

ORDINANCE NO. 5822

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 ZON23-00432. WITHIN THE 3200 TO 3500 BLOCKS OF SOUTH HAWES ROAD (WEST SIDE), WITHIN THE 3200 TO 3500 BLOCKS OF THE SOUTH 82ND STREET ALIGNMENT (BOTH SIDES), AND WITHIN THE 3200 TO 3500 BLOCKS OF SOUTH 80TH STREET (EAST SIDE). LOCATED NORTH OF ELLIOT ROAD ON THE WEST SIDE OF HAWES ROAD. (98± ACRES). REZONE 17.4± ACRES FROM SMALL LOT SINGLE RESIDENCE 2.5 WITH A PLANNED AREA DEVELOPMENT OVERLAY (RSL-2.5-PAD) TO RSL-2.5-PAD WITH A NEW PAD (RSL2.5-PAD-PAD) TO ALLOW FOR ADDITIONAL MODIFICATION TO DEVELOPMENT STANDARDS FOR (VILLAGE 1, PHASE 2), MODIFICATION OF AN EXISTING PLANNED AREA DEVELOPMENT ON THE ENTIRE 98± ACRES, AND A MAJOR SITE PLAN MODIFICATION. THIS REQUEST WILL EXPAND THE EXISTING HAWES CROSSING VILLAGE 1 PAD TO INCLUDE A SINGLE RESIDENCE DEVELOPMENT KNOWN AS VILLAGE 1 PHASE 2 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 Map and District Boundaries, of the Mesa Zoning Ordinance is hereby amended by adopting the Official Supplementary Zoning Map for Zoning Case ZON23-00432 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 Case No. ZON17-00606 except as modified with this request.
2. Compliance with the Hawes Crossing Development Agreement No. 3144 (Recorders No. 2020-0381318).
3. Compliance with the Specific Plan submitted.
4. Compliance with the Preliminary Plat submitted.
5. Compliance with all requirements of the Subdivision Regulations.
6. 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.
7. Compliance with submitted floor plans, plot plans, and elevations for all product types.
8. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
 - a. Owner must execute the City's standard Avigation Easement and Release for Falcon Field Airport prior to or concurrently with the recordation of the final subdivision map or the issuance of a building permit, whichever occurs first.
 - b. Due to the proximity to Phoenix Mesa Gateway Airport, any proposed permanent or temporary structure, as required by the FAA, is subject to an FAA filing for review in conformance with CFR Title 14 Part 77 (Form 7460) to determine any effect to navigable

- airspace and air navigation facilities. A completed form with a response by the FAA must accompany any building permit application for structure(s) on the property.
- c. Prior to the issuance of any building permit, provide documentation by a registered professional engineer or registered professional architect demonstrating compliance with the noise level reductions required in Section 11-19-5 of the Mesa Zoning Ordinance.
 - d. Provide written notice to future property owners that the project is within one mile of Phoenix Mesa Gateway Airport.
 - e. All final subdivision plats must include a disclosure notice in accordance with Section 11-19-5(C) of the Zoning Ordinance which states in part: "This property, due to its proximity to Phoenix Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals."
9. Compliance with all City development codes and regulations, except the modification to the development standards as approved with Case No. ZON17-00606 and this PAD as shown in the following tables:

Phase 1 RM-5-PAD-PAD Development Standards:

Development Standard RM-5	Approved RM-5-PAD-PAD
Minimum Lot Depth – <i>MZO Section 11-5-5</i> (Single Residence Attached)	70 Feet
Minimum Density (DU/Acre) – <i>MZO Section 11-5-5</i>	13 DU/acre
Maximum Lot Coverage (% of lot) – <i>MZO Section 11-5-5</i>	89%
Maximum Building Coverage (% of lot) – <i>MZO Section 11-5-5</i>	70.5%
Minimum Dimensions for Residential Enclosed Garages – <i>MZO Section 11-32-4(F)</i> - Double-car garage	Single Residence Attached – 21 feet wide and 19 feet 6 inches long
Attached Garages – <i>MZO Section 11-5-5(B)(4)(f)</i>	When multiple garage doors are located within 1 building, the maximum number of garage doors adjacent to one another shall be limited to 6, unless there is a break in the building façade between garage doors. The break shall contain a major architectural feature, such as a building entrance or equivalent feature

Phase 1 RS-6-PAD-PAD and RSL-2.5-PAD-PAD Development Standards:

Development Standard RS-6 and RSL-2.5	Approved RS-6-PAD-PAD and RSL-2.5-PAD-PAD
Minimum Dimensions for Residential Enclosed Garages – <i>MZO Section 11-32-4(F)</i> - Double-car garage	Single Residence Detached – 19 feet 4 inches wide and 19 feet six inches long
Building Materials – <i>MZO Section 11-5-3(B)(7)</i>	For the Spanish Colonial and Spanish Hacienda models, one material may be used on 100% of the front façade
Windows – <i>MZO Section 11-5-3(B)(6)(b)</i>	Dwellings located on corner lots shall

	<p>include windows on the façade facing each street. Such window area should constitute at least:</p> <ul style="list-style-type: none"> • 4.3% the façade's area for the Traditional Series • 6.5% the façade's area for the Casita Series • 6% the façade's area for the Alley Home Series
Primary Entrances – <i>MZO Section 11-5-3(B)(3)</i>	The Spanish Colonial Model shall provide a front porch with a minimum depth of 6 feet, as measured from the building façade to the posts, and a minimum length of 8 feet; or a portico, awning, recess, or stoop measuring at least 2'6" x 5'4" which is well defined by a gabled entry, distinct change in roof line or columns, or has some other significant architectural distinction.

Phase 2 Development Standards:

Development Standard	Approved RSL-2.5-PAD-PAD
<u>Minimum Dimensions for Residential Enclosed Garages</u> – <i>MZO Section 11-32-4(F)</i> -Double-car garage	Single Residence Detached – 19 feet 4 inches wide and 19 feet six inches long
<u>Primary Entrances</u> – <i>MZO Section 11-5-3(B)(3)</i>	The Spanish Colonial Model shall provide a front porch with a minimum depth of 6 feet, as measured from the building façade to the posts, and a minimum length of 8 feet; or a portico, awning, recess, or stoop measuring at least 2'6" x 5'4" which is well defined by a gabled entry, distinct change in roof line or columns, or has some other significant architectural distinction.
<u>Building Materials</u> – <i>MZO Section 11-5-3(B)(7)</i>	For the Spanish Colonial and Italianate models, one material may be used on 100% of the front façade

<p><u>Windows</u> – MZO Section 11-5-3(B)(6)(b)</p>	<p>Dwellings located on corner lots shall include windows on the façade facing each street. Such window area should constitute at least:</p> <ul style="list-style-type: none"> • 6.5% of the façade's area for the Casita Series • 6% of the façade's area for the Alley Home Series
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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 20th day of November, 2023.

APPROVED:

Mayor

ATTEST:

City Clerk