Mayor with the consent of a majority vote of the City Council for inefficiency, neglect of duty, malfeasance in office, or other good and sufficient cause. Vacancies shall be filled for the unexpired term of the member whose position has become vacant. The members of the Board shall serve without compensation.

3. If the legislative body is established as the Board, it shall exercise all of the functions and duties of the Board in the same manner and to the same effect as provided in this Section.

4. The Board shall elect a chairman and vice chairman from among its own members who shall have power to administer oaths and to take evidence.

5. Meetings of the Board shall be open to the public. The minutes of its proceedings, showing the vote of each member and records of its examinations and other official actions shall be kept and filed in the office of the City Clerk as a public record.

6. The Board shall adopt rules of procedure not inconsistent with the provisions of this **Ordinance** for the conduct of its business and procedure.

7. The concurring vote of three (3) members of the Board shall be necessary to grant a variance, reverse any order or decision of the **Zoning Administrator**, or to decide in favor of the applicant on any matter upon which it is required to act.

8. When any Board member has direct pecuniary or proprietary interest in any matter before the Board, said member shall be excused and refrain from participating in discussion and voting on any matter in which such conflict exists.

9. The **Zoning Administrator** shall serve ex-officio as the Secretary of the Board, but shall have no vote.

10. The Board may hold closed executive sessions or like sessions for the purposes and in the power provided by Arizona law.

B. POWERS.

1. Except as otherwise expressly provided in this **Ordinance**, the Board shall hear and decide appeals in which it is alleged there is an error in an order, requirement or decision made by the **Zoning Administrator** in the enforcement of this **Ordinance**.

2. The Board, in connection with its consideration of an appeal, may reverse or affirm, wholly or partly, or modify the order, requirement or decision of the **Zoning Administrator** being appealed and may impose conditions as the Board deems necessary to fully carry out the provisions and intent of this **Ordinance**. The violation of any conditions of approval or other condition imposed by the Board shall be a violation of this **Ordinance.**

3. The Board shall hear and decide requests for **variances** as more fully provided in this **Ordinance**.

4. The Board of Adjustment may not make any changes in the **use**s permitted in any zoning classification or zoning **district**, or make any changes in the terms of the **Zoning Ordinance**, provided the restriction in this paragraph shall not affect the authority of the Board to grant variances as provided in this **Ordinance**.

5. The concurring vote of three (3) members of the Board shall be necessary to reverse or modify a decision of the **Zoning Administrator**, or to grant a **variance**.

6. The decision of the Board shall be final on such matters for which it has jurisdiction under this section.

C. APPEALS OF DECISION OF **ZONING ADMINISTRATOR**. Persons with standing who are aggrieved by a decision of the **Zoning Administrator**, except for decisions on applications for a Site Plan or Design Review, shall be entitled to appeal such decision by filing a written notice of appeal within fifteen (15) calendar days of the date the decision was issued. The appeal shall be filed with the **Zoning Administrator** and shall be processed in accordance with the procedures generally described herein and more fully described in the **Administrative Process Manual**.

1. The notice of appeal shall be filed on a form(s) provided by the Development Services Department and shall include all of the information identified in such form(s) and the additional information below. The appeal shall be signed by the aggrieved person and all applicable fees shall be paid when the appeal form is submitted.

    a. The appeal form(s) shall be accompanied by: a statement describing the decision of the **Zoning Administrator** that is the subject of the appeal; citations to any applicable laws, ordinances, codes, policies or regulations the appellant alleges have been improperly interpreted, applied, or violated and appellant's interpretation of such laws, ordinances, codes, policies or regulations; documentation and evidence supporting appellant's interpretation and/or position that the **Zoning Administrator**'s decision improperly applied or violated applicable laws, ordinances, codes, policies or regulations; and any other documentation the appellant would like the Board to consider.

2. The party filing the appeal bears the burden of proof.

    a. The party challenging the interpretation(s) of the **Zoning Administrator** of the **Ordinance** and/or provisions of the Goodyear Code of Ordinances bears the burden of proving that the **Zoning Administrator's** interpretation is clearly contrary to legislative intent or that it is without rational basis.

    b. The party challenging factual determinations by the **Zoning Administrator** bears the burden of proving that no reasonable person could have made such factual determination.

3. The filing of an appeal to the Board shall stay all proceedings in the matter appealed from unless the **Zoning Administrator** certifies in writing to the Board that in the **Zoning Administrator's** opinion, based on the facts presented in the **Zoning Administrator's** certification, the stay would cause imminent peril to life or property. Upon such certification, the proceedings shall not be stayed except by a restraining order granted by the Board or court of record upon on application and notice to the **Zoning Administrator.**

4. The Board shall hold a hearing, at which time all interested persons shall be given the opportunity to be heard.

5. The concurring vote of three (3) members of the Board shall be necessary to reverse or modify any decision of the **Zoning Administrator**.

D. SPECIAL ACTION IN SUPERIOR COURT. A person aggrieved by a decision of the Board may, at any time within thirty days after a decision has been rendered, file a complaint for special action in the superior court of Maricopa County to review the decision. Filing the complaint does not stay proceedings on the decision sought to be reviewed, but the court may, on application, grant a stay and on final hearing may affirm or reverse, in whole or in part, or modify the decision reviewed.

ARTICLE 1-3 PROCEDURES

1-3-1	**Amendment**s
1-3-2	**Use Permit**s
1-3-3	Variances
1-3-4	Special Use Permits
1-3-5	Site Plan Requirement and Review Process
1-3-6	**Building** Permits and Certificates of Occupancy
1-3-7	Zoning Permits
1-3-8	Citizen Review Process
1-3-9	Public Hearings
1-3-10	Applications and Fees

Section 1-3-1 Amendments

A. Regulations set forth in this **Ordinance** and boundaries of Zoning **District**s established by the City may be amended, supplemented, changed, modified or repealed when deemed necessary to best serve the public interest, health, comfort, convenience, safety and general welfare of the citizens of the City.

B. APPROVAL AUTHORITY. **Amendment**s of this **Ordinance**; and **amendment**s establishing or changing the zoning **district** applicable to property within the City through the **amendment** of the boundaries of a Zoning **District** ("Rezoning Ordinances") and any **amendment**s of any terms, conditions, stipulations or other type of requirements set forth in an ordinance amending the boundaries of a Zoning **District** (collectively referred to as "**amendments**" and individually referred to "**amendment**") shall be decided by the City Council following receipt of recommendations from the Planning and Zoning Commission.

C. APPLICATION PROCESS. Applications for **amendments** shall be processed and reviewed in accordance with the procedures generally described below and more particularly described in the **Administrative Process Manual** and in this **Ordinance**, which procedures shall comply with the posting requirements, publication requirements and Citizen Review Process as required by law.

1. Applications for an **amendment** shall be filed with the Development Services Department on form(s) provided by the Development Services Department and shall include all of the information identified in the application form(s) and in the **Administrative Process Manual** and any other data that may be required by the **Zoning Administrator** needed for the review of the application.

2. Applications for an **amendment** shall be signed by the property owner(s) or an authorized agent of the property owner(s) and all applicable fees shall be paid when the application is submitted.

