

ORDINANCE NO. 5051

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, PERTAINING TO THE ZONING ORDINANCE OF THE MESA CITY CODE; REPEALING TITLE 11 OF THE MESA CITY CODE; PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS WHICH HAVE ALREADY BEGUN THERE UNDER; ADOPTING A NEW TITLE 11, BY REFERENCE; RETAINING THE EXISTING OFFICIAL ZONING MAP AND ALL CONDITIONS ATTACHED TO IT BY PRECEDING SPECIAL ZONING ORDINANCES; REVISING THE NAMES AND ABBREVIATIONS USED TO DESIGNATE THE DISTRICTS DESCRIBED BY THE OFFICIAL ZONING MAP; REVISING THE ALLOWED LAND USES IN AGRICULTURE, SINGLE RESIDENCE, MULTIPLE RESIDENCE, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS; ESTABLISHING NEW RESIDENTIAL SMALL LOT DISTRICTS, NEW INFILL DISTRICTS, A NEW MIXED USE DISTRICT AND A NEW HEAVY INDUSTRIAL DISTRICT; REVISING ON-SITE LANDSCAPING, PARKING AND DEVELOPMENT STANDARDS ASSOCIATED WITH EACH ZONING DISTRICT; REVISING SUCH RULES AND REGULATIONS AS MAY BE PERMITTED OF MUNICIPALITIES BY FEDERAL LAW REGARDING LOCAL STANDARDS FOR THE PLACEMENT, DESIGN AND USE OF TELECOMMUNICATIONS EQUIPMENT; ESTABLISHING NEW AND REVISING EXISTING REVIEW PROCESSES AND PROCEDURES USED TO EFFECTUATE AND IMPLEMENT THIS NEW TITLE 11, ALSO KNOWN AS THE MESA ZONING ORDINANCE; AND PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF.

WHEREAS: on November 5, 2002, voters of the City of Mesa approved the Mesa 2025 General Plan (General Plan); and

WHEREAS, one of the stated goals of the General Plan is an update of the Mesa Zoning Ordinance that better reflects the policies, goals and objectives found in the General Plan; and

WHEREAS, the Mesa City Council has determined that reformatting and reorganizing the Mesa Zoning Ordinance will result in a zoning ordinance that is easier to understand and use; and

WHEREAS, removing unnecessary public hearings and reviews for projects that meet stated goals and requirements will facilitate desired development; and

WHEREAS, facilitating the development of by-passed parcels will reduce the need to expand utility infrastructure, and encourage reinvestment into older neighborhoods; and

WHEREAS, setting fixed but achievable levels of high quality design standards provides a predictable outcome to both affected residents and developers; and

WHEREAS, providing several choices of styles of neighborhoods and housing types are beneficial to Mesa residents by addressing questions of diversity and variety in matters of personal choice; and

WHEREAS, the continued development of commercial and industrial activities along with moderate growth of residential neighborhoods balances the ratio of the number of jobs to number of residences, and leads to a more economically sustainable future for Mesa residents; and

WHEREAS, accounting for a diverse set of transportation options, setting meaningful but achievable development quality requirements, and encouraging the mixing of uses on the same or adjacent sites will reduce detrimental impacts on the environment, and otherwise enhance the overall environmental quality of the City; and

WHEREAS, allowing administrative remedies for common issues provides quicker service and encourages predictable outcomes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That the present Title 11 of the Mesa City Code be repealed, with the exception that the Official Zoning Map as specified in Section 11-2-2(A) of the present Title 11 be retained in its existing form, including retention of all conditions imposed by previous special ordinances in conjunction with amendments to the Zoning Map, and which are referenced by separate files kept and maintained in the Mesa Planning Division Office, and retention of all districts with existing boundaries, and excepting that the names and abbreviations used to describe each districts shall be revised as described in Section 4 of this Ordinance.

Section 2: That the certain document known as the Amended Final Draft of the Zoning Ordinance Update, was presented, reviewed and unanimously recommended, as amended, for approval by the Planning and Zoning Board at the hearing held on April 20, 2011. A similar document, without amendments, was reviewed and recommended for approval by the Design Review Board at the open meeting held on April 3, 2011. Public Hearings were held and public testimony was received by the Planning and Zoning board on March 23, 2011 and April 20, 2011. The Design Review Board held open meetings on March 2, 2011 and April 3, 2011.

Section 3: That the certain document known as the "Amended Final Draft of the Mesa Zoning Ordinance Update, dated 7-7-11, three copies of which are on file on the Office of the City Clerk of the City of Mesa, which document was made a public record by Resolution No. 9890, of the City of Mesa, Maricopa County, Arizona, in addition to the Official Zoning Map, is hereby referred to and adopted with the Title "Zoning Ordinance" as the new Title 11 of the Mesa City Code as fully set forth in this section.

