

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 ZON17-00384 THE 2800 TO 2900 BLOCK OF SOUTH SIGNAL BUTTE ROAD (WEST SIDE) AND THE 10600 TO 10800 BLOCK OF EAST GUADALUPE ROAD (SOUTH SIDE). LOCATED ON THE SOUTH SIDE OF GUADALUPE ROAD AND THE WEST SIDE OF SIGNAL BUTTE ROAD. (4.5± ACRES). REZONE FROM AG TO LC 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 (ZON17-00384), 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 shown on the site plan submitted, except as modified by the conditions below (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all requirements of Design Review process.
3. Compliance with all City development codes and regulations.
4. 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.
5. Prior to submittal of the first building permit, submit a revised site plan for review and acceptance by the Planning Director that includes the following:
 - a) Relocate the building on PAD A to the south so it frames the north side of the driveway access located between Lot 1 and Lot 2.
 - b) Relocate the building on Pad B to the north so it frames the south side of the driveway access located between Lot 1 and Lot 2.
 - c) Compliance with foundation base requirements from Sec. 11-33-5 of the Mesa Zoning Ordinance.
 - d) Stamped asphalt or similar material on 5' of the paved surface located next to the rollup doors on the west and south sides of the self-storage building. The surface material must be distinctly different from the 25' wide driving surface. The total width of the paved surface is 30'.
 - e) A throat depth, for the shared access drive along Guadalupe Road, that meets or exceeds the throat depth for the access drive to the school located to the west.
 - f) An internal pedestrian connection between PAD A and PAD B and between PAD B and Pad C.
 - g) A 6' wide pedestrian connection from Signal Butte Road to the school to the west. The pedestrian connection to be located along the shared access drive that is south of PAD C.

6. The perimeter landscaping along Signal Butte Road and along Guadalupe Road to be installed in the first phase of development.
7. If the project is developed in phases, provide a phasing plan prior to submittal of the first building permit.

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 October, 2018.

APPROVED:

Mayor

ATTEST:

City Clerk