

Text written in  
**BOLD ALL CAPS**

indicates new  
language.

~~Strikethrough~~ fonts  
indicate proposed  
language to be  
deleted.

ORDINANCE NO. \_\_\_\_\_

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 11-32-3(C), THE REGULATIONS FOR PARKING SPACES REQUIRED WHICH WOULD ALLOW AN EXCEPTION TO THE MAXIMUM PARKING SPACE RATIO FOR CERTAIN OFFICE DEVELOPMENTS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Mesa City Council finds that increasing the maximum parking space ratio for certain office developments is beneficial and facilitates development and redevelopment of offices.

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

Section 1: That Section 11-32-3(C) of the Mesa City Code is hereby amended as follows:

C. **Maximum Parking Spaces.** The number of parking spaces provided by any development in surface parking lots shall not exceed 125% of the minimum required spaces in [Table 11-32-3\(A\)](#), except as follows:

1. **OFFICE DEVELOPMENTS MAY PROVIDE HIGHER PARKING RATIOS NOT TO EXCEED 8 SPACES PER 1,000 SQUARE FEET GFA WHEN THE OFFICE DEVELOPMENT INCLUDES THE FOLLOWING:**

**A. A MINIMUM OF 60,000 SQUARE FEET.**

**B. THE MINIMUM DENSITY RATIO OF EMPLOYEES PER GROSS FLOOR AREA SHALL BE 1 EMPLOYEE PER 200 SQUARE FEET.**

- ~~1.2.~~ Parking within the building footprint of a structure (e.g., rooftop parking, below grade parking, multi-level parking structure);
- ~~2.3.~~ When a change in use to an existing development causes a lower parking requirement;
- ~~3.4.~~ Parking spaces managed for shared parking;
- ~~4.5.~~ An [Administrative Use Permit](#) is required to provide more surface parking than the maximum standard and additional landscape is required in compliance with [Section 11-33-4](#), Interior Parking Lot Landscaping.
- ~~5.6.~~ Phased projects do not need to comply with the maximum parking space requirement until the final phase is constructed.

## 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 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 4<sup>th</sup> day of May, 2015.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

EFFECTIVE DATE: June 4, 2015