

ORDINANCE NO. 4987

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AGRICULTURAL (AG-1) TO PLANNED AREA DEVELOPMENT (PAD) FOR SINGLE-FAMILY RESIDENTIAL AS SHOWN IN CASE PLH20-0061 (PARKSIDE) LOCATED AT THE NORTHWEST CORNER OF COOPER ROAD AND FAIRVIEW STREET WITHIN THE CORPORATE LIMITS OF THE CITY OF CHANDLER, ARIZONA; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR PENALTIES.

WHEREAS, an application for rezoning certain property within the corporate limits of Chandler, Arizona, has been filed in accordance with Article XXVI of the Chandler Zoning Code; and

WHEREAS, the application has been published in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days' notice of the time, place, and date of public hearing; and

WHEREAS, a notice of such hearing was posted on the property at least seven (7) days prior to the public hearing; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. Legal Description of Property:

EXHIBIT 'A'

Said property is hereby rezoned from Agricultural (AG-1) to Planned Area Development (PAD) for single-family residential, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Parkside" and kept on file in the City of Chandler Planning Division, in File No. PLH20-0061, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified, or supplemented by the Chandler City Council.
2. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements, and street lighting to achieve conformance with City codes, standard details, and design manuals.

3. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s) the developer shall be required to upgrade such landscaping to meet current City Standards.
4. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
5. Minimum building setbacks shall be as follows:

Front yard setback	10 ft.
Side yard setback	5 ft. with 5 ft. Use and Benefit Easement
Rear yard setback	5 ft.

6. The landscaping in all open spaces shall be maintained by the property owner or property owners' association and shall be maintained at a level consistent with or better than at the time of planting.
7. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association.
8. The covenants, conditions, and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.

Section 2. The Planning Division of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this Ordinance.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance, or any parts hereof, are hereby repealed.

Section 4. In any case, where any building, structure, or land is used in violation of this Ordinance, the Planning Division of the City of Chandler may institute an injunction or any other appropriate action in proceeding to prevent the use of such building, structure, or land.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and shall have no force or effect.

Section 6. A violation of this Ordinance shall be a Class 1 misdemeanor subject to the enforcement and penalty provisions set forth in Section 1-8.3 of the Chandler City Code. Each day a violation continues, or the failure to perform any act or duty required by this Ordinance or the Zoning Code, shall constitute a separate offense.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this ____ day of _____, 2021.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this ____ day of _____, 2021.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4987 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2021, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

TA

Published:

EXHIBIT "A"

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THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN LYING EAST OF THE EASTERLY RIGHT OF WAY LINE OF THE CONSOLIDATED CANAL;

EXCEPT THE SOUTH 31.00 FEET OF THE WEST 248.00 FEET OF THE EAST 461.00 FEET OF THE SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER;

EXCEPT THAT PART DESCRIBED IN DEED RECORDED MARCH 21, 1990 RECORDED IN DOCUMENT NO. 90-124372; AND

EXCEPT THAT PART THEREOF LYING NORTH OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 35;

THENCE SOUTH 00 DEGREES 03 MINUTES 54 SECONDS WEST, 517.53 FEET ALONG THE EAST LINE OF SAID SECTION 35 TO THE POINT OF BEGINNING OF THIS LINE DESCRIPTION;

THENCE DEPARTING SAID EAST LINE SOUTH 89 DEGREES 24 MINUTES 22 SECONDS WEST, 307.00 FEET TO THE NORTHEAST CORNER OF THAT PARCEL RECORDED IN DOCUMENT NO. 90-124372, MARICOPA COUNTY RECORDER:

THENCE CONTINUING SOUTH 89 DEGREES 24 MINUTES 22 SECONDS WEST, 345.01 FEET ALONG THE NORTHERLY LINE OF SAID PARCEL RECORDED IN DOCUMENT NO 90-124372 TO THE NORTHWEST CORNER OF SAID PARCEL AND TO THE EASTERLY RIGHT OF WAY OF THE CONSOLIDATED CANAL; AND THE END OF THIS LINE DESCRIPTION;

EXCEPT THE PORTION CONVEYED TO THE CITY OF CHANDLER, AN ARIZONA MUNICIPAL CORPORATION RECORDED MARCH 12, 2007 RECORDED IN DOCUMENT NO. 2007-293744 OF OFFICIAL RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AREA 1:

THE PORTION OF A PARCEL OF LAND AS DESCRIBED IN DEED RECORDED IN DOCUMENT NO. 2003-1369175, RECORDS OF MARICOPA COUNTY, ARIZONA LOCATED IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

THE WEST 32.00 FEET OF THE EAST 65.00 FEET OF THE FOLLOWING PARCEL:

THAT PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN LYING EAST OF THE EASTERLY RIGHT OF WAY LINE OF THE CONSOLIDATED CANAL;

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EXCEPT THE NORTH AND EAST 33.00 FEET AND EXCEPT THE SOUTH 31.00 FEET OF THE WEST 248.00 FEET OF THE EAST 461.00 FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, AND EXCEPT THAT PART DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 35;

