

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 Z16-004 THE 8200 TO 8600 BLOCKS OF EAST BASELINE ROAD (NORTH SIDE). LOCATED WEST OF LOOP 202 ON THE NORTH SIDE OF BASELINE ROAD. (52.4± ACRES). PAD MODIFICATION (52.4± ACRES). THIS REQUEST WILL ALLOW FOR A MULTI-RESIDENCE 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 (Z16-004), 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 submitted.
2. Compliance with all City requirements except as modified by this PAD (Z16-004).
3. Compliance with the Baseline Mixed Use PAD dated March 10, 2014 as approved with Zoning case Z14-021 except as modified by this approval (Z16-004). The conditions of approval for Z14-021 are hereby replaced in their entirety with the following:

- i. Site Plan Review through the public hearing process of future Specific Plans with the following minimum requirements:
  - a. The single-residence area will utilize at least 3 building types.
  - b. The cluster product will not be used until it has been fully reviewed and details agreed upon.
  - c. The commercial area shall utilize an open design that functions as an extension of the open space along Hawes Road and allow easy access by residents of the single- residence area.
  - d. Connectivity will be provided directly between the multi-residential area and the commercial area so residents of the apartments can easily walk to the commercial area.
  - e. The design of the multi-residential area will be laid out in a pattern that simulates urban blocks.
  - f. The multi-residence area will utilize buildings lined along Hawes that engage this street and the central neighborhood open space.

- ii. Yard requirements as contained in the Design Booklet shall be modified as follows:
  - a. Setbacks along private lanes and alleys may be 5 feet;
  - b. For the grouping of individual properties that create the Mews and Cluster Homes pods, the sum of the length of the walls within 10- feet of the side property line for the grouping of home pods (whether this be the side or rear of the individual lots) shall not exceed 55% of the total length of the property lines that aggregately create that grouping (does not include the property line at the rear of the cluster opposite the private lane entry into the pod of homes). The remaining 45% may be setback as described in the PAD table;
  - c. Driveways in front of garages must be 5 feet or less in length or 18 feet or

- longer in length, nothing in between.
- iii. Provide at least three vehicular and pedestrian connections between this site and the balance of the property located at the northeast portion.
  - iv. Review and approval of a Preliminary Plat through the public hearing process.
  - v. Compliance with the Residential Development Guidelines as well as the building form standards established in the City of Mesa Zoning Ordinance.
  - vi. View fences shall comply with the City of Mesa pool fence barrier regulations.
  - vii. Full Compliance with all City development codes and regulations.
  - viii. 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.
  - ix. Compliance with all requirements of the Subdivision Technical Review Committee.
  - x. Compliance with all requirements of the current City of Mesa Engineering and Design Standards Manual.
  - xi. Owner granting an Avigation Easement and Release to the City, pertaining to Phoenix-Mesa Gateway Airport.
  - xii. Written notice be provided to future residents, and acknowledgment received that the project is within 5miles of Phoenix-Mesa Gateway Airport.
  - xiii. Noise attenuation measures are incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.
  - xiv. The use and benefit easements shown as optional will be required if necessary to meet the private open space requirements of the Zoning Ordinance.
  - xv. Maximum density allowed in the RSL2.5 PAD zoned area shall not exceed 10 du/ acre.
4. Landscape Plan shall comply with plant materials from the approved Conceptual Master Plant List (Z14-021).
  5. Street improvements, street frontage landscaping, and perimeter theme walls may be installed in phases as approved by the City. The Applicant and the City must enter into a development agreement that will address requirements for infrastructure, phasing, and off-site improvements.
  6. Emergency access to the exception property in the northeast corner will be provided by a driveway and emergency access gate accessible between the single-residence parcel to the west and the adjacent Casa Mia subdivision. Such emergency access will be approved with the preliminary plat for the single-residence parcels.
  7. Provide a minimum parking ratio of 1.8 spaces per dwelling unit.

### 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 2nd day of May, 2016.

**APPROVED:**

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Mayor

**ATTEST:**

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City Clerk