

ORDINANCE NO. 5992

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 ZON24-00998. LOCATED APPROXIMATELY 1,420 FEET SOUTH OF THE SOUTHEAST CORNER OF EAST BROADWAY ROAD AND SOUTH MESA DRIVE AND SITE PLAN REVIEW FOR A 15-UNIT MULTIPLE RESIDENCE DEVELOPMENT (0.6± ACRES). REZONE FROM MULTIPLE RESIDENCE 2 (RM-2) TO MULTIPLE RESIDENCE-4 WITH A BONUS INTENSITY ZONE OVERLAY (RM-4-BIZ) 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 ZON24-00998 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 as submitted.
2. Compliance with all requirements of Design Review Case No. DRB24-00996.
3. Within the central amenity area, provide seating for at least two people, plus barbecue(s), table(s), shade structure(s) and/or another amenity.
4. Shift the perimeter landscape planters away from the buildings to the property lines, to provide more space for the tree roots and mature tree canopy.
5. Provide climbing/vining shrubs adjacent to the east and west elevations of Buildings 2 & 3, and to the north and south elevations of Building 1.
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 modification to the development standards as approved with this BIZ Overlay as shown in the following table:

Development Standard	Approved
<u>Maximum Lot Coverage</u> (% of lot) – <i>MZO Table 11-5-5</i>	79%

Development Standard	Approved
<u>Minimum Yards – MZO Table 11-5-5</u> - Front and Street Facing Side - (6-lane arterial – S. Mesa Dr.) - Interior Sides and Rear: 3 or more units on lot	<p style="text-align: center;">15'-10"</p> <p style="text-align: center;">0' to shade structure; 3 feet per story for buildings (9 feet total)</p>
<u>Minimum Separation Between Buildings on Same Lot – MZO Table 11-5-5</u> - Three-Story building	<p style="text-align: center;">17-feet</p>
<u>Attached Garages – MZO Section 11-5-5(B)(4)(f)(iii)</u>	<p style="text-align: center;">When multiple garage doors are located within one (1) building, the maximum number of garage doors adjacent to one another shall be limited to seven (7), unless there is a break in the building façade between garage doors. The break shall contain a major architectural feature, such as a building entrance or equivalent feature.</p>
<u>Setback of Cross Drive Aisles – MZO Section 11-32-4(A)</u>	<p style="text-align: center;">Parking spaces along main drive aisles connecting directly to a street and drive aisles that cross such main drive aisles shall be set back at least 20 ft from the property line abutting the street.</p>
<u>Landscaping for Non-Single Residence Uses Adjacent to Other Non-Single Residence uses or districts – MZO Section 11-33-3(B)(2)(a)(ii)</u>	<p style="text-align: center;">Properties that are not part of a group C-O-I Development, as defined in Chapter 87, must provide a 1'-10" landscape yard except where a cross-access drive aisle occurs within the required landscape yard.</p>
<u>Plant Material within Foundation Base – MZO Section 11-33-5(B)(4)</u>	<p style="text-align: center;">Trees shall be in planters that are at least 4-1/2 feet wide. Other plant material shall be in planters that are at least 3 feet wide.</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