

#3

FEB 09 2012

ORDINANCE NO. 4343

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 MULTI-FAMILY RESIDENTIAL TO (PAD) FOR SINGLE-FAMILY RESIDENTIAL IN CASE DVR10-0023 (HAMILTON HEIGHTS) LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF CHANDLER, ARIZONA.

WHEREAS, application for rezoning involving 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 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 said 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 I. Legal Description of Property:

See Attachment 'A'.

Said parcel is hereby rezoned from PAD to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Hamilton Heights" and kept on file in the City of Chandler Planning Division, in File No. APL 11-0001/DVR10-0023, 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. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. 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.
7. 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.
8. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
9. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
10. 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.

11. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Hamilton Heights development shall use treated effluent to maintain open space, common areas, and landscape tracts.

12. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing ranchette and animal privilege 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

Legal Description
Exhibit A

That portion of parcel 3, Dobson Crossing, according to book 747 of maps, page 37, records of Maricopa County, Arizona and affidavit of correction recorded July 19, 2005 in document no. 2005-1003572, Maricopa County Recorder, being more particularly described as follows:

Commencing at the Northeast corner of said section 16;
Thence North 89 degrees 48 minutes 25 seconds West, along the North line of the Northeast quarter of said section 16, a distance of 1380.11 feet;
Thence South 00 degrees 49 minutes 35 seconds West, distance of 71.00 feet to the **point of beginning.**

Thence continuing South 00 degrees 49 minutes 35 seconds West, along the West line of said parcel 3, a distance of 890.99 feet;
Thence South 38 degrees 56 minutes 31 seconds East, a distance of 224.53 feet;
Thence North 51 degrees 03 minutes 29 seconds East, a distance of 42.86;
Thence North 38 degrees 55 minutes 05 seconds East, a distance of 45.33;
Thence North 70 degrees 47 minutes 08 seconds East, a distance of 56.26;
Thence North 19 degrees 12 minutes 52 seconds West, a distance of 61.56;
Thence North 39 degrees 39 minutes 33 seconds East, a distance of 446.51 feet;
Thence North 89 degrees 52 minutes 52 seconds East, a distance of 113.09 feet;
Thence North 00 degrees 00 minutes 02 seconds West, a distance of 580.60 feet;
Thence North 89 degrees 48 minutes 25 seconds West, parallel with, and 71 feet South of the North line of the Northeast quarter of said section, a distance of 621.02 feet to the **point of beginning.**