

ORDINANCE NO. 5927

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 ZON23-01003. LOCATED AT THE SOUTHEAST CORNER OF NORTH HAWES ROAD AND EAST MCDOWELL ROAD. (30± ACRES). REZONE FROM AGRICULTURAL (AG) TO SINGLE RESIDENCE 15 WITH A PLANNED AREA DEVELOPMENT OVERLAY (RS-15-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 Map and District Boundaries, of the Mesa Zoning Ordinance is hereby amended by adopting the Official Supplementary Zoning Map for Zoning Case ZON23-01003 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 Preliminary Plat submitted.
2. Compliance with the Subdivision Regulations.
3. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for any building permit, at the time of recordation of a subdivision plat, or at the time of the City's request for dedication, whichever comes first.
4. Prior to the issuance of a building permit, obtain approval of and record a final subdivision plat for the subject parcels.
5. Prior to issuance of a building permit, obtain approval of an Administrative Review for product approval of the proposed homes.
6. Homes adjacent to Waterbury Road and Culver Street are limited to one-story in height.
7. Compliance with all City development codes and regulations, including the Desert Uplands Development Standards, except the modifications to the development standards as approved with this PAD and shown in the following table:

Development Standards	Approved
<u>Lot Frontage on a Public Street –</u> <i>MZO Section 11-30-6(H)</i>	Each lot shall have frontage on a private street
<u>Maximum Lot Coverage (% of Lot)</u> <i>MZO Section 11-5-3(A)(1)</i>	55%
<u>Maximum Building Coverage (% of Lot)</u> <i>MZO Section 11-5-3(A)(1)</i>	55%
<u>Minimum Lot Area –</u> <i>MZO Table 11-5-3.A.1</i>	10,400 square feet
<u>Minimum Lot Width –</u> <i>MZO Table 11-5-3.A.1</i>	75 feet

Development Standards	Approved
<u>Building setbacks (Minimum Yards) –</u> <i>MZO Table 11-5-3.A.1</i>	<p>Front (enclosed livable, porches and Porte Cocheres) – 12 feet</p> <p>Garages and Carports Front Yard – 20 feet</p> <p>Garages and Carports Side Yard– 12 feet</p> <p>Street side – 7 feet only when adjacent to minimum 8-foot-wide landscape tract</p> <p>Interior side: Minimum aggregate – 15 feet</p> <p>Rear – 20 feet</p> <p>Rear (porches and patios) – 15 feet</p>
<u>Minimum Garage Dimensions –</u> <i>MZO Section 11-32-4(F)(2)</i>	For plots 2342, 2568 and 3177, a double-car garage shall be at least 20 feet wide and 19 feet long
<u>Maximum Wall Height –</u> <i>MZO Section 11-30-4(A)(1)(b)</i>	8 feet at grade, 10 feet if a 6 foot wall is on top of a retaining wall.
<u>Elevation Material Calculations –</u> <i>MZO Section 11-5-5(B)(5)(b)</i>	For Spanish Elevations only, buildings may contain less than two primary exterior materials.

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 3rd day of February 2025.

APPROVED:

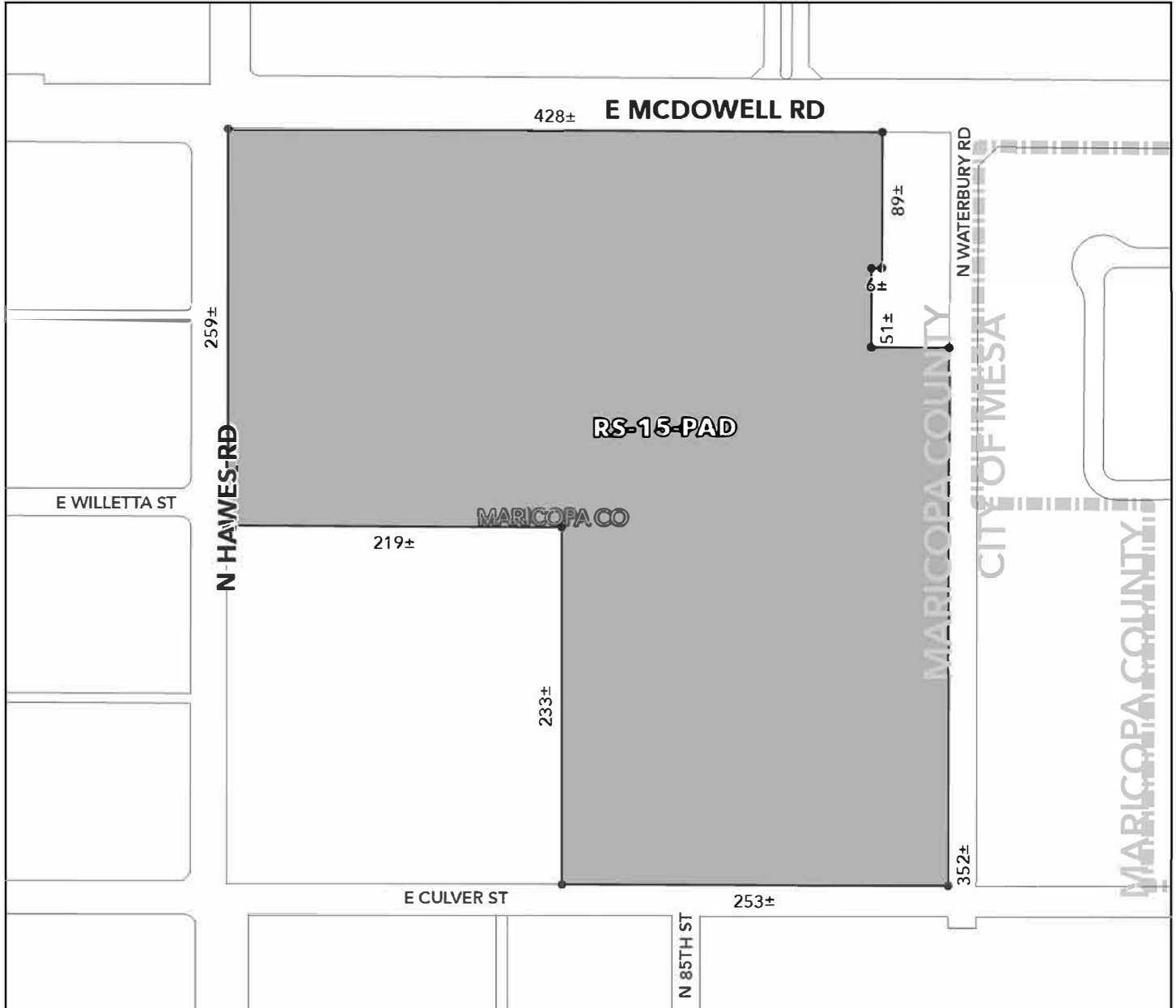
Mayor

ATTEST:

City Clerk



OFFICIAL SUPPLEMENTARY ZONING MAP AMENDING THE CITY OF MESA ZONING MAP



CASE: ZON23-01003
 ACREAGE: 30±
 REQUEST: Rezone from Agricultural to Single Residence-15 with a Planned Area Development Overlay (RS-15-PAD) to allow for a Single Residence Subdivision.

ORDINANCE: 5927

Please be advised that the attached zoning changes were approved by the Mesa City Council on February 3, 2025 by Ordinance #5927. If you have any questions concerning these changes, contact the City of Mesa Planning Division at 480-644-2385.

 MAYOR

ATTEST: _____
 CITY CLERK

DATE: _____