

ORDINANCE NO. O2016.17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE CITY OF TEMPE ZONING MAP, PURSUANT TO THE PROVISIONS OF ZONING AND DEVELOPMENT CODE PART 2, CHAPTER 1, SECTION 2-106 AND 2-107, RELATING TO THE LOCATION AND BOUNDARIES OF DISTRICTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That the City of Tempe Zoning Map is hereby amended, pursuant to the provisions of Zoning and Development Code, Part 2, Chapter 1, Sections 2-106 and 2-107, by amending the Planned Area Development Overlay for the existing MU-4, Mixed Use District on 1.382 acres.

LEGAL DESCRIPTION

Lot 1, Farmer Arts District – Parcel 1, according to Book 1070 of Maps, Page 15, Records of Maricopa County, Arizona.

TOTAL AREA IS 1.382 GROSS ACRES.

Section 2. Further, those conditions of approval imposed by the City Council as part of **Case # PL150526** are hereby expressly incorporated into and adopted as part of this ordinance as follows:

1. Except as modified by conditions, the development shall be in substantial conformance with the 1st Amended Planned Area Development Overlay for Lot 1 @ Farmer Arts District – Parcel 1 cover sheet and site plan.
2. The property owner shall sign a waiver of rights and remedies form. By signing the form, the Owner voluntarily waives any right to claim compensation for diminution of Property value under A.R.S. §12-1134 that may now or in the future exist, as a result of the City’s approval of this Application, including any conditions, stipulations and/or modifications imposed as a condition of approval. The signed form shall be submitted to the Community Development Department no later than 30 days from the date of City Council approval, or the Amended Planned Area Development approval shall be null and void.
3. A building permit application shall be made within four (4) years of the date of City Council approval or the zoning of the property may revert to that in place at the time of application. Any reversion is subject to a public hearing process as a zoning map amendment.
4. The 1st Amended Planned Area Development Overlay for Lot 1 @ Farmer Arts District – Parcel 1 shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe’s Community Development Department within sixty (60) days of the date of City Council approval.

5. The developer must receive approval of the final Traffic Impact Study from the Traffic Engineering prior to issuance of a building permit.
6. Development shall not exceed 281 dwelling units and consist of no more than 41 studio units, 146 one bedroom units, 101 two bedroom units and 33 three bedroom units.
7. A minimum of 39 parking spaces shall be available for residential guests and retail customers; these spaces shall be provided on-site and shall not be demarcated or restricted for exclusive use. These spaces shall be accessible to the public and may be gated to enter garage.
8. A minimum of 60 bicycle parking spaces shall be provided on-site for the use of residential and commercial customers.

Section 3. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____ day of _____, 2016.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney