

ORDINANCE NO. 5895

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 ZON24-00602. WITHIN THE 600 BLOCK OF WEST MAIN STREET (NORTH SIDE). LOCATED WEST OF COUNTRY CLUB ON THE NORTH SIDE OF MAIN STREET. (3.3± ACRES). REZONE FROM GENERAL COMMERCIAL (GC) TO GC WITH A PLANNED AREA DEVELOPMENT OVERLAY (GC-PAD), COUNCIL USE PERMIT (CUP), AND SITE PLAN REVIEW 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 ZON24-00602 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 the Plan of Operation and Good Neighbor Policy submitted.
3. Compliance with all requirements of Design Review Case No. DRB24-00603.
4. Compliance with all City development codes and regulations.
5. All off-site improvements and street frontage landscaping must be installed in the first phase of construction.
6. 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> – MZO Table 11-6-3.A	37 feet 4 inches
<u>Minimum Outdoor Living Area, Proportion of Private and Common Open Space</u> – MZO Table 11-6-3.A & Section 11-5-5(A)(3)(a)	Open space may be provided in any combination of private and common open space, as long as studio and one (1) bedroom units have at least 64 square feet of private open space, two (2) bedroom units have at least 67 square feet of private open space and three (3) bedroom or more have at least 70 square feet of private open space

Development Standards	Approved
<u>Minimum Outdoor Living Area, Accessibility and Location</u> – MZO Table 11-6-3.A & Section 11-5-5(A)(3)(e)(i)(1)	Private open space located at the ground level (e.g., yards, decks, patios) are permitted one dimension less than six (6) feet, all other dimensions shall have no less than (10) feet
<u>Materials and Colors</u> – MZO Section 11-6-3(B)(5)(d)	No more than 67% of the east or west building elevations may be covered with one (1) single material
<u>Required Parking Spaces by Use</u> – MZO Table 11-32-3.A -Apartments: Development site not located within ¼ mile radius (1320-foot) of bus rapid transit or light rail station, regardless of bedroom count	Minimum of 1.15 spaces per dwelling unit, including office/retail area (104 spaces)
<u>Covered Spaces</u> – MZO Section 11-32-3(D)(2)	Multiple-residence projects shall provide a minimum of 0 covered parking space per unit

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 2nd day of December 2024.

APPROVED:

Mayor

ATTEST:

City Clerk