

ORDINANCE NO. 5894

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 ZON23-00994. WITHIN THE 4400 TO 4600 BLOCKS OF EAST SOUTHERN AVENUE (NORTH SIDE) AND WITHIN THE 4500 BLOCK OF EAST FLOWER CIRCLE (WEST SIDE). LOCATED NORTH OF SOUTHERN AVENUE AND EAST OF GREENFIELD ROAD. (7.2± ACRES). REZONE FROM SINGLE RESIDENCE-6 WITH A PLANNED AREA DEVELOPMENT OVERLAY (RS-6-PAD) AND LIMITED COMMERCIAL (LC) TO LIMITED COMMERCIAL WITH A PLANNED AREA DEVELOPMENT OVERLAY (LC-PAD), COUNCIL USE PERMIT, 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 ZON23-00994 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 all requirements of Design Review Case No. DRB24-00796.
3. Prior to the issuance of any building permit, record a lot split of Tract A, Assessor Parcel Number 140-51-721, per Exhibit 9.
4. Prior to the issuance of any building permit, record a shared-access agreement between future Parcel 1 and future Parcel 2 as shown in Exhibit 9.
5. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with this PAD and shown in the following table:

Development Standards	Approved
<u>Maximum Lot Coverage</u> – <i>MZO Table 11-6-3</i>	91% (existing)
<u>Fence and Freestanding Walls Height in Front Yard and Required Street Side Yards</u> – <i>MZO Section 11-30-4(B)(1)</i>	8 feet (existing)
<u>Screening – Common Property Lines</u> – <i>MZO Section 11-30-9(I)</i> - North property line - East property line	No wall No wall
<u>Trash and Refuse Collection Areas</u> – <i>MZO Section 11-30-12(B)(1)</i>	Solid waste located in required landscape yard

Development Standards	Approved
<u>Setback of Cross Drive Aisles</u> – MZO Section 11-32-4(A)	36 feet 10 inches (existing)
<u>Screening – Parking Areas</u> – MZO Section 11-30-9(H)(1)	No screen wall (existing)
<u>Minimum Parking Requirements</u> – MZO Table 11-32-3(A)	A total of 5 spaces (existing)
<u>Required Landscape Yards</u> – MZO Table 11-6-3	0 feet (existing)
<u>Interior Parking Lot Landscaping – Landscape Islands</u> – MZO Section 11-33-4(B)	One landscape island, remainder are absent (existing)
<u>Interior Parking Lot Landscaping – Plant Materials</u> – MZO Section 11-33-4(D)	0 trees, 3 shrubs (existing)
<u>Required Foundation Base</u> – MZO Section 11-33-5(A)(1) -Exterior wall with public entrance (northwest elevation of office building)	4 feet (existing)
<u>Required Foundation Base</u> – MZO Section 11-33-5(A)(2)(b) -Exterior walls without public entrance from exterior wall to drive aisles (west and east elevations of storage buildings)	0 feet
<u>Required Landscape Material in Foundation Base</u> – MZO Section 11-33-5(B)(1) -west and east elevation	0 trees (existing)
<u>Required Landscape Area in Foundation Base</u> – MZO Section 11-33-5(B)(3)(b) -west and east elevations	0% (existing)
<u>Required Landscape Yards</u> – MZO Section 11-33-3(B)(1) & MZO Section 11-33-3(B)(2) - Non-single residential uses adjacent to single residential uses or districts (north and east property lines) - Non-single residential uses adjacent to other non-single residential uses or districts (west property line)	0 feet (existing) 0 feet (existing)
<u>Required Landscape Material</u> – MZO Table 11-33-3.A.4	13 trees, 64 shrubs (existing)

Development Standards	Approved
<u>Required Landscape Material – MZO Section 11-33-3(B)(1)(c)(ii)</u> -Northernmost north property line -Southernmost north property line -Westernmost east property line -Easternmost east property line	0 trees, 0 shrubs (existing) 2 trees, 2 shrubs (existing) 0 trees, 0 shrubs (existing) 2 trees, 4 shrubs (existing)
<u>Required Landscape Material –MZO Section 11-33-3(B)(2)(c)</u>	0 trees, 0 shrubs

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