

ORDINANCE NO. 6033

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 ZON24-00708 APPROXIMATELY 270 FEET EAST OF THE NORTHEAST CORNER OF SOUTH POWER ROAD AND EAST GUADALUPE ROAD. (5.0± ACRES). REZONE 5.0± ACRES FROM LIMITED COMMERCIAL WITH A PLANNED AREA OVERLAY (LC-PAD) TO MULTIPLE RESIDENCE-3 WITH A PLANNED AREA DEVELOPMENT OVERLAY (RM-3-PAD); SITE PLAN REVIEW FOR A 78-LOT ATTACHED SINGLE RESIDENCE DEVELOPMENT; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA:

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 ZON24-00708 signed by the Mayor and City Clerk, which accompanies and is attached 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 plotting matrix as submitted.
2. Compliance with all requirements of Design Review Case No. DRB24-00707.
3. Execute and comply with the Development Agreement (DA24-00052), and all future amendments.
4. Prior to the issuance of any building permit, obtain approval of a Preliminary Plat and obtain approval of and record a Final Plat.
5. Compliance with all applicable City development codes and regulations.
6. Installation of all off-site improvements and street frontage landscaping during the first phase of construction.
7. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
 - a. Owner must execute the City's standard Avigation Easement and Release for Phoenix-Mesa Gateway Airport prior to or concurrently with the recordation of the final subdivision map or the issuance of a building permit, whichever occurs first.

- 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. A completed form with a response by the FAA must accompany any building permit application for structure(s) on the property.
 - c. Prior to the issuance of any building permit, provide documentation by a registered professional engineer or registered professional architect demonstrating compliance with the noise level reductions required in Section 11-19-5 of the Mesa Zoning Ordinance.
 - d. Provide written notice to future property owners that the project is within three miles of Phoenix-Mesa Gateway Airport.
 - e. All final subdivision plats must include a disclosure notice in accordance with Section 11-19-5(C) of the Zoning Ordinance which must state in part: "This property, due to its proximity to Phoenix-Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals."
8. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with this PAD overlay as shown in the following table(s):

The following table includes deviations for the overall property:

Development Standards	MZO Required	PAD Proposed
<u>Fences and Freestanding Walls Maximum Height</u> – MZO Section 11-30-4(A)(1)(a): - Front Yards and Required Side Yards (Guadalupe Road):	3.5 feet	6 feet (existing chain link fence to remain)
<u>Screening – Parking Areas</u> – MZO Section 11-30-9(H):	Parking areas and drive aisles shall be screened from street(s) with masonry wall, berm or combination of walls/berms and densely planted landscaping or "vertical wire trellis panels". No more than 40 percent of the screening shall be accomplished with dense landscaping	Drive aisles will not be screened from Guadalupe Road

The following table includes deviations for the individual lots:

Development Standards	MZO Required	“Side by Side” Units PAD Proposed	“Front to Back” Units PAD Proposed
Minimum Lot Area – <i>MZO Table 11-5-5:</i>	6,000 square feet	1,575 square feet	1,984 square feet
Minimum Lot Depth – <i>MZO Table 11-5-5:</i>	94 feet	63 feet	64 feet
Maximum Lot Coverage – <i>MZO Table 11-5-5:</i>	70%	83%	88%
Minimum Yards – <i>MZO Table 11-5-5:</i> - Front and Street-Face Side: - Rear: 1 or 2 units on lot:	20 feet 15 feet	3 feet, 6-inches to garage and livable 9 feet, 6-inches	12 feet to livable and 18 feet to garage 0 feet
Maximum Building Coverage – <i>MZO Table 11-5-5:</i>	50%	69%	53%
Setback adjacent to RS District – <i>MZO Section 11-5- 5(A)(1)(a):</i> - North Property Line: - East Property Line:	30 feet (minimum 15 feet per story) 30 feet (minimum 15 feet per story)	10 feet, 8-inches 9 feet, 5-inches	NA Meets Code
Attached Single Residences, End Units – <i>MZO Section 11-5- 5(A)(1)(c)(i):</i>	10 feet	4 feet	NA Meets Code

Development Standards	MZO Required	“Side by Side” Units PAD Proposed	“Front to Back” Units PAD Proposed
Attached Single Residences, Minimum Setback for Building Not Placed on a Zero-Setback Line – <i>MZO Section 11-5- 5(A)(1)(c)(ii):</i>	10 feet	4 feet	0 feet (units adjacent to common open space area)
Additional Standards for Private Open Space, Accessibility and Location – <i>MZO Section 11-5- 5(A)(3)(e)(i)(1):</i> - Minimum dimension for ground level private open space:	10 feet	9 feet, 5 inches	NA Meets Code
Additional Standards for Private Open Space, Accessibility and Location – <i>MZO Section 11-5- 5(A)(3)(e)(ii):</i> - Minimum percent of covered private open space:	At least 50% of 120 square feet	42% (50 square feet) of 120 square feet	0% of 120 square feet
Site Planning and Design Standards, Building Entrance, – <i>MZO Section 11-5- 5(B)(3)(c):</i> Projection or Recess – Unit entrance dimensions for roofed projection or recess: - Minimum depth: - Minimum horizontal area:	5 feet 50 square feet	3.5 feet 25 square feet	3.5 feet 25.4 square feet

Development Standards	MZO Required	“Side by Side” Units PAD Proposed	“Front to Back” Units PAD Proposed
Site Planning and Design Standards, Access, Circulation and Parking, – MZO Section 11-5-5(B)(4)(f)(ii): - Attached Garages, Multi-Story Buildings – Garage doors located below upper story living space shall be recessed:	At least 3 feet from upper story façade	At least 2 feet from upper story facade	NA Meets Code

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, on October 5, 2026.

