

ORDINANCE NO. 5026

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PLANNED AREA DEVELOPMENT COMMERCIAL TO PLANNED AREA DEVELOPMENT MIXED USE IN CASE PLH21-0089 (MCQUEEN LIVE WORK) LOCATED NORTH OF THE NORTHWEST CORNER OF MCQUEEN AND WARNER ROADS 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 Mixed-Use, subject to the following conditions:

1. Development of the overall site shall be in substantial conformance with the Development Booklet kept on file in the City of Chandler Planning Division, in File No. PLH21-0089, 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. Permitted uses include Medium Density Residential and Neighborhood Commercial subject to the following:
 - a. Medium Density Residential shall not exceed a density of eight (8) dwelling units per acre.
 - b. Permitted commercial uses shall be those permitted in the Neighborhood Commercial District except:
 - i. Restaurants or cafés shall not exceed two hundred and fifty (250) square feet of serving area, and
 - ii. The following commercial uses shall be prohibited: Dental offices, medical offices, excluding psychiatry and counseling services, medical clinics including veterinarians, bars, cocktail lounges, automotive repair services, animal daycare, recreational assembly, entertainment activities, childcare, preschools, educational facilities offering any grades from kindergarten to 12th grade, churches and other places of worship, gymnasiums, fitness centers, martial arts studios, laundromats, drive-through uses, and music or dancing conservatories or schools.
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 and all other improvements 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.

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. 5026 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

TA

Published in the Arizona Republic on:

Exhibit "A"

Legal Description

LOTS 8 AND 9, OF CORCOVADO VILLAGE AS RECORDED IN BOOK 602 OF MAPS, PAGE 49, RECORDS OF MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DEFINED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 15, FROM WHICH THE EAST QUARTER CORNER OF SAID SECTION 15 BEARS NORTH 00°09'17" EAST, A DISTANCE OF 2644.10 FEET, AS MEASURED;

THENCE NORTH 00°09'17" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 15, A DISTANCE OF 659.77 FEET;

THENCE NORTH 89°51'50" WEST, A DISTANCE OF 71.00 FEET TO THE POINT OF BEGINNING, BEING A POINT ON THE WEST RIGHT-OF-WAY LINE OF MCQUEEN ROAD AS SHOWN ON THE FINAL PLAT OF SAID CORCOVADO VILLAGE;

THENCE CONTINUING NORTH 89°51'50" WEST, A DISTANCE OF 217.61 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8;

THENCE NORTH 00°11'13" EAST, ALONG THE WEST LINE OF SAID LOT 8 & 9, A DISTANCE OF 292.42 FEET TO THE NORTHWEST CORNER OF SAID LOT 9;

THENCE SOUTH 89°49'52" EAST, ALONG THE NORTH LINE OF SAID LOT 9, A DISTANCE OF 217.44 FEET TO A POINT ON THE SAID WEST RIGHT-OF-WAY LINE OF MCQUEEN ROAD;

THENCE SOUTH 00°09'17" WEST, ALONG THE SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 292.30 FEET, TO THE POINT OF BEGINNING;