

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 ZON18-00246 WITHIN THE 400 AND 500 BLOCKS OF NORTH CENTER STREET (EAST SIDE); AND WITHIN THE 400 AND 500 BLOCKS OF NORTH PIMA, NORTH LEWIS, AND NORTH SIRRINE (BOTH SIDES); AND WITHIN THE 500 BLOCK OF NORTH PASADENA NORTH OF 526 NORTH PASADENA (BOTH SIDES). (32.8± ACRES). REZONE FROM RM-2, RM-2-HL, RM-4, DR-2, DR-2-HL, DR-3, DB-1, AND LC TO ID-2 AND ID-2-HL. AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the residents of the Washington Park neighborhood want to preserve and maintain the historical significance of their neighborhood; and

WHEREAS, in 2016 the Mesa City Council designated the Washington Park neighborhood the first Heritage Neighborhood in Mesa; and

WHEREAS, in an effort to further preserve the historic character of the Washington Park neighborhood and reinforce the historic development pattern, the City, in collaboration with the residents, wants to rezone the neighborhood to the ID-2 Infill Development District; and

WHEREAS, establishing the ID-2 zoning designation will, among other things, establish development standards that are consistent with the historic buildings and uses in the neighborhood, encourage new development, and positively affect property values; and

WHEREAS, there is an opt out process if a property owner, who owns property in Washington Park at the time this Ordinance becomes effective, wants to opt out of the ID-2 zoning designation and retain its existing zoning.

NOW THEREFORE, 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 (ZON18-00246), 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 Infill Incentive Plan submitted.
2. Correction by the Planning Director to grammatical, formatting, and other errors that do not affect or change the meaning of the substantive requirements or standards of the Infill Plan is authorized and directed with this approval.

Section 3: A property owner who, on the effective date of this Ordinance, owns property within the boundaries of Zoning Case ZON18-00246 (an "Original Property Owner"), may within three years of

the effective date of this Ordinance opt out of the ID-2 or ID-2-HL zoning districts by submitting the City's Washington Park Opt Out form to the City of Mesa Development Services Department. The form must be signed by the Original Property Owner and notarized. If the Original Property Owner opts out, the zoning on the property will revert to the zoning on the property the day before this Ordinance became effective. The City will maintain an official record of the Washington Park Opt Out forms and will update the Official Zoning Map of the City to reflect the change. The selected change will remain on the site until rezoned in the future.

Section 4: 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 January, 2019.

APPROVED:

Mayor

ATTEST:

City Clerk