

ORDINANCE NO. \_\_\_\_\_

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 ZON21-00089 WITHIN THE 2600 TO 2800 BLOCKS OF EAST LEHI ROAD (WEST SIDE). LOCATED NORTH OF MCDOWELL ROAD AND EAST OF THE 202 RED MOUNTAIN FREEWAY. (41.8± ACRES). REZONE FROM SINGLE RESIDENCE 43 (RS-43) TO SINGLE RESIDENCE 15 (RS-15) WITH A PLANNED AREA DEVELOPMENT OVERLAY (PAD) 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 District Map and District Boundaries, of the Mesa Zoning Ordinance is hereby amended by adopting the Official Supplementary Zoning Map for Zoning Case ZON21-00089 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 all requirements of the Subdivision Regulations.
2. Compliance with the final building product types submitted with application, including elevations and materials.
3. 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.
4. 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:

<b>Development Standard</b>	<b>Approved RS-15-PAD</b>
Minimum Lot Area (sq. ft.) <i>MZO Section 11-5-3(A)(1)</i>	<b>9,100 sf</b>
Minimum lot width – interior lot (ft.) <i>MZO Section 11-5-3(A)(1)</i>	<b>65 feet</b>
Minimum lot depth – interior depth <i>MZO Section 11-5-3(A)(1)</i>	<b>140 feet</b>
Minimum yard – front garage (ft.) <i>MZO Section 11-5-3(A)(1)</i>	<b>20 feet (front facing) 15 feet (side facing)</b>
Minimum yard – front (enclosed livable areas. porches and porte cocheres) (ft.) <i>MZO Section 11-5-3(A)(1)</i>	<b>15 feet</b>
Minimum yard – interior side, aggregate of two sides (ft.) <i>MZO Section 11-5-3(A)(1)</i>	<b>15 feet</b>
Minimum yard – interior side, street side (ft.) <i>MZO Section 11-5-3(A)(1)</i>	<b>7 feet</b>

Minimum yard – rear (ft.) <i>MZO Section 11-5-3(A)(1)</i>	<b>25 feet</b>
Maximum building coverage (% of lot) <i>MZO Section 11-5-3(A)(1)</i>	<b>50% for lots with floorplan numbers 2568 and 3177 and 40% for lots with other floorplans.</b>
Garage frontage and location <i>MZO Section 11-5-3(B)(4)(b)</i>	<b>Garages with three (3) or more doors, or designed to accommodate three (3) or more non-tandem parked cars, are permitted only on lots 65 feet wide or greater</b>
Maximum wall height in the RS district <i>MZO Section 11-30-4(A)(1)(b)</i>	<b>No fence or freestanding wall within or along the exterior boundary of the required side or rear yards shall exceed a height of 8 feet.</b>
Lots and subdivision (street frontage) <i>MZO Section 11-30-6(H)</i>	<b>Every lot must have frontage along a private street.</b>
Minimum dimensions for residential enclosed garages <i>MZO Section 11-32-4(2)</i>	<b>The minimum dimensions for a double-car garage on lots with floorplan numbers 2342, 2568 and 3177 is 20 feet wide and 19 feet long. All other double-car garages must be at least 20 feet wide and 22 feet long.</b>

### 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 \_\_\_\_\_ day of \_\_\_\_\_, 2021.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk