

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 ZON19-00832 WITHIN THE 1800 BLOCK OF WEST MAIN STREET (NORTH SIDE) AND WITHIN THE 100 BLOCK OF NORTH DOBSON ROAD (EAST SIDE) AND WITHIN THE 0 TO 200 BLOCKS OF NORTH SYCAMORE (WEST SIDE). LOCATED EAST OF DOBSON ROAD AND NORTH OF MAIN STREET. (21± ACRES). MODIFICATION TO THE SYCAMORE STATION SMART GROWTH COMMUNITY PLAN 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 Map and District Boundaries, of the Mesa Zoning Ordinance is hereby amended by adopting the Official Supplementary Zoning Map for Zoning Case ZON19-00832 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 Smart Growth Community Plan dated March 18, 2021, as modified by the conditions herein, including conformance with the Preliminary Development Plan.
2. Compliance with all applicable City development codes and regulations, except as modified by the Smart Growth Community Plan, as modified by the conditions herein.
3. Developer shall improve all streets and thoroughfares within and immediately adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, driveways, streetlights, median islands, landscaping, and/or other incidentals. All improvements shall comply with all ADA accessibility standards.
4. If the project is built in phases, install bollards, temporary curbing or alternative circulation and traffic improvements along the edge of any drives adjacent to undeveloped parcels as approved by the Planning and Transportation Directors.
5. Approval of Final Development Plans as required by Chapter 63 of the Zoning Ordinance.
6. Prior to approval of the first Final Development Plan, submit for review and approval by the Planning Director revised Design Guidelines.
7. Recordation of cross-access and maintenance easements as required prior to the approval of each Final Development Plan for private drives and shown in the Preliminary Development Plan.
8. Applicant shall consult with Mesa Police Department during the building permit review for the parking facility shown on Parcel C1; and coordinate a final CPTED inspection by the Mesa Police Department prior to approval of the certificate of occupancy, or certificate of completion as applicable.
9. The setback to the north property line for Parcel D1 shall be a minimum of 15 feet and must be landscaped as in accordance with Chapter 33 of the Zoning Ordinance (i.e. perimeter landscaping).
10. Applicant shall modify the Smart Growth Community Plan to include the following requirements applicable to first-floor building space fronting Main Street (Parcel A2A and A2B):
  - A. The space shall be used for commercial uses;
  - B. The commercial uses shall be designed and constructed in compliance with commercial standards; and
  - C. The commercial uses shall be active commercial uses, as determined by the Planning Director.

11. All parking developed in the City lease parcel (Parcel A1B, Parcel A2B, Parcel B1, Parcel B2, and Parcel C) to replace existing parking at the park-and-ride shall be covered parking with roof-mounted solar panels.

### 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 30th day of August, 2021.

APPROVED:

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Mayor

ATTEST:

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City Clerk