D. REVIEW PROCESS FOR **AMENDMENT**S TO ZONING MAP.

1. The Development Review **Committee** shall review the application submittal for an **amendment** of the boundaries of a Zoning **District**. Following the completion of the review by Development Review **Committee** and the Citizen Review Process specified in Section 1-3-8, the **Zoning Administrator** shall forward the application submittal with a recommendation for approval, approval with conditions or denial to the Planning and Zoning Commission for review at a public hearing for which due and proper notice has been provided in accordance with Section 1-3-9.

2. Requests for **amendment**s shall be considered by the Planning and Zoning Commission at a public hearing for the purpose of making a written recommendation to City Council. Following a public hearing at which parties of interest and citizens have been heard, the Planning and Zoning Commission shall issue a recommendation to be forwarded to City Council recommending approval, approval with conditions or denial of the **amendment** and the reasons for such recommendations. Such recommendation may or may not be consistent with the **Committee**'s recommendations.

3. The Development Review **Committee**'s and Planning and Zoning Commission's reviews and recommendations shall be guided by the following considerations:

   a. consistency with the goals, objectives, policies and future land **use** map of City's General Plan; consideration of current market factors, demographics, infrastructure, traffic, and environmental issues; and if conditions have changed significantly since the Plan was adopted;

   b. suitability of the subject property's physical and natural features for the **use**s permitted under the proposed zoning **district**;

   c. compatibility of all potential **use**s allowed in the proposed zoning **district** with surrounding **use**s and zoning in terms of such things as land suitability, environmental impacts, **density**, nature of **use**, traffic impacts, aesthetics, infrastructure, and potential impact on property values;

   d. proposed zoning **district**'s consistency with other land **use**s within the immediate area and whether **use**s allowed under proposed zoning **district** would be better suited to the subject property than the **use**s allowed under current zoning;

   e. demand for the types of **use**s permitted in the proposed zoning **district** in relation to amount of land currently zoned and available to accommodate the demand;

   f. demands for public services that will be generated by the **use**s permitted in the proposed zoning **district** and requirements for meeting such demands in terms of public infrastructure and facilities and other capital equipment, such as water

supplies, water treatment, storage, and distribution facilities, wastewater treatment, recharge and distribution facilities, streets, bridges, schools and emergency services facilities and equipment;

g. potential adverse fiscal impacts that will result from providing services to areas not in proximity to where existing public services are provided;

h. general public's concerns;

i. whether the **amendment** promotes orderly growth and development; and,

j. any other factors related to the impact of the **amendment** on the general health, safety and welfare of the citizens of the City and the general public.

4. Following the completion of the Planning and Zoning Commission's review, the **Zoning Administrator** shall forward the application submittal and the Planning and Zoning Commission's recommendation to the City Council for final review and decision.

   a. The City Council may approve, approve with conditions, or deny the application for **amendment**. Such recommendation may or may not be consistent with the recommendations of the Planning and Zoning Commission. The City Council may decide the application for an **amendment** without a second public hearing if the City Council intends to adopt the recommendations of the Planning and Zoning Commission without change and there has been no written request for a public hearing by the applicant, by a person appearing in opposition to the **amendment** at the Planning and Zoning Commission or by any person who filed a written protest to the **amendment** in accordance with state law. If a public hearing is requested as provided herein, the City shall hold a public hearing before deciding the application for **amendment**. If the City Council does not intend to adopt the recommendations of the Planning and Zoning Commission without change, the City Council shall continue the matter until a public hearing can be scheduled before the City Council decides the matter.

   b. Adoption of an amendment may be subject to such conditions as the City Council deems applicable to enforce this **Ordinance**. If one condition is a schedule for development of specific **use**s for which zoning is requested, and at expiration of that period the property has not been developed according to said schedule, it may be reverted to its former zoning classification by action of the City Council after conducting a public hearing for which public notice has been posted and published in accordance with the requirements of Arizona law.

   c. If the owners of twenty (20) percent or more of the area of the lands included in a proposed ordinance or zoning map change, or those immediately **adjacent** in the rear or any side extending one hundred fifty (150) feet therefrom, or those directly

opposite extending one hundred fifty (150) feet from the **street frontage** of opposite **lot**s, file a protest in writing against a proposed ordinance **amendment**, such **amendment** shall not become effective except by favorable vote of three-fourths (3/4) of the Council. If any member of Council is unable to vote because of a conflict of interest, then the required number of votes shall be three-fourths (3/4) of the remaining Council members (provided that required number of votes shall not be less than a majority of the full Council).

5. If an application for **amendment** to amend the boundaries of a Zoning **District** or to amend any terms, conditions, stipulations or other type of requirements set forth in and ordinance amending the boundaries of a Zoning **District** is denied by the City Council, or the application is withdrawn after the Planning and Zoning Commission hearing, the Planning and Zoning Commission shall not consider an application for the same **amendment** within one (1) year from the date of the original hearing.

E. REVIEW PROCESS FOR TEXT **AMENDMENT**

1. The Development Review **Committee** shall review the application submittal for an **amendment** to this **Ordinance**. Following the completion of the review by Development Review **Committee**, the **Zoning Administrator** shall forward to the Planning and Zoning Commission the application submittal along with a recommendation to approve, to approve subject to modifications, or to deny the application for the Planning and Zoning Commission's review at a public hearing for which due and proper notice has been provided in accordance with Section 1-3-9.

2. Requests for **amendment**s to this **Ordinance** shall be considered by the Planning and Zoning Commission for the purpose of making a written recommendation to City Council. Following a public hearing, the Planning and Zoning Commission shall issue a recommendation to be forwarded to City Council recommending approval of the **amendment** as proposed, recommending approval of the **amendment** subject to modifications or recommending denial of the **amendment**. Such recommendation may or may not be consistent with the **Committee**'s recommendations.

3. The Development Review **Committee**'s and Planning and Zoning Commission's reviews and recommendations shall be guided by the following considerations:

   a. Documentation indicating inconsistencies in terms of the **Ordinance** or problems and/or conflicts in implementation of specific sections of the **Ordinance** that will be resolved by the **amendment**;

   b. Whether **amendment** is needed to respond to changes in the law, statutory or case law;

   c. Whether **amendment** is needed to address zoning and/or development issues or to improve processes for addressing such issues;

d. Whether **amendment** will to promote implementation of goals and objections of the City's General Plan;

e. Any other factors related to the impact of the **amendment** on the general health, safety or welfare of the citizens of the City and the general public.

4. Following the completion of the Planning and Zoning Commission's review, the **Zoning Administrator** shall forward the application submittal and the Planning and Zoning Commission's recommendation to the City Council for final review and decision.

   a. The City Council may decide the application for **amendment** without a second public hearing unless a public hearing is requested in writing by the applicant, by any person appearing in opposition to the **amendment** at the Planning and Zoning Commission or by any person who filed a written protest to the **amendment** in accordance with Arizona Law. If a public hearing is requested as provided herein, the City shall hold a public hearing before deciding the application for **amendment**.

   b. Following and consideration of the application submittal and public hearing, if held, the City Council shall render a decision on the application for **amendment** and either approve, approve with modifications, or deny the application for **amendment**. Such action may or may not be consistent with the Planning & Zoning Commission's recommendation.

