

ORDINANCE NO. 5964

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 ZON25-00025. LOCATED APPROXIMATELY 1,600 FEET WEST OF THE NORTHWEST CORNER OF EAST MAIN STREET AND NORTH GREENFIELD ROAD. (7± ACRES). REZONE 3.3+ ACRES FROM MULTIPLE RESIDENCE-4 (RM-4) AND 3.7+ ACRES FROM MULTIPLE RESIDENTIAL-4 WITH A PLANNED AREA DEVELOPMENT OVERLAY (RM-4-PAD) TO MULTIPLE RESIDENCE-4 WITH A NEW PLANNED AREA DEVELOPMENT OVERLAY (RM-4-PAD) AND SITE PLAN REVIEW FOR A 137-UNIT ATTACHED SINGLE-RESIDENCE DEVELOPMENT 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 ZON25-00025 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 as submitted.
2. Compliance with all requirements of Zoning Case Nos. ZON25-00366 & ZON25-00589.
3. Compliance with all requirements of Design Review Case No. DRB25-00023.
4. Compliance with all applicable 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 the Subdivision Regulations.
7. Prior to the issuance of any building permit, obtain approval of and record a Final Plat.

8. 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 Lot Area (sq. ft.)</u> – <i>MZO Table 11-5-5</i>	800 sq. ft.
<u>Minimum Lot Width (ft.)</u> – <i>MZO Table 11-5-5</i> - Single-Residence Attached	20.75 ft.
<u>Minimum Lot Depth (ft.)</u> – <i>MZO Table 11-5-5</i> Single-Residence Attached	38.5 ft.
<u>Minimum Lot Area per Dwelling Unit (sq. ft.)</u> – <i>MZO Table 11-5-5</i>	800 sq. ft.
<u>Maximum Lot Coverage (% of lot)</u> – <i>MZO Table 11-5-5</i>	86%
<u>Minimum Yards (ft.)</u> – <i>MZO Table 11-5-5</i> Front and Street-Facing Side	Local Street: 0 ft.
Rear: 1 or 2 units on lot	4.25 ft.
<u>Yards for Attached single-residence structures</u> – <i>MZO Section 11-5-5(A)(1)(c)</i>	Minimum interior side yard shall be 0 feet on the end units
<u>Paving of Street-Facing Yards</u> – <i>MZO Section 11-5-5(A)(1)(d)</i>	No more than 70 percent (70%) of any required front or street-facing side yard may be covered with a paved surface.
<u>Standards for Private Open Space</u> – <i>MZO Section 11-5-5(A)(3)(e)(i)(1)</i>	Private open space located at the ground level (e.g., yards, decks, patios) shall have no dimension less than 7 feet 11 inches.

Development Standards	Approved
<u>Building Entrances; Projection or Recess</u> – <i>MZO Section 11-5-5(B)(3)(c)</i>	Building entrances and individual exterior unit entrances must have a roofed projection (such as a porch) or recess with a minimum depth of at least five (5) feet and minimum horizontal area of 20 square feet.
<u>Access, Circulation and Parking; Attached Garages</u> – <i>MZO Section 11-5-5(B)(4)(f)</i>	When multiple garage doors are located within one (1) building, the maximum number of garage doors adjacent to one another shall be limited to five (5), unless there is a break in the building façade between garage doors.
<u>Landscaping for Non-Single Residence Uses Adjacent to Other Non-Single Residence uses or districts; Number of Plants</u> – <i>MZO Section 11-33-3(B)(2)(c)</i>	A minimum of zero (0) non-deciduous trees and 0 shrubs per 100 linear feet of adjacent property line shall be provided.
<u>Interior Parking Lot Landscaping; Landscape Islands</u> - <i>MZO Section 11-33-4(B)(2)</i>	Landscape islands shall be a minimum of 5.5 feet wide and 15 feet in length for single-row and 30 feet in length for double-row parking.
<u>Interior Parking Lot Landscaping; Plant Materials</u> – <i>MZO Section 11-33-4(D)(1)</i>	Zero shade trees and four shrubs shall be provided for every 15-foot parking island.
<u>Lots and Subdivisions</u> – <i>MZO Section 11-30-6(H)</i>	Every lot shall have frontage on a private street

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 22nd day of September 2025.

APPROVED:

Mayor

ATTEST:

City Clerk