

FILE COPY

AN ORDINANCE AMENDING ARTICLES VIII, IX, X, XVIII, XIX, AND XXV OF THE ZONING CODE OF THE CITY OF CHANDLER, 1963.

BE IT ORDAINED by the City Council of the City of Chandler:

SECTION I. Article VIII of the Zoning Code is hereby amended to read as follows:

"Article VIII. Mobile Home Park District

Section 801. Purpose.

This district is intended to permit mobile home parks for permanent occupancy which are compatible with conventional multiple-family residential development.

Section 802. Use Regulations.

A premises located within this district shall be used only for a mobile home park, subject to the provisions provided in section 803 hereof.

Section 803. Mobile Home Park Plan.

The owners or agents of any tract of land upon which (R-5) Mobile Home Park District zoning is desired, shall, upon application therefor, submit a plan tentatively approved by the City planning Commission for the use and development of the tract as a mobile home park. The zoning board shall hold a public hearing upon the matter in accordance with the procedures prescribed in Article XXV hereof, and thereafter shall prepare a joint report with the planning commission stating reasons for approval or disapproval. If approved, specific evidence and facts shall be shown that the final plan of use and development of all or part of the tract as a mobile home park meets the conditions set forth below:

1. That the mobile home park and the buildings and appurtenant facilities shall be in a single ownership, or under management or supervision of a central authority, or subject to such other supervisory lease or ownership control as may be necessary to carry out the provisions of this Code relating to mobile home parks when located in the (R-5) Mobile Home Park District.
2. That the mobile home park site proposed contains an area of not less than sixty thousand square feet.
3. That the plan clearly defines the mobile home spaces and the traffic pattern for vehicular parking and circulation.
4. That each mobile home space has an area of not less than two thousand five hundred square feet and a lot width of not less than forty feet. However, where overnight transient facilities are to be provided, ten per cent of the total number of mobile home spaces may have a lot area and width less than that specified above but in no event shall the lot area be less than one thousand square feet or have a lot width less than twenty-five feet. Overnight transient facilities shall be restricted to a maximum stay of fifteen days per mobile home.
5. That mobile homes be located to provide at least a twenty-foot clearance between mobile homes or additions attached thereto. Patios or unenclosed porches, patio covers and overnight transient facilities may be excluded from this provision.
6. That no mobile home is located closer than ten feet to any other building or structure or to any perimeter park property line other than that which abuts a public street.

7. That no mobile home be located closer than twenty feet from the property line which abuts upon a public street.
8. That all mobile homes spaces abut upon a driveway of not less than thirty feet in width, which has unobstructed access to a public street.
9. That driveways and walkways within the mobile home park shall have a permanent dust free surface.
10. That service buildings to house toilet, bathing and other sanitation facilities and utilities be provided as required by the Maricopa County Health Department.
11. That the mobile home park shall be screened from adjacent properties by a suitable fence or wall, or suitable planting not less than four feet in height, except as provided in article XVII hereof.
12. That the mobile home park shall have not less than twenty mobile home spaces available for occupancy before any certificate of occupancy is issued as provided in article XXII hereof.
13. That the plan be consistent with the intent and purpose of this code to promote public health, safety, morals and general welfare.
14. That there will be no other residential type structures upon the property, except that a single family residential structure or building may be utilized for the purpose of housing the management, and there may be larger buildings for use as centralized recreational facilities.

Before approving a plan under this section, the zoning board shall determine that the proposed use will not adversely effect the present or future character of the surrounding residential property and prescribe such additional conditions as may be necessary to secure the objective of this Code"

SECTION II. Article IX, Section 903, subsection 5 is amended to read as follows:

- "5. Intensity of lot use: The intensity of use regulation shall apply to dwelling units above stores or other commercial uses as well as to dwellings and shall be the same as those in the (R-4) Multiple-family and Group Residential District. Service stations shall be confined to corner lots or to inside lots of no less than one hundred fifty (150) feet front footage"

SECTION III. Article X, Section 1002 is amended by renumbering the listed uses and creating new subsections 32 and 33, as follows:

"32. Bus stop or station, and agency.

33. Post Office building."

Present subsection 32 shall be renumbered as 34.

SECTION IV. Article XVIII, Section 1801 is amended as follows:

Section 1801. Authorization for certain prohibited uses by special permit.

1. Upon application, the City Council may, by special permit, after public hearing, authorize the location of any of the following buildings, structures or uses in a district from which they are prohibited by this Code, when found to be in the interest of the public health, safety and general welfare of the community:

- (a) Airport, heliport or landing field.
- (b) Amusement park or outdoor theater.