Section 4: That the names and abbreviations used to describe each zoning district on the Official Zoning Map of the City of Mesa shall be revised in the manner described by the following schedule, without change to the approved territories and boundaries of the districts:

Present Abbreviation	Present Zoning District Name	Revised Zoning District Name	Revised Abbreviation
Base Zoning Districts			
AG	Agriculture	Agriculture	AG
R1-90	Rural Single Residence	Rural Single Residence	RS-90
R1-43	Rural Single Residence	Rural Single Residence	RS-43
R1-35	Estate Single Residence	Estate Single Residence	RS-35
R1-15	Suburban Single Residence	Suburban Single Residence	RS-15
R1-9	Urban Single Residence	Urban Single Residence	RS-9
R1-7	Urban Single Residence	Urban Single Residence	RS-7
R1-6	Urban Single Residence	Urban Single Residence	RS-6
R-2	Restricted Multiple Residence	Restricted Multiple Residence	RM-2
R-3	Limited Multiple Residence	Limited Multiple Residence	RM-3

Present Abbreviation	Present Zoning District Name	Revised Zoning District Name	Revised Abbreviation
R-4	General Multiple Residence	General Multiple Residence	RM-4
Base Zoning Districts (continued)			
O-S	Office Service	Office Commercial	OC
C-1	Neighborhood Commercial	Neighborhood Commercial	NC
C-2	Limited Commercial	Limited Commercial	LC
C-3	General Commercial	General Commercial	GC
PEP	Planned Employment Park	Planned Employment Park	PEP
M-1	Limited Industrial	Limited Industrial	LI
M-2	General Industrial	General Industrial	GI
PC	Planned Community	Planned Community	PC
TCR-1	Town Center Residence	Downtown Residence-1	DR-1
TCR-2	Town Center Residence	Downtown Residence-2	DR-2
TCR-3	Town Center Residence	Downtown Residence-3	DR-3
TCB-1	Town Center Business-1	Downtown Business-1	DB-1
TCB-2	Town Center Business-2	Downtown Business-2	DB-2
TCC	Town Center Core	Downtown Core	DC
PF	Public Facility	Public/Semi-Public	PS
Overlay Zoning Districts			
(Base Zoning)-AF	Air Field Overlay	Air Field Overlay	(Base Zoning)-AF
(Base Zoning)-AS	Age Specific Overlay	Age Specific Overlay	(Base Zoning)-AS
(Base Zoning)-BIZ	Bonus Intensity Zone Overlay	Bonus Intensity Zone Overlay	(Base Zoning)-BIZ
(Base Zoning)-DMP	Development Master Plan Overlay	Planned Area Development Overlay	(Base Zoning)-PAD
(Base Zoning)-HL	Historic Landmark Overlay	Historic Landmark Overlay	(Base Zoning)-HL
(Base Zoning)-HP	Historic Preservation Overlay	Historic District Overlay	(Base Zoning)-HD
(Base Zoning)-PAD	Planned Area Development Overlay	Planned Area Development Overlay	(Base Zoning)-PAD

Section 5: DELAYED EFFECTIVE DATE. This Ordinance shall become effective at 12:01a.m. on September 3, 2011.

Section 6: REPEAL.

That all Ordinances or parts of Ordinances, and all sections of the Mesa City Code or parts of such sections in conflict herewith, are hereby repealed effective immediately upon the Amended Final Draft of the Mesa Zoning Ordinance taking effect; provided that such repeal shall not:

- A. Affect suits pending, or rights and duties that matured or were existing, or penalties that were incurred and proceedings that were begun immediately prior to the effective date of this Ordinance;
- B. Impair, void or affect a grant or conveyance made, or any right acquired, or a cause of action now existing under such repealed portions.

Section 7: 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 8: PENALTY.

CIVIL PENALTIES:

Upon finding that a person is Responsible, whether by admission, default or after a hearing, for a civil violation of this Title, the Civil Hearing Officer shall impose a civil sanction of not less than \$150.00 nor more than one thousand five hundred dollars (\$1500.00) for each violation. A second finding of responsibility within 24 months of the commission of a prior violation of this Chapter 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 Chapter shall result in a civil sanction of not less than \$500 or more than \$2,500. 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, based upon the applicable fees and charges set forth in the City's Development and Sustainability Department (Code Compliance) Schedule of Fees and Charges.

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.

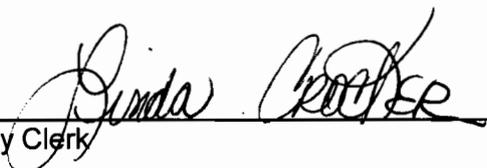
PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA,
this 7th day of July, 2011.

APPROVED:



Mayor

ATTEST:



City Clerk

