

ORDINANCE NO. 5823

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 ZON23-00548. WITHIN THE 9200 TO 9800 BLOCKS OF EAST PECOS ROAD (NORTH SIDE). LOCATED NORTH OF PECOS ROAD AND EAST OF ELLSWORTH ROAD. (88.3± ACRES). MODIFICATION OF AN EXISTING PLANNED AREA DEVELOPMENT OVERLAY (PAD), MAJOR SITE PLAN MODIFICATION, AND AMENDING CONDITIONS OF APPROVAL FOR ZON22-00268. THIS REQUEST WILL ALLOW FOR AN INDUSTRIAL DEVELOPMENT 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 ZON23-00548 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 final site plan submitted.
2. Compliance with landscape plan Submitted.
3. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication, whichever comes first.
4. Compliance with all requirements of Design Review Case No. DRB23-00550.
5. 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 Phoenix Mesa Gateway 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 1/4 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."
6. Compliance with all City development codes and regulations, except the modification to the development standards as approved with this PAD as shown in the following table:

Development Standards	Approved
<u>Required Parking Spaces by Use –</u> <i>MZO Table 11-32-3.A</i> - General Offices -Industrial	1 space per 400 square feet of gross office floor area 1 passenger vehicle space per 5,200 square feet of gross industrial floor area 1 semi-truck parking space per 5,330 square feet of gross industrial floor area
<u>Required Bicycle Parking –</u> <i>MZO Section 11-32-8(A)(1)(a)</i>	At least 1 bicycle space per 14 proposed on-site passenger vehicle parking spaces is required. After the first 50 bicycle parking spaces are provided, the required number of additional bicycle parking spaces is 1 space per 20 vehicle parking spaces.
<u>Parking Lot Screening –</u> <i>MZO Section 11-30-9(H)(6)</i>	When using a screen wall there shall be a landscaped setback of at least 3 feet between the screen wall and the parking area.
<u>Truck Docks, Loading and Service Areas –</u> <i>MZO Section 11-30-13(B)</i> -Location on Lot	Truck docks, loading, and service areas may be located along Pecos Road
<u>Truck Docks, Loading and Service Areas –</u> <i>MZO Section 11-30-13(C)</i> -Screening	For Pecos Road only, Docks, loading and Service areas shall be screened with a combination of landscaping berming, a solid wall, and view fencing that is a minimum of 8 feet in height from the existing grade. The berms shall be between 0 and 3 feet in height, with a solid screen wall placed on top of the berm that is at least a minimum of 8 feet in height. The top of the solid screen wall may have a maximum height of 2'-4" of view fencing. For all sides not adjacent to Pecos Road, Docks, Loading and Service areas shall be screened with view fencing that is a minimum of 8 feet in height from the existing grade.
<u>Maximum Building Height –</u> <i>MZO Section 11-7-3</i>	60 feet

<p><u>Interior Parking Lot Landscaping –</u> <i>MZO Section 11-33-4(A)</i></p>	<p>The interior parking lot landscaping standards of this section apply to all off-street parking lots containing 10 or more parking spaces.</p> <p>They do not apply to vehicle /equipment storage lots, vehicle and equipment sales lots, or truck/semi-truck parking areas within a storage or docking area.</p>
<p><u>Foundation Base Along Exterior Walls –</u> <i>MZO Section 11-33-5(A)(1)(a)(i)</i> <i>-Exterior walls with public entrances for buildings larger than 10,000 square feet</i></p>	<p>Additional foundation base shall be provided at the entrance to create an entry plaza area. The plaza area may have a minimum depth of 12 feet, only when necessary to comply with the Mesa Fire Code.</p>
<p><u>Trash and Refuse Collection Areas –</u> <i>MZO Section 11-30-12</i></p>	<p>General Applicability Requirements. Solid waste and recycling container enclosures are not required when the solid waste container or recycling container is located within a truck/semi-truck loading and trailer parking court.</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 20th day of November, 2023.

APPROVED:

Mayor

ATTEST:

City Clerk