

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 ZON18-00446 WITHIN THE 600 BLOCK OF WEST PEPPER PLACE (SOUTH AND NORTH SIDES) AND 0 BLOCK OF NORTH DATE (WEST SIDE NORTH OF PEPPER PLACE). LOCATED NORTH OF MAIN STREET AND WEST OF COUNTRY CLUB DRIVE. (3.5± ACRES). REZONE FROM RM-2 TO RM-3-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 (ZON18-00446), 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 project narrative Proposed PAD modifications on pages 15 through 19, the basic development as shown on the site plan and preliminary plat submitted, except as modified below (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all City development codes and regulations, except as modified for the Proposed PAD.
3. Compliance with all requirements of Design Review.
4. Compliance with all requirements of the Subdivision Regulations.
5. Prior to submitting for Subdivision Technical Review, submit for Planning Director review and acceptance:
 - a. Project Narrative revisions:
 - i. Revise Proposed PAD modifications table beginning on page 15 of the project narrative by incorporating Staff recommendation changes identified in bolded blue of Table 1 of the staff report.
 - b. Site Plan revisions:
 - i. Remove the seven hammerhead parking spaces and turn arounds at the end of the private drives and replace them with landscaping. The private drive must extend past the end of the buildings.
 - ii. Install a wrought iron or view fence at the north side of Building A that extends to the masonry wall.
 - c. Landscape plan revisions: removal of the shrubs along the north and south property lines.
6. Incorporate Crime Prevention Through Environmental Design (CPTED) design principles, into the project. The CPTED design principles must be reviewed and approved by the City's Crime Prevention Officer.
7. Include a note on the subdivision plat, and a provision in the CC&R's, that the homeowner's association established for the property must maintain the landscaping in the common areas and all external lights and security cameras on the property.

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 5th day of November, 2018.

APPROVED:

Mayor

ATTEST:

City Clerk