

ORDINANCE NO. 4997

AN ORDINANCE AMENDING SECTION 11-2-2 OF THE MESA CITY CODE, CHANGING THE ZONING OF CERTAIN PROPERTY DESCRIBED IN ZONING CASE Z10-18 LOCATED AT THE NORTHWEST CORNER AND SOUTHWEST CORNER OF HAWES AND RAY ROADS ADOPTING AN OFFICIAL SUPPLEMENTARY ZONING MAP CHANGING THE ZONING FROM AG TO C-2-PAD AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That Section 11-2-2 of the Mesa City Code is hereby amended by adopting the Official Supplementary Zoning Map for Zoning Case (Z10-18), 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 annexed hereto is adopted subject to compliance with the following conditions:

1. Compliance with the basic development as described in the Design Guidelines (without guarantee of lot yield, building count, or lot coverage).
2. The Planned Area Development (PAD) Overlay is to allow height limits above those allowed in the C-2 zoning district subject to the minimum height ranges proposed in the Gateway Park Design Guidelines. A structure or building may not materially interfere with Phoenix-Mesa Gateway Airport operations, including movement of aircraft or visibility, or obstruct navigable airspace.
3. Architectural design and landscape elements contained within the Gateway Park Design Guidelines shall be reviewed and approved by the Design Review Board.
4. The development of automobile service stations requires approval of a Special Use Permit by the Board of Adjustment. Should an automobile service station be proposed along Hawes Road south of Ray, the design will be carefully reviewed and approved only if it is found that the design is consistent with the goals and objectives of the Mesa Gateway Strategic Development Plan, the Design Guidelines approved for Gateway Park, and is well integrated into the overall site design.
5. All site plans shall be reviewed through the public hearing process.
6. Compliance with all requirements of the Design Review approval.
7. Compliance with all City development codes and regulations.
8. 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.
9. Site plans for development of the properties shall not be processed until the right-of-way needs are established for Hawes Road by the City Traffic Engineer.
10. The minimum setbacks shown on site plans must be based on the ultimate right-of-way needs for Hawes Road.
11. The development of Hawes Road and access to Hawes Road and Ray Road shall be as determined by the City Traffic Engineer.
12. Owner shall grant an Avigation Easement and Release to the City, pertaining to Phoenix-Mesa Gateway Airport, which will be prepared and recorded by the City concurrently with the recordation of the final subdivision map and prior to the issuance of a building permit.
13. Written notice shall be provided to future owners and future lease tenants, and acknowledgment received that the project is within one mile of the Phoenix-Mesa Gateway Airport.

14. Noise attenuation measures must be incorporated into the design and construction of the buildings such that indoor noise levels attributable to airport operations shall not exceed 45 db for all portions of a structure where the public is received, office areas, public assembly rooms, sleeping areas, noise-sensitive areas and other areas where the ambient noise level is expected to be low.
15. All future site plans shall include the Regional Public Trail System identified in the Mesa Gateway Strategic Development Plan within an alignment to be approved by the Transportation Division.
16. The first phase of development within either of the 8 acre parcels as identified in the project narrative (NWC or SWC of Hawes/Ray Roads) will include a site plan for the 8 acres as stated in the Gateway Park Design Guidelines to demonstrate the site plan development potential.
17. Regardless of the specific development style implemented for each parcel, the result will be a semi-urban, vertically and/or horizontally mixed-use development with a high-quality internal pedestrian environment.

Section 3: PENALTY.

CIVIL PENALTIES:

Upon finding that a person is responsible for a civil violation of this Title, the Civil Hearing Officer shall impose a civil sanction of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each violation. In determining the appropriate sanction the Civil Hearing Officer may assess against the responsible party the City's personnel, mailing, and other costs incurred in investigating and hearing the case, not to exceed a maximum of five hundred dollars (\$500.00).

EACH DAY SEPARATE VIOLATION:

Each day in which a violation of this Title continues, or the failure to perform any act or duty required by this Title or by the Civil Hearing Officer continues, shall constitute a separate civil offense.

HABITUAL OFFENDER:

- A. A person who commits a violation of this Title after previously having been found responsible for committing three (3) or more civil violations of this Title 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 criminal misdemeanor. The Mesa City Prosecutor is authorized to file a 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 8th day of July, 2010.

