

ORDINANCE NO. 5118

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 Z12-30 LOCATED AT THE 10800 TO 11100 BLOCKS OF EAST WILLIAMS FIELD ROAD (NORTH SIDE) AND THE 5600 TO 6000 BLOCKS OF SOUTH SIGNAL BUTTE ROAD (EAST SIDE) ADOPTING AN OFFICIAL SUPPLEMENTARY ZONING MAP CHANGING THE ZONING FROM LI TO RS-6 (70 ACRES) AND RSL-4.5 (35 ACRES) 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 (Z12-30), 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 exhibits provided (without guarantee of lot yield, building count, lot coverage).
2. Site Plan Review through the public hearing process of future development plans.
3. Full 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. All offsite street improvements and street frontage landscaping to be installed in the first phase of construction unless otherwise approved by the City of Mesa.
6. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
7. All limits of construction shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights of Way and public areas.
8. Compliance with all requirements of the Subdivision Technical Review Committee.
9. Owner shall grant 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).
10. Written notice be provided to future residents, and acknowledgment received that the project is within 2 mile(s) of Phoenix-Mesa Gateway Airport.
11. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction as required by Code.
12. View fences on residential lots shall comply with the City of Mesa pool fence barrier 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 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:

- D. 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.
- E. 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.
- F. 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:



Mayor

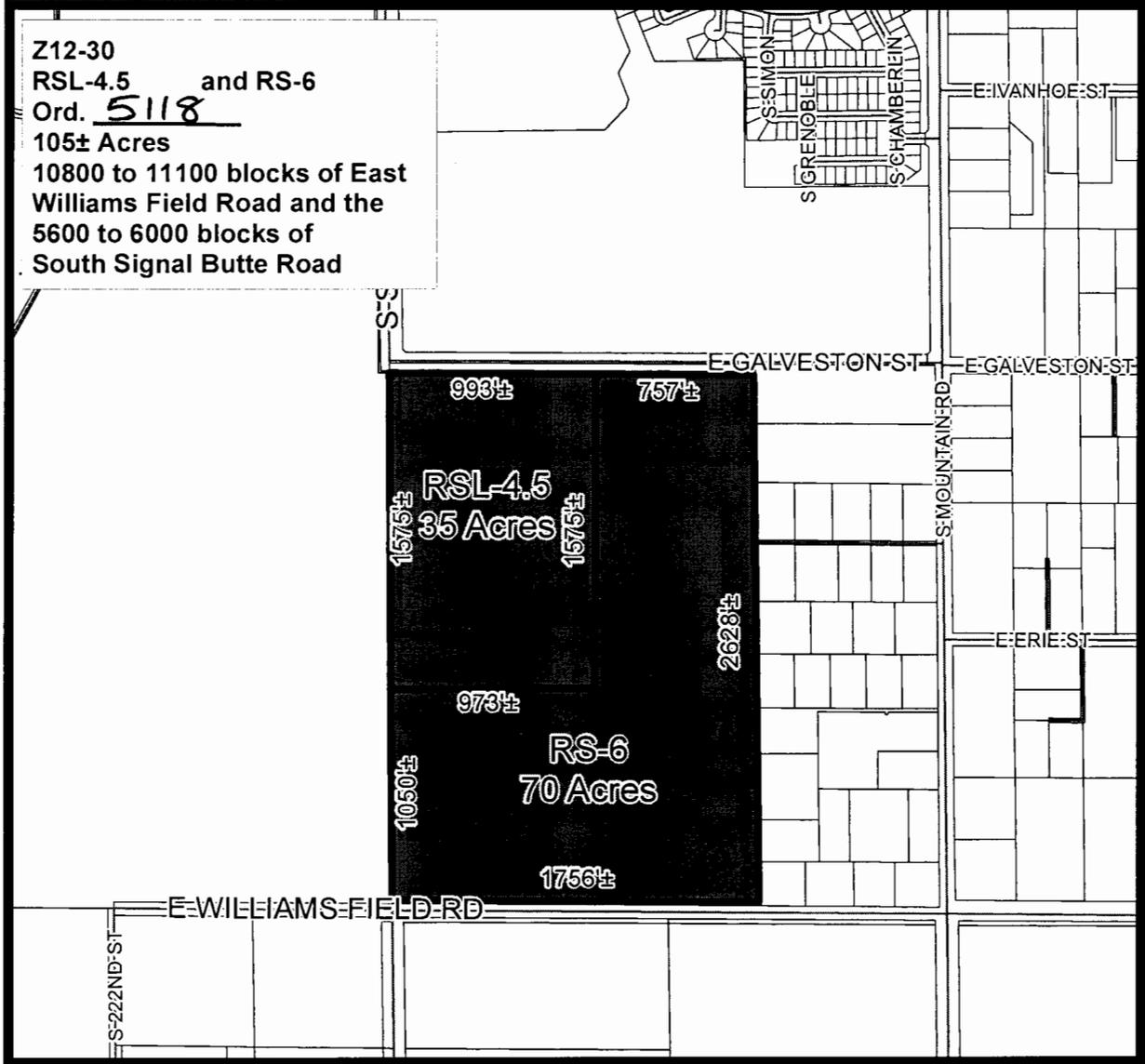


ATTEST:



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 September 10th, 2012 by Ordinance # 5118. 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