

ORDINANCE NO. 5032

Text written in **BOLD ALL CAPS** indicates new language. Strikethrough fonts indicate proposed language to be deleted.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA AMENDING TITLE 11 OF THE MESA CITY CODE BY THE ADDITION OF A NEW CHAPTER 12.2 – DOWNTOWN EVENTS (DE) OVERLAY DISTRICT, AND AMENDING SUB-SECTIONS 11-2-1(H) AND 11-13-2(P), ALL PERTAINING TO THE NUMBER OF SPECIAL EVENTS THAT MAY OCCUR ON A SITE DURING A CALENDAR YEAR, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

**WHEREAS**, special events have been used to successfully promote the downtown area, help in creating an identity for the downtown area, and foster a sense of community for the entire city; and

**WHEREAS**, when carefully monitored for adverse effects, special events held in downtown have proven to generally be compatible with existing land uses and activities; and

**WHEREAS**, an economically sound downtown area provides useful employment and recreation opportunities for citizens of Mesa; and

**WHEREAS**, the Planning and Zoning Board held a hearing and determined that amending the zoning ordinance will provide allowances for an increased number of special events would further the goals of promoting an economically sound downtown area, while still protecting the public, health, safety and welfare of the residents and children from the secondary adverse impacts; and

**WHEREAS**, the City Council has determined that, for the reasons set forth above and for the purpose of protecting the public health, safety and welfare of the residents and visitors of Mesa, it is in the best interests of the City to amend the City Zoning Ordinance as provided herein.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA** as follows:

Section 1: That Title 11 of the Mesa City Code is hereby amended to include the addition of a new chapter, Chapter 12.2, as written below:

**CHAPTER 12.2: DOWNTOWN EVENTS (DE) OVERLAY ZONING DISTRICT**

**11-12.2-1 PURPOSE AND INTENT**

**THE PURPOSE OF THIS CHAPTER IS TO RECOGNIZE THAT TEMPORARY EVENTS OF A CIVIC AND COMMERCIAL NATURE FOSTER AND ENCOURAGE A SENSE OF COMMUNITY. SPECIAL EVENTS, SUCH AS CARNIVALS, RODEOS, FESTIVALS, PARADES AND OTHER TEMPORARY ACTIVITIES ENCOURAGE THE GATHERING OF CITIZENS OF THE COMMUNITY FOR COMMUNITY, CIVIC, RECREATIONAL, COMMERCIAL AND PROMOTIONAL REASONS. WHEN HELD IN THE DOWNTOWN AREA, SPECIAL EVENTS BENEFIT THE CITIZENS AND VISITORS OF MESA AND FURTHER THESE GOALS AND OBJECTIVES.**

**11-12.2-2 DESCRIPTION OF OVERLAY DISTRICT BOUNDARIES**

**THIS OVERLAY DISTRICT SHALL BE THE AREA SHOWN ON MAP 11-12.2-2, AND BE BOUNDED:**

- 1. ON THE NORTH BY THE NORTH RIGHT-OF-WAY LINE FOR 1<sup>ST</sup> STREET, AND**
- 2. ON THE WEST BY THE WEST RIGHT-OF-WAY LINE FOR COUNTRY CLUB DRIVE, AND**
- 3. ON THE EAST BY THE EAST RIGHT-OF-WAY LINE FOR NORTH CENTENNIAL WAY AND SOUTH SIRRINE, AND**



Section 3: That Sub-section 11-13-2(P) of the Mesa City Code is hereby amended as follows:

**SECTION 11-13-2: SUPPLEMENTARY PROVISIONS**

(P) Special Events.

1. Special events as defined in **Section 11-1-6 OF** this Ordinance are permitted in all zoning districts, provided:
  - (a) The event is licensed in accordance with the provisions of Title 5 of the Mesa City Code; and
  - (b) The duration of the event does not exceed the time period specified in the special event license or a maximum of four (4) consecutive days, whichever is less; and
  - (c) **THE NUMBER OF EVENTS: No more than four (4) events are**
    - I. **SHALL NOT EXCEED FOUR (4) WHEN** conducted on the same premises during the calendar year **FOR LOCATIONS OUTSIDE OF THE DOWNTOWN EVENTS OVERLAY ZONING DISTRICT AS DESCRIBED IN CHAPTER 12.2 OF THIS ORDINANCE.**; and
    - II. **IS NOT LIMITED WITHIN THE DOWNTOWN EVENT OVERLAY ZONING DISTRICT, AS DESCRIBED IN CHAPTER 12.2 OF THIS ORDINANCE.**
  - (d) The site of the event is adequately served by utilities and sanitary facilities; and
  - (e) The event will not become a safety hazard or public disturbance and will not cause substantial adverse impacts on surrounding properties or land uses by creating excessive noise, glare, heat, dust, odors, or pollutants as determined by the Planning Director or Fire Department.
2. Special events shall be conducted only on a lot having a paved parking surface with permanent driveway access. Decomposed granite or ABC surfacing may be substituted for paving subject to approval by the Planning Director and Fire Department.
3. Facilities, structures, and utilities shall be installed and maintained in conformance with all applicable building, fire, traffic, and zoning regulations.
4. The time periods specified in 1(b) and (c) of this Subsection may be exceeded only as authorized by approval of a Special Use Permit in accordance with the Administration and Procedures chapter of this Ordinance.

Section 3: SEVERABILITY

If any section, subsection, sentence clause, phrase or portion of this Ordinance or any part of the material adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of a Court of competent jurisdiction such decision shall not affect the validity of the remaining portions thereof.

Section 4: PENALTY.

CIVIL PENALTIES:

Upon finding that a person is responsible for a civil violation of this Title, the Civil Hearing Officer shall impose a civil sanction of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each violation. In determining the appropriate sanction the Civil Hearing Officer may

assess against the responsible party the City's personnel, mailing, and other costs incurred in investigating and hearing the case, not to exceed a maximum of five hundred dollars (\$500.00).

**EACH DAY SEPARATE VIOLATION:**

Each day in which a violation of this Title continues, or the failure to perform any act or duty required by this Title or by the Civil Hearing Officer continues, shall constitute a separate civil offense.

**HABITUAL OFFENDER:**

- A. A person who commits a violation of this Title after previously having been found responsible for committing three (3) or more civil violations of this Title 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 criminal misdemeanor. The Mesa City Prosecutor is authorized to file a 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 Subsection, 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 21<sup>st</sup> day of March, 2011.

APPROVED:



\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



EFFECTIVE DATE: