ORDINANCE NO. 5248

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 Z14-038 LOCATED AT THE 10600 TO THE 10800 BLOCKS OF EAST GUADALUPE ROAD (NORTH SIDE). LOCATED AT THE NORTHWEST CORNER OF GUADALUPE AND SIGNAL BUTTE ROADS AN OFFICIAL SUPPLEMENTARY ZONING MAP CHANGING THE ZONING FROM RM-2 PAD TO LC WITH A PAD OVERLAY 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 (Z14-038), 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 basic development as described in the project narrative and as shown on the site plan, landscape plan, and building elevations except as otherwise conditioned.
2. Compliance with all requirements of Design Review approval.
3. Compliance with all City development codes and regulations.
4. All street improvements, street frontage landscaping, and perimeter theme walls to be installed with the first phase of development.
5. Revisions to site plan at Pad C and Pad A for better vehicular and pedestrian circulation as discussed in staff report of June 18, 2014. Final approval shall be required by the Planning Director prior to Design Review approval.
6. Pedestrian and vehicular connections with the residential project to the north and west shall be coordinated to ensure appropriate connections. The pedestrian connection at the north side of the site shall include the trellis designs and landscape at the base of the north side of the Fry's building, allowing for adequate truck traffic, as depicted on the site plan dated 7-8-2014.
7. Design Guidelines for the Crescent Ridge Commercial Center architectural style, colors, materials and landscape materials and layout shall be reviewed and approved by the Planning Director prior to the approval of the Design Review approval for any portion of the site. Design guidelines shall include covered drive through canopies at the pad sites that extend to the adjacent landscape island to add to the distinctive high quality development.
8. Staff review and approval of the final design of the entire landscape area between the commercial development and the residential development to the north prior to issuance of a building permit for either project.
9. Submission of a revised site plan consistent with Council conditions of approval prior to Design Review approval.

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.

EACH DAY SEPARATE VIOLATION:

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 25th day of August, 2014.

CITY OF MESA CORPORATE SEAL MARICOPA COUNTY, AZ

APPROVED:

Vice Mayor

ATTEST:

City Clerk

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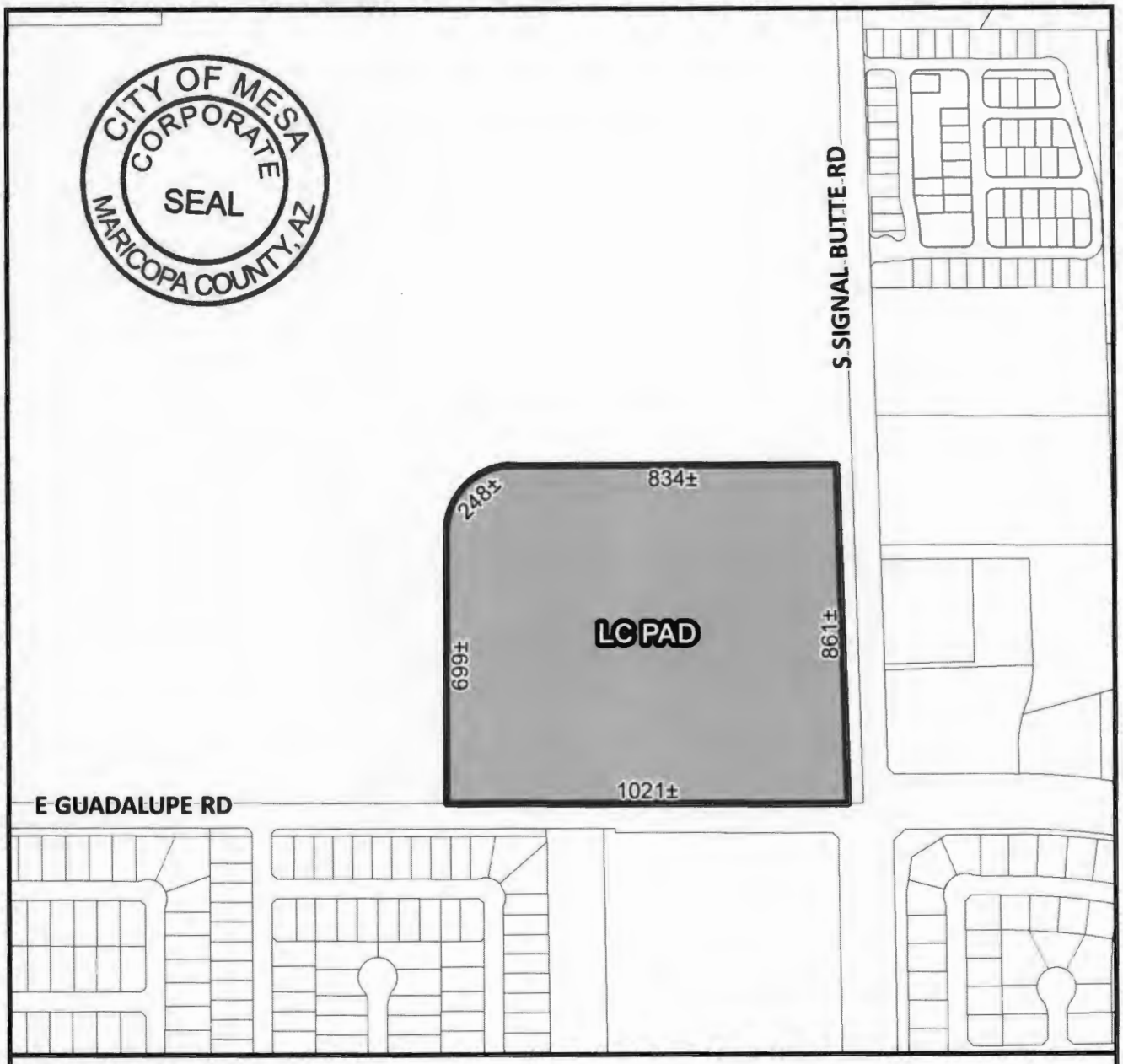
OFFICIAL SUPPLEMENTARY ZONING MAP
AMENDING THE CITY OF MESA ZONING MAP



CASE: Z14-038
ACREAGE: 17.6±
REQUEST: Rezone from RM-2 PAD to LC PAD, a Special Use Permit to allow for a service station, and Site Plan Review. This request will allow for the development of a commercial center. (PLN2014-00193)
ORDINANCE: 5248

Please be advised that the attached zoning changes were approved by the Mesa City Council on August 25th, 2014 by Ordinance # 5248 . If you have any questions concerning these changes, contact the City of Mesa Planning Division at 480-644-2385.

VICE **MAYOR** **ATTEST:** **CITY CLERK** **DATE:** 08-25-14