F. INITIATION OF AN **AMENDMENT**

1. An application for an **amendment** to amend the boundaries of a Zoning **District** or to amend or enforce of any terms, conditions, stipulations or other type of requirements set forth in an ordinance amending the boundaries of a Zoning **District** may be initiated by any of the following:

   a. All of the owners of the subject property by application executed by all of the owners of the subject property and their respective spouses if any; or, an agent of all of the property owners authorized to sign on behalf of all of the property owners and their respective spouses, when the authority is in writing and filed with the application;

   b. The Planning and Zoning Commission or City Council by its own motion at a public meeting; or,

   c. **Zoning Administrator** for the purpose of rezoning property to bring such land into conformance with the General Plan; rezoning of City-owned property; or

reversion of the zoning on any property which fails to comply with a condition of approval or schedule of development.

2. An application for an **amendment** to the text of this **Ordinance** may be initiated by any of the following:

   a. The Planning and Zoning Commission or City Council by its own motion at public meeting; or,

   b. The **Zoning Administrator** to promote implementation of goals and objections of the City's General Plan; to respond to changes in the law, statutory or case law; to address zoning and/or development issues or processes; to address inconsistencies in terms of the **Ordinance** or problems and/or conflicts in implementation of specific sections of the **Ordinance**; or to implement new standards or practices that would benefit the community.

Section 1-3-2 Use Permits

A. **Use Permit**s shall be obtained for those **use**s as specifically identified in this **Ordinance** as being allowed in the zoning **district** in which the subject property is located subject to a **Use Permit**. Applications for **Use Permit**s are decided by City Council following receipt of recommendations from the Planning and Zoning Commission. **Use Permit**s required hereunder may be approved or approved with conditions only upon a finding by City Council that the proposed development and/or **use** reflected in the application submittal for the **Use Permit**:

1. will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare; and,

2. that the proposed **use** is reasonably compatible with **use**s permitted in the surrounding area.

The applicant bears the burden of demonstrating to the City Council's satisfaction that the forgoing requirements have been met. In making this finding the City Council shall evaluate whether the application submittal addresses the concerns and potential problems associated with the **use** as identified in this **Ordinance** or whether the concerns and potential problems can be mitigated through the imposition of additional conditions, such as: imposing conditions to address potential impacts on surrounding properties that will result from noise, lighting, odors and/or placement of trash receptacles; imposing conditions that will insure adequate parking, ingress and egress so as not to increase traffic congestion; limiting the hours of operation; imposing requirements for enhanced landscaping, screening, and buffering measures that will preserve reasonable **use** and enjoyment of adjacent properties.

B. Applications for a **Use Permit** shall be processed and reviewed in accordance with the procedures generally described below and more particularly described in the **Administrative Process Manual** and in this **Ordinance**.

1. Applications for a **Use Permit** shall be filed with the Development Services Department on form(s) provided by the Development Services Department and all applicable fees shall be paid when the application is submitted.

    a. The application shall include all of the information identified in the application form(s), the information identified in the **Administrative Process Manual**, the information set forth herein and specified elsewhere in this **Ordinance**; and any other data required by the **Zoning Administrator** that is needed for the review of the **Use Permit** application.

    b. A conceptual Site Plan shall be provided and shall provide sufficient detail to demonstrate that the concerns and potential problems associated with the **use** as identified in this **Ordinance** either do not exist at this site and/or can be adequately addressed through mitigation efforts.

    c. The application shall be signed by the property owner(s) or an authorized agent of the property owner(s).

2. The **Zoning Administrator** shall process such application and shall adhere to the posting and publication requirements specified in Section 1-3-9 and as required by Arizona law and shall comply with the Citizen Review Process provided in Section 1-3-8 of this **Ordinance** prior to the public hearing before the Planning and Zoning Commission.

    a. The Development Review **Committee** shall review the application submittal. Following the completion of the **Committee**'s review, the **Zoning Administrator** shall forward the application submittal with a recommendation for approval, approval with conditions or denial to the Planning and Zoning Commission for review.

3. Requests for a **Use Permit** shall be considered by the Planning and Zoning Commission for the purpose of making a written recommendation to the City Council. Following a public hearing at which interested parties and citizens have been heard, the Planning and Zoning Commission shall issue a recommendation to be forwarded to the City Council, recommending approval, approval with conditions or denial of the **Use Permit** application and the reasons for such recommendations. Such recommendation may or may not be consistent with the recommendations of the Development Review **Committee**.

4. Following the completion of the Planning and Zoning Commission's review, the **Zoning Administrator** shall forward the application submittal and the Planning and

Zoning Commission's recommendation to the City Council for final review and decision.

a. The City Council may approve, approve with conditions or deny the application for **Use Permit**. Such recommendation may or may not be consistent with the recommendations of the Planning and Zoning Commission.

b. The City Council may decide the application for **Use Permit** without holding a second public hearing if City Council intends to adopt the recommendations of the Planning and Zoning Commission without change and there has been no written request for a public hearing by the applicant, by any person appearing in opposition to the **Use Permit** application at the Planning and Zoning Commission, or by any person who filed a written protest to the **Use Permit** application in accordance with state law. If a public hearing is requested as provided herein, the City shall hold a public hearing before deciding the **Use Permit** application. If the City Council does not intend to adopt the Planning and Zoning Commission's recommendation without change, the City Council shall continue the matter until a public hearing can be scheduled before City Council decides the matter. Notice of the date, time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the Planning and Zoning Commission.

c. A **Use Permit** may be granted for a designated period of time with a stated date of expiration or it may be granted for an indefinite period of time.

C. The **use** authorized by the **Use Permit** shall be established within two (2) years of the date of the **Use Permit** was approved by the City Council, unless an extension is obtained as provided herein ("Establishment Period"). A **Use Permit** shall be considered established on the site upon commencement of the **use**, or commencement of construction pursuant to a valid **building** permit. If the **use** authorized by the **Use Permit** is not established within Establishment Period and extension for the establishment of the **use** is not obtained prior to the expiration of the Establishment Period, the **Use Permit** approval shall become null and void, in accordance with the following provisions:

1. Upon expiration of the Establishment Period (initial two (2) year period plus and any subsequently granted extension), the **Zoning Administrator** shall send a notice by certified mail to the property owner and holder of the **Use Permit** advising that the **Use Permit** has expired. If after thirty (30) days the property owner or holder of the permit does not request an extension and provide evidence that the **Use Permit** is still being pursued, the **Zoning Administrator** shall send a second notice by certified mail to the property owner or holder of the **Use Permit** declaring the **Use Permit** null and void. If an extension has been requested, the **Zoning Administrator** shall wait to send a final notice of expiration until the application for an extension has been decided. If the application for an extension is denied, the **Zoning Administrator**

shall send a second notice by certified mail to the property owner holder of the **Use Permit** declaring the **Use Permit** null and void.

2. The **Zoning Administrator** may authorize a one (1) year extension upon a finding that the establishment of the **Use Permit** is actively being pursued; that special circumstances prevented the property owner or holder of the permit from obtaining a **building** permit and/or commencing construction; and that no significant changes have occurred either in City ordinances or the immediate area that might have altered the previous **Use Permit** approval.

