

ORDINANCE NO. 5887

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 ZON24-00498. WITHIN THE 4100 BLOCK OF EAST QUARTZ CIRCLE (NORTH SIDE) AND WITHIN THE 3300 TO 3500 BLOCKS OF NORTH NORWALK (WEST SIDE). LOCATED NORTH OF MCDOWELL ROAD AND WEST OF GREENFIELD ROAD. (10.2± ACRES). REZONE FROM GENERAL INDUSTRIAL (GI) AND LIGHT INDUSTRIAL (LI) TO GENERAL INDUSTRIAL (GI) WITH A PLANNED AREA DEVELOPMENT OVERLAY (GI-PAD) AND MAJOR SITE PLAN MODIFICATION 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 ZON24-00498 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 Chapter 19 of the Zoning Ordinance including:
 - a. Owner must execute the City's standard Avigation Easement and Release for Falcon Field 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 Falcon Field 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 one mile of Falcon Field Airport
 - e. All final subdivision plats must include a disclosure notice in accordance with Section 11-19-5(C) of the Zoning Ordinance which must state in part: "This property, due to its proximity to Falcon Field Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals."

3. 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>Minimum Setback along Property Lines for Building and Parking Areas – MZO Table 11-7-3</u> -Front and Street-Facing Side: Industrial/Commercial Collector	17'-6" to parking canopy existing and proposed From Quartz Cir.: 0-ft to parking spaces existing and proposed
<u>Minimum Setback along Property Lines for Building and Parking Areas – MZO Table 11-7-3</u> -Interior Side and Rear: Adjacent to AG, RS, RSL or RM Districts	10 feet
<u>Massing and Scale, Wall Articulation – MZO Section 11-7-3(B)(2)(a)</u>	Exterior building walls do not require articulation
<u>Massing and Scale, Roof Articulation – MZO Section 11-7-3(B)(2)(c)(ii)</u>	Roofs are not required to provide vertical modulation
<u>Materials and Colors – MZO Section 11-7-3(B)(5)(a), (b) and (c)</u>	100% of building facades may be covered with one (1) material & color
<u>Fences and Freestanding Walls, Maximum Height</u> MZO Section 11-30-4(B)(1)(a)	No fence or freestanding wall within or along the exterior boundary of the required front yard adjacent to Norwalk shall exceed a height of 9 feet
<u>Screening, Parking Areas – MZO Section 11-30-9(H)</u>	Parking areas and drive aisles do not require screening
<u>Screening, Common Property Lines – MZO Section 11-30-9(I)(2)</u>	Industrial uses do not require a solid screen wall provided along south, west, or north property lines
<u>Trash and Refuse Collection Areas – MZO Section 11-30-12(C)(1), (2,) and (3)</u>	Solid waste and recycling storage not required to be screened with an enclosure
<u>Required Parking Spaces by Use – MZO Table 11-32-3.A</u> - Office areas (9,674 sq ft total) -Industrial areas (53,020 sq ft total) -Storage areas (42,596 sq ft total)	1 space per 2,106 square feet of gross floor area TOTAL REQUIRED: (50 SPACES)

Development Standards	Approved
<u>Parking Area Design, Setback of Cross Drive Aisles</u> – <i>MZO Section 11-32-4(A)</i>	Parking spaces along main drive aisles connecting directly to a street and drive aisles that cross such main drive aisles shall be set back 0 ft from the property line abutting the street.
<u>Bicycle Parking</u> – <i>MZO Section 11-32-8(A)</i>	Provide zero bicycle parking spaces
<u>Interior Parking Lot Landscaping, Landscape Islands</u> – <i>MZO Section 11-33-4(B)</i>	No parking lot landscape islands required to be installed at the end of each row of parking
<u>Foundation Base</u> – <i>MZO Section 11-33-5(A)(1) & MZO Section 11-33-5(A)(2)</i> -Exterior Walls with Public Entrance -Exterior Walls without a Public Entrance	A 9'-2" foot wide foundation base shall be provided, measured from face of building to face of curb along the entire length of the exterior wall. A minimum 4-ft foot-wide foundation base shall be provided, measured from face of building to face of curb along the entire length of the exterior wall adjacent to parking stalls. No foundation base will be provided, measured from face of building to face of curb along the entire length of the exterior wall adjacent to drive aisles.
<u>Landscape Area in Foundation Base</u> – <i>MZO Section 11-33-5(B)</i>	Zero trees per 50 linear feet or less of exterior wall length provided
<u>Retention Basins</u> – <i>MZO Section 11-33-6</i>	Retention basin layout shall be rectilinear in shape and shall contain no landscaping

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 4th day of November, 2024.

APPROVED:

Mayor

ATTEST:

City Clerk