

ORDINANCE NO. _____

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 ZON19-00872 WITHIN THE 1400 TO 1600 BLOCKS OF SOUTH SIGNAL BUTTE ROAD (WEST SIDE); WITHIN THE 10500 TO 10800 BLOCKS OF EAST SOUTHERN AVENUE (SOUTH SIDE); WITHIN THE 10500 TO 10800 BLOCKS OF EAST HAMPTON AVENUE (NORTH SIDE); AND WITHIN THE 10300 TO 10800 BLOCKS OF EAST HAMPTON AVENUE (SOUTH SIDE). LOCATED WEST OF SIGNAL BUTTE ROAD AND SOUTH OF SOUTHERN AVENUE. (81.4± ACRES). REZONE FROM LC-PAD AND LC-PAD-BIZ TO LC-PAD, RM-4-PAD AND RM-5-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 (ZON19-00872), 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 all requirements of the Subdivision Regulations.
2. Compliance with all City development codes and regulations, except the modification to the design standards as approved with this PAD as follows:

Parcel A

- a. The maximum building height is 60 feet.
- b. The setback along the front and the street that are adjacent to the freeway is a minimum of 20 feet.
- c. The minimum landscape setback along the south property line is 10 feet.
- d. The minimum parking ratio for the fitness club is one parking space per 200 square feet of fitness club building.

Parcel B

- a. The maximum building height is 60 feet.
- b. The minimum landscape setback along the east property line is 10 feet.
- c. Garage frontage limitation— Each residential building is allowed a maximum of 15 garage doors that are located adjacent to one another.
- d. The minimum parking ratio for the multiple residence is 1.6 parking spaces per dwelling unit.

Parcel C

- a. The maximum building height is 55 feet.
- b. The minimum yard interior side and rear is 10 feet to the trash enclosure and 15 feet to garages.
- c. The minimum landscape setback along the front property line is 20 feet.
- d. The minimum landscape setback along the rear property line is 10 feet.
- e. The required open space for each 2-bedroom dwelling unit is 62 square feet per unit.
- f. The minimum dimension for private open space located on the ground floor is 6 feet.
- g. The minimum dimensions for private open space located above the ground floor is 8 feet wide and 5 feet deep.

- h. The minimum parking ratio for the multiple residence is 1.3 parking spaces per dwelling unit.
- i. The minimum bicycle parking ratio is 1 bicycle parking space per 30 vehicle parking spaces.

Parcel F2

- a. The minimum yard interior side and rear is 15 feet along the north and east property lines.
- b. The minimum separation between each building located on the same lot is 9 feet 8 inches.
- c. Garage frontage – Each garage door must be recessed at least 1 foot from the upper story façade.
- d. The required private open space is as follows:
 - i. Studio and 1-bedroom units – 42 square feet of open space per unit.
 - ii. 2-bedroom units – 90 square feet of open space per unit.
 - iii. 3-bedroom units – 90 square feet of open space per unit.
- e. The minimum dimension for private open space located on the ground floor is 7 feet.
- f. The minimum dimension for private open space located above the ground floor is 7 feet wide and 6 feet deep.
- g. The minimum required parking ratio for the multiple residence is 1.8 parking spaces per dwelling unit.

Parcels D1 and D2

- i. The maximum building height is 100 feet.
3. Dedicate the right-of-way and easements 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.
 4. Prior to the submittal of a building permit recordation of cross access and cross parking easements between all parcels on the site.
 5. Execute and comply with the development agreement.
 6. Compliance with the final specific site plan for parcels A, B, C and F2.
 7. Modifications to the Site Plan for Parcel A:
 - a. The following modifications to the final site plan for Parcel A will require review and approval through the City's rezoning process;
 - i. Any modification that changes the location of any of the proposed drive-thru lanes from the location shown on the final site plan.
 - ii. Any modification that changes the orientation of a building or buildings, other than moving the building or buildings closer to the street.
 - b. All other modifications shall comply with site plan review procedures of Chapter 69 of the MZO.
 8. Provide a 40-inch high screen walls surrounding sections of the drive-thru lanes of buildings P3 and P4 that abuts Signal Butte Road as described in MZO Section 11-31-18.
 9. Parcel A is allowed a maximum of four uses with drive-thru facilities.
 10. Compliance with the Concept Plan for Parcels D1, D2, E and F1.
 11. Compliance with the final landscape plan.
 12. Compliance with the final Design Guidelines.

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.
- 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 8th day of July, 2020.

APPROVED:

Mayor

ATTEST:

City Clerk