

ORDINANCE NO. 5115

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 Z12-28 LOCATED AT THE 5200 TO 5300 BLOCKS OF SOUTH ELLSWORTH ROAD (EAST SIDE). LOCATED ON THE NORTH SIDE OF THE FUTURE STATE ROUTE 24 FREEWAY ALIGNMENT BETWEEN ELLSWORTH ROAD TO APPROXIMATELY ONE-QUARTER MILE EAST OF THE CRISMON ROAD ALIGNMENT; SOUTHERN PORTION OF THE FORMER GENERAL MOTORS PROVING GROUNDS (485± acres) ADOPTING AN OFFICIAL SUPPLEMENTARY ZONING MAP ESTABLISHING THE PACIFIC PROVING GROUNDS NORTH COMMUNITY PLAN AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE MAYOR AND 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 (Z12-28), 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 the redlined Community Plan ("CP") as prepared and submitted by staff.
2. 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.
3. With respect to handling of technical engineering issues and standards all of the Master Reports are to be considered in draft format with revisions needed to accommodate the changes prepared by staff on the land use budget. All of the Master Reports must be finally approved by the City Engineer and/or the City Traffic Engineer before approval of the first Development Unit Plan.
4. Staff has the option of submitting the Development Unit Design Guidelines for review by the Design Review Board.
5. Site Plan Review through the public hearing process by the Planning & Zoning Board of future Development Unit plans for DU1, DU3, and DU5.
6. All preliminary subdivision plats require approval by the Planning and Zoning Board.
7. 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.

8. 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.
9. Future development shall fully comply with all requirements of the Community Plan.
10. 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.
11. All street improvements and street frontage landscaping to be installed in the first phase of construction for each development site when adjacent to residential districts.
12. Certificates of Occupancy and/or Completion for individual non-residential buildings shall not be granted until required parking and landscaping are constructed for each development site.
13. All undeveloped parcels within a group commercial, industrial, or office project shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights of Way and public areas.
14. Compliance with all requirements of the Subdivision Technical Review Committee.
15. All non-residential buildings shall be architecturally designed to comply with the approved design guidelines for each Development Unit.
16. Should an automobile service station be proposed, it requires approval of a Special Use Permit by the Board of Adjustment. Should an automobile service station be proposed along Ellsworth Road, 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 goals of the Mesa Gateway Airport, and is designed for an urban setting.
17. Applicant shall provide guidelines and illustrations for an urban designed automobile service station to be added to Chapter 9.5 of the Community Plan prior to approval of DU1.
18. Review and approval of a Special Use Permit by the Board of Adjustment for a Comprehensive Sign Plan for the entire community and/or individual development parcels as required by the Community Plan.
19. Review and approval of a Council Use Permit for uses identified within the land use tables as required by the Community Plan.
20. Prior to any ground-disturbing activities, the acreage should be inspected by a qualified cultural resources specialist. The extent of the historic properties present should be delineated, and their integrity assessed as required by the letter dated April 23, 2008 by David Jacobs of the State Historic Preservation Office.
21. Owner granting 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, prior to the issuance of a building permit, or prior to the approval of the 1st DUP).
22. Written notice of this Avigation Easement be provided to future residents, and acknowledgement received that the project is within 1 mile(s) of Phoenix-Mesa Gateway Airport.
23. Noise attenuation measures to be incorporated into the design and construction of the homes to achieve a noise level reduction as identified within the Community Plan.
24. Amend the Community Plan in the CR and CRSL LUG's to provide at least one useable open space area a minimum of 100 s.f. on each lot.
25. Amend the Community Plan to include a minimum building height of 20 feet for buildings within the CMU LUG.
26. The residential development design standards as required by Chapter 7.4C of the Community Plan shall be distributed to the Planning and Zoning Board for review and comment as part of the administrative staff review and approval process. A study session shall be held with the Planning and Zoning Board to discuss the proposed design guidelines upon request by the Planning and Zoning Board members.

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 Council of the City of Mesa, Maricopa County, Arizona, this 10th day of September, 2012.



APPROVED:

A stylized handwritten signature in black ink.

