

ORDINANCE NO. 5925

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 ZON23-00691. LOCATED AT THE SOUTHEAST CORNER OF EAST SOUTHERN AVENUE AND SOUTH SIGNAL BUTTE ROAD. (61± ACRES). REZONE FROM AGRICULTURAL (AG) TO LIMITED COMMERCIAL WITH A PLANNED AREA DEVELOPMENT OVERLAY (LC-PAD), COUNCIL USE PERMIT, 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 ZON23-00691 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. Execute and comply with development agreement number DA24-00054 and all future amendments to it and comply with any future development agreements.
3. Site Plan Review through the public hearing process is required for all development on the property.
4. Compliance with the Plan of Operation and Good Neighbor Policy submitted.
5. Compliance with all requirements of Design Review Case No. DRB23-00692.
6. Compliance with the Medina Station Design Guidelines.
7. Compliance with the final approved Traffic Impact Study.
8. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
9. All off-site improvements and street frontage landscaping must be installed in the first phase of construction.
10. 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 tables:

PARCEL A	
Development Standards	Approved
<u>Maximum Building Height</u> – <i>MZO Section 11-6-3</i>	40 feet
<u>Minimum Setbacks</u> – <i>MZO Section 11-6-3</i> - Interior Side and Rear: Adjacent to <i>Non-residential District</i>	0 feet between Major A and Shops E

PARCEL A	
Development Standards	Approved
<u>Perimeter Landscaping</u> – MZO Section 11-33-3(B)(2) - Landscaping for Non-Single Residence Uses Adjacent to Other Non-Single Residence Uses or Districts: Non-Group C-O-I Development	9 feet along east boundary, adjacent to Development C
<u>Minimum Separation Between Buildings on Same Lot</u> – MZO Section 11-6-3 - Building Height between 20 – 40 feet	0 feet
<u>Access, Circulation, and Parking</u> – MZO Section 11-6-3(B)(4)(iii) - Large Commercial Development	One hundred percent (100%) of required parking spaces located between the front façade and the abutting street.
<u>Required Parking Spaces by Use</u> – MZO Table 11-32-3.A - Retail	1 space per 375 square feet of gross floor area
<u>Foundation Base</u> – MZO Section 11-33-5(B)(1) - Number of Trees	Zero trees and shrubs along the east side of Major A building
<u>Interior Parking Lot Landscaping</u> – MZO Section 11-33-4(B) - Landscape Islands	Parking lot landscape islands shall be installed at each end of a row of stalls and in between for maximum 10 contiguous parking spaces
<u>Interior Parking Lot Landscaping</u> – MZO Section 11-33-4(C)(2) - Medians	Minimum 2-foot landscape area in locations as shown on the site plan
<u>Interior Parking Lot Landscaping</u> – MZO Section 11-33-4(D)(1) - Number of Plants	One shade tree and three shrubs shall be provided for every 30-foot parking island adjacent to Major A.

PARCEL B	
Development Standards	Approved
<u>Maximum Building Height</u> – MZO Section 11-6-3	60 feet
<u>Minimum Setbacks</u> – MZO Table 11-5-5 - Interior Side and Rear: 3 or more units on lot	Minimum 10 feet

PARCEL B	
Development Standards	Approved
<u>Minimum Separation Between Buildings on Same Lot</u> – MZO Section 11-6-3 - <i>Building Height between 20 – 40 feet</i>	20 feet
<u>Private Open Space</u> – MZO Section 11-5-5(B)(3)(e)	Private open space located at the ground level shall have no dimensions less than eight (8) feet Above-ground private open space shall be a minimum 60 square feet and shall not be less than six (6) feet wide or less than six (6) feet deep
<u>Access, Circulation, and Parking</u> – MZO Section 11-5-5(B)(4)(f)(iii) - <i>Attached Garages</i>	<p style="text-align: center;">For Carriage Units: The maximum number of garage doors adjacent to one another shall be limited to four (4)</p> <p style="text-align: center;">For all other non-facing public street units: The maximum number of garage doors adjacent to one another shall be limited to eighteen (18), with no more than 2 consecutive garage doors without a minimum 1 foot offset</p>
<u>Required Parking Spaces by Use</u> – MZO Table 11-32-3.A - <i>Multiple Residence</i>	1.50 spaces per dwelling unit
<u>Perimeter Landscaping</u> – MZO Section 11-33-3(B)(2) - <i>Landscaping for Non-Single Residence Uses Adjacent to Other Non-Single Residence Uses or Districts</i>	East Boundary: 10 feet South Boundary: 6 feet
<u>Foundation Base</u> – MZO Section 11-33-5(A) - <i>Exterior Walls with Public Entrances</i>	10 feet where adjacent to fire access roads

PARCEL C	
Development Standards	Approved
<u>Maximum Building Height</u> – MZO Section 11-6-3	60 feet
<u>Minimum Setbacks</u> – MZO Section 11-6-3 - <i>Interior Side and Rear</i>	Minimum 10 feet

PARCEL C	
Development Standards	Approved
<u>Minimum Separation Between Buildings on Same Lot</u> – <i>MZO Section 11-6-3</i> - <i>Building Height between 20 – 40 feet</i> - <i>Building height over 40 feet</i>	20 feet 20 feet
<u>Private Open Space</u> – <i>MZO Section 11-5-5(B)(3)(e)</i>	Private open space located at the ground level shall have no dimensions less than eight (8) feet Above-ground private open space shall be a minimum 60 square feet and shall not be less than six (6) feet wide or less than six (6) feet deep
<u>Access, Circulation, and Parking</u> – - <i>MZO Section 11-5-5(B)(4)(f)(iii)</i> <i>Attached Garages</i>	For Carriage Units: The maximum number of garage doors adjacent to one another shall be limited to four (4)
<u>Required Parking Spaces by Use</u> – <i>MZO Table 11-32-3.A</i> - <i>Multiple Residence</i>	1.70 spaces per dwelling unit
<u>Perimeter Landscaping</u> – <i>MZO Section 11-33-3(B)(2)</i> - <i>Landscaping for Non-Single Residence Uses Adjacent to Other Non-Single Residence Uses or Districts</i>	East Boundary: 10 feet North Boundary: 9 feet
<u>Foundation Base</u> – <i>MZO Section 11-33-5(A)</i> - <i>Exterior Walls with Public Entrances</i>	10 feet where adjacent to fire access roads

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 27th day of January 2025.

APPROVED:

Mayor

ATTEST:

City Clerk