

ORDINANCE NO. 5862

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING ZONING ORDINANCE, MESA CITY CODE TITLE 11, CHAPTERS 24 AND 87 PERTAINING TO THE DOWNTOWN EVENTS (DE) OVERLAY ZONING DISTRICT AND SPECIAL EVENTS. THE AMENDMENTS INCLUDE BUT ARE NOT LIMITED TO AMENDING CHAPTER 24: DOWNTOWN EVENTS (DE) OVERLAY ZONING DISTRICT TO REVISE THE BOUNDARIES OF THE DE OVERLAY ZONING DISTRICT AND CREATE AN EXCEPTION TO THE MAXIMUM CONSECUTIVE DAYS FOR CITY SPECIAL EVENTS IN THE DE OVERLAY ZONING DISTRICT; AMENDING CHAPTER 87: DEFINITIONS TO ADD DEFINITIONS FOR CITY-SPONSORED SPECIAL EVENT AND CITY-SUPPORTED SPECIAL EVENT; PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF; AND PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS WHICH HAVE ALREADY BEGUN THEREUNDER.

WHEREAS, pursuant to Arizona Revised Statutes (“A.R.S.”) § 9-462.01, the legislative body of any municipality by ordinance, in order to conserve and promote the public health, safety, and general welfare, may adopt overlay zoning districts and regulations applicable to particular buildings, structures, and land within individual zones; and

WHEREAS, the City Council, on March 21, 2011, through Ordinance No. 5032, created the Downtown Events (DE) Overlay Zoning District to, in part, recognize the sense of community fostered and encouraged by temporary events of a civic and commercial nature and the benefit such events held in the downtown area bring to the citizens and visitors of Mesa; and

WHEREAS, the City Council desires to amend the boundaries of the Downtown Events (DE) Overlay Zoning District to conserve and promote the public health, safety, and general welfare by allowing for more special events to occur in the downtown area that help to promote an economically viable downtown area and enhance the lifestyle of the citizens of Mesa by creating unique venues for expression, entertainment, and business in the downtown area that may not otherwise be available; and

WHEREAS, the City Council desires to add definitions for City-Sponsored Special Event and City-Supported Special Event and to create an exception to the maximum number of consecutive days for such City special events to streamline the review process for special events of high civic value occurring in the downtown area; and

WHEREAS, the Planning and Zoning Board at their public hearing on June 12, 2024, recommended that the City Council approve the proposed amendments.

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

Section 1: That Mesa City Code Title 11, Section 11-24-1, is hereby amended as follows:

