

ORDINANCE NO. 5300

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, PERTAINING TO THE ZONING ORDINANCE OF THE MESA CITY CODE; AMENDING SECTION 11-7-2, REGARDING BANQUET AND CONFERENCE CENTERS AS A PERMITTED LAND USE CLASSIFICATION IN EMPLOYMENT ZONING DISTRICTS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the City Council has determined that activities related to Banquet and Conference Centers are a compatible land use with other commercially related land uses; and

WHEREAS, Banquet and Conference Centers may also be compatible with some Employment related land uses when reviewed for designs and locations that limit detrimental impacts on surrounding land uses;

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

Section 1: That Table 11-7-2 of Section 11-7-2 of the Mesa City Code is hereby amended to add Banquet and Conference Centers as a land use activity subject to the requirements listed as follows:

Table 11-7-2: Employment Districts (excerpted)					
Commercial Use Classifications					
<i>Proposed Use</i>	<i>PEP</i>	<i>LI (M-1)</i>	<i>GI (M-2)</i>	<i>HI</i>	<i>Additional Use Regulations</i>
Animal Sales and Services					
Kennels	--	P	P	--	
Pet Stores	--	P	P	--	
Veterinary Services	P	P	P	--	
Artists' Studios	P	P	P	P/SUP (6)	
Automobile/Vehicle Sales and Services					
Automobile Rentals	SJP	P	P	--	Section 11-31-5, Automobile Rentals;
Automobile/Vehicle Sales and Leasing	--	P	P	--	Automobile/Vehicle Sales and Leasing
Automobile/Vehicle Repair, Major	--	P	P	--	Section 11-31-6, Automobile/Vehicle Repair; Major and Minor
Automobile/Vehicle Service and Repair, Minor	--	P	P	--	
Automobile/Vehicle Washing	SJP	P	P	--	Section 11-31-7, Automobile/Vehicle Washing
Large Vehicle and Equipment Sales, Services, and Rental	--	P	P	--	Section 11-31-5, Automobile Rentals; Automobile/Vehicle Sales and Leasing

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Commercial Use Classifications					
<i>Proposed Use</i>	<i>PEP</i>	<i>LI (M-1)</i>	<i>GI (M-2)</i>	<i>HI</i>	<i>Additional Use Regulations</i>
Service Station	SUP	SUP	SUP	--	Section 11-31-25, Service Stations
Towing and Impound	--	SUP	SUP	CUP	
Banks and Financial Institutions	P	P	P	--	
With Drive-Thru Facilities	SUP	P	P	--	
BANQUET AND CONFERENCE CENTERS	SUP	SUP	--	--	
Building Materials and Services	--	P	P	--	
Business Services	P	P	P	P/SUP (6)	
Commercial Recreation					
Small-Scale	P(10, 12)	P (10, 12)	--	--	
Large-Scale	SUP (10, 12)	P (10, 12)	--	--	
Eating and Drinking Establishments					
Bars/Clubs/Lounges	P	P	P	--	Section 11-31-19, Outdoor Eating Areas
Coffee Shops/Cafes	P	P	P	P/SUP (6)	
Restaurants, Bar and Grill	P	P	P	P/SUP (6)	
Restaurants, Full-Service	P	P	P	P/SUP (6)	
Restaurants, Limited Service	P	P	P	P/SUP (6)	
With Drive-Thru Facilities	P	P	P	SUP	
With Outdoor Seating Areas	P (10,11)	P (10,11)	P (10,11)	SUP	
Off-track Betting	P(14, 15)	P (14, 15)	--	--	
With Live Entertainment	P	P	--	--	
Farmer's Market	TUP/SUP	--	--	--	Section 11-31-30, Temporary Uses
Food and Beverage Sales					
Convenience Market	P/SUP(1)	P(1,7)	P(1,7)	P/SUP (6)	Section 11-31-11, Convenience Markets
Funeral Parlors and Mortuaries	SUP	P	P	P	
Hotels and Motels	P	P	P	--	
Laboratories	P	P	P	P	
Light Fleet-Based Services	--	P	P	P	
Live-Work Units	SUP (10,11)	SUP (10,11)	SUP (10,11)	--	Section 11-31-17, Live Work Units
Maintenance and Repair Services	--	P	P	--	
Medical Marijuana Dispensaries	--	P	P	--	Section 11-31-34
Medical Marijuana Cultivation Facilities (Accessory to Medical Marijuana Dispensaries)	--	P	P	--	
Medical Marijuana Cultivation Facilities	--	P	P	--	
Offices					
Business and Professional	P	P	P	--	

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Medical and Dental	P	P	P	--	
Parking, Commercial	--	P	P	P	
Personal Services	P(2)	P	P	P/SUP (6)	
Plant Nurseries and Garden Centers	SUP	P	P	SUP	
Retail Sales					
General	P	P	P	--	
Large Format	P(8)	CUP	--	--	Section 11-31-16, Large Format Retail
Swap Meets and Flea Markets	--	CUP	CUP	--	Section 11-31-30, Temporary Uses: Swap Meets and Farmer's Markets
Tattoo and Body Piercing Parlors	--	P	P	--	

Section 2: 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 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 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 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 of subsection (A) 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 3 or more civil violations of this Ordinance within a 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 criminal class 1 complaint in the Mesa City Court against habitual offenders. For purposes of calculating the 24-month period under this paragraph, 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 or incarceration not to exceed 6 months in jail; or a fine not to exceed \$2,500, exclusive of penalty assessments prescribed by law; or both. The Court shall order a person who has been convicted of a violation of this Section to pay a fine of not less than \$500 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 Subsection.
- 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 28th day of September, 2015.



APPROVED:



Mayor

ATTEST:



City Clerk

EFFECTIVE DATE: October 28, 2015