

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 Z17-002 THE 6400 THROUGH 6600 BLOCKS OF SOUTH MOUNTAIN ROAD (WEST SIDE) AND THE 6400 THROUGH 6600 BLOCKS OF THE SOUTH SIGNAL BUTTE ROAD ALIGNMENT (EAST SIDE). LOCATED WEST OF MOUNTAIN ROAD AND NORTH OF PECOS ROAD. (50.12± ACRES). REZONE FROM AG TO HI-PAD AF (20± ACRES); AND REZONE FROM GI-CUP AF TO HI-PAD AF (24.3± ACRES); AND REZONE HI-AF TO HI-PAD AF (5.82± ACRES) 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 (Z17-002), 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 preliminary plat submitted.
2. Compliance with all City development codes and regulations, except as modified by the PAD, Development Agreement, or conditions below.
3. Compliance with all requirements of the Airfield (AF) Overlay District including:
  - a. Owner shall grant an Avigation Easement and Release to the City, pertaining to Phoenix-Mesa Gateway Airport that will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map/land split, prior to the issuance of a building permit).
  - b. Noise attenuation measures be incorporated into the design and construction of the buildings to achieve a noise level reduction of 25 db.
4. Signs (detached and attached) require separate approval and permit for locations, size, and quantity.
5. Design Review process for Phase 1 and site plan and design review for all future phases of development.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. All retention basins shall be designed per Section 11-33-6 of the Mesa Zoning Code:
  - a. Retention basin design shall provide consolidated basins. Multiple, small retention areas are not acceptable unless basins are interconnected and designed per the City of Mesa Engineering Manual; and,
  - b. Landscaping shall be provided in all areas of the retention basin including side slopes, the perimeter edge around the basin and along the bottom of the basin.
8. Replacing the proposed chain link fencing with a permanent wall consistent in design with the wall proposed for the south property line either with the development of Phase 2 of the expansion area or the construction of Signal Butte Road, whichever occurs first.
9. Execution of a Development Agreement to address issues such as:

- a. Timing of payment of cash in lieu for Signal Butte Road;
  - b. Extension of water, sewer, and other utilities in Signal Butte Road;
  - c. Potential access road to provide ingress/egress to adjacent properties north of the 20-acre expansion area east of Signal Butte Road, and;
  - d. Other related items.
10. Each phase of development must comply with the City's water and sewer requirements.
11. Completion of the platting process and filing the final plat for the property prior to issuance of a building permit for Phase 1.
12. Dedicate right-of-way on Signal Butte Road to achieve a 65-foot half-street from the monument line at the earlier of:
- a. When requested by the City of Mesa;
  - b. Recordation of the plat for the property; or,
  - c. Issuance of a Building Permit for Phase 1.

### 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 20th day of March, 2017.

APPROVED:

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Mayor

ATTEST:

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City Clerk