11-24-1: - PURPOSE AND INTENT

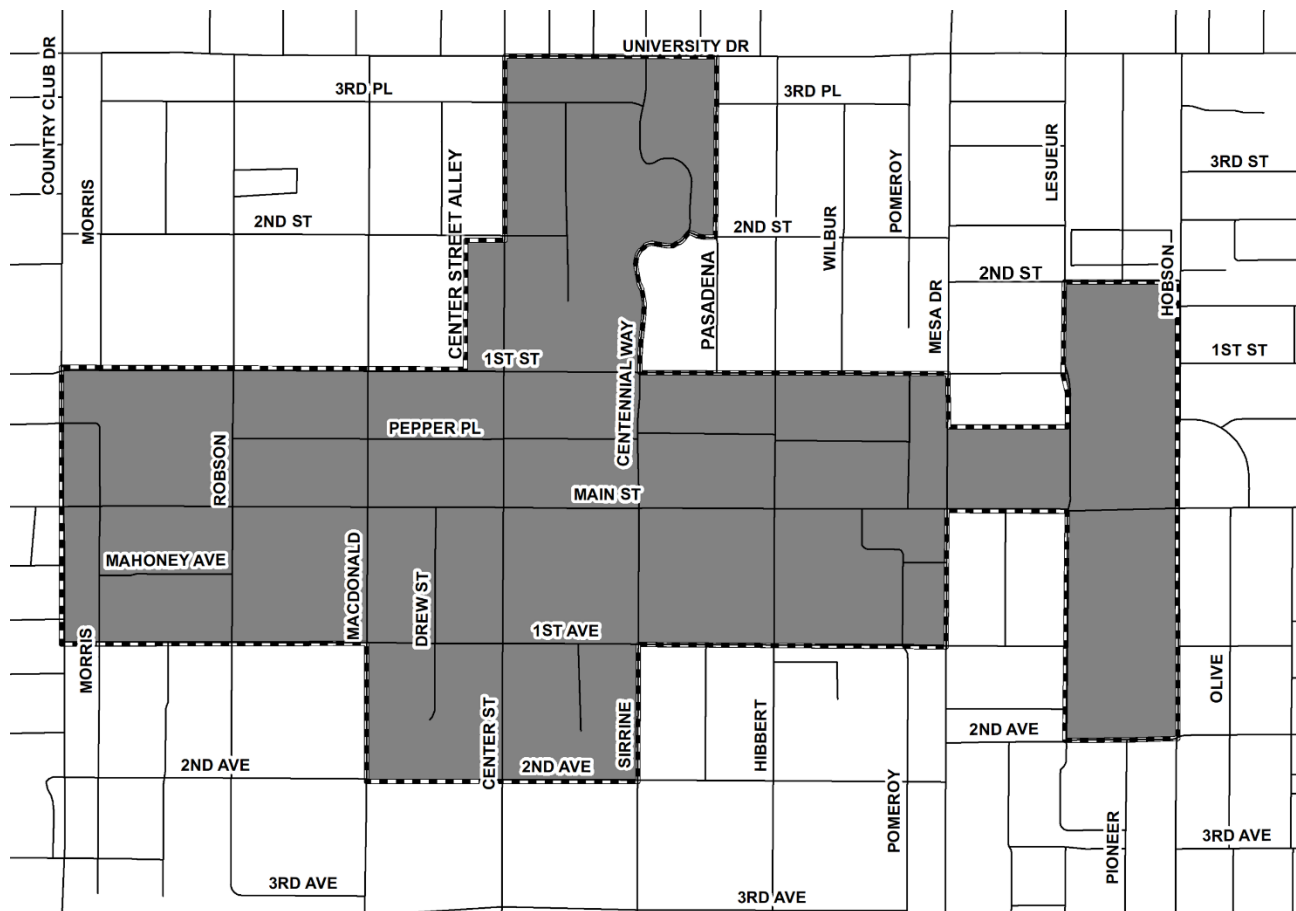
The purpose of this Chapter is to recognize that temporary events of a civic and commercial nature foster and encourage a sense of community. Special events and other temporary activities, such as carnivals, rodeos, festivals, parades and other temporary activities encourage the gathering of citizens of the community for community, civic, recreational, commercial and promotional reasons, when held in the downtown area, benefit the citizens and visitors of Mesa. ~~and~~

Section 2: That Mesa City Code Title 11, Section 11-24-2, is hereby repealed in its entirety and replaced with a new Mesa City Code Title 11, Section 11-24-2 as follows:

11-24-2: - DESCRIPTION OF OVERLAY DISTRICT BOUNDARIES

This overlay district shall be the area as shown on Map 11-24-2, and the boundaries of which may be described as:

