

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 11-3-2, OFFICIAL ZONING DISTRICT MAP AND DISTRICT BOUNDARIES, OF THE MESA CITY CODE, CHANGING THE ZONING OF CERTAIN PROPERTY DESCRIBED IN ZONING CASE Z14-016 LOCATED AT THE 5000 TO 5200 BLOCKS OF EAST BROWN ROAD (NORTH SIDE) LOCATED AT THE NORTHWEST CORNER OF BROWN ROAD AND HIGLEY ROAD ADOPTING AN OFFICIAL SUPPLEMENTARY ZONING MAP CHANGING THE ZONING FROM AG TO RSL-4.5 PAD AND RSL-2.5 PAD AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That Section 11-3-2 Official Zoning District Map and District Boundaries, of the Mesa Zoning Ordinance is hereby amended by adopting the Official Supplementary Zoning Map for Zoning Case (Z14-016), signed by the Mayor and City Clerk, which accompanies and is annexed to this ordinance and declared a part hereof.

Section 2: The Official Supplementary Zoning Map attached hereto is adopted subject to compliance with the following conditions:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, landscape exhibits and preliminary plat submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Compliance with the Residential Development Guidelines as well as the building form standards established in the City of Mesa Zoning Ordinance.
3. No two identical elevations are permitted on adjacent lots or on lots across from each other, and no more than two identical elevations with different exterior colors are permitted within a cluster of lots adjacent within each courtyard.
4. Residential product to be reviewed by the Design Review Board with final approval by the Planning Director.
5. Compliance with all City development codes and regulations.
6. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request of dedication whichever comes first.
7. All street improvements, street frontage landscaping, and perimeter theme walls to be installed in phases as approved by the City of Mesa.
8. All offsite street improvements and street frontage landscaping to be installed in the first phase of construction unless otherwise approved by the City of Mesa.
9. Compliance with all requirements of the Subdivision Technical Review Committee.
10. Compliance with all requirements of the City of Mesa Terms and Conditions for the Sale of Utilities as administered by the Water Resources Department.
11. Compliance with all requirements of the current City of Mesa Engineering and Design Standards Manual.
12. Owner shall grant an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
13. Written notice be provided to future residents, and acknowledgment received that the project is within a mile(s) of Falcon Field Airport.
14. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction as required by Code.

15. View fences shall comply with the City of Mesa pool fence barrier regulations.
16. Provide decorative asphalt at each street entrance from McLellan Rd., which is to be maintained by the Home Owner's Association. Details to be approved by the Transportation Department.
17. Provide an enhanced pedestrian connection to the intersection of Higley and Brown Roads. It shall include design features that facilitate pedestrian walkability to the commercial uses across the street by providing a safe, attractive, and comfortable area for the residents. Final grading and drainage, landscape plan and design for Tract C shall be Administratively Approved by the Planning Director.
18. Provide pedestrian connections to Princess Drive and Gary Street.
19. Utilize a speed table at the mid-point of the north-south street just west of Higley Road and relocate any designated parking spaces within the sight triangle associated with that speed table. Details to be approved by the Transportation Department.
20. Provide dusk to dawn garage lights and porch lights within each cluster.
21. Provide two additional house plans for the lots fronting the public street within the clusters to add more variety to the street facing housing product. Details to be reviewed by the Design Review Board with final approval by the Planning Director.
22. Patios have been included in the open space calculation for the private yards and therefore may not be enclosed.
23. The sum of the walls for the homes within 10-feet of the rear property line shall not exceed 55% of the outside length of the cluster.
24. Designated Solid Waste barrel pick-up locations for cluster lots shall be within 150-feet of the unit.
25. Provide a parking ratio of approximately three (3) parking spaces per dwelling unit for the cluster units with general conformance with the site plan submitted, except as modified by the Subdivision Technical Review Committee.

Section 3: PENALTY.

CIVIL PENALTIES:

- A. Any owner, occupant or responsible party who is found responsible for a civil violation of this Ordinance, whether by admission, default, or after a hearing, shall pay a civil sanction of not less than \$150 or more than \$1,500, per citation. A second finding of responsibility within 24 months of the commission of a prior violation of this Ordinance shall result in a civil sanction of not less than \$250 or more than \$2,500. A third finding of responsibility within 36 months of the commission of a prior violation of this Ordinance shall result in a civil sanction of not less than \$500 or more than \$2,500. In addition to the civil sanction, the responsible party shall pay the applicable fees and charges set forth in the City's Development and Sustainability Department (Code Compliance) Schedule of fees and Charges, and may be ordered to pay any other applicable fees and charges.
- B. The 36 month provision described above of this Section shall be calculated by the dates the violations were committed. The owner, occupant, or responsible party shall receive the enhanced sanction upon a finding of responsibility for any violation of this Chapter that was committed within 36 months of the commission of another violation for which the owner or responsible party was convicted or was otherwise found responsible, irrespective of the order in which the violations occurred or whether the prior violation was civil or criminal.

EACH DAY SEPARATE VIOLATION:

- C. Each day in which a violation of this Ordinance continues, or the failure to perform any act or duty required by this Ordinance or by the Civil Hearing Officer continues, shall constitute a separate civil offense.

HABITUAL OFFENDER:

- A. A person who commits a violation of this Ordinance after previously having been found responsible for committing three (3) or more civil violations of this Ordinance within a twenty-four (24) month period – whether by admission, by payment of the fine, by default, or by judgment after hearing – shall be guilty of a class 1 criminal misdemeanor. The Mesa City Prosecutor is authorized to file a class 1 criminal misdemeanor complaint in the Mesa City Court against habitual offenders. For purposes of calculating the twenty-four (24) month period under this Subsection, the dates of the commission of the offenses are the determining factor.
- B. Upon conviction of a violation of this Section, the Court may impose a sentence of incarceration not to exceed six (6) months in jail; or a fine not to exceed two thousand five hundred dollars (\$2,500.00), exclusive of penalty assessments prescribed by law; or both such fine and imprisonment. The Court shall order a person who has been convicted of a violation of this Section to pay a fine of not less than five hundred dollars (\$500.00) for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of a sentence required by this Subsection except on the condition that the person pay the mandatory minimum fines as provided in this paragraph.
- C. Every action or proceeding under this Section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to criminal misdemeanors and the Arizona Rules of Criminal Procedure.

PASSED AND ADOPTED by the Council of the City of Mesa, Maricopa County, Arizona, this 5th day of May, 2014.

APPROVED:

Mayor

ATTEST:

City Clerk