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- (c) Cemetery or mausoleum.
 - (d) Circus or carnival grounds.
 - (e) Parking lots adjacent to or across the street or alley from the use for which off-street parking is required.
 - (f) Privately and commercially operated recreational lake, swimming pool or tennis court.
 - (g) Race track.
 - (h) Signs.
 - (i) Sport arena or rodeo grounds.
 - (j) Stable.
 - (k) Zoo, public or private.

2. Said permit shall be temporary or permanent in nature, in the discretion of the City Council, and upon such conditions as they might impose. If temporary, the permit shall be in such form as the City Clerk may prepare, and shall state the duration of said permit, which shall not exceed six (6) months in duration. Upon the expiration of a temporary permit, the property concerned shall revert to its original zoning and the permit shall not be renewed. A person granted a temporary permit shall not be entitled to apply for a new permit for the same purpose until six months subsequent to the expiration of his permit.

3. Except in the case of a temporary permit, before issuance of a permanent permit for any of the above, buildings, structures or uses, or before any change of use of the premises existing at the time of the effective date of this Code or as permitted herein provided, is made, preliminary plans in sufficient detail and a statement as to the proposed use of the buildings, structures and premises shall be submitted to the City Clerk along with the application therefor. These plans and statement shall be referred to the city zoning board for study and report and for public hearing. Notices and public hearings shall conform to the procedures prescribed in Article XXV relating to amendments of this Code. The board shall review such plans and statement and shall, after a careful study thereof and the effect that such buildings, structures or uses will have upon the surrounding territory, recommend such buildings, structures or uses where requested to be permitted provided the public health, safety, morals and general welfare will not be adversely affected, that ample off-street parking facilities will be provided and that necessary safeguards will be provided for the protection of surrounding persons and neighborhood values.

4. Any building structures or uses listed in paragraph 1 of this section, existing at the effective date of this Code, shall be considered a nonconforming use, unless it has qualified as provided above, and has secured a special use permit, or has secured a use permit from the board of adjustment.

5. When found to be in the interest of the public health, safety, morals and general welfare, subsequent additions or structural alterations to qualified special uses may be approved directly by the City Council without further procedure."

SECTION V. Article XIX of the Zoning Code is amended to read as follows:

"Article XIX. Zoning Board.

Section 1901. Creation and membership.

The city zoning board, as hereafter established, shall consist of seven members, one of whom shall be a council member, and each of whom shall be appointed for a term of three years, except that the first members of such board shall be appointed for the following terms: two for one year,

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two for two years and three for three years. Thereafter their successors shall serve a full term. All members shall serve until their successors have been duly appointed and qualified. The City Attorney shall serve as an advisory member of the board, but without the right to vote. He shall be allowed to participate in all discussions and give his advice on any matter which may come before the board.

The word 'board', when used in this Article, shall mean the zoning board.

Section 1902. Officers; meetings, administration of oaths and compelling attendance of witnesses, quorum.

The regular board members shall elect a chairman and vice-chairman from among their number. All meetings of the board shall be regularly held, and special meetings may be held at the call of the chairman, and at such other times as the board may determine. The board shall establish the time and date of its meetings through rules and regulations as herein-after permitted. The chairman, or in his absence, the vice-chairman, may administer oaths and compel the attendance of witnesses. A secretary to the board shall be appointed by the city manager from among the administrative staff of the City, and no member of the board shall hold this office. A majority of the regular board members shall constitute a quorum at any meeting.

Section 1903. Rules, regulations and records.

The board shall have the power to make and publish rules and regulations, with the approval of the council, to govern its proceedings and to carry into effect the provisions of this Code. The secretary shall keep minutes of the proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall keep records of the board's examinations and other official actions. The minutes of the board and every decision and other actions of the board shall be filed forthwith, upon approval by the board, in the office of the board, if any, and in the office of the City Clerk, and the same shall be a public record.

Section 1904. Powers and duties.

The powers and duties of the board shall be as follows:

1. To establish zones or districts limiting the use, height, area and bulk of buildings and structures; to perform all functions assigned to it under Article XXV of this Code relating to amendments; and to hear and make recommendations to the city council on any and all matters and things which may come before it relating to the zoning or re-zoning of property.
2. To act as a board of adjustment to the extent hereafter specified, and make recommendations to the City Council for final action on any and all matters and things relating to applications for variances and exceptions to the terms of this Code.
3. To do, exercise and perform any and all such other powers and duties as may be assigned to it by the City Council or given to it under any law of the State or ordinance or code of the City.

Section 1905. Variations and Exceptions.

