

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 Z14-037 LOCATED AT THE 10000 TO THE 10800 BLOCKS OF EAST GUADALUPE ROAD (NORTH SIDE). LOCATED NORTH OF GUADALUPE ROAD BETWEEN SIGNAL BUTTE ROAD AND CRISMON ROAD AN OFFICIAL SUPPLEMENTARY ZONING MAP CHANGING THE ZONING FROM AG, RS-9 PAD, RS-6 PAD, AND RM-2 PAD TO RS-6 PAD, RSL 4.5 PAD, RSL 2.5 PAD AND RM-2 PAD AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY 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 (Z14-037), 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 Mulberry Development Master Plan Narrative revised date of July 24, 2014, and as shown on the site plan, landscape plan, and building elevations except as otherwise conditioned.
2. 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.
3. Compliance with all design standards for Solid Waste pick up throughout the development.
4. Designated Solid Waste barrel pick-up locations for Green Court homes lots shall be within 150-feet of each unit.
5. All street improvements, street frontage landscaping, and perimeter theme walls to be installed with the approved phasing plan for the development.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Compliance with all requirements of the current City of Mesa Engineering and Design Standards Manual.
8. Compliance with all City development codes and regulations.
9. Compliance with all requirements of the City of Mesa Terms and Conditions for the Sale of Utilities as administered by the Water Resources Department.
10. View fences shall comply with the City of Mesa pool fence barrier regulations.
11. Written notice be provided to future residents, and acknowledgment received that the project is within 3 miles of Phoenix-Mesa Gateway Airport.
12. Owner shall grant an Avigation Easement and Release to the City, pertaining to Phoenix-Mesa Gateway 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. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction as required by Code.
14. Provide lighting within the alleys of the Green Court Home development.

15. The Green Court Homes shall be redesigned to eliminate houses facing backs of other homes and the island of homes. Provide a design that is consistent with the project narrative stating that the lots will be built on tree lined streets.
16. Use and Benefit easement shall be provided on one side of the lot for the Green Court Home lots in parcel 4.
17. Provide a minimum of 3 parking spaces per dwelling unit in the Green Court homes of parcel 4.
18. Site Plan Review and Approval by the Planning and Zoning Board shall be required prior to development of parcel 5. In addition to the design guidelines addressed on page 12 of the project narrative, the project shall be designed and organized to emphasize the buildings, pedestrian experience and open space design and de-emphasize the parking lot areas.
19. Provide a pedestrian connection to the sidewalk at the southeast corner of the development for access to the commercial site.
20. Compliance with the Residential Development Guidelines as well as the building form standards established in the City of Mesa Zoning Ordinance. The architectural details, shutters, metalwork, attached light fixtures, etc. shall be of upgraded materials and shall be standard for the elevations. Upgraded garage doors depicted in the elevations shall be standard for these homes. All pop-outs shall be a minimum of 2" in depth. Review and approval of all products through the administrative product approval process addressing all concerns for products outlined in the staff report shall be required prior to issuance of any building permits.
21. 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.
22. Placement and detail of proposed traffic calming strategies shall be required as discussed in the staff report.
23. Separate Administrative Review and approval through the Planning Director for the following items:
  - a. Provide an enhanced landscape design coordinated with the grading and drainage plan along Signal Butte Road and Guadalupe Road. This is required to ensure a high quality design.
  - b. Provide low level or bollard type lighting within pedestrian connections and trails to ensure adequate lighting for pedestrians.
  - c. Landscape design with pedestrian and vehicular connections shall be coordinated with the commercial project to the south and east to ensure appropriate pedestrian and vehicular connections and high quality design. Provide detail of landscape design adjacent to commercial development to ensure a seamless tie between the developments.
  - d. Landscape plan details indicating true ground cover or turf to compare with defined and natural pedestrian connections throughout the development.
  - e. Details for the ramadas and perimeter walls for complete review to ensure high quality materials and design as indicated in project narrative.
  - f. Detail showing design and placement of walls between the Green Court homes. This detail must include intended placements of solid waste barrels and gate for access to allow adjacent neighbor to maintain their home.
  - g. Incorporate additional active open space and gathering spaces within the Green Court home Parcel 4 design in order to accommodate the number of people that will be living in this area.
24. Coordinate with the commercial developer the alignment of the driveway at the north side of the commercial site and the street in the residential development.

### 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 City Council of the City of Mesa, Maricopa County, Arizona, this 25th day of August, 2014.

APPROVED:

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Mayor

ATTEST:

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City Clerk

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