THENCE NORTH, 1329.55 FEET ALONG THE EAST LINE OF SAID SECTION 35;

THENCE WEST 468.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING WEST 296.33 FEET TO THE EAST RIGHT OF WAY OF THE CONSOLIDATE CANAL;

THENCE NORTH 22 DEGREES 54 MINUTES EAST, 63.19 FEET;

THENCE NORTH 17 DEGREES 33 MINUTES EAST, 135.23 FEET;

THENCE NORTH 8 DEGREE 28 MINUTES EAST, 163.25 FEET;

THENCE NORTH 2 DEGREES 45 MINUTES EAST, 465.28 FEET;

THENCE EAST, 345.11 FEET;

THENCE SOUTH, 762.00 FEET;

THENCE WEST, 161.58 FEET;

THENCE SOUTH, 50.00 FEET TO THE POINT OF BEGINNING;

AND EXCEPT THAT AREA RECORDED IN DOCUMENT NO. 97-237662 AND RECORDED IN DOCUMENT NO. 97-237663.

AREA 2:

THAT PORTION OF A PARCEL OF LAND AS RECORDED IN DOCUMENT NO. 2003-1369175, RECORDS OF MARICOPA COUNTY, ARIZONA LOCATED IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 35, BEING MONUMENTED WITH A BRASS CAP IN HAND HOLE, FROM WHICH THE EAST QUARTER CORNER OF SECTION 35 BEARS NORTH 00 DEGREES 03 MINUTES 46 SECONDS EAST A DISTANCE OF 2,659.20 FEET, SAID LINE BEING THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35 AND THE BASIS OF BEARING FOR THIS DESCRIPTION;

THENCE, NORTH 00 DEGREES 03 MINUTES 46 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 1,329.60 FEET, TO THE PROLONGATION OF THE SOUTH DEED LINE OF THE PARCEL OF LAND AS DESCRIBED IN DEED RECORDED IN DOCUMENT NO. 2003-1369175;

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THENCE, SOUTH 89 DEGREES 23 MINUTES 56 SECONDS WEST, ALONG SAID SOUTH DEED LINE, A DISTANCE OF 33.00 FEET, TO A POINT ON THE EAST DEED LINE OF THE PARCEL OF LAND AS DESCRIBED IN DEED RECORDED IN DOCUMENT NO. 2003-1369175;

THENCE, CONTINUING ALONG SAID SOUTH DEED LINE, SOUTH 89 DEGREES 23 MINUTES 56 SECONDS WEST, A DISTANCE OF 32.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTH DEED LINE, SOUTH 89 DEGREES 23 MINUTES 56 SECONDS WEST, A DISTANCE OF 15.00 FEET;

THENCE, NORTH 00 DEGREES 03 MINUTES 46 SECONDS EAST, PARALLEL TO AND 80.00 FEET WEST OF THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 50.00 FEET;

THENCE, NORTH 44 DEGREES 43 MINUTES 51 SECONDS EAST, A DISTANCE OF 21.34 FEET;

THENCE, SOUTH 00 DEGREES 03 MINUTES 46 SECONDS WEST, PARALLEL TO AND 65.00 FEET WEST TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 65.00 FEET TO THE TRUE POINT OF BEGINNING.

AND ALSO EXCEPT THE PORTION CONVEYED TO THE CITY OF CHANDLER, AN ARIZONA, MUNICIPAL CORPORATION RECORDED MARCH 12, 2007 RECORDED IN DOCUMENT NO. 2007-293745 OF OFFICIAL RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 33.00 FEET OF THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN LYING EAST OF THE EASTERLY RIGHT OF WAY LINE OF THE CONSOLIDATED CANAL;

EXCEPT THE SOUTH 31.00 FEET OF THE WEST 248.00 FEET OF THE EAST 461.00 FEET OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER;

EXCEPT THAT PART DESCRIBED IN DEED RECORDED MARCH 21, 1990 RECORDED IN DOCUMENT NO. 90-124372;

AND EXCEPT THAT PART THEREOF LYING NORTH OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 35;

THENCE SOUTH 00 DEGREES 03 MINUTES 54 SECONDS WEST, 517.53 FEET ALONG THE EAST LINE OF SAID SECTION 35 TO THE POINT OF BEGINNING OF THIS LINE DESCRIPTION;

THENCE DEPARTING SAID EAST LINE SOUTH 89 DEGREES, 24 MINUTES, 22 SECONDS WEST, 307.00 FEET TO THE NORTHEAST CORNER OF THAT PARCEL RECORDED IN DOCUMENT NO. 90-124372, MARICOPA COUNTY RECORDER:

THENCE CONTINUING SOUTH 89 DEGREES, 24 MINUTES, 22 SECONDS WEST, 345.01 FEET ALONG THE NORTHERLY LINE OF SAID PARCEL RECORDED IN DOCUMENT NO. 90-124372 TO THE NORTHWEST CORNER OF SAID PARCEL AND TO THE EASTERLY RIGHT OF WAY OF THE CONSOLIDATED CANAL; AND THE END OF THIS LINE DESCRIPTION.