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AUG 12 2013

**ORDINANCE NO. 4468**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AG-1/PAD (AGRICULTURAL DISTRICT WITH A PLANNED AREA DEVELOPMENT OVERLAY) FOR A SOLAR PV SYSTEM TO PAD (SINGLE-FAMILY RESIDENTIAL) FOR ONE SINGLE-FAMILY RESIDENCE (DVR13-0006 SWC NORMAN WAY & PECOS ROAD) 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 AG-1/PAD (Agricultural District with a Planned Area Development overlay) for a solar PV system to PAD (Single-Family Residential) for one single-family residence, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibits A, B, C, and D as represented by the applicant in case DVR13-0006 SWC NORMAN WAY & PECOS ROAD, except as modified by condition herein.

2. 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.
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. 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.
6. All structures on the property shall remain below the protective surfaces as defined in Federal Aviation Regulation Part 77 and/or in relation to limits established in FAA determined Terminal Procedures (TERPS). All construction cranes shall be installed and operated in accordance with FAA rules and regulations including notification through the filing of FAA Form 7460-1, Notice of Proposed Construction or Alteration.
7. Prior to building permit issuance for any structures the developer shall provide a DETERMINATION OF NO HAZARD TO AVIATION approval as issued by the FAA after filing an FAA Form 7460, Notice of Proposed Construction or Alteration.
8. The developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.

SECTION II. Except where provided, nothing contained herein shall be construed to be an abridgment of any other ordinance of the City of Chandler.

SECTION III. The Transportation & Development Department 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.



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Attachment 'A'

Exhibit A

A portion of Farm Units "H" and "J" or the West half of the Northeast quarter of Section 1, Township 2 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 North quarter corner of said Section 1;  
THENCE North 89° 27' 31" East, along the North line of the Northeast quarter of said Section 1, a distance of 1,321.32 feet;  
THENCE departing said North line, South 00° 12' 57" East, a distance of 91.17 feet;  
THENCE North 89° 47' 03" West, a distance of 30.00 feet to the TRUE POINT OF BEGINNING;  
THENCE South 00° 12' 57" East, a distance of 151.00 feet;  
THENCE South 89° 27' 31" West, a distance of 150.00 feet;  
THENCE North 00° 12' 57" West a distance of 171.00 feet;  
THENCE North 89° 27' 31" East, parallel to and 71.00 feet South of the North line of said Section 1, a distance of 130.00 feet;  
THENCE South 45° 22' 43" East, a distance of 28.20 feet to the TRUE POINT OF BEGINNING;

EXCEPT the North 33 feet;

EXCEPT that portion deeded to the City of Chandler in Warranty Deed recorded in Document No. 2003-1416939, records of Maricopa County, Arizona;

EXCEPT that portion described as follows:

COMMENCING at the Northeast corner of said Section 1;  
THENCE South 89° 27' 31" West along the North line of the Northeast quarter of said Section 1, according to the Final Plat of Rancho del Ray, recorded in Book 848 of Maps, page 50, records of Maricopa County, Arizona, a distance of 1321.32 feet;  
THENCE departing said North line, South 00° 12' 57" East a distance of 91.17 feet;  
THENCE South 89° 47' 03" West a distance of 30.00 feet to the POINT OF BEGINNING;  
THENCE South 00° 12' 57" East, a distance of 42.57 feet;  
THENCE South 89° 27' 31" West, a distance of 29.31 feet;  
THENCE North 00° 12' 57" West, a distance of 62.57 feet to a point on a line which is parallel with and 71.00 feet Southerly, as measured at right angles from the North line of the Northeast quarter of said Section 1;  
THENCE North 89° 27' 31" East, along said parallel line, a distance of 9.31 feet;  
THENCE South 45° 22' 43" East, a distance of 28.20 feet to the POINT OF BEGINNING