Section 1-3-3 Variances

A. Applications for a **variance** from the terms of this **Ordinance** will be processed and reviewed in accordance with the procedures generally described herein and more particularly described in the **Administrative Process Manual** and in this **Ordinance**, which procedures shall comply with the posting requirements, publication requirements as required by law. Applications for a **variance** shall be filed with the **Zoning Administrator** upon form(s) provided by the Development Services Department. Applications for a **variance** shall be signed by the property owner(s) or an authorized agent of the property owner(s) and all applicable fees shall be paid when the application is submitted. Applications for a Variance shall include all of the information and supporting documentation identified in the application, in this **Ordinance** and in the **Administrative Process Manual**. The application shall be accompanied by:

1. Plans and description sufficient to indicate the nature of the proposed development and specific terms of this **Ordinance** from relief is sought; and,

2. Sufficient documentation and other evidence that will allow the **Board** to find all of the requirements necessary for the granting a **Variance**, as set forth below, have been met; and,

3. Evidence satisfactory to the Board of the applicant's ability and intention to proceed with actual construction within six (6) months of the issuance of a **variance;** and,

4. Any other data that may be required by the **Zoning Administrator** necessary for review of the application.

B. Requirements. A **Variance** shall not make any changes in the **Use** and/or densities permitted in any zoning **district**. A variance from terms of this **Ordinance** shall not be granted unless the Board finds, upon sufficient evidence, all of the following:

1. existence of special circumstances or conditions applicable to the property, including its size, shape, topography, location or surroundings; and,

2. that such special circumstances were not created by the property owner or former owner of the property or any agent thereof; and,

3. the strict application of this **Ordinance** will deprive such property of privileges enjoyed by other property of the same classification in the same zoning **district**; and,

4. the **variance** will not be materially detrimental to persons residing or working in the vicinity, to **adjacent** property, to the neighborhood or to the public welfare in general; and,

5. the **variance** shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

C. Approval. The Board shall hold a public hearing for which due and proper notice has been provided in accordance with Section 1-3-9 and all interested persons shall be given the opportunity to be heard. The concurring vote of three (3) members of the Board shall be necessary to reverse any decision of an Administrative Official, or to pass any variations from this **Ordinance**. Any **variance** granted may be subject to such conditions deemed applicable by the Board. **Variances** shall be void if the subject property does not conform to all conditions, requirements, and standards prescribed by the Board as a condition for approval of the **variance**.

D. Time Limitations. A **variance** shall expire twelve (12) months from the date the **variance** was granted unless either a **building** permit for the development for which the **variance** was granted has been obtained and construction commenced or an extension has been obtained prior to the expiration date. The Board may grant an single twelve (12) month extension if the applicant demonstrates that circumstances beyond the owner's control prevented the owner from obtaining a **building** permit and/or commencing construction within twelve (12) months of the date the **variance** was granted and that there have been no changes in the **City code**s or ordinances (including changes in this **Ordinance** and the **Engineering Standards**) that would have affected any of the Board's findings when it granted the **variance** as set forth above.

Section 1-3-4 Special Use Permits

A. Special Use Permits shall be obtained for those specific **use**s identified in Sections 4-1-2 and 4-1-3 of this **Ordinance**. Applications for a Special Use Permit shall be processed in the same manner as an application to amend the boundaries of a zoning **district** as set forth in Section 1-3-1 of this **Ordinance** and as supplemented herein. Applications for Special Use Permits are decided by the City Council following receipt of recommendations from the Planning and Zoning Commission. Special Use Permits may be approved or approved with conditions only upon a finding that the proposed development and/or **use** reflected in the application submittal for the Special Use Permit:

1. Will be desirable or necessary to the public convenience or welfare; and,

2. Will be harmonious and compatible with other **use**s adjacent to and in the vicinity of the selected site or sites;

3. Is in conformance with the adopted General Plan and any adopted Area Plans; and,

4. Will not be detrimental to surrounding properties or persons in the area due to:
   a. Impact on the circulation system of the adjacent neighborhood;
   b. Excessive noise or light generated from within the site;
   c. Excessive scale or height in relationship to surrounding properties;
   d. Hours of operation;
   e. Inadequate parcel size to provide adequate buffers or mitigation measures to surrounding properties;
   f. Inconsistency with the development character or architecture of the adjacent properties.

The applicant bears the burden of demonstrating to the City Council's satisfaction that the forgoing requirements have been met.

The Planning and Zoning Commission may recommend, and the City Council require, such conditions and restrictions, if necessary, upon the height and bulk and area of occupancy of any site approved for a Special Use Permit as may be reasonable under the particular circumstances to ensure compliance with this **Ordinance**.

B. Applications for a Special Use Permit shall be processed and reviewed in accordance with the procedures set forth in Section 1-3-1 of this **Ordinance** for processing an application to amend the boundaries of a Zoning **District** as supplemented herein.

1. Applications for a Special Use Permit shall be filed the Development Services Department on form(s) provided by the Development Services Department and all applicable fees shall be paid when the application is submitted.

   a. The application shall include all of the information identified in the application form(s), the information identified in the **Administrative Process Manual**; the information set forth herein and specified elsewhere in this **Ordinance** including the information identified in Section 4-1-1 of this **Ordinance**; and any other data that may be required by the **Zoning Administrator** that is needed for the review of the Special Use Permit application.

   b. The application shall be signed by property owner(s) or an authorized agent of the property owner(s).

2. The **Zoning Administrator** shall process such application and adhere to the posting and publication requirements specified in Section 1-3-9 and as required by Arizona law and shall comply with the Citizen Review Process provided in Section 1-3-8 of this **Ordinance** prior to the public hearing before the Planning and Zoning Commission.

    a. The Development Review **Committee** shall review the application submittal. Following the completion of the **Committee**'s review, the **Zoning Administrator** shall forward the application submittal with a recommendation for approval, approval with conditions or denial to the Planning and Zoning Commission for review.

3. Requests for a Special Use Permit shall be considered by the Planning and Zoning Commission for the purpose of making a written recommendation to City Council. Following a public hearing at which interested parties and citizens have been heard, the Planning and Zoning Commission shall issue a recommendation to be forwarded to the City Council, recommending approval, approval with conditions or denial of the Special Use Permit application and the reasons for such recommendations. Such recommendation may or may not be consistent with the recommendations of the Development Review **Committee**.

4. Following the completion of the Planning and Zoning Commission's review, the **Zoning Administrator** shall forward the application submittal and the Planning and Zoning Commission's recommendation to the City Council for final review and decision.

    a. The City Council may approve, approve with conditions or deny the application for Special Use Permit. Such recommendation may or may not be consistent with the recommendations of the Planning and Zoning Commission.

    b. The City Council may decide the application for Special Use Permit without holding a second public hearing if the City Council intends to adopt the recommendations of the Planning and Zoning Commission without change and there has been no written request for a public hearing by the applicant, by any person appearing in opposition to the Special Use Permit application at the Planning and Zoning Commission, or by any person who filed a written protest to the Special Use Permit application in accordance with state law. If a public hearing is requested as provided herein, the City shall hold a public hearing before deciding the Special Use Permit application. If the City Council does not intend to adopt the Planning and Zoning Commission's recommendation without change, the City Council shall continue the matter until a public hearing can be scheduled before City Council decides the matter. Notice of the date, time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the Planning and Zoning Commission.

c. A Special Use Permit may be granted for a designated period of time with a stated date of expiration or it may be granted for an indefinite period of time.

