

ORDINANCE NO. 5962

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING ZONING ORDINANCE, MESA CITY CODE TITLE 11, CHAPTERS 14 AND 86. THE AMENDMENTS INCLUDE BUT ARE NOT LIMITED TO: REPEALING IN ITS ENTIRETY CHAPTER 14 - EMPLOYMENT OPPORTUNITY DISTRICT AND ADOPTING A NEW "CHAPTER 14 - EMPLOYMENT OPPORTUNITY DISTRICT"; MODIFYING SECTION 11-86-1 PERTAINING TO PURPOSE AND APPLICABILITY OF USE TYPES; AND PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS WHICH HAVE ALREADY BEGUN THEREUNDER.

WHEREAS, on July 11, 2016, the Mesa City Council adopted Ordinance 5340 adding Chapter 14 - Employment Opportunity District to Mesa City Code Title 11, Zoning Ordinance.

WHEREAS, the Employment Opportunity District was created to facilitate the development of healthcare, education, aerospace tourism/technology, and other employment generating industries.

WHEREAS, it has become apparent that it is in the best interest of the City to make certain changes to the Employment Opportunity District to facilitate the development of education, technology, and research-related industries.

WHEREAS, the proposed amendments allow more flexibility in the review process for approving requests to adjust development standards.

WHEREAS, the proposed amendments would also allow certain exceptions and exemptions to Zoning Ordinance regulations for political subdivisions of the State of Arizona that qualify.

WHEREAS, in accordance with A.R.S. 9-462.01 the City Council has considered a housing impact statement of the probable impact this Ordinance may have on the average cost of constructing housing in the zoning districts impacted by this Ordinance.

WHEREAS, on August 13, 2025, the Planning and Zoning Board recommended that the City Council adopt the proposed amendments.

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

Section 1: REPEAL; ADOPTION BY REFERENCE.

- A. Repeal. Mesa City Code Title 11, Chapter 14, titled "Employment Opportunity District" is hereby repealed in its entirety.
- B. Adoption by Reference. That certain document titled "Chapter 14 - Employment Opportunity District" that was made a public record on September 8, 2025, by Resolution No. 12412 of the City of Mesa, Maricopa County, Arizona, three copies of which are on file and available for public use and inspection with the City Clerk, is hereby adopted by reference and made a part hereof as if

fully set forth in this Ordinance, and its provisions are hereby declared inserted into Mesa City Code Title 11, Chapter 14 titled “Employment Opportunity District.”

Section 2: Mesa City Code Title 11, Chapter 86, Use Types, Section 1, titled “Purpose and Applicability” is hereby amended as follows:

<p>Text written in BOLD ALL CAPS indicates additional or new language.</p> <p>Text written in striketrough indicates deletions.</p>

11-86-1: PURPOSE AND APPLICABILITY

- A. Use classifications describe one (1) or more uses of land having similar characteristics, but do not list every use or activity that may appropriately be within the classification.
- B. **IF A PROPOSED USE OR ACTIVITY IS NOT EXPLICITLY LISTED IN THIS CHAPTER, ~~¶~~The Zoning Administrator shall HAS THE AUTHORITY TO:**
1. ~~d~~**Determine whether a specific THE PROPOSED use OR ACTIVITY shall be deemed to be IS within one or more EQUIVALENT TO A use classifications or not within any classification SPECIFICALLY LISTED in this Chapter; OR The Zoning Administrator may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification.**
 2. **NOT WITHIN OR EQUIVALENT TO ANY USE SPECIFICALLY LISTED IN THIS CHAPTER.**
- C. **WHEN MAKING ITS DETERMINATION, THE ZONING ADMINISTRATOR MAY CONSIDER AMONG OTHER THINGS WHETHER THE CHARACTERISTICS AND IMPACT ARE SIMILAR TO, AND SUBSTANTIALLY COMPATIBLE WITH, A USE SPECIFICALLY LISTED IN THIS CHAPTER (E.G., SCALE, FUNCTION, NOISE, TRAFFIC); ANY INCOMPATIBILITIES OR GREATER IMPACTS; HOW THE PROPOSED USE FUNCTIONS WITHIN THE BUILDING; FUTURE REUSE OR REDEVELOPMENT OF THE BUILDING; AND INDUSTRY TERMS OR DEFINITIONS IN OTHER CHAPTERS OF THE ZONING ORDINANCE.**
- D. **IF THE ZONING ADMINISTRATOR DETERMINES A PROPOSED USE OR ACTIVITY IS WITHIN OR EQUIVALENT TO A USE LISTED IN THIS CHAPTER THE PROPOSED USE OR ACTIVITY WILL BE TREATED IN THE SAME MANNER AS THE USE IT IS DEEMED TO BE WITHIN OR EQUIVALENT TO, AND THE SAME REQUIREMENTS FOR THE USE UNDER THE APPLICABLE ZONING DISTRICT WILL APPLY SUCH AS LAND USE REGULATIONS, DEVELOPMENT REGULATIONS INCLUDING STANDARDS FOR SPECIFIC USES AND ACTIVITIES, AND ADMINISTRATIVE REGULATIONS.**

- E. IF THE ZONING ADMINISTRATOR DETERMINES THAT A PROPOSED USE IS NOT WITHIN OR EQUIVALENT TO A USE LISTED IN THIS CHAPTER THE PROPOSED USE IS NOT ALLOWED UNLESS OTHERWISE PERMITTED IN AN APPROVED PLAN AS SET FORTH IN ARTICLE 2 OR AN APPROVED OVERLAY ZONE AS SET FORTH IN ARTICLE 3.**

Section 3: 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 4: AMENDED LANGUAGE. In section 2 of this Ordinance that modifies the current language of the Mesa City Code, new language is shown in **BOLD ALL CAPS** and deleted language is shown in ~~strike through~~.

Section 5: PRESERVATION OF RIGHTS AND DUTIES. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

Section 6: EFFECTIVE DATE. The effective date of this Ordinance is thirty (30) days after the adoption of this Ordinance.

Section 7: 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 8: 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.

Section 9: RESOLUTION AND EXHIBIT ON FILE. Resolution No. 12412 adopted on September 8, 2025, and its attached exhibit titled “Chapter 14 - Employment Opportunity District” are on file and available for public use and inspection at the Office of the City Clerk, 20. E. Main Street, Suite 150, Mesa, Arizona.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, this 22nd day of September 2025.

APPROVED:

Mayor

ATTEST:

City Clerk