

ORDINANCE NO. 5099

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PLANNED AREA DEVELOPMENT (PAD) FOR NEIGHBORHOOD COMMERCIAL AND CONGREGATE CARE TO PLANNED AREA DEVELOPMENT (PAD) FOR SINGLE-FAMILY RESIDENTIAL IN CASE PLH23-0056 (VIVIENDO) LOCATED AT THE SOUTHEAST CORNER OF OCOTILLIO AND MCQUEEN 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 PAD for Neighborhood Commercial and congregate care to PAD for single-family residential and a City Park, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled, "Viviendo" and kept on file in the City of Chandler Planning Division, in File No. PLH23-0056, modified by such conditions including at the time the Booklet was approved by the Chandler City Council and/or as therefore amended, modified, or supplemented by Chandler City Council.

2. Uses permitted shall be single-family dwelling, with a minimum lot size of 4,500 square feet.
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 private 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-ways 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. Lot coverage shall not exceed sixty percent (60%) of each lot area.
9. Minimum setbacks shall be as provided below and further detailed in the Development Booklet:

Property Line	Building Setback
Front Yard	20 ft. from back of sidewalk to garage door 13 ft. from property line to livable
Side yard setbacks	5 ft. for each side
Rear Yard	10 ft.; Accessory buildings 5 ft.

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 _____, 2024.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this ____ day of _____, 2024.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 5099 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2024, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY TA

Published:

Exhibit "A"

**LEGAL DESCRIPTION
FOR
Viviendo**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED CHANDLER, IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

Parcel No. 1:

That portion of the Northwest quarter of the Northwest quarter of Section 23, 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 the Northwest corner of said Section 23;

Thence South 90 degrees 00 minutes 00 seconds East, along the North line of said Section 23, a distance of 830.04 feet;

Thence South 00 degrees 00 minutes 00 seconds West, a distance of 730.00 feet;

Thence North 90 degrees 00 minutes 00 seconds West, a distance of 840.08 feet to a point on the West line of said Section 23;

Thence North 00 degrees 47 minutes 15 seconds East, along said West line, a distance of 730.07 feet to the point of beginning;

Except any portion lying within Geneva Estates Map of Dedication recorded in Book 746 of Maps, Page 14.

Parcel No. 2:

That portion of the Northwest quarter of the Northwest quarter of Section 23, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Northwest corner of said Section 23, Thence South 00 degrees 47 minutes 15 seconds West, along the West line of said Section 23, a distance of 730.07 feet to the point of beginning;

Thence North 90 degrees 00 minutes 00 seconds East, leaving said Westerly line, a distance of 385.04 feet;

Thence South 00 degrees 00 minutes 00 seconds West a distance of 592.18 feet to the South line of the Northwest quarter of the Northwest quarter of said Section 23;

Thence South 89 degrees 58 minutes 26 seconds West a distance of 393.18 feet to a point on the West line of said Section 23;

Thence North 00 degrees 47 minutes 20 seconds East, along said Westerly line a distance of 592.42 feet to the point of beginning;

Except any portion lying within Geneva Estates Map of Dedication recorded in Book 746 of Maps, Page 14; and Except any portion lying within "Geneva Estates", according to the Plat recorded in Book 761 of Maps, Page 9.

