

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 Z17-024 THE 2300 BLOCK OF EAST UNIVERSITY DRIVE (SOUTH SIDE). LOCATED EAST OF GILBERT ROAD ON THE SOUTH SIDE OF UNIVERSITY DRIVE (2.4± ACRES). REZONE FROM RSL-2.5-BIZ TO 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 (Z17-024), 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 and preliminary plat submitted (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all requirements of the Subdivision Technical Review Committee.
3. 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 for dedication, whichever comes first.
4. Compliance with all City of Mesa Code requirements and regulations.
5. Add a shade canopy or structure in the open space area to provide permanent shade for the picnic table seating.
6. Provide colored concrete or other type of decorative surface (minimum 2' wide) to break up the expanse of concrete area for driveways in the general area of the face of the garage between the side facing garage and the street on lots 2, 3, 6, 7, 14 and 15. Details to be reviewed and accepted with Subdivision Technical Review.
7. Provide a revised design for the wall along University Drive that provides enhanced quality and incorporates the use of integral color block and paint existing walls adjacent to open space areas within the subdivision to match.
8. Prior to submission for building permit review, submit residential product for review and approval by the Planning Director to include:
 - a. Enhanced rear and side elevations for lots 1, and 11, enhanced rear elevations for lots 2 and 12. Enhancements are to include additional or larger windows and/or other detailing such as shutters and gable detailing where applicable on the second story, as well as additional details on the side of the front entry garages for lots 1, 11, and 16.
 - b. Provide the wider wrapped porch option identified in the product submitted for corner lots on lots 2, 3, 6, 7, 10, 14, 15 and 17.
 - c. Increase the width of the front porch and back patio by 8-inches for lots 1, 4, 5, 8, 9, 11, 12, 13, 16 and 18-20.
 - d. Extend wainscot detailing across the side elevation to the next perpendicular wall or logical ending point such a door or window on the side elevations consistent with the requirements in the City of Mesa Residential Development Guidelines.
 - e. Increase the size of the front porch columns on the 'Spanish' Elevations for the smaller front porches, consistent with the size of column identified in the product submitted for corner lots.
 - f. Provide sand finish stucco or similar upgraded surface on all pop-outs and wainscot detailing for all elevations.

- g. Building product must include a variety of building materials and finishes on the exterior of the homes (i.e., wood, stone, metal, etc.).

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 August, 2017.

APPROVED:

Mayor

ATTEST:

City Clerk