

ORDINANCE NO. 5848

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 ZON23-00940. WITHIN THE 1600 TO 1900 BLOCKS OF SOUTH MESA DRIVE (EAST SIDE) AND WITHIN THE 400 TO 600 BLOCKS OF EAST AUTO CENTER DRIVE (BOTH SIDES). LOCATED NORTH OF BASELINE ROAD ON THE EAST SIDE OF MESA DRIVE. (26± ACRES). REZONE FROM LIGHT INDUSTRIAL WITH A PLANNED AREA DEVELOPMENT (LI-PAD) TO LIGHT INDUSTRIAL WITH A NEW PLANNED AREA DEVELOPMENT OVERLAY (LI-PAD) AND A 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 ZON23-00940 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 and landscape plan submitted with this request.
2. Compliance with all requirements of Design Review (Case Nos. DRB23-00865 and DRB23-00900).
3. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with the PAD overlay and shown in the following table:

Development Standards	Approved
<p><u>Required Building and Landscape Setback</u> – <i>MZO Section 11-7-3</i> - Required building and landscape setback adjacent to arterial and local streets, and Freeways (Arterial Street)</p> <p>(Local Street)</p>	<p>10 feet at the west property line for the auto dealership on the north side of Auto Center Drive</p> <p>10 feet at the south property line for the auto dealership at the north side of Auto Center Drive</p> <p>10 feet at the east side of the north property line for the auto dealership on the south side of Auto Center Drive</p> <p>0 feet at the north property line for the</p>

(Freeway)	auto dealership on the north side of Auto Center Drive
<u>Required Landscape Yards –</u> <i>MZO Section 11-33-3(B)(2)</i> - Landscaping for Non-Single Residences adjacent to other Non-Single Residences (width)	0 feet at the east side of the south property line for the auto dealership on the south side of Auto Center Drive 0 feet at the east property line for the auto dealership on the south side of Auto Center Drive 10 feet at the west side of the south property line for the auto dealership on the south side of Auto Center Drive
<u>Perimeter Landscaping –</u> <i>MZO Section 11-33-3(B)(2)</i> -Landscaping for Non-Single Residences adjacent to other Non-Single Residences (Number of plants)	Zero trees on the south property line for the auto dealership on the south side of Auto Center Drive
<u>Screening of parking areas –</u> <i>MZO Section 11-30-9(H) –</i> Screen walls	Parking areas and drive aisles are not required to be screened from streets with masonry wall, berm or combination of walls/berms and densely planted landscaping.
<u>Required Parking Spaces by Use –</u> <i>MZO Section 11-32-3(A)</i> -General offices, retail, and services	79 total spaces for the auto dealership on the north side of Auto Center Drive 35 total spaces for the auto dealership on the south side of Auto Center Drive
<u>Setback of Cross Drive Aisles and Parking Spaces –</u> <i>MZO Section 11-32-4(A)</i>	22 feet at the auto dealership on the south side of Auto Center Drive

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 15th day of April, 2024.

APPROVED:

Mayor

ATTEST:

City Clerk