

## ORDINANCE NO. 5878

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 ZON24-00101. WITHIN THE 4000 BLOCK OF EAST PALM (NORTH SIDE) AND WITHIN THE 2900 TO 3100 BLOCKS OF NORTH NORFOLK (WEST SIDE). LOCATED WEST OF GREENFIELD ROAD AND NORTH OF MCDOWELL ROAD. (2.3± ACRES). REZONE FROM LIGHT INDUSTRIAL WITH A PLANNED AREA DEVELOPMENT OVERLAY (LI-PAD) TO LIGHT INDUSTRIAL WITH A PLANNED AREA DEVELOPMENT OVERLAY AND A BONUS INTENSITY ZONE OVERLAY (LI-PAD-BIZ), 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 ZON24-00101 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 all conditions of approval of Case No. Z99-099.
2. Compliance with the final site plan submitted.
3. Compliance with the Preliminary Plat submitted.
4. Compliance with the Subdivision Regulations.
5. Prior to the issuance of a building permit, obtain approval of and record a final subdivision plat for the subject parcel.
6. Compliance with all requirements of DRB24-00100.
7. 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.
8. 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 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 the 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.”
9. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with this BIZ and shown in the following table:

<b>Development Standards</b>	<b>Approved</b>
<u>Accessory Outdoor Storage</u> – <i>MZO Table 11-7-2, Footnote 5</i>	Accessory outdoor storage permitted in front one-half of lots 2, 3 and 4
<u>Lot Frontage</u> – <i>MZO Section 11-30-6(H)</i>	Lots 1, 2, 3 and 4 without frontage on a dedicated public street as part of the BIZ Overlay
<u>Minimum Site Area (acre)</u> – <i>MZO Table 11-7-3</i> Lot 1 Lot 2 Lot 3 Lot 4	0.33 acre 0.18 acre 0.18 acre 0.16 acre
<u>Minimum Lot Width (feet)</u> – <i>MZO Table 11-7-3</i> Lot 1 Lot 2 Lot 3 Lot 4	97 feet 65 feet 65 feet 63 feet
<u>Screening – Parking Areas</u> – <i>MZO Section 11-30-9(H)</i> -Parking Areas	Adjacent to Palm Street, up to 100% of the screening may be accomplished with dense shrubs
<u>Setback of Cross Drive Aisle</u> – <i>MZO Section 11-32-4(A)</i>	Parking spaces along main drive aisles connecting directly to a street shall be set back at least 30 feet, 3-inches from the property line abutting the street (existing at Palm Street)
<u>Required Landscape Yards</u> – <i>MZO Section 11-33-3(B)(2)(a)(i)</i> Non-single residential uses adjacent to other non-single residential uses or districts –Group C-O-I Development: - Lots 2, 3 and 4 Common property lines:	Minimum 5-foot-wide perimeter landscape yard on each side of the common property line
<u>Required Landscape Yards</u> – <i>MZO Section 11-33-3(B)(2)(a)(ii)</i> Non-single residential uses adjacent to other non-single residential uses or districts – Non	

Development Standards	Approved
Group C-O-I Development: - North property line (overall site)  - West property line (overall site)	Minimum 5 feet, 2-inches landscape yard with 2 feet vehicle overhang  0 feet at the northwest corner (existing) Minimum 14 feet, 4-inches landscape yard with 2 feet of vehicle overhang at the adjacent parking spaces (existing)
<u>Perimeter Landscape –</u> <u>Required Plant Material –</u> <i>MZO Section 11-33-3(B)(2)(c)</i> 3 non-deciduous trees and 20 shrubs per 100 linear feet of adjacent property line  - North property line (overall site)  - West property line (overall site)	          2 trees and 81 shrubs          12 trees and 32 shrubs (existing)
<u>Parking Lot Landscape Islands –</u> <i>MZO Section 11-33-4(B)</i>	Parking lot landscape islands shall be installed at each end of a row of stalls and in between for maximum of 15 contiguous parking spaces without an island (existing)

**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 7th day of October, 2024.

APPROVED:

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Mayor

ATTEST:

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City Clerk