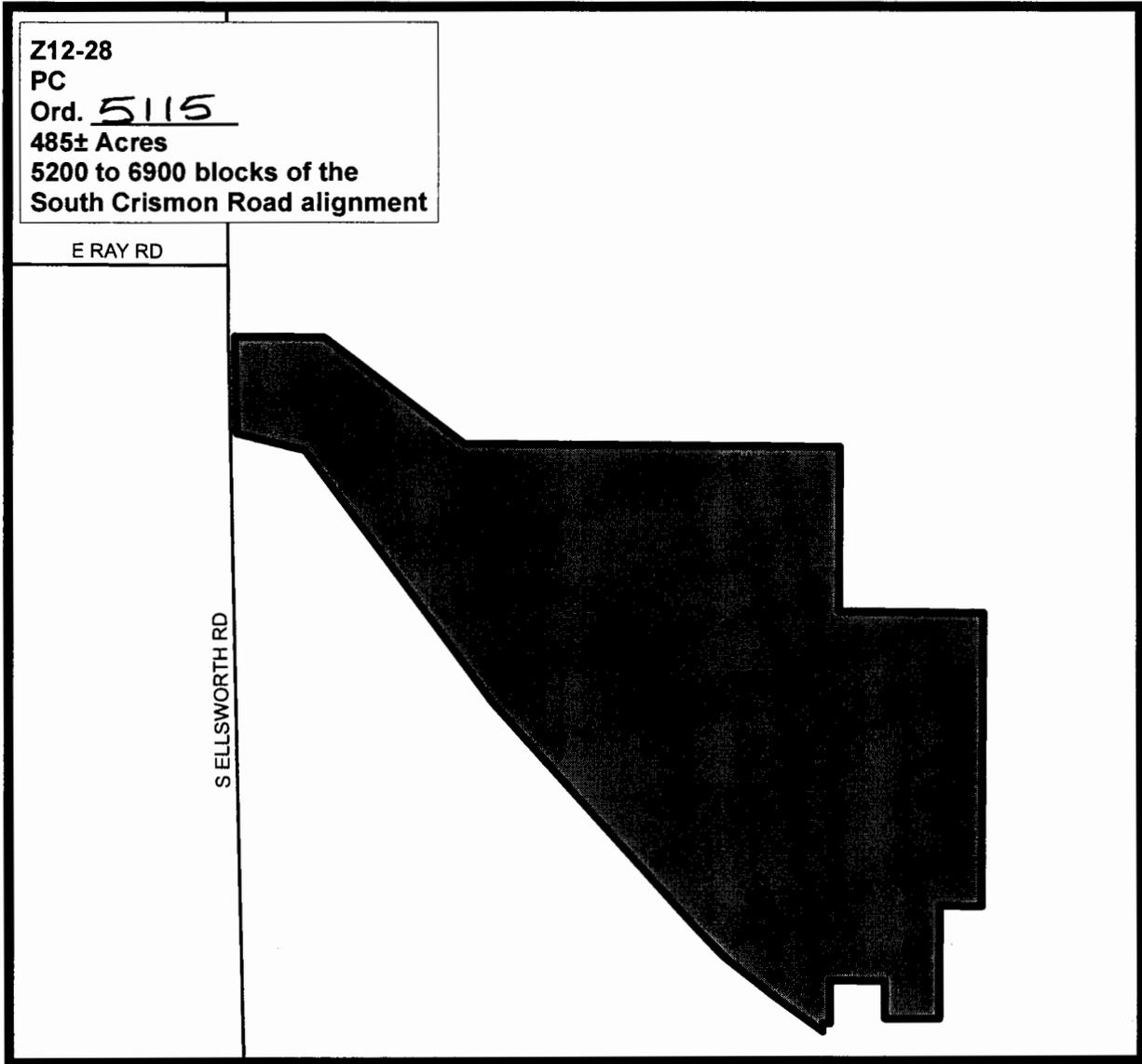
Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Dinda Crocker".

City Clerk

OFFICIAL SUPPLEMENTARY ZONING MAP
AMENDING THE CITY OF MESA ZONING MAP



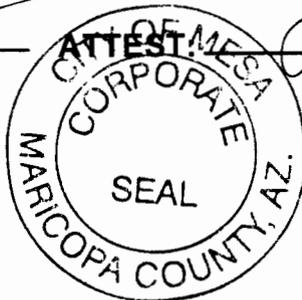
Z12-28
PC
Ord. 5115
485± Acres
5200 to 6900 blocks of the
South Crismon Road alignment

E RAY RD

SELLSWORTH RD

Please be advised that the attached zoning changes were approved by the Mesa City Council on September 10th, 2012 by Ordinance # 5115. If you have any questions concerning these changes, contact the City of Mesa Planning Division at 480-644-2385.

MAYOR



CITY CLERK

DATE: 09/10/12