

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 ZON18-00951 THE 6000 THROUGH 6400 BLOCKS OF THE SOUTH CRISMON ROAD ALIGNMENT (EAST SIDE), THE 10000 TO 10600 BLOCKS OF EAST WILLIAMS FIELD ROAD (SOUTH SIDE) AND THE 6000 THROUGH 6400 BLOCKS OF SOUTH 222ND STREET (WEST SIDE). LOCATED SOUTH OF WILLIAMS FIELD ROAD AND WEST OF SIGNAL BUTTE ROAD (182± ACRES). REZONE FROM AG AND PC TO PC 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 (ZON18-00951), 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 final Avalon Crossing Community Plan submitted.
2. Compliance with the final infrastructure master plans submitted which includes the Traffic Impact Analysis, Master Wastewater Report, Master Water Report, and Master Drainage Report.
3. Compliance with all City development codes and regulations except those modified with the approval of the Community Plan or those identified as requiring future review and approval by the City Engineer if approval is granted by the City Engineer.
4. Future development shall fully comply with all requirements of the Community Plan.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. The Planning Director is authorized and directed to correct the Community Plan for grammatical, formatting, and other errors that do not affect or change the meaning of the CP's substantive requirements or standards.
7. All preliminary subdivision plats require approval by the Planning and Zoning Board.
8. Compliance with all requirements of the Design Review process for development proposals including the following:
 - a. Buildings 4 or more stories in height.
 - b. Multiple-residence and attached single residence projects that exceed the standard density of the RM-2 density range.
 - c. Mixed-use, commercial and/or industrial projects that have frontage on an arterial or collector street or that are a part of an existing or planned development that has frontage on an arterial or collector street.
 - d. Mixed Use, commercial and/or industrial projects that have, or will have, greater than 20,000 square feet of gross floor area.
9. All non-residential buildings shall be architecturally designed to comply with the approved design guidelines for each Development Unit.

10. Dedicate the right-of-way and easements 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.
11. All street improvements and street frontage landscaping to be installed in the first phase of construction for each approved site plan.
12. Any proposed permanent, or temporary structure, as required by the FAA, is subject to an FAA filing, for review in conformance with CFR Title 14 Part 77 (Form 7460) to determine any effect to navigable airspace and air navigation facilities. If required, an FAA determination notice of no hazard to air navigation shall be provided prior to building permit issuance.
13. Provide a 4-foot x 4-foot sign at the entrance to the sales office for residential developments, with notice to all prospective buyers that the project is within an Overflight Area Phoenix-Mesa Gateway Airport as specified in Section 11-19-5 of the Zoning Ordinance.
14. Prior to the issuance of a building permit, provide documentation by 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 to 45 db as specified in Section 11-19-5 of the Zoning Ordinance.
15. All final subdivision plats shall include the following notice: "This property, due to its proximity to Phoenix- Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals.
16. Execute a development agreement addressing the development unit phasing schedule, infrastructure phasing plan, and other terms to ensure that the future development fulfills the purposes of the Community Plan.

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 26th day of August, 2019.

APPROVED:

Mayor

ATTEST:

City Clerk