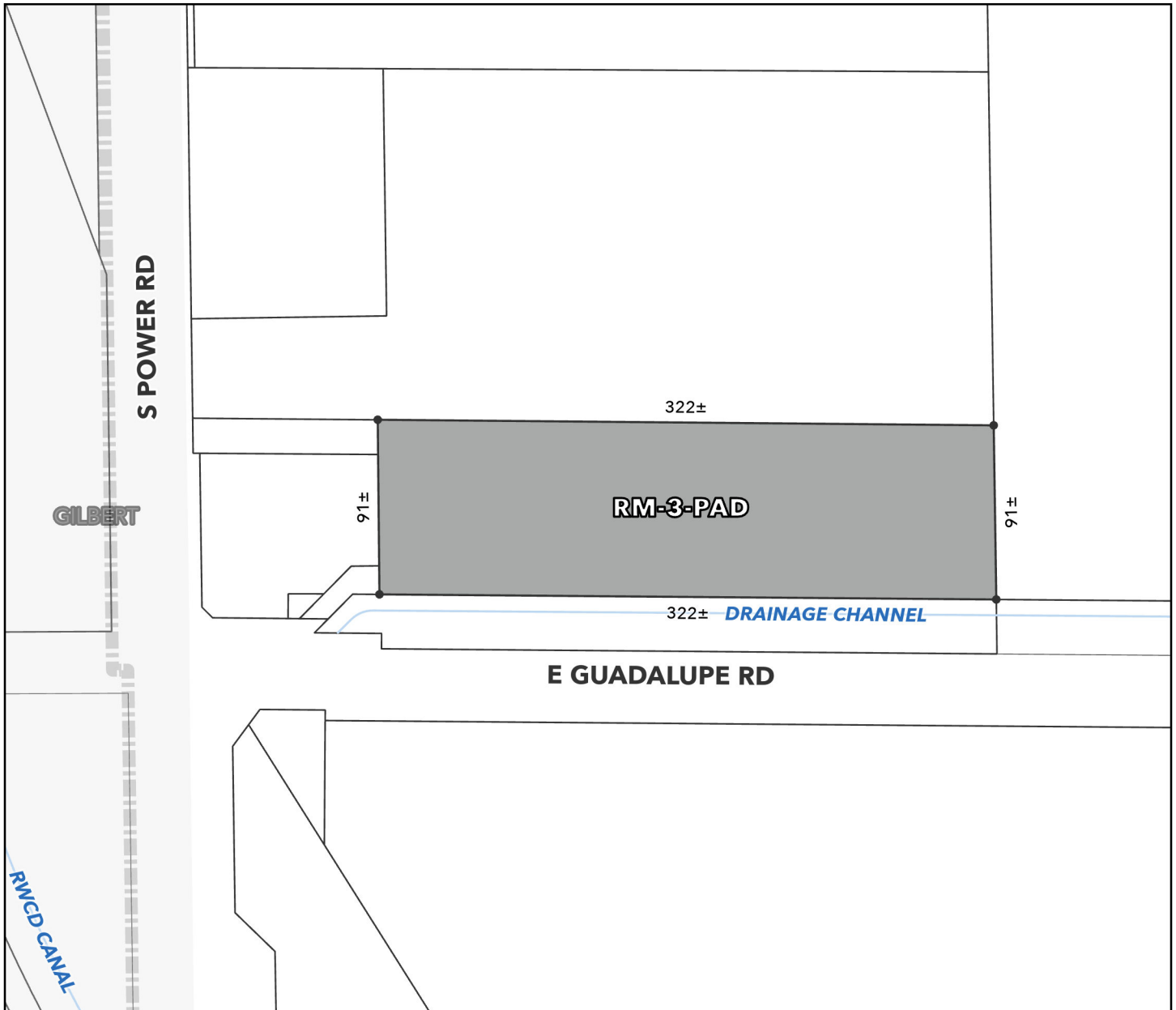
Mark Freeman, Mayor

Attest:

Holly, Moseley, City Clerk



OFFICIAL SUPPLEMENTARY ZONING MAP AMENDING THE CITY OF MESA ZONING MAP



CASE: ZON24-00708

ACREAGE: 5±

REQUEST: Rezone from Limited Commercial with Planned Area Development Overlay (LC-PAD) to Multiple Residence-3 with a Planned Area Development Overlay (RM-3-PAD) and Site Plan Review. This request will allow for a 78-lot attached single residence development.

ORDINANCE: _____

Please be advised that the attached zoning changes were approved by the Mesa City Council on _____, 2026 by Ordinance # _____. If you have any questions concerning these changes, contact the City of Mesa Planning Division at 480-644-2385.

MAYOR

ATTEST: _____
CITY CLERK

DATE: _____