

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 Z15-025 THE 1600 THROUGH 1900 BLOCKS OF SOUTH VAL VISTA DRIVE (WEST SIDE). LOCATED NORTH OF BASELINE ROAD ON THE WEST SIDE OF VAL VISTA DRIVE (66± ACRES). SITE PLAN MODIFICATION AND REZONING FROM LC-BIZ-PAD TO LC-BIZ-PAD AND COUNCIL USE PERMIT. THIS REQUEST WILL ALLOW THE ADDITION OF RESIDENTIAL, RETAIL, OFFICE, HOTEL AND THEATER BUILDINGS TO THE EXISTING COMMERCIAL CENTER AS PART OF A MIXED-USE DEVELOPMENT 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 (Z15-025), 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 development as described in the Project Narrative and revised Design Guidelines and as shown in The Village at Dana Park Master Site Plan document dated July 27, 2015, and the landscape plans dated July 27, 2015, and the Dana Park Master Plan Update dated June 2, 2015;
2. Design Review and approval of all development;
3. Compliance with all City development codes and regulations;
4. Compliance with all requirements of Design Review approval;
5. Modification of the 1998 "Dana Ranch Village Square Design Guidelines" document as described in the project narrative and as herein modified, with final approval of the Planning Director prior to approval of any design review applications on the property;
6. The west face of the multi-residential building to be designed to minimize impact on existing residences to the west, with final approval by the Planning Director;
7. Replacement of pavers in the drive areas is to be with alternative pavement such as stamped, colored asphalt, as established in the revised Design Guidelines;
8. New or revised drive aisles are to be paved with alternative paving, as established in the revised Design Guidelines, with final approval of the Planning Director of the areas of standard pavement vs. alternative pavement;
9. New or revised pavement on sidewalks and other non-auto areas is to be alternative pavement such as colored, patterned concrete, etc. as established in the revised Design Guidelines;
10. The alley between the parking garage/residential and the back of the commercial center to be designed to provide interest as a high use pedestrian area;
11. The "Commercial/Amenity Building" to have a pedestrian-scaled street façade that provides interest at the street level and engages the sidewalks;
12. Approval of the Planning Director of a "Plan of Operation" and a "Good Neighbor Policy" for the multi-residential component, in conjunction with Design Review approval;
13. Any proposed modification to signage standards will require modification of the existing Comprehensive Sign Plan.

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.
- 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 28th day of September, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk