

ORDINANCE NO. 5933

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 ZON24-00638. 121 AND 129 NORTH BEVERLY, APPROXIMATELY 881 FEET NORTH OF THE NORTHEAST CORNER OF EAST MAIN STREET AND NORTH BEVERLY (3± ACRES). REZONE FROM SINGLE RESIDENCE-6 (RS-6) TO MULTIPLE RESIDENCE-4 WITH A PLANNED AREA DEVELOPMENT OVERLAY (RM-4-PAD) 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 ZON24-00638 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 submitted.
2. Compliance with all requirements of Design Review Case No. DRB24-00639.
3. Prior to building permit submittal, review and approval by City of Mesa staff of the proposed major architectural feature provided between every five garages.
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:

Development Standards	Approved
<u>Lot Coverage</u> – MZO Table 11-5-5	78%
<u>Minimum Yards</u> – MZO Table 11-5-5 - Interior Side and Rear: 3 or more units on lot	20 feet minimum (north property line) 8 feet minimum (east property line only) 5 feet (south property line only)
<u>Attached Garages</u> – MZO Section 11-5-5(B)(4)(f)(iii)	The maximum number of garage doors adjacent to one another shall be limited to five (5), unless there is an architectural break in the building façade between garage doors.

Development Standards	Approved
<u>Required Landscape Yard Width – MZO Section 11-33-3(B)(1)(a)(1) & Section 11-33-3(B)(2)(a)(ii)</u> - Non-single residences use adjacent to single residence uses or districts: sites less than five acres <i>(South property line)</i> <i>(North property line)</i> - Non-single residence use adjacent to other non-single residence uses or districts <i>(East property line)</i> <i>(South Property line)</i>	 5 feet 15 feet 8 feet 5 feet
<u>Setback of Cross Drive Aisles – MZO Section 11-32-4(A)</u>	26 feet
<u>Landscape Island Width – MZO Section 11-33-4(B)(2)</u>	1 foot wide
<u>Landscape Island Plant Material – MZO Section 11-33-4(D)(1)(a)</u>	No landscaping
<u>Fences and Freestanding Wall Height – MZO Section 11-30-4(A)(1)(b)</u> -Side and rear yard	8 feet (north property line)

5. Prior to the issuance of any building permit, work with the Parks, Recreation, and Community Facilities Department on, and receive approval for, the design and access of the fence along the southern property line adjacent to Beverly Park.

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 March 2025.

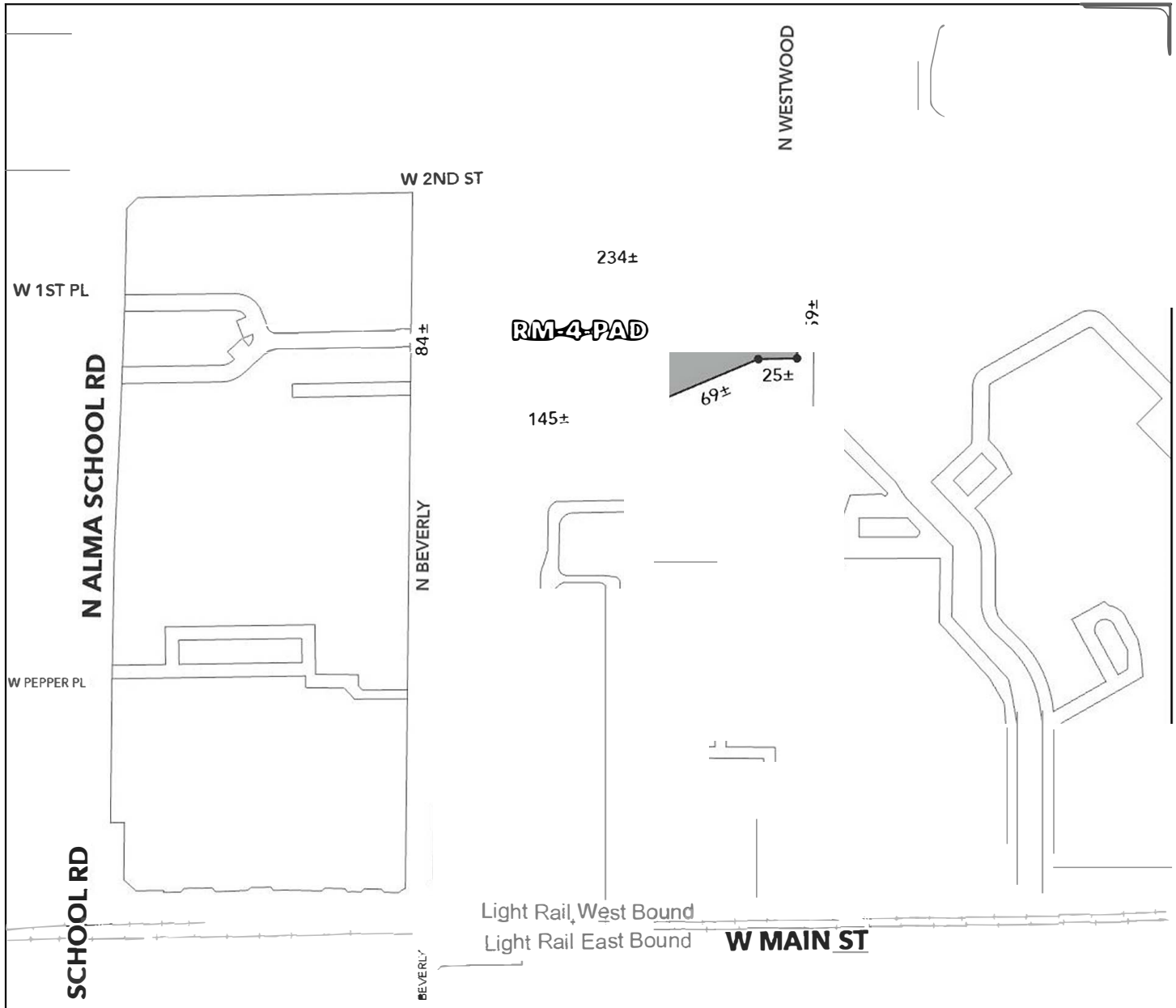
APPROVED:

Mayor

ATTEST:

City Clerk

OFFICIAL SUPPLEMENTARY ZONING MAP AMENDING THE CITY OF MESA ZONING MAP



CASE: ZON24-00638

ACREAGE: 3±

REQUEST: Rezone from Single Residence-6 (RS-6) to Multiple Residence-4 with a Planned Area Development Overlay (RM-4-PAD) and Site Plan Review for a 68-unit multiple residence development.

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