

ORDINANCE NO. 5930

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 ZON24-00469. LOCATED APPROXIMATELY 630 FEET EAST OF THE SOUTHEAST CORNER OF SOUTH RECKER ROAD AND EAST MAIN STREET. (4.5± ACRES). REZONE FROM MULTIPLE RESIDENCE-3 WITH A “U” DESIGNATION AND A PLANNED AREA DEVELOPMENT OVERLAY (RM-3U-PAD) TO MULTIPLE RESIDENCE-4 WITH A PLANNED AREA DEVELOPMENT OVERLAY (RM-4-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 Map and District Boundaries, of the Mesa Zoning Ordinance is hereby amended by adopting the Official Supplementary Zoning Map for Zoning Case ZON24-00469 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 submitted.
2. Compliance with all requirements of Design Review Case No. DRB24-00468.
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 issuance of any building permit, abandon the 20-foot-wide public utility easement along the south side of the project site.
5. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with this PAD overlay and shown in the following table:

Development Standards	Approved
<u>Lot Coverage</u> – <i>MZO Table 11-5-5</i>	74%
<u>Minimum Yards</u> – <i>MZO Table 11-5-5</i> - Front and Street Facing Side: 6-lane Arterial (Main Street) - Interior Sides and Rear: 3 or more units on lot	8 feet, 5 inches (minimum) Multiple Story: 5 feet per story (minimum 15 feet total along the east property line) Multiple Story: 4 feet, 6 inches per story (minimum 13 feet, 6 inches total along the south and west property lines)

<u>Required Landscape Yards – MZO Table 11-5-5</u> - Front and Street Facing Side: 6-lane Arterial (Main Street)	10 feet
<u>Minimum Separation Between Buildings on Same Lot – MZO Table 11-5-5</u> - Three-story building - Detached covered parking canopies	20 feet (between Building 3 and Building 4) 7 feet, 10 inches
<u>Standards for Required Open Space, Proportion of Private and Common Open Space – MZO Section 11-5-5(A)(3)(a)</u> - Two-bedroom units - Three-bedroom or more	93 square feet 93 square feet
<u>Additional Standards for Private Open Space - Accessibility – MZO Section 11-5-5(A)(3)(e)(i):</u>	Private open space for 6 ground floor units in each 24-unit building type are accessible from the exterior (no fences or walls) Private open space for 2 ground floor units in the 36-unit building type are accessible from the exterior (no fences or walls)
<u>Additional Standards for Private Open Space- Min. Dimensions – MZO Section 11-5-5(A)(3)(e)(i)(1):</u>	Private open space located at the ground level (e.g., yards, decks, patios) shall have no dimension less than six feet, four inches for the 24-unit building type. Private open space located at the ground level (e.g., yards, decks, patios) shall have no dimension less than six feet, two inches for the 36-unit building type
<u>Required Parking Spaces by Use – MZO Table 11-32-2(A):</u> -Apartments sites not located within ¼ mile radius (1,320-feet) of bus rapid transit or light rail station, regardless of bedroom count.	1.63 spaces per dwelling unit (215 spaces total)
<u>Perimeter Landscaping, Street, Required Number of Plants by Street Type – MZO Table 11-33-3.A.4</u> - Main Street (Arterial) 600± feet of frontage:	.92 tree and 5.5 shrubs per 25 linear feet of street frontage (22 trees and 132 shrubs, total) within the required landscape yard and public right-of-way

<p><u>Perimeter Landscaping, Required Landscape Yards</u> – MZO Section 11-33-3(B)(2)(a)(ii)</p> <p>- Non-Single Residence Uses Adjacent to Other Non-Single Residence uses or districts</p>	<p>Properties that are not part of a group C-O-I Development, as defined in Chapter 87, must provide a 13-foot, 6-inch landscape yard except where a cross-access drive aisle occurs within the required landscape yard (south and west property lines)</p>
<p><u>Foundation Base</u> – MZO Section 11-33-5(A)(1)</p> <p>- Exterior Walls with Public Entrance</p>	<p>A 14-foot, 9-inch-wide average foundation base shall be provided along Building 2</p> <p>A 14-foot, 8-inch-wide average foundation base shall be provided along Building 4</p> <p>A 11-foot, 7-inch-wide average foundation base shall be provided along Building 6</p>

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 24th day of February, 2025.

APPROVED:

Mayor

ATTEST:

City Clerk