

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 ZON17-00247 THE 10600 THROUGH 11600 BLOCKS OF EAST WILLIAMS FIELD ROAD (SOUTH SIDE) AND THE 6000 THROUGH 6400 BLOCKS OF SOUTH SIGNAL BUTTE (BOTH SIDES). LOCATED ON THE SOUTH SIDE OF WILLIAMS FIELD ROAD FROM A QUARTER MILE WEST OF SIGNAL BUTTE ROAD TO MERIDIAN ROAD; AND LOCATED ON THE EAST AND WEST SIDES OF SIGNAL BUTTE ROAD TO APPROXIMATELY ONE-HALF MILE SOUTH OF WILLIAMS FIELD ROAD. (251± ACRES). REZONE FROM AG AND GI-CUP TO A PLANNED AREA DEVELOPMENT (PAD) OVERLAY WITH UNDERLYING RM-2, RSL- 2.5, RSL-4.5, RS-6, RS-7 AND RS-9 FOR 236± ACRES AND LC FOR 15± ACRES. THIS REQUEST WILL ALLOW FOR THE DEVELOPMENT OF A MASTER PLANNED COMMUNITY 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 (ZON17-00247), 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 conceptual plan for Destination at Gateway which consists of the project narrative, Community Vision Guidelines, and conceptual site layout (without guarantee of lot yield, building count, lot coverage), except as modified below.
2. Compliance with all City development codes and regulations, except as modified by the approval of this PAD.
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 requirements of the Subdivision Technical Review Committee.
5. Compliance with the City of Mesa Residential Development Guidelines.
6. Owner granting an Avigation Easement and Release to the City, pertaining to Phoenix-Mesa Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
7. Written notice be provided to future residents, and acknowledgment received that the project is within 3 miles of Phoenix-Mesa Gateway Airport.
8. Provide a 4-foot x 4-foot sign at the entrance to the sales office for this development, with notice to all prospective buyers that the project is within an Overflight Area for Phoenix-Mesa Gateway Airport as specified in Section 11-19-5 of the Zoning Ordinance.

9. A building permit cannot be issued until a registered Professional Engineer or registered Professional Architect has certified that Noise attenuation measures have been incorporated into the design and construction of the buildings to achieve a noise level reduction of 45 db as specified in Section 11-19-5 of the Zoning Ordinance.
10. Preserve a net minimum of 18% of open space within Destination at Gateway to include a minimum of two community parks with each community park not less than 3-acres in size.
11. The maximum density for the RSL-4.5 zoning district shall be 10 dwelling units per acre and the maximum density for the RSL-2.5 zoning district shall be 15 dwelling units per acre.
12. All commercial and residential buildings shall include real building materials and finishes on the exterior of the home (i.e. wood or quality wood synthetic, shutters, stone, metal etc.) to create interest through color, materials and texture. All residential building elevations shall be subject to approval from the Planning Director prior to submitting for building permits for the homes.
13. All elevations adjacent to the street or open space shall include additional architectural enhancements. Final details shall be subject to approval from the Planning Director prior to submitting for building permits for the homes.
14. At the time of preliminary plat, Destination at Gateway shall reserve a school site within the boundaries of the subdivision in accordance with ARS 9-463.01(D).
15. Submit to the Planning Director, for review and approval, an updated Community Vision Design Guideline with the elevations that do not comply with the City's design standards removed and replaced with elevations that meet the City's standards.

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 18th day of June, 2018.

APPROVED:

Mayor

ATTEST:

City Clerk