

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 Z15-035 THE 1600 BLOCK OF SOUTH GREENFIELD ROAD AND THE 1700 BLOCK OF SOUTH OLD GREENFIELD ROAD (EAST SIDE). LOCATED SOUTH OF THE SUPERSTITION FREEWAY AND EAST OF GREENFIELD ROAD (23.09± ACRES). REZONE FROM AG, LC, AND LI-PAD TO LC AND RM-3-PAD AND SITE PLAN MODIFICATION. THE REQUEST WILL ALLOW FOR THE DEVELOPMENT OF A MULTI-RESIDENTIAL COMPLEX 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 Z15-035, 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 plan, and building elevations except as otherwise conditioned;
2. Compliance with all requirements of the Subdivision Regulations;
3. Recordation of cross-access easements between both lots in the subdivision;
4. All street improvements to be installed with the first phase of development;
5. Providing a phasing plan with the first phase of development that identifies the limits of the phase, the auto and pedestrian connections, sidewalk and landscape improvements along Old Greenfield Road out to Greenfield Road, and temporary landscaping at the edge of the phase. Sidewalk design in front of Lot 1 to be consistent with sidewalk in front of Lot 2;
6. Provide a revised site plan with details for pedestrian access to building type G3 and to show sidewalk connections from the G2 buildings to the dumpster locations;
7. Install temporary right-of-way landscaping along Lot 1's Old Greenfield Rd frontage with the first phase of this development which landscaping shall be supplemented and made permanent in conjunction with the future development of the balance of Lot 1;
8. Provide a parking plan that meets the intent of Code for landscape islands and for landscape islands between parking canopies;
9. This site plan approval includes an area of improvements on Lot 1 associated with this development, as depicted on the site plan. Future development of the balance of Lot 1 will require both Site Plan Review and Design Review;
10. Design Review approval of the current proposal;
11. Compliance with all City development codes and regulations;
12. Compliance with all requirements of Design Review approval.

### 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 1st day of December, 2015.

APPROVED:

---

Mayor

ATTEST:

---

City Clerk