

ORDINANCE NO. 5787

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 ZON22-01008 WITHIN THE 5300 TO 6200 BLOCKS OF SOUTH ELLSWORTH ROAD (WEST SIDE). LOCATED SOUTH OF RAY ROAD AND WEST OF ELLSWORTH ROAD (273± ACRES). REZONE FROM LIGHT INDUSTRIAL WITH A PLANNED AREA DEVELOPMENT OVERLAY (LI-PAD) TO LIGHT INDUSTRIAL WITH A NEW PLANNED AREA DEVELOPMENT OVERLAY (LI-PAD) AND COUNCIL USE PERMIT 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 ZON22-01008 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. Site Plan Review for all development on the property in accordance with Section 11-69-4 of the MZO.
2. Compliance with the Gateway East PAD document.
3. Compliance with all requirements of Design Review Case No. DRB22-01249; except compliance with the revised Gateway East Design Guidelines.
4. Execute and comply with the Development Agreement DA22-00056.
5. All public off-site improvements and street frontage landscaping must be installed according to Mesa City Code unless a modification is approved pursuant to Mesa City Code and documented in an executed development agreement.
6. If the developer elects to develop the internal street network with private streets, then with each development the developer must extend and install all utilities, streets, and street frontage landscaping as required by Mesa City Code.
7. With the submittal of each site-specific plan include for review and approval by the Transportation Department construction documents that show all street networks and street cross sections as required by, and in conformance with, Mesa City Code and Mesa Engineering and Design Standards.
8. Prior to approval of any site-specific plan, receive approval from the Transportation Department of the submitted Master Traffic Impact Study.
9. Compliance with the final approved Master Traffic Impact Study.
10. Dedicate the right-of-way, easements, or both as 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.
11. 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 Phoenix-Mesa Gateway 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 Phoenix-Mesa Gateway Airport
 - e. All final subdivision plats must include a disclosure notice in accordance with Section 11-19-5(C) of the Zoning Ordinance which states in part: "This property, due to its proximity to Phoenix-Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals."
12. 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>Maximum Building Height</u> – <i>MZO Table 11-7-3</i>	165 feet in Zone A and 90 feet in Zone B (As shown on the Maximum Building Height Exhibit in the Gateway East PAD Document)
<u>Minimum Setback along Property Lines or Building and Parking Areas</u> – <i>MZO Table 11-7-3</i> - Front and Street-Facing Side -Interior Side and Rear: Adj. to AG, RS, RSL, RM, Commercial and PEP districts	Gateway Boulevard: 20 feet Secondary Street: 20 feet Main Entry Segments: 30 feet (As specified in the Gateway East PAD Document) Minimum 15 feet
<u>Perimeter Landscape Yard</u> – <i>MZO Table 11-7-3</i> -Width	Gateway Boulevard: 20 feet Secondary Street: 20 feet Main Entry Segments: 30 feet (As specified in the Gateway East PAD Document) Street-facing setbacks shall be landscaped in accordance with Section 11-33-3(A)
<u>Minimum Landscape Yards</u> – <i>MZO Section 11-33-3(B)(2)(a)</i> - Non-single residence uses adjacent to non-single residence	Width. 0 feet Landscaping not required

Development Standards	Approved
<u>Averaging Depth of Foundation Base –</u> <i>MZO Section 11-33-5(A)(3)</i>	<p>The designated depth of the foundation base may be less than the minimum required depth required by Section 11-33-5(A)(1-2) and may be further reduced beyond the requirements of Section 11-33-5(A)(3)(a-c) to meet life safety requirements if a conflict exists between Fire Code and Zoning Ordinance standards</p>
<u>Outdoor Storage –</u> <i>MZO Section 11-30-7</i> - Permitted Location (General Commercial and Light Industrial) - Screening and Setbacks	<p>Not permitted in front yards. Permitted in street facing side yards interior side and rear yards, or outside of required yards, subject to Section 11-30-7(B)(1-2)</p> <p>No setback is required for material stored outdoors</p>
<u>Truck Docks, Loading and Service Areas –</u> <i>MZO Section 11-30-13</i> - Location on Lot - Screening	<p>Must be located at the rear or side of buildings, and may not be readily visible from Gateway Boulevard or Ellsworth Road</p> <p>Docks, loading and service areas shall be screened from Gateway Boulevard or Ellsworth Road</p>
<u>Screening of Mechanical Equipment –</u> <i>MZO Section 11-30-9(A)</i> - Ground-Mounted Equipment - Exterior wall equipment	<p>Screening of the ground mounted electrical equipment facing a street may be adjusted as necessary to comply with the utility provider's access and design requirements</p> <p>Downspouts must be internally located and screened on building facades adjacent to streets. Downspouts located on building facades not adjacent to streets may be externally located as long as they are coordinated with other façade elements and appropriately finished to compliment the façade design</p>

Development Standards	Approved
<u>Required Parking Spaces by Use –</u> MZO Table 11-32-3.A - Industrial	<p>Buildings less than 250,000 square feet: 1 space per 675 square feet of gross floor area</p> <p>Buildings that are 250,000 up to 500,000 square feet: 1 space per 1,000 square feet of gross floor area</p> <p>Buildings over 500,000 square feet: 1 space per 2,000 square feet of gross floor area</p>
<u>Setback of Cross Drive Aisles –</u> MZO Section 11-32-4(A)	Parking spaces along main drive aisles connecting directly to a street and drive aisles that cross such main drive aisles shall be set back at least 30 ft from the property line abutting the street
<u>Parking Lot Layout –</u> MZO Section 11-32-4(G)(2)	<p>No more than 300 parking spaces shall be allowed together in one group or cluster</p> <p>In office-use and industrial projects, a minimum 25 percent of the required parking spaces shall be provided within 200 feet of the building served, with the balance of the required parking within 500 feet</p> <p>Drive aisle intersections may not be perpendicular to each other</p>
<u>Pedestrian Access –</u> MZO Section 11-32-4(G)(3)	Where a pedestrian sidewalk crosses a vehicle lane, the pedestrian walkways shall be made distinct by use by use of textured paving and contrasting color
<u>Maximum Parking Spaces –</u> MZO Section 11-32-3(C)	There shall be no maximum to the number of parking spaces provided by any development
<u>Size of Parking Spaces and Maneuvering Aisles –</u> MZO Section 11-32-2(H)(1) -Standard Parking Spaces	The minimum basic dimension of a parking stall is 9 feet by 18 feet. Where applicable, the 18-foot dimension is inclusive of a 2-foot overhang over the adjacent sidewalk or landscape area
<u>Heliports –</u> MZO Table 11-7-2 Footnote 14	Heliports in Employment Districts may be located at the natural grade (aka ground level)
<u>Drive-thru Facilities –</u> MZO Section 11-31-18(D)	Drive-thru lanes shall not be located parallel to Gateway Boulevard but may be located parallel to Ellsworth Road. Where physical site conditions prevent such configuration, Provide 40-inch-high screen walls adjacent to the public right-of-way
<u>Site Planning and Design Standards –</u> MZO Section 11-7-3(B)(1)-(5)	Per the Gateway East Design Guidelines

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 19th day of June 2023.

APPROVED:

Mayor

ATTEST:

City Clerk