

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 59 OF TITLE 11, THE ZONING ORDINANCE OF THE MESA CITY CODE BY REPLACING CERTAIN TEXT REGARDING PARKING DESIGN AND PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF AND PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS WHICH HAVE ALREADY BEGUN THEREUNDER.

**WHEREAS**, it has become apparent, and in the best interest of the City, to update Title 11, the Mesa Zoning Ordinance; and

**WHEREAS**, the changes encompass amendments to Chapter 59 of the Mesa Zoning Ordinance; and

**WHEREAS**, the proposed changes provide flexibility to the required parking design in Mid-Rise and High-Rise building types, all to aid in the usability of the Zoning Ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, AS FOLLOWS:**

<p>Text written in <b>RED ALL CAPS</b> indicates new language. <del>Strikethrough</del> fonts indicates deletions.</p>
--

**Section 1:** That Title 11, Chapter 59, Section 11-59-14 is hereby amended as follows:



A. Description

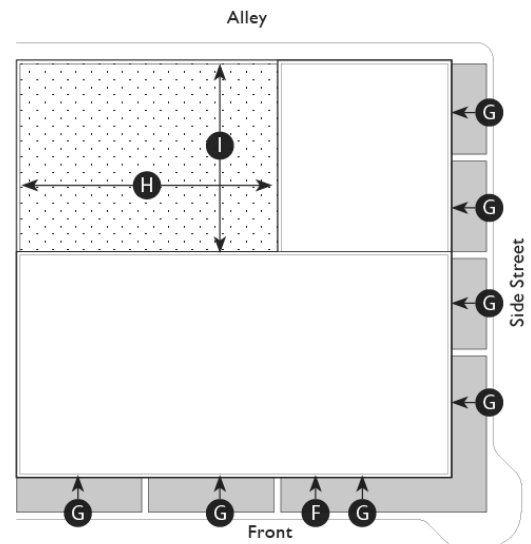
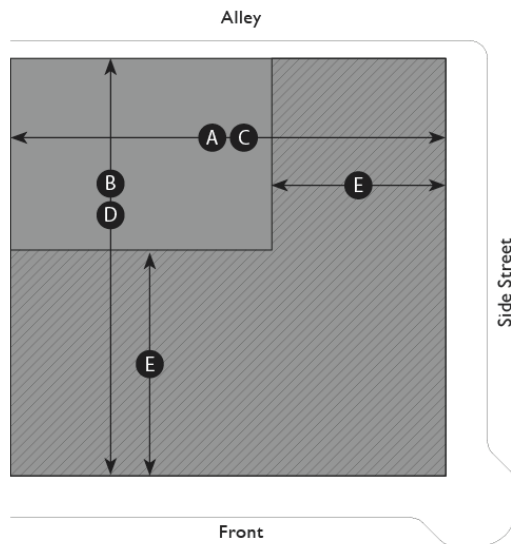
Mid-Rise: This Building Type is a medium to large-sized structure, 4 to 8 stories tall built on a large lot that incorporates structured parking. This building type can be used to provide a vertical mix of uses with ground-floor commercial, service, or retail uses and upper-floor commercial, service, or residential uses; or may be a single use building, typically service or residential, where ground floor retail is not appropriate. This Type is a primary component of an urban downtown providing high density buildings.

T1	T2	T3	T4	T5	T6
N	N	N	MS		
		NF	MSF		
		MS	MS		

Key  
**T#** allowed  
**T#** not allowed

B. Lot	
Lot Size	
Width	100' min.; 200' max. <b>A</b>
Depth	100' min.; 150' max. <b>B</b>

General Note: Photos on this page are illustrative, not regulatory.



### Key

---- ROW / Property Line  
 ---- Setback Line  
 Building  
 Floors 3+

#### C. Number of Units

Unrestricted

#### D. Building Size and Massing

##### Height

Height 4 stories min.;  
8 stories max.<sup>1</sup>

##### Footprint

##### Floors 1-2

Width 200' max. **C**  
 Depth 150' max. **D**  
 Lot Coverage 100% max.

##### Floors 3+

Depth 65' max. **E**

The floorplate of any floor may not be larger than the floor below.

#### E. Allowed Frontages

Shopfront Dooryard  
 Gallery Terrace

<sup>1</sup> Height must also comply with Building Form Standards.

### Key

---- ROW / Property Line  
 ---- Setback Line  
 Frontage  
 Open Space

#### F. Pedestrian Access

Upper floor units shall be accessed by a common entry along the front. **F**

Ground floor units may have individual entries along the front or side street. **G**

#### G. Vehicle Access and Parking

Parking may be accessed from the front, alley or side street.

Parking may be accessed from the front only when there is no adjacent alley or side street.

On-site parking spaces shall **MAY** be in a structured garage.<sup>2</sup>

#### H. Open Space

No private open space requirement.

Podium tops should be used to provide open space.

#### I. Courtyard(s)

Width 20' min.; 50' max. **H**

Width-to-Height Ratio 1:2 to 2:1

Depth 20' min.; 150' max. **I**

Depth-to-Height Ratio 1:1 to 3:1

<sup>2</sup> A limited number of surface parking spaces along an alley may be approved by the Director.



