

ORDINANCE NO. 5841

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 ZON22-00054. WITHIN THE 3600 TO 3800 BLOCKS OF EAST THOMAS ROAD (SOUTH SIDE), WITHIN THE 3400 TO 3600 BLOCKS OF NORTH VAL VISTA DRIVE (BOTH SIDES). LOCATED SOUTH OF THOMAS ROAD ON THE EAST AND WEST SIDES OF VAL VISTA DRIVE. (17.7± ACRES TOTAL). REZONE 13.8± ACRES FROM SINGLE RESIDENCE-6 WITH A PLANNED AREA DEVELOPMENT OVERLAY (RS-6-PAD) TO MULTIPLE RESIDENCE-2 WITH A PLANNED AREA DEVELOPMENT OVERLAY (RM-2-PAD). THIS REQUEST WILL CORRECT THE ORDINANCE MAP FOR ORDINANCE NO. 5683; REZONE 1.0± ACRES FROM MIXED USE WITH A PLANNED AREA DEVELOPMENT OVERLAY (MX-PAD) TO SINGLE RESIDENCE-6 WITH A PLANNED AREA DEVELOPMENT OVERLAY (RS-6-PAD). THIS REQUEST WILL MODIFY THE PIONEER CROSSING PLANNED AREA DEVELOPMENT OVERLAY; REZONE 2.91± ACRES FROM MIXED USE WITH A PLANNED AREA DEVELOPMENT OVERLAY (MX-PAD) TO MIXED-USE WITH A PLANNED AREA DEVELOPMENT OVERLAY (MX-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 ZON22-00054 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.
- 3. Portable Storage Containers (PSCs) are permitted in accordance with MZO Section 11-30-16.
- 4. Compliance with all City development codes and regulations.
- 5. Compliance with all conditions of approval of Ordinance No. 5683, except comply with the PAD Development Standards approved with this request for Development Parcels B and E, as shown in the following table, instead of the PAD Development Standards approved for Development Parcels B and E with Ordinance No. 5683.

Table 1: Development Standards – RS-6

Development Standards	Development Parcel B - RM-2 Approved
Minimum Lot Area – <i>MZO Table 11-5-5</i>	5,175 square feet

Development Standards	Development Parcel B - RM-2 Approved
<u>Minimum Yards</u> – MZO Table 11-5-5 - <i>Front and Street-Facing Side, Local Street</i>	10 feet to livable, porches, and side-facing garages 18 feet to front facing garages/carports
<u>Maximum Building Coverage</u> – MZO Table 11-5-5	55%
<u>Building Entrance</u> – MZO Section 11-5-5(B)(3)(c) - <i>Projection or Recess</i>	Building entrances and individual exterior unit entrances must have roofed projection or recess with minimum depth of 4.5 feet and minimum horizontal area of 50 square feet (Plan 3502 only)
<u>Access, Circulation and Parking</u> – MZO Section 11-5-5(B)(4)(f) - <i>Attached Garages, Multi-Story Buildings</i>	Garage doors located below upper-story living space shall not be required to be recessed from upper story façade. However, garage doors shall be recessed 3 feet from ground floor porches (Plans 3503 & 3504 only)
<u>Materials</u> – MZO Section 11-5-5(B)(5)(b)	Spanish elevations must contain at least one primary exterior material. All other models must contain at least two primary exterior materials. Use of the second primary material may be reduced to a minimum 6% of the exterior wall provided that 3 additional architectural elements as listed in the Pioneer Crossing Design Guidelines
<u>Minimum Garage Dimensions</u> – MZO Section 11-32-4(F)	19 feet wide x 22 feet long (Plans 3501 & 3502 only)
<u>Maximum Fence Height</u> – MZO Section 11-30-4(A)(1)(b) - <i>Rear Yards</i>	7 feet for lots adjacent to Thomas Road only

Table 2: Development Standards – RS-6

Development Standards	Development Parcel E – RS-6 Approved
<u>Minimum Lot Width</u> – MZO Table 11-5-3.A.1	39 feet
<u>Maximum Lot Coverage</u> – MZO Table 11-5-3.A.1	75%

Development Standards	Development Parcel E – RS-6 Approved
<u>Maximum Building Coverage</u> – <i>MZO Table 11-5-3.A.1</i>	75%
<u>Minimum Yards</u> – <i>MZO Table 11-5-3.A.1</i> - Rear	10 feet
<u>Minimum Yards</u> – <i>MZO Table 11-5-3.A.1</i> - Interior Side (North) (South)	0 feet 5 feet
<u>Accessory Dwelling Unit</u> – <i>MZO Section 11-31-3</i>	The maximum floor area of an Accessory Dwelling Unit shall not exceed 5,420 square feet

Table 3: Development Standards – MX

Development Standards	Development Parcel E – MX Approved
<u>Ground Floor Transparency</u> – <i>MZO Table 11-6-3.B</i>	Not Required
<u>Minimum Front and Street-Facing Setback</u> – <i>MZO Table 11-6-3.B</i>	0 feet
<u>Maximum Front and Street-Facing Setback</u> – <i>MZO Table 11-6-3.B</i>	No maximum
<u>Minimum Interior Side and Rear Setback</u> – <i>MZO Table 11-6-3.B</i> - Adj. to RS district (1 story)	0 feet, as shown on the site plan
<u>Minimum Building Separation</u> – <i>MZO Table 11-6-3.B</i>	11 feet
<u>Required Landscape Yards</u> – <i>MZO Section 11-33-3</i> - Non-single residential uses adjacent to single residence - Non-single residential uses <i>adjacent to adjacent to other non-single residence</i>	0 feet, as shown on the site plan 5 feet, as shown on the site plan
<u>Setback of Cross Drive Aisles</u> – <i>MZO Section 11-32-4</i>	Parking spaces along main drive aisles connecting directly to a street and drive aisles that cross such main drive aisles shall be set back at least 30 feet from the property line abutting the street.