C. The **use** authorized by the Special Use Permit shall be established within two (2) years of the date the Special Use Permit was approved by the City Council, unless an extension is obtained as provided herein ("Establishment Period"). A Special Use Permit shall be considered established on the site upon commencement of the **use**, or commencement of construction pursuant to a valid **building** permit. If the **use** authorized by the Special Use Permit is not established within Establishment Period and an extension for the establishment of the **use** is not obtained prior to the expiration of the Establishment Period, the Special Use Permit approval shall become null and void, in accordance with the following provisions:

1. Upon expiration of the Establishment Period (initial two (2) year period plus and any subsequently granted extension), the **Zoning Administrator** shall send a notice by certified mail to the property owner and holder of the Special Use Permit advising that the Special Use Permit has expired. If after thirty (30) days the property owner or holder of the permit does not request an extension and provide evidence that the Special Use Permit is still being pursued, the **Zoning Administrator** shall send a second notice by certified mail to the property owner or holder of the Special Use Permit declaring the Special Use Permit null and void. If an extension has been requested, the **Zoning Administrator** shall wait to send a final notice of expiration until the application for an extension has been decided. If the application for an extension is denied, the **Zoning Administrator** shall send a second notice by certified mail to the property owner holder of the Special Use Permit declaring the Special Use Permit null and void.

2. The City Council may authorize a one (1) year extension upon a finding that the establishment of the Special Use Permit is actively being pursued; that special circumstances prevented the property owner or holder of the permit from obtaining a **building** permit and/or commencing construction; and that no significant changes have occurred either in City ordinances or the immediate area that would have altered the previous Special Use Permit approval.

D. If an application for a Special Use Permit is denied by the City Council, or the application is withdrawn after the Planning and Zoning Commission hearing, the Commission shall not consider an application for the same Special Use within one (1) year from the date of the original hearing.

Section 1-3-5 Site Plan Requirement and Review Process

A. APPLICABILITY. **Site Plan** approval is required prior to development activities on property located in zoning **districts** for which **site plan** review is required as specified in this **Ordinance**. This includes, by way of example, but not limitation: all **use**s within commercial and industrial zoning **district**s; all **use**s in certain residential **district**s such as

multi-family residential **district; manufactured home subdivision district; mobile home/recreational vehicle district;** and **use**s in residential **district**s that require a **Use Permit**. **Site Plan** review for single-family, two-family **use**s and model home complexes shall be done concurrently with an application for a **building** permit for such **use**s.

B. APPROVAL AUTHORITY. Except as otherwise expressly provided in this **Ordinance** or as otherwise required by City Council as a stipulation in a zoning **amendment**, the **Zoning Administrator** shall have the authority to approve, conditionally approve, or deny any application seeking approval of **Site Plan** or an amended **Site Plan**. Violation of any conditions imposed by the **Zoning Administrator** shall be considered a violation of this **Ordinance**, and shall render any permit null and void.

C. PURPOSE. The **Site Plan** review process promotes the health, safety and welfare of the citizens of the city and the general public by promoting safe, functional, attractive, harmonious, and compatible development within the city and insuring that **structure**s, utilities, streets, parking, circulation systems, **yard**s, and **open space**s are developed in accordance with the goals and objectives of the City's General Plan and the requirements of this **Ordinance**, City of Goodyear Code of Ordinances, the **Engineering Standards**, and any other applicable federal, state, and/or local laws, ordinances, codes, rules, regulations, policies, and guidelines.

D. CITY COUNCIL APPROVAL. Where Planning and Zoning Commission and/or City Council approval of a Site Plan is required, the recommendation of the **Committee** on the **Site Plan** shall be transmitted to the Planning and Zoning Commission and/or City Council by the **Zoning Administrator**. The Planning and Zoning Commission and/or City Council may approve, conditionally approve or deny the **Site Plan**.

E. APPLICATION PROCESS. Site Plan applications will be processed and reviewed in accordance with the procedures generally described herein and more particularly described in the **Administrative Process Manual** and **Engineering Standards**.

1. Applications for a **Site Plan** shall be filed with the Development Services Department on form(s) provided by the Development Services Department and shall include all of the information identified in the: application form(s), in the section of the **Administrative Process Manual** related to **Site Plans**; in the **Engineering Standards**, and any other data that may be required by the **Zoning Administrator** which is needed to insure compliance with applicable requirements.

2. **Site Plan** applications shall be signed by the property owner(s) or an authorized agent of the property owner(s) and all applicable fees shall be paid when the application is submitted.

F. REQUIREMENTS. A **Site Plan** and the development reflected therein shall be consistent with the goals and objectives of the City's General Plan; shall comply with the specific requirements for the zoning **district** in which it is located; shall comply with all

Zoning Conditions attached to the property; and shall comply with the requirements set forth in:

1. this **Ordinance**;

2. the **Subdivision Regulations**;

3. the **Engineering Standards**;

4. the **Flood Prevention Regulations**;

5. any applicable Development Agreement;

6. any applicable Development Master Plan; and,

7. all other applicable federal, state, and/or local laws, ordinances, codes, rules, regulations, policies and/or guidelines.

G. REVIEW. The Development Review **Committee** shall review the **Site Plan** for compliance with all applicable requirements. The review procedure is intended to be applied in a flexible manner to allow for creative designs, varying development concepts, locations and innovative response to applicable requirements. In the review, the **Committee** shall be guided by the following design review criteria and principles of development:

1. The proposed development complies with all provisions of this **Ordinance** and all other ordinances, master plans, general plans, goals, objectives and standards of the City of Goodyear.

2. The proposed development does not have any detrimental effect upon the general health, welfare, safety, and convenience of persons residing or working in the neighborhood, and shall not be detrimental or injurious to the neighborhood.

3. The proposed development promotes a desirable relationship of **structure**s to one another, to **open space**s, and to topography both on the site and in the surrounding neighborhood.

4. The height, location, materials, color, texture, area, setbacks, and mass of any **structure**s, **building**s, **wall**s, **sign**s, lighting, and landscaping is appropriate to the development, the neighborhood, and the community.

5. Ingress, egress, internal and external traffic circulation, **off-street parking** facilities, loading and service areas and pedestrian ways, are so designed as to promote safety and convenience and to be aesthetically pleasing.

6. The architectural character of the proposed **structure**s is in harmony with, and compatible to, **structure**s in the neighboring environment and the architectural character desired for the City; avoiding excessive variety or monotonous repetition.

7. Mechanical equipment, appurtenances and utility lines are concealed from view or are otherwise integral to the **building** and site design.

8. **Street** lights shall be installed along all perimeter **street**s and **street**s within the development in accord with City standards.

H. APPROVED **SITE PLAN**. Following the approval of the **Site Plan**, the applicant shall prepare and submit a Final **Site Plan** to the **Zoning Administrator** that conforms to the **Site Plan** approved and any conditions and/or terms of approval. Upon the **Zoning Administrator**'s determination that the Final **Site Plan** conforms to the approved **Site Plan** and the conditions and/or terms of approval, the **Zoning Administrator** shall certify the Final **Site Plan** and the certified Site Plan shall be included in the application for **building** permits for the site. Development activities shall substantially conform with the approved **Site Plan** and any conditions or restrictions attached thereto, and any substantial deviation from the approved **Site Plan** and any conditions or restrictions attached thereto is a violation of this **Ordinance**.