The board may approve applications for variances of and exceptions to the strict application of the terms of this Code as are in harmony with its general purpose and intent, when the board finds that the granting of such variations and exceptions will serve not merely as a convenience to the applicant, but are necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variation or exception from the provisions of this Code, created and set forth in the following instances:

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1. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown on record at the time of passage of this Code.

2. To hear and decide special exceptions to the terms of this Code upon which the board is required to pass.

3. To make a variance where, by reason of any exceptional situation, surroundings or conditions of a specific piece of property or by reason of exceptional narrowness, shallowness of shape of a specific piece of property of record or by reason of exceptional topographical conditions the strict application of any provision of this code would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property and amount to a practical confiscation of property as distinguished from a mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this Code.

4. To interpret the provisions of this Code where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is made a part of this Code.

Section 1906. Applications for variances & exceptions; findings of board.

Applications for variances and exceptions shall be made in accordance with and are subject to the same procedures as those applying to applications for amendments under Article XXV of this Code.

SECTION VI. Sections 2501, 2503, 2504, 2505 and 2506 of Article XXV of the Zoning Code are hereby amended to read as follows:

"Section 2501. Authority of City Council; initiation of amendments.

The city council may, from time to time, upon the recommendation of the zoning board, amend, supplement or change the zoning district boundaries or the regulations herein or subsequently established. Recommendations for such amendment may be initiated by the council or the board on their own motion, or by petition as hereinafter set forth. No amendment affecting zoning district boundaries shall be passed, however, until after a public hearing held in accordance with the requirements of Section 2503 of this Article relating to applications.

Section 2503. Public Hearing.

Every application for amendment shall be considered by the zoning board at a public hearing prior to its submission to the council for another hearing. Said public hearing shall be held only after fifteen days' notice of the time, place and date of said hearing, published in a daily newspaper, if one is published, and if not, in a weekly newspaper, or general circulation in the City of Chandler, and such notice shall also include the time, date and place of the council hearing on the matter. The board shall, upon its own motion after its public hearing, submit to the council a report of its hearing and its recommendation as to the amendment of this Code.

Final action shall be taken at the council hearing, which shall be public and shall be held at the next regular council meeting following the public hearing of the board. The time, place and date of the council hearing shall be posted on the affected property at least seven days prior to said hearing.

Section 2504. Reconsideration of denied amendments.

In the event that an application is denied by the council, the board shall not reconsider the application nor consider another application for amendment of the zoning applying to the property described in the original application or any part thereof for a period of at least one year from the

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date of said denial action.

Section 2505. Protests against amendments.

A. If the owners of thirty-three and one-third (33 1/3) percent or more of the lots in the area included in a requested amendment, or of the lots within the area surrounding the area to be zoned or re-zoned to a depth of one hundred twenty-five (125) feet in every direction, file with the City Clerk at any time prior to the scheduled public hearing by the board thereon, or at the time of such public hearing, a protest in writing against the requested amendment, said amendment shall not be approved except by the favorable vote of three-fourths vote of the city council. Said one hundred twenty-five (125) foot depth shall be measured from the outer perimeter of the subject area, but this section shall have no application to protestants whose lots are located outside the city limits.

B. Oral protests made at the public hearing held by the zoning board, or written protests submitted subsequent to said hearing shall not have the effect of requiring a three-fourths vote by the council to pass said amendment, but such protests shall be given weight by the council in its deliberations.

C. All written protests shall describe the property owned by the protestants with sufficient clarity so as to be easily located on a map of the city and with relation to the area under consideration. If said property is not so described, the council may disregard any such protest or protests.

Section 2506. Fees.

A fee of thirty-five dollars (\$35.00) shall accompany each application for amendments or other matters and remedies under this Code. Said fee shall cover the cost of advertising and posting and shall be paid to the City Clerk to be credited to the general fund of the City of Chandler.

SECTION VII. WHEREAS, the preservation of public peace, health, safety, welfare and interest require the early operation of this Ordinance, an emergency is hereby declared to exist as will exempt this Ordinance from any petition of referendum and the same will become immediately operative when enacted by the Common Council and signed by the Mayor and attested by the Clerk.

PASSED AND ADOPTED by the Common Council of the City of Chandler, this 14 day of April, 1966.

ATTEST:

Arline Russell
CITY CLERK

[Signature]
MAYOR

CERTIFICATION

I HEREBY CERTIFY THAT THE above and foregoing Ordinance No. 359 was duly passed and adopted by the Common Council of the City of Chandler, Arizona, at a regular meeting held April 14, 1966, and that the vote was 6 Ayes 0 Nays.

Published April 20 1966

Arline Russell
CITY CLERK