

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING ZONING ORDINANCE, MESA CITY CODE TITLE 11, CHAPTERS 5, 6, 7, 8, 30, 31, 33, 34, 43, 67, 81, 86, AND 87. THE AMENDMENTS INCLUDE, BUT ARE NOT LIMITED TO: MODIFYING ENTRYWAY MONUMENTATION REQUIREMENTS; REFINING BUILDING MATERIAL AND COLOR STANDARDS; UPDATING EMPLOYMENT DISTRICT USE TABLES AND DEVELOPMENT STANDARDS; CLARIFYING LOT AND LAND DIVISION REQUIREMENTS; MODIFYING PEDESTRIAN CONNECTION REQUIREMENTS, MODIFYING STANDARDS FOR DETACHED ACCESSORY BUILDINGS OR STRUCTURES AND ACCESSORY DWELLING UNITS; UPDATING LIVE/WORK UNIT AND RESIDENTIAL USE STANDARDS IN COMMERCIAL DISTRICTS; REFINING DATA CENTER AND BATTERY ENERGY STORAGE SYSTEM SCREENING REQUIREMENTS; MODIFYING LANDSCAPING AND ALTERNATIVE LANDSCAPE PLAN PROVISIONS; MODIFYING LANDSCAPE DIVERSITY REQUIREMENTS; UPDATING MANUFACTURED HOME AND RECREATIONAL VEHICLE ACCESSORY STRUCTURE STANDARDS; CLARIFYING SIGN REGULATIONS; UPDATING PROCEDURAL REQUIREMENTS RELATED TO WRITTEN PROTESTS, APPLICATION REVIEW, AND EXPIRATIONS; MODIFYING DEFINITIONS OF “HOME OCCUPATIONS,” “LIVE/WORK UNITS,” AND “INDOOR WAREHOUSING AND STORAGE”; RELOCATING THE DEFINITION OF "SKILLED NURSING FACILITY" TO PUBLIC AND SEMI-PUBLIC USE CLASSIFICATION; ADDING A DEFINITION FOR “HAZARDOUS MATERIAL WAREHOUSING AND STORAGE”; PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF; AND PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS WHICH HAVE ALREADY BEGUN THEREUNDER.

WHEREAS, the City of Mesa has adopted a Zoning Ordinance to promote the public health, safety, and general welfare.

WHEREAS, the City regularly evaluates and updates the Zoning Ordinance to ensure it remains clear, consistent, and responsive to evolving development practices, regulatory requirements, and community needs.

WHEREAS, the proposed Code Refinement text amendment includes a series of minor technical corrections, clarifications, and updates to various sections of the Zoning Ordinance.

WHEREAS, these refinements address formatting inconsistencies, terminology updates, cross-reference corrections, and minor adjustments to development standards and procedures identified through staff experience and ongoing administration of the code.

WHEREAS, the amendment also incorporates clarifications to improve the usability and interpretation of the Ordinance for property owners, applicants, and staff, including updates to site development standards, accessory structures, land division provisions, screening requirements, and use classifications.

WHEREAS, the proposed changes are not intended to substantially alter existing policy direction but rather to ensure the Zoning Ordinance functions as intended and is applied consistently.

WHEREAS, on June 24, 2026, the Planning and Zoning Board recommended that the City Council the proposed amendments.

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

Section 1: ADOPTION BY REFERENCE

That the additions and deletions set forth in that certain document known as "2026 Zoning Code Refinement Text Amendments", which was made a public record on July 20, 2026, by Resolution No. ---, of the City of Mesa, Maricopa County, Arizona, three copies of which are on file with the City Clerk, are hereby referred to, adopted, and incorporated as amendments in Section 11-5-4(A)(2), Section 11-5-4(G)(2), Section 11-6-4(F)(1), Table 11-7-2, Table 11-7-3, Section 11-8-6(F)(1), Section 11-30-6(G), Section 11-30-8(D), Section 11-30-9(A)(4), Section 11-30-17(B), Section 11-31-3, Section 11-31-16(B), Section 11-31-17, Section 11-31-31(A), Section 11-31-36(F)(9), Section 11-31-37(F)(7), Table 11-33-2.G.4, Section 11-33-7(B)(5), Section 11-34-2, Section 11-43-3(D), Section 11-67-4(F), Section 11-67-9(A)(3), Section 11-81-7, Section 11-86-2, Section 11-86-3, Section 11-86-4, Section 11-86-5, and Chapter 87.

Section 2: RECITALS. The recitals above are fully incorporated in this Ordinance by reference, and each recital represents a finding of fact and determination made by the City Council.

Section 3: PRESERVATION OF RIGHTS AND DUTIES. This Ordinance does not affect suits pending, rights and duties that matured or were existing, or penalties that were incurred or proceedings that were initiated prior to the effective date of this Ordinance.

Section 4: EFFECTIVE DATE. The effective date of this Ordinance is thirty (30) days after the adoption of this Ordinance.

Section 5: SEVERABILITY. 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 6: AMENDED LANGUAGE. In the text amendments adopted by reference in Section 1 of this Ordinance that modify the Mesa City Code, new language is shown in **BOLD ALL CAPS** and deleted language is shown in ~~strikethrough~~.

Section 7: PENALTY. Penalties for a violation are set forth in the Mesa Zoning Ordinance Sections 11-79-4 and 11-79-5 which are as follows:

11-79-4 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.

11-79-5 HABITUAL OFFENDER:

- A. 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.
- B. 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.
- 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 July 27, 2026.

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Mark Freeman, Mayor

ATTEST:

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Holly Moseley, City Clerk