Section 2:  
11-59-15

That Title 11, Chapter 59, Section 11-59-15 is hereby amended as follows:  
High-Rise



A. Description

High-Rise: This Building Type is a large-sized structure, more than 8 stories tall built on a large lot that incorporates a structured parking. This building type is used to provide a vertical mix of uses with ground-floor commercial, service, or retail uses and upper-floor commercial, service, or residential uses. This Type is a primary component of an urban downtown providing high density buildings.

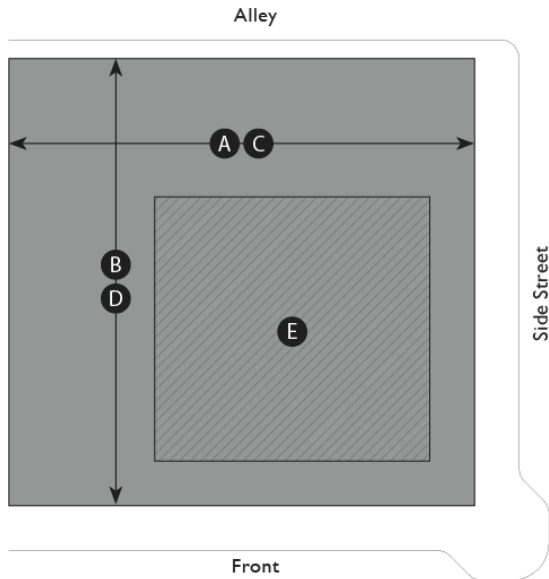
T1	T2	T3	T4	T5	T6
	N	N	N	MS	
		NF	MSF		
		MS	MS		

Key

T# allowed

T# not allowed

General Note: Photos on this page are illustrative, not regulatory.

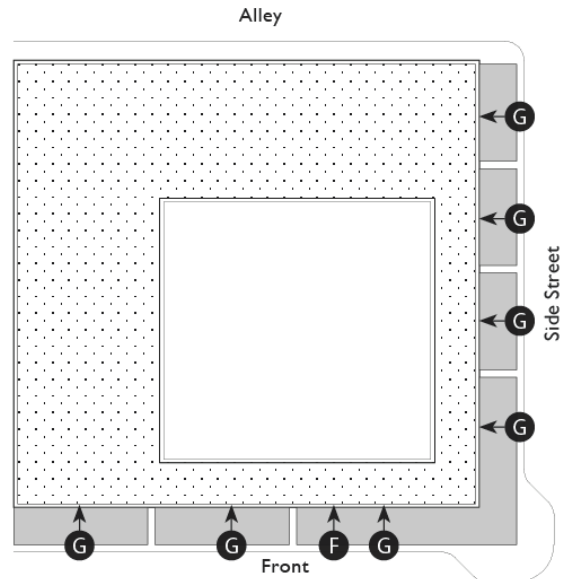


### Key

---- ROW / Property Line  
 ---- Setback Line  
 ■ Building  
 ■ Floors 6+

B. Lot		
Lot Size		
Width	100' min.; 300' max.	<b>A</b>
Depth	100' min.; 300' max.	<b>B</b>
C. Number of Units		
Unrestricted		
D. Building Size and Massing		
Height		
Height	8 stories min.	
Footprint		
Floors 1-5		
Width	300' max.	<b>C</b>
Depth	300' max.	<b>D</b>
Lot Coverage	100% max.	
Floors 6-8		
Floorplate	80% of lot max.	<b>E</b>
Floors 9+		
Residential Floorplate	15,000 sf max.	<b>E</b>
Commercial Floorplate	30,000 sf max.	

The floorplate of any floor may not be larger than the floor below.



### Key

---- ROW / Property Line  
 ---- Setback Line  
 ■ Frontage  
 ■ Open Space

E. Allowed Frontages		
Shopfront	Dooryard	
Gallery	Terrace	
F. Pedestrian Access		
Upper floor units shall be accessed by a common entry along the front.		
Ground floor units may have individual entries along the front or side street.		
G. Vehicle Access and Parking		
Parking may be accessed from the front, alley or side street.		
Parking may be accessed from the front only when there is no alley or side street.		
On-site parking spaces shall <b>MAY</b> be in a structured garage. <sup>1</sup>		
H. Private Open Space		
No private open space requirement.		
Podium tops should be used to provide open space.		

<sup>1</sup> A limited number of surface parking spaces along an alley may be approved by the Director.

**Section 3:** REPEAL OF CONFLICTING ORDINANCES

That all Ordinances or parts of Ordinances, and all sections of the Mesa City Code or parts of such sections in conflict herewith, are hereby repealed; provided that such repeal shall not:

- A. Affect suits pending, or rights and duties that matured or were existing, or penalties that were incurred and proceedings that were begun immediately prior to the effective date of this Ordinance;
- B. Impair, void or affect and grant or conveyance made, or any right acquired, or a cause of action now existing under such repealed portions.

**Section 4:** The recitals above are fully incorporated in this Ordinance by reference.

**Section 5:** The effective date of this Ordinance shall be thirty (30) days following adoption by the Mesa City Council.

**Section 6:** If any term, provision, section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the material adopted herein by reference is for any reason held to be invalid, unenforceable, or unconstitutional by the decision of a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in effect.

**Section 7:** 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 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.

- A. 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 Subsection except on the condition that the person pay the mandatory minimum fines as provided in this Subsection.
- B. 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 27th day of January, 2020.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

EFFECTIVE DATE: \_\_\_\_\_, 2020