ORDINANCE NO. 5263

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 Z14-060 AT THE 8000 THROUGH 8200 BLOCKS OF EAST RAY ROAD (NORTH AND SOUTH SIDES) LOCATED EAST OF SOSSAMAN ROAD ON THE NORTH AND SOUTH SIDES OF RAY ROAD AN OFFICIAL SUPPLEMENTARY ZONING MAP CHANGING THE ZONING FROM LI AF AND AG AF TO LI AF PAD 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 (Z14-060), 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 design guidelines.
2. All future development shall require Review and approval by the Planning and Zoning Board including more specific Design Guidelines to accompany the first phase of development.
3. Compliance with all City development codes and regulations.
4. 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 Land Split or prior to the issuance of a building permit).
5. 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.
6. Due to the proximity to Phoenix- Mesa Gateway Airport, any proposed structure is subject to an FAA filing for review in conformance with CFR Title 14 Part 77.9, (form 7460), to determine any effect to navigable airspace, air navigation facilities. An FAA determination notice of no hazard to air navigation shall be provided prior to site plan approval by the Planning and Zoning Board.
7. Written notice be provided to future property owners, and acknowledgment received that the project is within 0.25 miles of Phoenix-Mesa Gateway Airport.
8. Noise attenuation measures shall be incorporated into the design and construction buildings where people work, or are otherwise received to achieve an outdoor-to-indoor noise level reduction (NLR) of 30 decibels.
9. No structures are to be allowed within 6' of the airport's perimeter fence line.
10. Modify the project narrative to remove section 4.4.1 and to modify the language of Section 6.5 to read, "All roof mounted mechanical equipment shall be screened from public view by building parapets. Roof mounted mechanical units shall be painted to match the roof/building color. Roof-mounted equipment screening shall be constructed as an encompassing monolithic unit, rather than as several individual screens (i.e., multiple equipment screens, or "hats," surrounding individual elements shall not be permitted). The height of the screening element shall equal or exceed the height of the structure's tallest piece of installed equipment."

11. Final building height will be determined at the time of site plan approval and will be reviewed for appropriateness in relation to the context of the airport.

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 26th day of January, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

CITY OF MESA CORPORATE SEAL MARICOPA COUNTY, AZ

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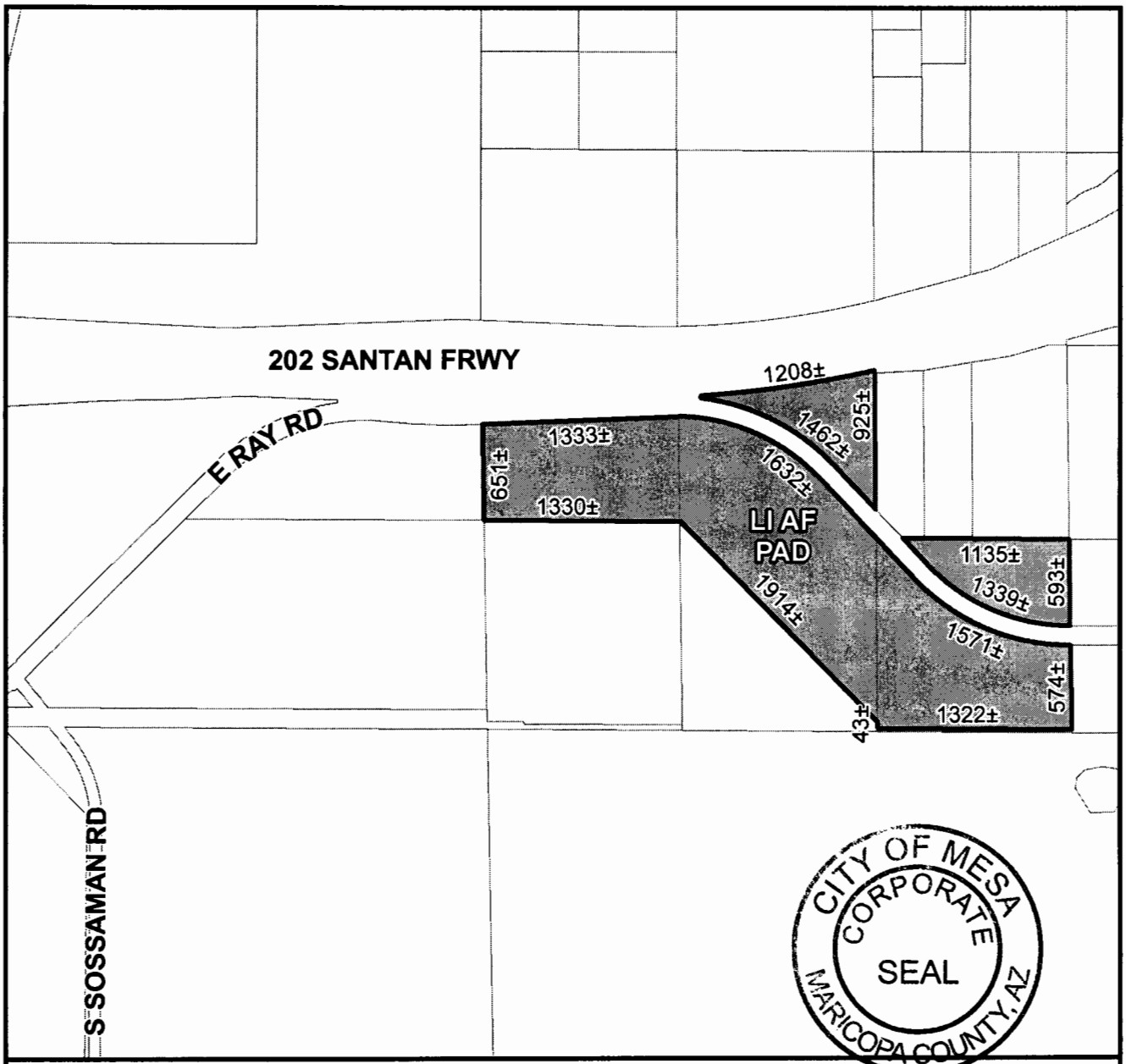
mesa·az

OFFICIAL SUPPLEMENTARY ZONING MAP
AMENDING THE CITY OF MESA ZONING MAP



CASE: Z14-060
ACREAGE: 79.2±
REQUEST: REZONE FROM LI AF AND AG AF TO LI AF PAD. THIS REQUEST WILL FACILITATE THE DEVELOPMENT OF A FUTURE EMPLOYMENT PARK.
ORDINANCE: 5263

Please be advised that the attached zoning changes were approved by the Mesa City Council on January 26, 2015 by Ordinance # 5263. If you have any questions concerning these changes, contact the City of Mesa Planning Division at 480-644-2385.

MAYOR **ATTEST:** **CITY CLERK** **DATE:** 01-26-15