

ORDINANCE NO. 5262

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 Z14-047 THE 6335 EAST MAIN STREET (SOUTH SIDE). LOCATED EAST OF RECKER ROAD ON THE SOUTH SIDE OF MAIN STREET AN OFFICIAL SUPPLEMENTARY ZONING MAP APPROVING A COUNCIL USE PERMIT TO ALLOW A PRIVATE SCHOOL USE IN A LC ZONING DISTRICT 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 (Z14-047), 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 (without guarantee of lot yield, building count, lot coverage).
2. Landscape areas along perimeter and within the parking fields, must be re-vegetated consistent with the number of plant materials approved within the shopping center when it was constructed. (SPR84-005)
3. Design Review approval of the area defined on the site plan as future recreation occupancy, 10,917 square-feet. Foundation base landscaping requirements in accordance with section 11-33-5 of the Zoning Ordinance must also be met for this addition.
4. The Planning Director must approve any proposed bollards and/or fencing for the school, including colors and materials. Chain link fencing will not be allowed and bollards must be decorative.
5. Future expansion of the school will require approval of a modification to the Council Use Permit.
6. Compliance with all City development codes and regulations.

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 Chapter 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 Chapter 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 of subsection (A) 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 3 or more civil violations of this Ordinance within a 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 criminal class 1 complaint in the Mesa City Court against habitual offenders. For purposes of calculating the 24-month period under this paragraph, the dates of the commission of the offenses are the determining factor.
- B. Upon conviction of a violation of this Subsection, the Court may impose a sentence or incarceration not to exceed 6 months in jail; or a fine not to exceed \$2,500, exclusive of penalty assessments prescribed by law; or both. The Court shall order a person who has been convicted of a violation of this Section to pay a fine of not less than \$500 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 Subsection.
- 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 December, 2014.



APPROVED:



Mayor

ATTEST:

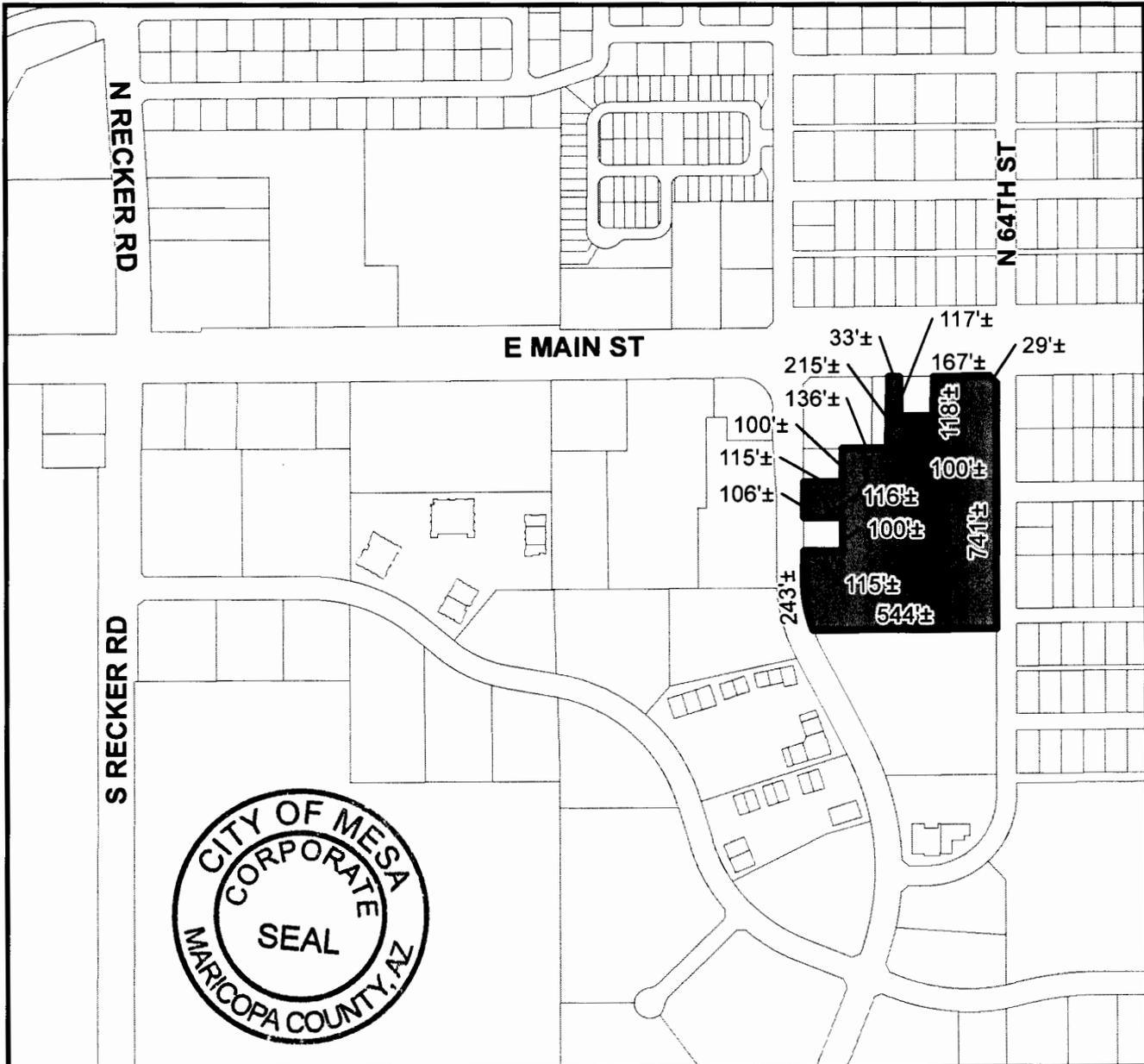


City Clerk

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OFFICIAL SUPPLEMENTARY ZONING MAP
mesa·az AMENDING THE CITY OF MESA ZONING MAP



CASE: Z14-047

ACREAGE: 7±

REQUEST: COUNCIL USE PERMIT REQUEST FOR THE CONVERSION OF AN EXISTING SHOPPING CENTER TO ACCOMMODATE PRIVATE SCHOOL.

ORDINANCE: 5262

Please be advised that the attached zoning changes were approved by the Mesa City Council on December 8th, 2014 by Ordinance # 5262. If you have any questions concerning these changes, contact the City of Mesa Planning Division at 480-644-2385.

John Gilman

MAYOR

ATTEST: *Dee Ann Nickelsen*

CITY CLERK

DATE: 12-08-14