

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING ZONING ORDINANCE, MESA CITY CODE TITLE 11, CHAPTER 7, SECTION 11-7-2, REGARDING BANQUET AND CONFERENCE CENTERS AS A PERMITTED LAND USE IN CERTAIN EMPLOYMENT DISTRICTS; PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF; AND PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS WHICH HAVE ALREADY BEGUN THEREUNDER.

WHEREAS, on September 27, 2015, the City Council, by Ordinance No. 5300, amended the Zoning Ordinance to allow Banquet and Conference Centers in certain Employment Districts with a Special Use Permit; and

WHEREAS, in adopting Ordinance No. 5300, City Council determined that Banquet and Conference Centers may be appropriate and compatible with some employment related land uses with the approval of a Special Use Permit; and

WHEREAS, on December 9, 2019, City Council passed Ordinance No. 5541, the purpose of which was unrelated to Banquet and Conference Centers, but rather was to amend and adopt new Quality Development Design Guidelines into the Zoning Ordinance; and

WHEREAS, Ordinance No. 5541 erroneously omitted Banquets and Conference Centers as a permitted land use in certain Employment Districts; and

WHEREAS, the Zoning Ordinance regulates the location of Banquet and Conference Centers for the benefit of the public and to conserve and promote public health, safety, and welfare, by, in part, ensuring these public assembly oriented facilities are located in appropriate zoning districts, thereby providing the public with places to gather and celebrate, while also mitigating the impact of their size, attendance, and associated traffic on surrounding uses that may not be compatible with a large number of people, such as residential communities; and

WHEREAS, it is in the best interest of the City to correct the omission and reestablish Banquet and Conference Centers as a permitted land use in certain Employment Districts with a Special Use Permit; and

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

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

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

Section 1: That Title 11, Chapter 7, Section 11-7-2, Table 11-7-2 is hereby amended to add Banquet and Conference Centers, which shall be listed in alphabetical order within the Commercial Use Classifications. Except as specifically set forth below, all other portions of Section 11-7-2 shall remain unchanged.

Table 11-7-2: Employment Districts					
Proposed Use	PEP	LI (M-1)	GI (M-2)	HI	Additional Use Regulations
Commercial Use Classifications					
BANQUET AND CONFERENCE CENTERS	SUP	SUP	—	—	

Section 2: 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 3: REPEAL OF CONFLICTING ORDINANCES AND PRESERVATION OF RIGHTS AND DUTIES. That any sections of the 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 4: EFFECTIVE DATE. The effective date of this Ordinance is thirty (30) days after the adoption of this Ordinance.

Section 5: SEVERABILITY. 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 6: 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 this Section except on the condition that the person pay the mandatory minimum fines as provided in this Section.
- 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 ____ day of _____ 2024.

APPROVED:

Mayor

ATTEST:

City Clerk