Development Standards	Development Parcel E – MX Approved
<u>Landscape Islands –</u> <i>MZO Section 11-33-4</i>	Parking lot landscape islands shall be installed at each end of a row of stalls and in between for maximum 11 contiguous parking spaces.
<u>Required Parking Spaces by Use –</u> <i>MZO Section 11-32-3</i> - Total Required Spaces for Banquet and Conference Centers and Limited Service Restaurants	68 spaces

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 22nd day of January, 2024.

APPROVED:

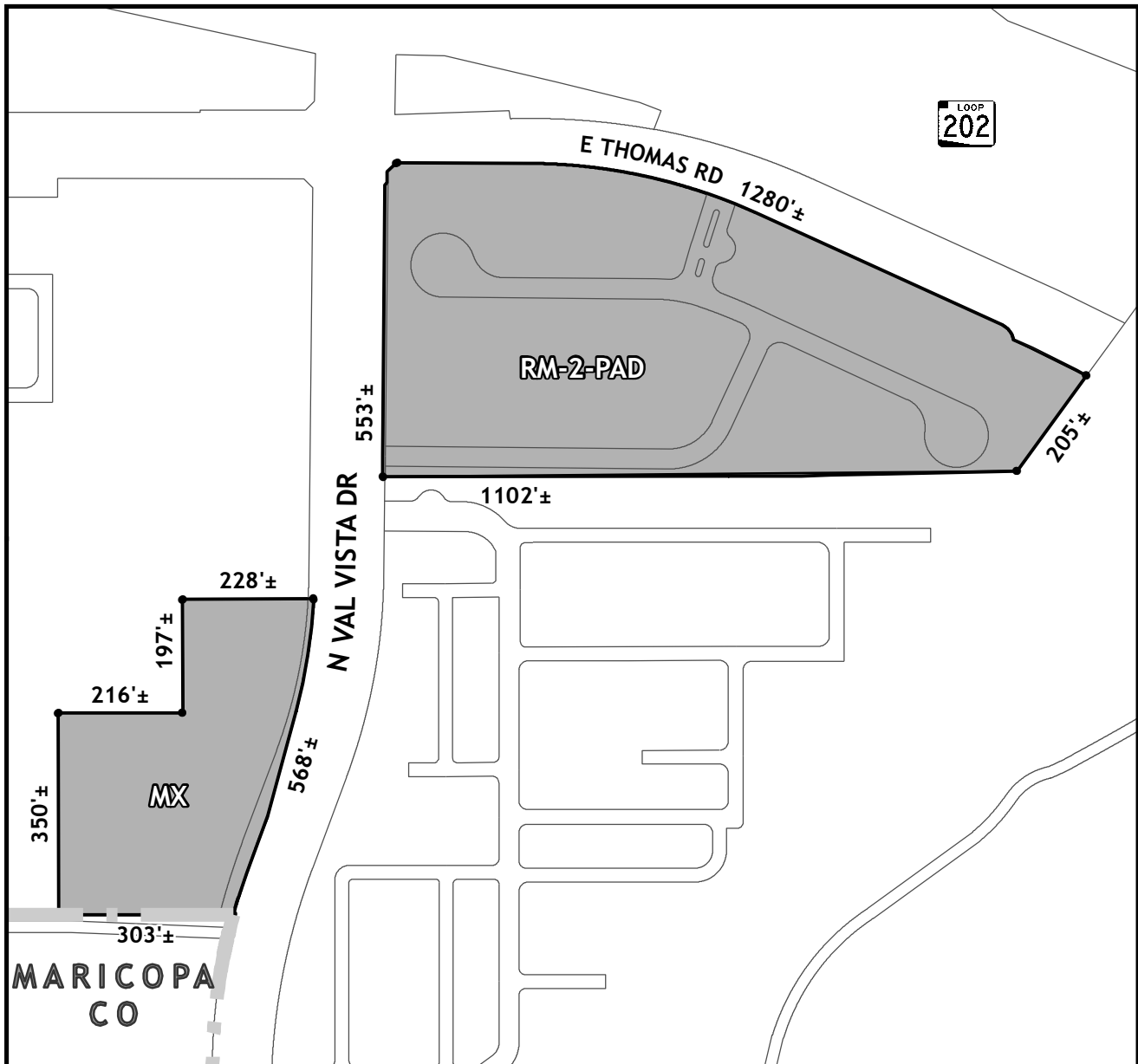
Mayor

ATTEST:

City Clerk



OFFICIAL SUPPLEMENTARY ZONING MAP AMENDING THE CITY OF MESA ZONING MAP



CASE: ZON22-00054

ACREAGE: 17.7±

REQUEST: Rezone 13.8± acres from Single Residence-6 with a Planned Area Development overlay (RS-6-PAD) to Multiple Residence-2 with a Planned Area Development overlay (RM-2-PAD). This request will correct the ordinance map for Ordinance No. 5683. Rezone 2.91± acres from Mixed Use with a Planned Area Development overlay (MX-PAD) to Mixed Use with a Planned Area Development overlay (MX-PAD) and Site Plan Review; Rezone 1.0± acres from Mixed Use with a Planned Area Development overlay (MX-PAD) to Single Residence-6 with a Planned Area Development overlay (RS-6-PAD).

ORDINANCE: 5841

Please be advised that the attached zoning changes were approved by the Mesa City Council on January 22, 2024 by Ordinance # 5841. If you have any questions concerning these changes, contact the City of Mesa Planning Division at 480-644-2385.

ATTEST: _____ DATE: _____

MAYOR

CITY CLERK