APPROVED:



Mayor

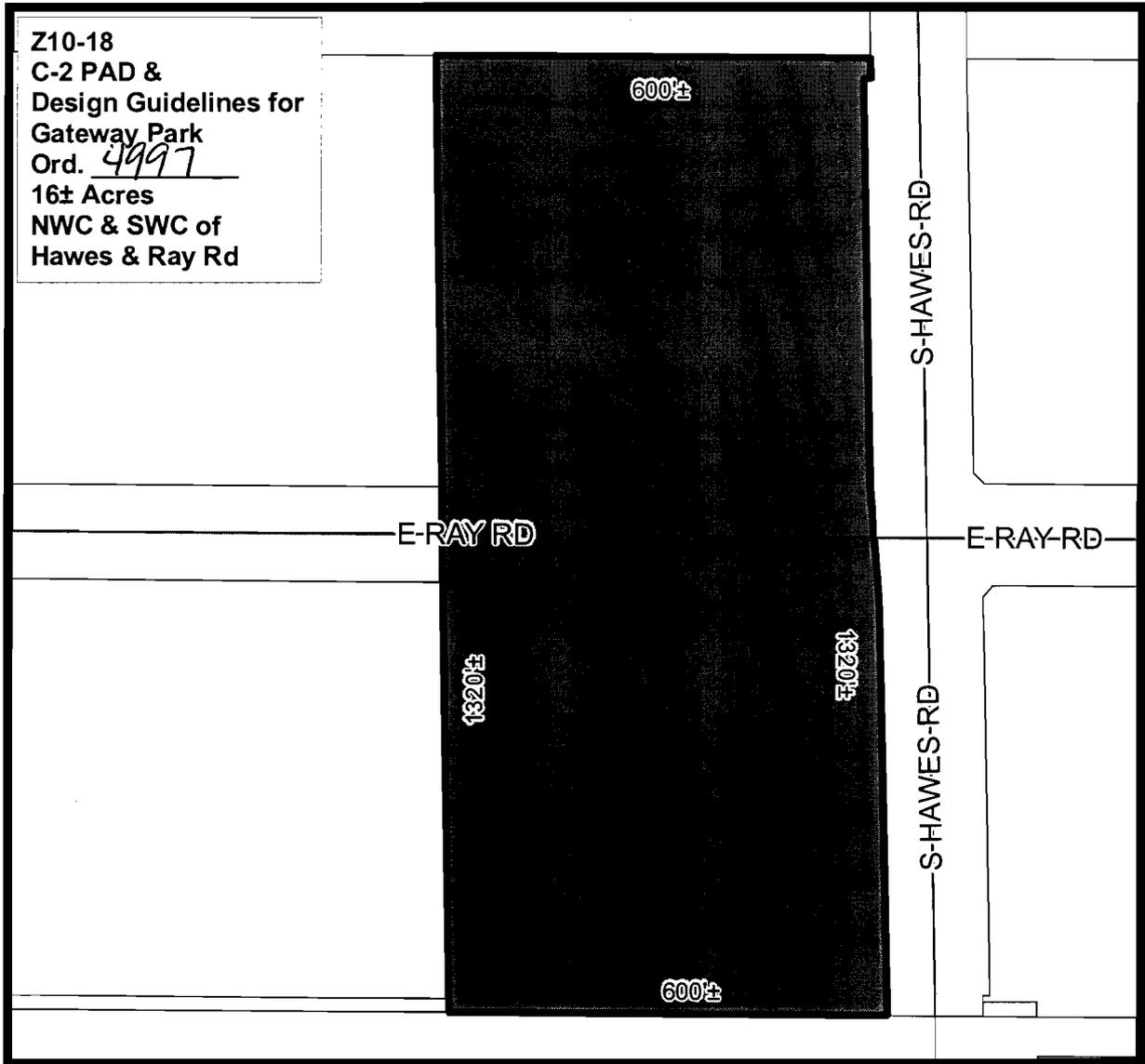
ATTEST:



City Clerk



OFFICIAL SUPPLEMENTARY ZONING MAP
AMENDING THE CITY OF MESA ZONING MAP



Please be advised that the attached zoning changes were approved by the Mesa City Council on July 8, 2010 by Ordinance # 4997. If you have any questions concerning these changes, contact the City of Mesa Planning Division at 480-644-2385.


MAYOR

ATTEST: 
CITY CLERK

