

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 Z14-029 LOCATED AT 1008, 1058, 1060 AND 1102 WEST MCLELLAN ROAD EAST OF THE SOUTHEAST CORNER OF THE 202 RED MOUNTAIN FREEWAY AND ALMA SCHOOL ROAD AN OFFICIAL SUPPLEMENTARY ZONING MAP CHANGING THE ZONING FROM RS-43 TO RSL-4.5 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 (Z14-029), 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. Minimum lot size shall be 45' x 90' for all lots.
3. Minimum rear yard setback shall be 20'. A patio cover may encroach into the rear yard setback up to 10' from the property line except as modified below.
4. Lots 13 through 18 are allowed a reduced rear yard setback of 15' for two-story and 10' for single story. Any attached open patio for houses on these lots shall maintain a setback minimum of 7' from the rear property line.
5. Two covered parking spaces shall be provided on each lot to meet minimum code requirements. Parking on the driveway will not be considered meeting parking space requirements.
6. Lots 16, 17, 21, 22, 26 and 27 indicated on the site plan are limited to single-story homes. No two-story products shall be built on these lots.
7. There is a 96" Water Transmission Main in a 25' PUE along the north property line that is jointly owned by City of Mesa and City of Phoenix. No encroachments into this PUE will be allowed, this includes retention basins and walls. The 25' PUE must remain clear and have all-weather access per the City of Mesa Engineering Design Standards. Any landscaping proposed must comply with the City of Mesa Engineering Design Standards. Per the City of Mesa Design Standards Manual, trees cannot be located within 5' of the water main as measured from the base of the tree to the outside of the water line.
8. Trash barrel pad locations shall be no more than 75' from the unit utilizing the pad, particularly dead end streets. Designate area for trash cans to be placed for pick up days for lots 3 & 4.
9. A minimum of two shade structures shall be added to the open space design. One over the proposed tot lot and one adjacent to the picnic and BBQ area to provide shaded seating areas. Shade trees shall be placed in areas to create additional shade areas within the overall open space design.
10. No two identical elevations are permitted on adjacent lots or on lots across from each other.

11. Provide additional detailing to the elevations to increase the quality of the development. Residential product shall be reviewed and approved Administrative Product Approval by the Planning Director.
12. Compliance with all City development codes and regulations.
13. 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 whoever comes first.
14. All street improvements, street frontage landscaping, and perimeter theme walls to be installed with the first phase of development.
15. Compliance with all requirements of the Subdivision Technical Review Committee.
16. Compliance with all requirements of the current City of Mesa Engineering and Design Standards Manual.
17. View fences shall comply with the City of Mesa pool fence barrier regulations.

### 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 8th day of July, 2014.

APPROVED:

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Mayor

ATTEST:

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City Clerk