By a line beginning at the intersection of the west right-of-way line of Country Club Drive and the north right-of-way line of 1st Street; then extending east along the north right-of-way line of 1st Street to the west right-of-way line of Center Street Alley; then extending north along the west right-of-way line of Center Street Alley to the north right-of-way line of 2nd Street; then extending east along the north right-of-way line of 2nd Street to the west right-of-way line of Center Street; then extending north along the west right-of-way line of Center Street to south right-of-way line of University Drive; then extending east along the south right-of-way line of University Drive to the east right-of-way line of Pasadena; then extending south along the east right-of-way line of Pasadena to the south right-of-way line of 2nd Street; then extending west along the south right-of-way line of 2nd Street to the east right-of-way line of Centennial Way; then extending south along the east right-of-way line of Centennial Way to the north right-of-way line of 1st Street; then extending east along the north right-of-way line of 1st Street to the east right-of-way line of Mesa Drive; then extending south along the east right-of-way line of Mesa Drive to approximately 440 feet north of Main Street; then extending east to the west right-of-way line of Lesueur; then extending north along the west right-of-way line of Lesueur to the north right-of-way line of 2nd Street; then extending east along the north right-of-way line of 2nd Street to the east right-of-way line of Hobson; then extending south along the east right-of-way line of Hobson to the south right-of-way line of 2nd Avenue; then extending west along the south right-of-way line of 2nd Avenue to the west right-of-way line of Lesueur; then extending north along the west right-of-way line of Lesueur to the south right-of-way line of Main Street; then extending west along the south right-of-way line of Main Street to the east right-of-way line of Mesa Drive; then extending south along the east right-of-way line of Mesa Drive to the south right-of-way line of 1st Avenue; then extending west along the south right-of-way line of 1st Avenue to the east right of way line of Sirrine; then extending south along the east right-of-way line of Sirrine to the south right-of-way line of 2nd Avenue; then extending west along the south right-of-way line of 2nd Avenue to the west right-of-way line of MacDonald; then extending north along the west right-of-way line of MacDonald to the south right-of-way line of 1st Avenue; and then extending west along the south right-of-way line of 1st Avenue to the west right-of-way line of Country Club Drive; then extending north along the west right-of-way line of Country Club Drive and ending at the intersection of the west right-of-way line of Country Club Drive and the north right-of-way line of 1st Street.



MAP 11-24-2

Section 3: That Mesa City Code Title 11, Section 11-24-3, is hereby amended as follows:

- A. The number of Special Events, as that term is defined in Chapter 87, held within the Downtown Events Overlay District shall not be limited by the number of events during a calendar year.
- B. Each individual Special Event held within the Downtown Event Overlay District shall be limited to a maximum of 4 **CONSECUTIVE** days, unless **IT IS A CITY-SPONSORED SPECIAL EVENT, A CITY-SUPPORTED SPECIAL EVENT, OR A TEMPORARY USE PERMIT OR** a Special Use Permit is approved in accordance with Chapter 70 of this Ordinance.

Section 4: That Mesa City Code Title 11, Chapter 87 is hereby amended to add the following definitions, which shall be arranged in Chapter 87 in alphabetical order. All other definitions in Chapter 87 shall remain the same.

SPECIAL EVENT, CITY-SPONSORED: A SPECIAL EVENT PRODUCED AND FUNDED BY THE CITY.

SPECIAL EVENT, CITY-SUPPORTED: A SPECIAL EVENT INITIATED BY AN OUTSIDE OR COMMUNITY GROUP AND SUPPORTED BY THE CITY, IN THE CITY'S SOLE DISCRETION AND BASED ON AVAILABLE CITY RESOURCES.

Section 5: RECITALS. The recitals above are fully incorporated in this Ordinance by reference, and each recital represents a finding of fact and determination made by the City Council.

Section 6: AMENDED LANGUAGE. In the sections of this Ordinance that modify the current language of the Zoning Ordinance (i.e., Sections 1, 3, and 4), new language is shown in **BOLD ALL CAPS** and deleted language is shown is ~~striketthrough~~.

Section 7: REPEAL OF CONFLICTING ORDINANCES AND PRESERVATION OF RIGHTS AND DUTIES. That any sections of the Mesa Zoning Ordinance or parts of such sections in conflict herewith, are hereby repealed; provided that such repeal shall not affect suits pending, rights and duties that matured or were existing, penalties that were incurred or proceedings that were initiated prior to the effective date of this Ordinance.

Section 8: EFFECTIVE DATE. The effective date of this Ordinance is thirty (30) days after the adoption of this Ordinance.

Section 9: SEVERABILITY. If any term, provision, section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid, unenforceable, or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance and the remaining portions of this Ordinance shall remain in effect.

Section 10: 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 Section, 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 8th day of July, 2024.

APPROVED:

Mayor

ATTEST:

City Clerk