I. PERIOD OF APPROVAL. An approved **Site Plan** shall expire (1) year from the date of approval unless either a **building** permit for the development reflected in the **Site Plan** has been obtained and construction commenced or an extension has been obtained prior to the expiration date. A single one (1) year extension may be granted if the applicant demonstrates that circumstances beyond the owner's control prevented the owner from obtaining a **building** permit and/or commencing construction within one (1) year of the date the Site Plan was approved and that no changes in **City code**s or ordinances (including changes in this **Ordinance** and the **Engineering Standards**) that would have significantly altered the requirements for the prior Site Plan approval. Requests for extensions hereunder shall be approved by the authority that approved the Site Plan for which the extension is being sought. Upon expiration of the Site Plan or any extension thereto, the property owner will be required to file a new application for Site Plan approval before undertaking any development activities on the site.

J. APPEAL PROCEDURE.

1. An applicant may appeal the decision of the **Zoning Administrator** on any **Site Plan** application to the Planning and Zoning Commission. The appeal, along with any required processing fee, shall be filed in writing to the Development Services Department Director within fifteen (15) working days of the date of the decision is issued in writing. The appeal shall give reasons for the appeal and the relief requested.

2. The Appeal will be processed pursuant to the procedures set forth in the City of Goodyear **Administrative Process Manual** adopted by the City Council.

3. The Planning and Zoning Commission may approve, approve with modifications, conditionally approve, or deny the appeal. The decision of the Planning and Zoning Commission shall be in writing and shall be binding, unless such decision is appealed to the City Council.

4. The applicant may appeal the decision of the Planning and Zoning Commission to the City Council. The appeal, along with any required processing fee, shall be filed in writing with the City Clerk within fifteen (15) working days from the date of the decision by the Planning and Zoning Commission. The appeal shall provide reasons for the appeal and the relief requested.

5. The Appeal will be processed pursuant to the procedures set forth in the City of Goodyear **Administrative Process Manual** adopted by the City Council.

6. The City Council may approve, approve with modifications, conditionally approve, or deny the appeal. The decision of the City Council shall be in writing and shall be final.

7. Persons with standing who are aggrieved by a decision of the City Council hereunder may, within thirty (30) days after the Council rendered its decision, file a complaint for special action in the superior court of Maricopa County to review the Council's decision.

Section 1-3-6 Building Permits and Certificates of Occupancy

Neither **building** permits nor certificates of occupancy may be issued until the **use** of **building**(s) and land conform with this **Ordinance** and all other applicable codes and ordinances, including conditions of approval for any Ordinance amending the zoning **district** of the subject property and conditions of approval for any permit or authorization approved pursuant to the requirements of this **Ordinance** or the **Subdivision Regulations**. No **building** or construction permits shall be issued without having first obtained approval of a site plan review application and design review application in conformance with this **Ordinance**.

Section 1-3-7 Zoning Permits

A. Zoning Permits may be granted only when expressly permitted by this **Ordinance**. Approval of a Zoning Permit must be based on a finding that the Zoning Permit:

1. will not be materially detrimental to persons residing or working on the subject property or within the vicinity of the property, to the neighborhood, or to the public welfare; and,

2. that the proposed **use** is reasonably compatible with **use**s permitted in the surrounding area.

B. Applications for Zoning Permits shall be processed and reviewed in the accordance with the procedures generally described below and more particularly described in the **Administrative Process Manual**, in this **Ordinance** and in the **Engineering Standards** if applicable.

C. Applications shall be filed with the Development Services Department on form(s) provided by the Development Services Department and all applicable fees shall be paid when the application is submitted.

1. The shall include all of the information identified in the application form(s); the information identified in the **Administrative Process Manual**; the information identified in **Engineering Standards** if applicable; and any other relevant data required by the **Zoning Administrator** that is needed for the review of the Zoning Permit Application. The application shall be signed by the property owner(s) or an authorized agent of the property owner(s).

2. The **Zoning Administrator** shall review the application submittal, and may impose specific conditions or requirements as a condition of approval related to the property or operation of the requested Zoning Permit **use**.

Section 1-3-8 Citizen Review Process

A. Prior to any public hearing, as required under Article 1 of this **Zoning Ordinance**, on any application for any **zoning ordinance** that changes any property from one zoning **district** to another, including those for Preliminary PAD **district** and Final PAD **district** approval; for a **Use Permit;** and for a Special Use Permit application that imposes any regulation not previously imposed, or that removes or modifies any such regulation previously imposed, the **Zoning Administrator** shall require the applicant to conduct a neighborhood meeting or an acceptable alternative prior to a public hearing to consider the proposal. A written notice of the application shall be sent by first class mail to the owners of all properties within five hundred (500) feet of the property that is subject to a rezoning, **Use Permit** or Special Use Permit application and to such other persons as the **Zoning Administrator** reasonably determines to be potentially affected citizens. In determining the number of potentially affected citizens, the **Zoning Administrator** shall review the **density** and intensity of residential development in the general vicinity, the existing **street** system, and other factors that may be related to the impact of the proposed zoning **amendment**, **Use Permit**, or Special Use Permit on the character of the neighborhood.

B. The written notice shall also include a general explanation of the substance of the proposed zoning **amendment**, **Use Permit** or Special Use Permit application and shall state the date, time and place scheduled for a neighborhood meeting, at which any

adjacent landowner(s) or those other potentially affected citizens, will be provided a reasonable opportunity to express any issues or concerns that the landowner or citizen may have with the proposed zoning **amendment**, **Use Permit** or Special Use Permit application before any public hearing required by this **Ordinance** is held.

C. The written notice shall be given at least fifteen (15) days before the neighborhood meeting in one or more of the following manners:

1. The notice shall be published once in a newspaper of general circulation published or circulated in the City of Goodyear; or,

2. The notice shall be posted upon the sign required in Article 1, unless waived by the **Zoning Administrator**; or,

3. The notice shall be mailed in accordance with the procedures required elsewhere in Article 1.

D. The **Zoning Administrator**, upon consultation with the applicant, shall establish a time, date and place for the neighborhood meeting that provides a reasonable opportunity for the applicant, adjacent landowners and those other potentially affected citizens to discuss and express their respective views concerning the application and any issues or concerns that they may have with the proposed zoning **amendment**, **Use Permit** or Special Use Permit application. The **Zoning Administrator** shall attend the meeting, but is not required to conduct the meeting. The **Zoning Administrator** shall report the results of the neighborhood meeting to the Planning and Zoning Commission and Mayor and City Council when such body considers taking action on the application.

E. At the discretion of the **Zoning Administrator**, an alternative citizen review process may be used that does not involve a neighborhood meeting. The alternative process shall consist, at a minimum, of the following:

1. The written notice described in Section 1-3-8, except that the notice shall only indicate the name, address and phone number of the member of the planning staff whom adjacent landowners within five hundred (500) feet, or other potentially affected citizen, may contact to express any issues or concerns that the landowner or citizen may have with the proposed zoning **amendment**, **Use Permit** or Special Use Permit applications.

