

ORDINANCE NO. 6019

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 ZON25-00635 LOCATED AT THE NORTHEAST CORNER OF EAST BROWN ROAD AND NORTH 32ND STREET (40± ACRES). REZONE 40± ACRES FROM AGRICULTURAL (AG) TO SINGLE RESIDENCE-15 WITH A PLANNED AREA DEVELOPMENT OVERLAY (RS-15-PAD) AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA:

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 ZON25-00635 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 final site plan, landscape plan, and documents as submitted.
2. Prior to the issuance of any building permit, obtain approval of a Preliminary Plat and obtain approval of and record a Final Plat.
3. Prior to the issuance of any building permit, obtain product approval through an Administrative Review.
4. During the building permit process, landscaping on the individual lots will be reviewed.
5. Compliance with all applicable City development codes and regulations.
6. Installation of all off-site improvements and street frontage landscaping during the first phase of construction.
7. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with this PAD overlay as shown in the following table:

Development Standards	PAD Approved
<u>Maximum Building Coverage - MZO Table 11-5-3.A.1</u>	50%
<u>Maximum Height – MZO Table 11-5-3.A.1</u>	Restrict lots 40-47 to be single story for the primary unit.

Development Standards	PAD Approved
<u>Fences and Freestanding Walls</u> – Section 11-30-4(A)(1)(b) –	Side and rear yards, no fence or freestanding wall within or along the exterior boundary of the required side or rear yards shall exceed a height of 7 feet.
<u>Fences and Freestanding Walls</u> – Section 11-30-4(E)	The maximum length of continuous, unbroken and uninterrupted fence or wall place adjacent to right-of-way or private streets functioning as public roads shall be forty feet. Articulation shall be provided through a combination of variation in wall type, wall height, and wall projections, including trellises.
<u>Detached Accessory Buildings or Structures</u> – Section 11-30-17(B)(2)(e)(ii) – Building Setback	For lots not adjacent to Brown Road, detached buildings or structures over 15 feet in height at the peak of the roof shall maintain a 15-foot rear setback. For lots adjacent to Brown Road, detached buildings or structures over 15 feet in height at the peak of the roof shall maintain a 30-foot rear setback.
<u>Minimum Dimension for Residential Enclosed Garages</u> – Section 11-32-4(F)(2) - Depth	A double-car garage shall be at least 20 feet wide and 21 feet long.

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 Plat or the issuance of a building permit, whichever occurs first.
  - b. Due to the proximity to the Falcon Field 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 structures(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 three miles of Falcon Field Airport.

- e. All Final Plats must include a disclosure notice in accordance with Section 11-19-5(C) of the Zoning Ordinance which must state in part: “This property, due to its proximity to Falcon Field Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals.”

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 on June 1, 2026.

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Mark Freeman, Mayor

ATTEST:

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Holly Mosley, City Clerk