

ORDINANCE NO. 5004

AN ORDINANCE AMENDING SECTION 11-2-2 OF THE MESA CITY CODE, CHANGING THE ZONING OF CERTAIN PROPERTY DESCRIBED IN ZONING CASE Z10-02, LOCATED AT 11444 EAST GERMANN ROAD. ADOPTING AN OFFICIAL SUPPLEMENTARY ZONING MAP SUPERSEDING ORDINANCES #4740 and #4870 AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

Whereas the Property in this case has been the subject of previous zoning cases approved in Ordinances 4740 and 4870 under the addresses of different portions of the larger property; and

WHEREAS the historical record concerning the address and location of this Property shows addresses of 11202 East Germann Road, and 11464 East Germann Road rather than the correct location being 11444 East Germann Rd; and

WHEREAS, the property owner wishes to modify the current zoning;

NOW, THEREFORE, 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 (Z10-02), 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 project narrative and phasing plan and as shown on the site plan and elevations previously approved through Ordinance #4740 and #4870.
2. Compliance with all requirements of the Design Review Board from case DR07-81.
3. Compliance with all City development codes and regulations.
4. 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.
5. Owner granting an Avigation Easement and Release to the City, pertaining to Phoenix-Mesa Gateway Airport.
6. Landscaping along Meridian Road to be installed at the time of development of Meridian Road or at such time as deemed appropriate by the City of Mesa.
7. Primary access off of Meridian Road to be evaluated by the City of Mesa upon completion of the development of Meridian Road.
8. Defer landscaping of the berm along Pecos Road until development of the remainder of the Pecos right of way, or at such time deemed appropriate by the City of Mesa.
9. Defer landscaping of the berm along Germann Road, the turf along 1400' of the interior roadway, and the placement of the "Steel Maker" statue per requirements of a Development Agreement approved by the City Council.

Section 3: Superseding Effect. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed, effective as of effective date of this Ordinance.

Section 4: 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 27<sup>th</sup> day of Sept., 2010.

**APPROVED:**

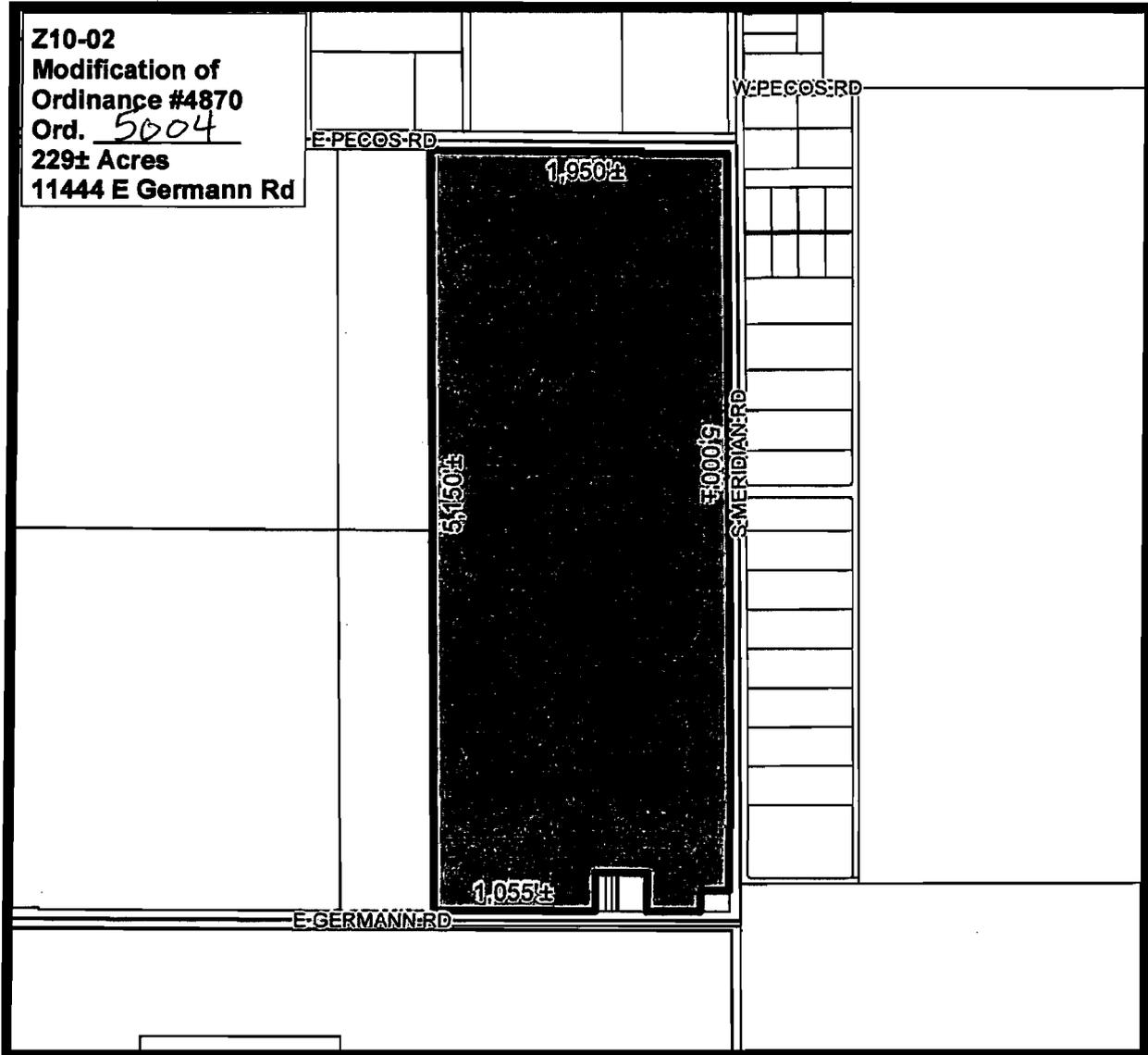
\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk



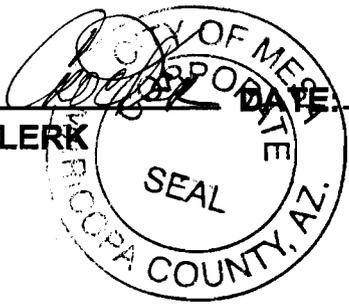
OFFICIAL SUPPLEMENTARY ZONING MAP  
AMENDING THE CITY OF MESA ZONING MAP



Please be advised that the attached zoning changes were approved by the Mesa City Council on *Sept. 27*, 2010 by Ordinance # *5004*. If you have any questions concerning these changes, contact the City of Mesa Planning Division at 480-644-2385.

  
MAYOR

ATTEST:   
CITY CLERK



DATE: *9-27-10*