2. A staff report summarizing any issues or concerns expressed by adjacent landowners shall be presented to the Planning and Zoning Commission and Mayor and Council when such body considers taking action on the application.

Section 1-3-9 Public Hearings

A. GENERAL PROVISIONS. Applications for **amendment**s, including those for Preliminary PAD **district** and Final PAD **district** approval, Special Use Permits, and **Use Permits** shall require a public hearing before the Planning and Zoning Commission. Prior to the public hearing before the Commission, the application shall adhere to the citizen review process set forth in this **Ordinance**.

B. NOTICE OF PUBLIC HEARING. Notification of a public hearing shall comply with State Statutes governing public hearings and this **Ordinance**:

1. At least fifteen (15) days prior to the scheduled public hearing, a notice of the public hearing shall be posted on the subject property; published in a newspaper of general circulation in the City; and provided by first class mail to all property owners within five hundred (500) feet of the subject properties.

2. Notice shall include, where applicable, the location and general explanation of the proposed action, a general description of the affected area, and the date, time and location of the scheduled public hearing. If the matter to be considered applies to territory in a high noise or accident potential zone as defined in ARS Section 28-8461, the notice shall also include a general statement that the matter applies to property located in the high noise or accident potential zone.

3. When the proposed **amendment** involves land that abuts other municipalities or unincorporated areas of Maricopa County or a combination thereof, notice of the public hearing shall be sent to the planning agency of the adjacent governmental unit.

4. When the proposed **amendment** involves land that is located within the territory in the vicinity of a military airport or ancillary military facility as defined in ARS Section 28-8461, notice of the public hearing shall be sent to the military airport.

5. Failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given.

6. **Amendment**s to the text of this **Ordinance**, which are of a general nature and are not directed at a specific real property, shall require a notice to be published once in a newspaper of general circulation in the City at least fifteen (15) days prior to the scheduled public hearing.

Section 1-3-10 Applications and Fees

A. APPLICATIONS.

1. Applications for **Amendment**s (Text or Boundary), **Use Permit**s, Appeals, **Variance**s, Special Use Permits, **Site Plan** Review, Design Review, Zoning Permits,

or any other land **use** or development application shall be filed in the office of the **Zoning Administrator** on forms provided by the Development Services Department. Applications shall include: the information identified on the application form(s); the information identified in the **Administrative Process Manual** and **Engineering Standards**, if applicable; the information set forth herein and specified elsewhere in this **Ordinance**; and any other data required by the **Zoning Administrator** that is needed for the review of the application.

2. Applications will be processed and reviewed by the **Zoning Administrator** in a manner that is consistent with the procedures generally described in this **Ordinance** and as more particularly described in the **Administrative Process Manual** and **Engineering Standards**, if applicable.

3. Except as otherwise expressly provided in the **Administrative Process Manual**, all applications referred to herein shall be executed by all of the owners of the subject property and their respective spouses, if any, or an agent of all of the property owners authorized to sign on behalf of all of the property owners and their respective spouses when such authorization is in writing and filed with the application. An application must be made by the property owner or authorized agent, unless otherwise specified in this **Ordinance**.

B. FEES.

1. Fees for all matters pertinent to the administration of this **Ordinance** will be set from time to time by Resolution of the City Council.

2. All application fees shall be paid when the application is submitted. Application fees shall not be refundable.

Article 1-4 DESIGN GUIDELINES MANUAL AND DESIGN REVIEW PROCESS

1-4-1 Establishment and Purpose of Design Guidelines Manual
1-4-2 Administration of Manual
1-4-3 (Reserved)
1-4-4 Appeal Process

Section 1-4-1 Establishment and Purpose of Design Guidelines Manual

The Mayor and City Council hereby authorize the establishment of a Design Guidelines Manual that is intended to provide design criteria for site layout, **building** elevations, landscape plans, and parking arrangement in order to enhance the overall quality of design of Goodyear's built environment. Basic concepts that will aid in assessing a design proposal are outlined within the Guidelines. The Guidelines are not intended to restrict creativity, variety, innovation or imagination, but rather to assist the designer in achieving a quality design which will enhance the proposed development and the City, and be compatible with adjacent land **use**s. Development applications will be reviewed by the Development Review **Committee** and the Development Services Department in accordance with the City Council adopted Design Guidelines Manual, and all other applicable requirements of this **Ordinance**, as amended from time to time.

Section 1-4-2 Administration of Manual

A. DESIGN GUIDELINES

1. Design review shall consider the design of a project in relation to its urban context, and shall focus on the application of the City of Goodyear Design Guidelines Manual referred to in this **Ordinance** and formally adopted by the City Council, as amended from time to time.

2. The Development Review **Committee** shall use the Design Guidelines Manual adopted by the City Council as its official policy in the design review process.

B. CONSISTENCY

All applications for Design Review approval required under these Guidelines and the review of such applications shall be consistent with the requirements of this **Ordinance** and the **Goodyear City Code**, as amended from time to time (the "Guidelines").

C. APPLICABLITY

The requirements of the Guidelines apply to the development identified below, and Design Review approval is required prior to undertaking such development.

1. NEW DEVELOPMENT. Except as otherwise expressly provided by ordinance(s) adopted by City Council, all new residential and non-residential development shall comply with the standards and requirements as set forth in the Guidelines and this **Ordinance**.

2. ADDITIONS, ALTERATIONS AND RESTORATION OF NON-RESIDENTIAL **BUILDING**S. B**uilding** additions, alterations and/or restorations that meet one of the following criteria listed below shall comply with the standards and requirements set forth in the Guidelines and this **Ordinance**.

   a. Additions or alterations to existing non-residential **building**s and/or to individual suites/stores that will increase gross floor area of the **building** and/or individual suite/store by more than one thousand (1,000) square feet of gross floor area of the **building** and/or individual suite/store.

   b. Any alterations to the exterior façade of an existing non-residential **building** and/or to an individual suite/store, including changes in the color or materials of the façade. Changes to a sign cabinet or panel shall not constitute alterations under these provisions.

   c. Any non-residential **building** that is destroyed to the extent of more than fifty (50) percent of the assessed value.

3. ADDITIONS, ALTERATIONS AND RESTORATIONS OF RESIDENTIAL AND ACCESSORY **STRUCTURE**S. B**uilding** additions, alterations, and/or restorations that meet one of the following criteria listed below shall comply with the standards and requirements set forth in the Guidelines and this **Ordinance**.

   a. Additions of detached accessory **buildings** in excess of one hundred twenty (120) square feet shall comply with the standards and requirements set forth in the Guidelines and this **Ordinance** and shall be designed to be compatible with the existing residential dwelling in terms of **building** materials, including roof materials, and colors.

   b. Additions or alterations to existing residential **building**s that will increase the gross floor area of the **building** by more than one hundred (100) square feet.

   c. Any residential **building** that is destroyed to the extent of more than fifty (50) percent of the assessed value.

4. **NON-CONFORMING USES**. All **non-conforming uses** and **building**s shall be subject to Article 4-3 of this **Ordinance**. If under those provisions a nonconforming **building** or **use** is altered or restored, said **building** or **use** shall be subject to review and approval by the **Zoning Administrator** for conformance with all applicable Design Guidelines.

