

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING MESA CITY CODE TITLE 11, THE ZONING ORDINANCE, BY ADDING CHAPTER 15: LEISURE AND RECREATION ZONE DISTRICT TO ARTICLE 2: BASE ZONE; AND BY ADDING THE LEISURE AND RECREATION BASE ZONE TO CHAPTER 3: DESIGNATION OF ZONING DISTRICTS, ZONING MAP, AND BOUNDARIES TO ARTICLE 1: INTRODUCTORY PROVISIONS AND PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF.

WHEREAS, it has become apparent, and in the best interest of the City, to update Title 11, the Mesa Zoning Ordinance; and

WHEREAS, the changes encompass amendments to amending Article 2: Base Zone by adding Chapter 15: Leisure and Recreation Zone District to Title 11; and amending Chapter 3: Designation of Zoning Districts, Zoning Map, and Boundaries to add the Leisure and Recreation base zone to the Zoning Ordinance of the Mesa City Code; and

WHEREAS, the proposed changes create a Leisure and Recreation Zone District providing a specific underlying zoning district to facilitate park, open space, and recreational uses.

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

Text written in BOLD ALL CAPS indicates new language. Strikethrough fonts indicates deletions.

Section 1: That the table of contents for Article 2, Base Zones, of Title 11, is amended as follows:

Article 2: Base Zones

Chapter 4- Agricultural District

Chapter 5- Residential Districts

Chapter 6- Commercial and Mixed Use Districts

Chapter 7- Employment Districts

Chapter 8- Downtown Districts

Chapter 9 (Reserved)

Chapter 10- Public and Semi-Public District

Chapter 11- Planned Community District

Chapter 12- Infill Development Districts

Chapter 13 (Reserved)

Chapter 14 - Employment Opportunity District

~~Chapters 15 – 18 (Reserved)~~

CHAPTER 15- LEISURE AND RECREATION DISTRICT

CHAPTER 16-18 (RESERVED)

Section 2: That Title 11, Chapter 3, Section 11-3-1(A) is hereby amended as follows:

A. Base Zones. Base zones into which the City is divided are established as follows:

<i>Short Name/ Map Symbol</i>	<i>Full Name</i>
AG	Agricultural
RS-6, 7, 9, 15, 35, 43, and 90	Residential Single Dwelling Districts 6, 7, 9, 15, 35, 43, and 90
RSL-2.5, 3, and 4	Residential Small Lot Single Dwelling Districts 2.5, 3, and 4
RM-2, 3, 4, and 5	Residential Multiple Dwelling Districts 2, 3, 4, and 5
NC	Neighborhood Commercial
LC	Limited Commercial
GC	General Commercial
OC	Office Commercial
MX	Mixed Use
LI	Light Industrial
GI	General Industrial
HI	Heavy Industrial
PEP	Planned Employment Park
DR 1, 2, and 3	Downtown Residence Districts, 1, 2, and 3
DB 1 and 2	Downtown Business Districts 1 and 2
DC	Downtown Core
LR	LEISURE AND RECREATION
PS	Public and Semi-Public
PC	Planned Community
ID 1 and 2	Infill Development Districts 1 and 2
T3N	Transect 3: Neighborhood
T4N, T4NF, T4MS	Transect 4: Neighborhood, Neighborhood Flex, and Main Street
T5N, T5MSF, T5MS	Transect 5: Neighborhood, Main Street Flex and Main Street
T6MS	Transect 6: Main Street

Section 3: That Chapter 15: Leisure and Recreation District is added to Article 2 of Title 11 as follows:

CHAPTER 15 LEISURE AND RECREATION (LR) DISTRICT

SECTIONS:

- 11-15-1 PURPOSE**
- 11-15-2 LAND USE REGULATIONS**
- 11-15-3 REVIEW OF PLANS**

11-15-1: PURPOSE

THE PURPOSE OF THE LEISURE AND RECREATION (LR) DISTRICT IS TO ALLOW PUBLIC AND PRIVATE PARKS AS A SPECIFIC BASE ZONING DISTRICT. THE DISTRICT PROVIDES FOR A VARIETY OF RECREATION-RELATED FACILITIES AND USES FOR RESIDENTS AND VISITORS OF THE CITY.

11-15-2 LAND USE REGULATIONS

IN TABLE 11-15-2, THE LAND USE REGULATIONS FOR EACH LEISURE AND RECREATION ZONING DISTRICT ARE ESTABLISHED BY LETTER DESIGNATIONS AS FOLLOWS:

- * “P” DESIGNATES USE CLASSIFICATIONS PERMITTED IN THE LEISURE AND RECREATION DISTRICT.
- * “SUP” DESIGNATES USE CLASSIFICATIONS PERMITTED ON APPROVAL OF A SPECIAL USE PERMIT.
- * “CUP” DESIGNATES USE CLASSIFICATIONS PERMITTED ON APPROVAL OF A COUNCIL USE PERMIT.
- * “(X)” A NUMBER IN PARENTHESES REFERS TO A LIMITATION FOLLOWING THE TABLE.

USE CLASSIFICATIONS NOT LISTED ARE PROHIBITED. THE “ADDITIONAL USE REGULATIONS” COLUMN INCLUDES SPECIFIC LIMITATIONS APPLICABLE TO THE USE CLASSIFICATION OR REFERS TO REGULATIONS LOCATED ELSEWHERE IN THIS ORDINANCE.

TABLE 11-15-2: LEISURE AND RECREATION DISTRICT		
PROPOSED USE	LR	ADDITIONAL USE REGULATIONS
PUBLIC AND SEMI-PUBLIC USE CLASSIFICATIONS		
COMMUNITY GARDENS	P	SECTION 11-31-10, COMMUNITY GARDENS
PARKS AND RECREATION FACILITIES, PUBLIC	P	
PARKS AND RECREATION FACILITIES, PRIVATE	P	

11-15-3 REVIEW OF PLANS

ADMINISTRATIVE USE PERMITS, SPECIAL USE PERMITS, AND COUNCIL USE PERMITS SHALL FOLLOW THE STANDARDS ESTABLISHED IN CHAPTER 70 OF THIS ORDINANCE. ALL OTHER USES AND DEVELOPMENT SHALL COMPLY WITH THE REVIEW PROCEDURES, STANDARDS AND CRITERIA ESTABLISHED IN ARTICLE 7, ADMINISTRATION.

Section 4: The recitals above are fully incorporated in this Ordinance by reference.

Section 5: The effective date of this Ordinance shall be thirty (30) days following adoption by the Mesa City Council.

Section 6: If any term, provision, 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, unenforceable, or unconstitutional by the decision of a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in effect.

Section 7: 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 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 COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, this 27th day of January, 2020.

APPROVED:

Mayor

ATTEST:

City Clerk

EFFECTIVE DATE: FEBURARY 26, 2020