

ORDINANCE NO. 5991

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 ZON23-00365. LOCATED APPROXIMATELY 1,000 FEET NORTH OF THE NORTHWEST CORNER OF EAST PECOS ROAD AND SOUTH MOUNTAIN ROAD. (61.6± ACRES). REZONE FROM HEAVY INDUSTRIAL WITH PLANNED AREA DEVELOPMENT OVERLAY (HI-PAD) AND AGRICULTURAL (AG) TO HEAVY INDUSTRIAL WITH A NEW PLANNED AREA DEVELOPMENT OVERLAY (HI-PAD) AND SITE PLAN MODIFICATION TO ALLOW FOR THE EXPANSION OF AN EXISTING INDUSTRIAL FACILITY. THIS REQUEST WILL REPLACE THE EXISTING PAD WITH A NEW PAD, WHICH WILL RE-ESTABLISH UNIQUE DEVELOPMENT STANDARDS FOR THE ENTIRE DEVELOPMENT AND PROVIDE 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 ZON23-00365 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 site plan as submitted.
2. Compliance with all requirements of Design Review Case No. DRB23-00366.
3. Compliance with the Subdivision Regulations.
4. 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.
5. Prior to the issuance of any building permit, obtain approval of and record a Final Plat.
6. Installation of all off-site improvements and street frontage landscaping during the first phase of construction, except as may be modified by any recorded development agreement or if such improvements and landscaping or the subject of an agreed to in-lieu payment agreement pursuant to Section 9-6-2(F)(4).
7. Prior to issuance of building permits, recordation of a cross-access agreement for the western entrance drive adjacent to Signal Butte Road.
8. Compliance with the Development Agreements (Recording Nos. 96-0105415, 2019-0051061 & 2017-0242168) for the duration of the term of such agreement, and any future amendments thereto.
9. Compliance with all City development codes and regulations, except the modification to the development standards as approved with this PAD overlay as shown in the following table:

Development Standards	Approved
<u>Maximum Building Height</u> – <i>MZO Table 11-7-3</i>	120 feet (Warehouse Building) 86 (Processing Towers)
<u>Front and Street-Facing Side Setback</u> – <i>MZO Table 11-7-3</i> -SR24	0 feet for outdoor storage / isotainer parking area 15 feet for future outdoor storage / isotainer parking area west of Phases I & II
<u>Massing and Scale</u> – <i>MZO Section 11-7-3(B)(2)(a)(i)</i> -Wall Articulation	Publicly visible facades (viewed from rights-of-way or private property) may not have blank, uninterrupted wall lengths exceeding 50 feet without including a change in texture or masonry pattern. This may include, but is not limited to, varying types of insulated metal panels, or an equivalent element that subdivides the wall into human scale proportions.
<u>Materials and Colors</u> – <i>MZO Section 11-7-3(B)(5)</i>	To reduce the apparent massing and scale of buildings, facades shall incorporate at least two (2) different and distinct materials. No more than eighty percent (80%) of the total façade may be covered with one (1) single material, so long as varying types/colors are included to provide visual differences.
<u>Fences and Freestanding Walls</u> – <i>MZO Section 11-30-4(B)</i> -Maximum Height -Materials	No Fence or freestanding wall within or along the exterior boundary of the required interior side or Rear Yards shall exceed a height of 16-feet when adjacent to utility infrastructure. The use of barbed wire and razor wire is permitted in Street-facing yards or where adjacent to any public Right-of-Way when the wire is tilted inward toward the property so that it is not visible from the ROW.
<u>Lighting and Illumination</u> – <i>MZO Table 11-30-5</i> -Maximum Height of Lighting Fixtures	Within 50 feet of any Street frontage: 20 ft. Within 50 feet of a residential district: 15 ft. Any other location: 65 ft.
<u>Screening</u> – <i>MZO Section 11-30-9(A)(2)</i> -Ground-Mounted Equipment	No screening required for two “Melville” tower farms, which may include open scaffolding and piping

Development Standards	Approved
<u>Required Parking Spaces by Use – MZO Table 11-32-3.A</u> - Industrial	<p>1 space per 920 square feet of gross floor area</p> <p>Current Required Parking: 483 spaces</p>
<u>Required Number of Plants by Street Type – MZO Table 11-33-3.A.4</u> - Arterial Streets	<p>0 Trees and 0 Shrubs at Pecos Road driveway</p>
<u>Required Landscape Yards – MZO Section 11-33-3(B)(2)(a)(i)</u> - Width	<p>0 feet when fully screened by a solid wall</p>
<u>Required Landscape Yards – MZO Section 11-33-3(B)(2)(c)</u> - Number of Plants	<p>0 Trees and 0 Shrubs along Pecos Road driveway</p>
<u>Interior Parking Lot Landscaping – MZO Section 11-33-4(B)</u> - Landscape Islands	<p>Parking lot landscape islands shall be installed at each end of a row of stalls and in between for maximum 16 contiguous parking spaces.</p> <p>Landscape islands shall be a minimum of six feet wide and 18 feet in length for single-row and 36 feet in length for double-row parking. All measurements are to face of curb.</p> <p>The maximum length of a covered parking canopy shall be 16 parking stalls in a row. Landscape islands may be eliminated when a conflict with the covered parking canopy occurs.</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 12th day of January, 2026.

APPROVED:

Mayor

ATTEST:

City Clerk