

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 ZON21-00394 WITHIN THE 7600 TO 7800 BLOCK OF EAST WARNER ROAD (SOUTH SIDE) AND WITHIN THE 4400 TO 4700 BLOCK OF THE SOUTH SOSSAMAN ROAD ALIGNMENT (EAST SIDE). LOCATED EAST OF THE SOSSAMAN ROAD ALIGNMENT ON THE SOUTH SIDE OF WARNER ROAD. (101.7± ACRES). REZONE FROM LIGHT INDUSTRIAL (LI) AND AGRICULTURAL (AG) TO LIGHT INDUSTRIAL WITH A PLANNED AREA DEVELOPMENT (LI-PAD) OVERLAY; 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 ZON21-00394 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 site plan submitted.
3. Compliance with all requirements of Design Review.
4. All off-site improvements and street frontage landscaping to be installed with the first phase of construction.
5. 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.
6. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
  - a. Owner shall execute and record the City's standard Avigation Easement and Release for Phoenix-Mesa Gateway Airport prior to the issuance of a building permit.
  - 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. If required, an FAA determination notice of no hazard to air navigation shall be provided prior to building permit issuance.
  - c. Provide written notice to future property owners that the project is within 1 mile of Phoenix-Mesa Gateway Airport.
7. 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:

| Development Standard                                   | PAD Approved    |
|--|-----------------|
| Maximum Building Height –<br><i>MZO Section 11-7-3</i> | 60 feet         |
| Required Landscape Yards –                             | 10 feet minimum |

|  |   |
|--|---|
| <i>MZO Section 11-33-3.B.2.a</i><br><i>- East property lines adjacent to AG</i>  |   |
| <u>Required Landscape Yards</u> –<br><i>MZO Section 11-33-3.B.2.c</i><br><i>- Number of plants in landscape yard for southern property lines adjacent to 202 San Tan Freeway</i> | <b>1 tree per 20 linear feet of property line adjacent to 202 San Tan Freeway</b>         |
| <u>Required Landscape Yards</u> –<br><i>MZO Section 11-33-3.B.2.d</i><br><i>- Size of plants in landscape yard for southern property lines adjacent to 202 San Tan Freeway</i>   | <b>All trees shall be 36-inch box trees along the 202 San Tan Freeway</b>                 |
| <u>Outdoor Storage</u> –<br><i>MZO Table 11-30-7</i>   | <b>Outdoor storage areas permitted in compliance with wall/storage exhibit</b>            |
| <u>Truck Docks, Loading and Service Areas</u> –<br><i>MZO Section 11-30-13(C)</i>  | <b>Docks, loading and service areas permitted in compliance with wall/storage exhibit</b> |
| <u>Required Parking Ratio</u> –<br><i>MZO Table 11-32-3(A)</i><br><i>- Warehousing and Storage</i>   | <b>1 Space per 1,100 square feet</b>  |
| <u>Parking Area Design</u> –<br><i>MZO Section 11-32-4(G)(2)</i><br><i>- Warehousing and Storage</i>   | <b>Maximum 300 parking spaces allowed together in one cluster</b>                         |
| <u>Foundation Base</u> –<br><i>MZO Section 11-33-5(A)(1)</i><br><i>- Exterior walls with a Public Entrance</i>   | <b>Minimum 12-foot foundation base area</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 30th day of August, 2021.

**APPROVED:**

---

Mayor

**ATTEST:**

---

City Clerk