

ORDINANCE NO. 5009

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 IN CASE PLH21-0077 (HAZELWOOD BY KEYSTONE HOMES) LOCATED SOUTHEAST CORNER CHANDLER HEIGHTS ROAD AND 124TH 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, the City Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent; 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 parcel is hereby rezoned from AG-1 to PAD for single-family residential, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled, "Hazelwood by Keystone Homes" and kept on file in the City of Chandler Planning Division, in File No. PLH21-0077, 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 Chandler City Council.

2. Prior to the time of making any lot reservations or subsequent sales agreements, the subdivider/homebuilder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby an existing dairy farm and animal privileged properties that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to an existing dairy farm located directly west of the subject property as well as other agricultural properties that have cow, horse, and other animal privileges, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
3. 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.
4. 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.
5. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association.
6. 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.
7. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
8. Minimum setbacks shall be as provided below and further detailed in the development booklet:

Front yard setback	20 ft. to forward facing garage door 15 ft. to livable area components of the home 10 ft. to porch or side-entry garage Architectural features and projections, such as pot
--------------------	--

	shelves, ledges, pop outs or similar, may encroach into front yard setback up to 18 inches
Side yard setbacks	Min. 5 ft. and 10 ft.
Rear yard setbacks	15 ft. Accessory Structure minimum 5 ft.

9. A speed hump will be installed along 124th Street at a location to be determined by the City's Transportation Engineer. A speed study shall be conducted by the developer or successor six months after final certificate of occupancy is issued to determine if additional traffic calming improvements are deemed necessary along 124th Street. If warranted the developer or successor shall pay for said improvements. As noted the City maintains control to modify any of these per the City's Transportation Engineer.

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 _____, 2022.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this ____ day of _____, 2022.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 5009 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2022, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Published:

TA

Exhibit A

The Northwest quarter of the Northwest quarter of the Northeast quarter of Section 26, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Beginning at a found brass cap in hand hole marking the North quarter corner of said Section 26, from which found brass cap in hand hole marking the Northeast corner of said Section 26 bears North 88 degrees 51 minutes 34 seconds East (Basis of Bearing) a distance of 2656.86 feet;

Thence along the North line of said Northeast quarter of Section 26 and the monument line of E. Chandler Heights Road, North 88 degrees 51 minutes 34 seconds East a distance of 664.22 feet to the Northeast corner of said Northwest quarter of the Northwest quarter of the Northeast quarter of Section 26;

Thence South 00 degrees 11 minutes 20 seconds East a distance of 661.59 feet to the Southeast corner of said Northwest quarter of the Northwest quarter of the Northeast quarter of Section 26;

Thence South 88 degrees 52 minutes 00 seconds West a distance of 664.06 feet to the Southwest corner of said Northwest quarter of the Northwest quarter of the Northeast quarter of Section 26;

Thence along the West line of said Northwest quarter of the Northwest quarter of the Northeast quarter of Section 26, North 00 degrees 12 minutes 08 seconds West a distance of 661.51 feet to the **Point of Beginning**;

Note: The Gross area of the parcel is 439,300 square feet or 10.0849 acres more or less.