5. OTHER REGULATIONS. Compliance with additional codes and/or regulations as adopted by the Goodyear City Council shall be adhered to, and where differences occur, the more restrictive requirement shall prevail. Where any inconsistency exists between additional codes and/or regulations, the **Zoning Administrator** shall make a determination on their applicability.

6. EXISTING AND APPROVED DESIGN GUIDELINES. In cases where separate Design Guidelines have been approved by the City Council in conjunction with a Planned Area Development or other zoning application, those guidelines shall govern except to the extent that the specific P.A.D. or zoning guidelines have not addressed issues within the Council adopted Design Guidelines Manual.

D. APPLICATION REVIEW AND APPROVAL PROCESS

1. Applications for Design Review approval shall be processed and reviewed in accordance with the procedures generally described herein and more fully described in the **Administrative Process Manual** and in the Guidelines.

   a. Prior to submitting an application for Design Review Approval, the applicant shall attend a pre-application conference with a representative of the Development Services Department.

   b. Applications for Design Review approval shall be filed with the Development Services Department on form(s) provided by the Development Services Department and shall include all of the information identified in the application form(s), in the **Administrative Process Manual**, in the Guidelines, and any other data that may be required by the **Zoning Administrator** that is needed for review of the application.

   c. Applications shall be signed by the property owner(s) or an authorized agent of the property owner(s) and all applicable fees shall be paid when applications are submitted.

2. The Development Review **Committee** shall review the application submittal for compliance with applicable Guidelines and this **Ordinance** and, following the completion of the **Committee**'s review, the **Zoning Administrator** shall approve, approve with conditions or deny the Design Review application. In the event of a denial, no development activities shall be authorized until a new application for Design Review approval has been submitted and approved.

3. The approval date of the Design Review approval shall be the date on which the application was approved by the **Zoning Administrator**. Design Review approvals are tied to other development approvals, which will be identified in the notification of Design Review approval; and the Design Review approval expires if such related development approval expires.

E. COMPLIANCE

1. Development shall conform to the development and design reflected in the Design Review application submittal as approved by the **Zoning Administrator** as a condition for receiving a Certificate of Occupancy. To insure such conformance, City staff may conduct site inspections during the construction and upon completion of the construction.

   a. If in the opinion of the **Zoning Administrator** development within a subdivision or other residential development project does not conform to the development and design reflected in the Design Review Application submittal as approved by the **Zoning Administrator**, the **Zoning Administrator** shall be entitled to have a hold placed on the release of future **building** permits until the lack of conformance has been remedied.

   b. If in the opinion of the **Zoning Administrator** the completed construction of improvements does not conform to the development and design reflected in the Design Review Application submittal as approved by the **Zoning Administrator**, the **Zoning Administrator** shall be entitled to have a hold placed on the release of a Certificate of Occupancy until the lack of conformance has been remedied.

2. NON-COMPLIANCE: The failure to comply with the requirements of the Guidelines, or the terms of a design review approval, shall constitute a violation of this **Ordinance**.

Section 1-4-3 (RESERVED)

Section 1-4-4 Appeal Process

A. Any recommendation or requirement imposed by the **Zoning Administrator** on any design review application may be appealed to the Planning and Zoning Commission by the applicant. The appeal shall be filed in writing to the Development Services Department Director within fifteen (15) working days of the date that the decision of the **Zoning Administrator** is transmitted to the applicant. The appeal shall give reasons for the appeal and the relief requested. The Appeal will be processed pursuant to the procedures set forth in the City of Goodyear **Administrative Process Manual**. The Planning and Zoning Commission may approve, approve with modifications, conditionally approve, or deny the appeal. All decisions of the Planning and Zoning Commission shall be in writing and shall be binding, unless such decision is appealed to the City Council.

B. Any decision made by the Planning and Zoning Commission may be appealed to the City Council by the applicant. The appeal, along with the required processing fee, shall be filed in writing with the City Clerk within fifteen (15) working days from the date of the

decision by the Planning and Zoning Commission. The appeal shall provide reasons for the appeal and the relief requested. The Appeal will be processed pursuant to the procedures set forth in the City of Goodyear **Administrative Process Manual**. The City Council may approve, approve with modifications, conditionally approve, or deny the appeal. The decision of the City Council shall be in writing and shall be final. Appeals from a City Council decision shall be heard by an Arizona court of competent jurisdiction.

ARTICLE 1-5 CITY CENTER GATEWAY STREETSCAPE PLAN MANUAL AND DESIGN REVIEW PROCESS

1-5-1 Establishment and Purpose of the City Center Gateway Streetscape Plan
1-5-2 Administration of Streetscape Plan Manual

Section 1-5-1 Establishment and Purpose of the City Center Gateway Streetscape Plan Manual

The Mayor and City Council hereby authorize the establishment of a City Center Gateway Streetscape Plan Manual that is intended to provide property owners, developers and designers with a landscape design standard to follow within the right-of-way and in the **street** side landscape setback area of sites within the Gateway corridor as defined in Article 9. Development applications will be reviewed by the Development Review **Committee** and the Development Services Department in accordance with the City Council adopted City Center Gateway Streetscape Plan Manual, and any additional requirements of this **Ordinance**.

Section 1-5-2 Administration of Streetscape Plan manual

A. STREETSCAPE PLAN GUIDELINES

1. All development within the area defined herein below shall be subject to the standards in the City Center Gateway Streetscape Plan Manual referred to in this **Ordinance** and formally adopted by the City Council and as amended from time to time.

2. The Development Review **Committee** shall use the City Center Gateway Streetscape Plan Manual adopted by the City Council as its official policy in the landscape design review process.

B. APPLICABLITY

1. All development on property located entirely or partially within six hundred sixty (660) feet east and west of the centerline of Estrella Parkway, with the centerline of McDowell Road forming the northern boundary and the north line of Maricopa County Route 85 (MC85) forming the southern boundary, less and except that portion of Estrella Parkway between the northernmost centerline of Goodyear Boulevard and southernmost centerline of Goodyear Boulevard, shall comply with the provisions of this Streetscape Plan.

2. If any regulations in this Streetscape Plan are in conflict with requirements of the underlying zoning **district**s, the regulations in this Streetscape Plan shall prevail.

C. APPLICATION REVIEW AND APPROVAL PROCESS

1. All applications for Site Plan and Landscape Plan approval on property that is subject to the provisions of this Streetscape Plan shall demonstrate compliance with the standards, policies and guidelines of the Streetscape Plan in the design of the project.

2. All applications for Site Plan and Landscape Plan Review shall be processed and reviewed in accordance with the procedures for Site Plan and Landscape Plan approval described elsewhere in this **Ordinance**.

D. COMPLIANCE

1. For the purpose of determining compliance, the City of Goodyear Development Services Department will monitor the construction of each project approved through the Site and Landscape Plan Review processes for conformance with the approved development application(s). The Development Services Department may withhold the release of a Certificate of Occupancy if, in the opinion of the Development Services Department Director, the construction does not conform to the standards set forth in the approved application.

2. NON-COMPLIANCE: Failure to comply with the Streetscape Plan as shown on an approved Site or Landscape Plan application shall constitute a violation of this **Ordinance**.

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