

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTERS 2, 5, 6, 8, 31 AND 86 OF TITLE 11, THE ZONING ORDINANCE OF THE CITY OF MESA CITY CODE RELATED TO ASSISTED LIVING AND NURSING AND CONVALESCENT HOMES BY AMENDING LAND USE REQUIREMENTS AND DEVELOPMENT STANDARDS, ADDING MEASURING DISTANCE FROM AN INTERSECTION, MODIFYING AND ADDING DEFINITIONS; PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF; AND PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS WHICH HAVE ALREADY BEGUN THEREUNDER.

WHEREAS, assisted living facilities are residential care institutions licensed by the State of Arizona that provide persons of advanced age or limited ability for self-care supervisory care services, personal care services or directed care services on a continuing basis; and because assisted living facilities range in size from two to several hundred residents and the characteristics of the smaller facilities and the larger facilities are different, this ordinance classifies assisted living facilities based on their size: (1) assisted living home: an assisted living facility with ten or less residents, and (2) assisted living center: an assisted living facility with more than ten residents; and these definitions are consistent with the Arizona Department of Health Services definitions; and

WHEREAS, assisted living centers and nursing and convalescent homes are larger and more intensive facilities that do not emulate a family in how they function or operate, do not foster integration into the residential community or allow socialization with other neighbors—these facilities typically locate in areas segregated from neighbors and are more akin to an institution; and

WHEREAS, in the past assisted living centers and nursing and convalescent homes desired to locate in commercial zoning districts, segregated from other residential neighbors; gravitating to the corner of busy intersections—intersections that generate or have the capacity to generate more traffic, have additional traffic lanes, and higher traffic volumes; a potentially unsafe area if a resident from an assisted living center or nursing and convalescent home wanders outside; and

WHEREAS, some residents of assisted living centers and most residents of nursing and convalescent homes have a disability and some of their disabilities may affect perception, vision, mobility, reflexes, timing and judgment; and

WHEREAS, elopement is an industry term used when a resident leaves a healthcare facility such as an assisted living facility without observation or knowledge from staff that puts the health, safety or welfare of the resident at risk; and

WHEREAS, elopement has occurred in assisted living and nursing and convalescent homes and other healthcare facilities; and

WHEREAS, whether a resident leaves these facilities with staff approval or on their own volition, the City desires to protect the residents from the traffic generated at these intersections;

and

WHEREAS, to address this concern, this ordinance requires assisted living facilities and nursing and convalescent homes to be setback at least 600 feet from such intersections; and

WHEREAS, according to information from the City's Fire Department, assisted living facilities and nursing and convalescent homes generate a substantial number of calls for service—many of the facilities with 100 or more calls for service in 2019 were from assisted living facilities and nursing and convalescent homes; and

WHEREAS, according to the U.S. Census Population Projections the elderly population is projected to almost double by 2060 from 52 million in 2018 to 95 million by 2060—an unprecedented level; and

WHEREAS, based on the information from the City's Fire Department and the projected growth of the elderly population, the City anticipates the demand for assisted living facilities and nursing homes will grow, the facilities will become increasingly larger in scale and capacity, and these facilities will have a substantial impact on, and demand for, the City's Fire Department, which will affect its ability to respond and provide medical and fire services in a timely manner; and

WHEREAS, to address clustering and to mitigate the impact these facilities have on the City's Fire Department and public safety services, this ordinance includes a separation of 1,200 feet between assisted living facilities, nursing and convalescent homes and group homes for the handicapped; and

WHEREAS, for these reasons the City finds it is necessary for the health, safety and general welfare of the residents who live in assisted living centers and nursing and convalescent homes and for the protection of the public's health and safety to adopt this ordinance.

<p>Text written in BOLD ALL CAPS indicates new language. Strikethrough fonts indicates deletions.</p>

Section 1: That Title 11, Chapter 2, Section 11-2-3(C) of the Mesa City Code is amended as follows:

C. Measuring Distances.

1. Measurements are Shortest Distance. When measuring a required distance, such as the minimum distance between a structure and lot line, the measurement is made at the closest or shortest distance between the two objects.
2. Distances are Measured Horizontally. When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.
3. Measurements Involving a Structure. Measurements involving a structure, such as

required yards, separations between buildings, or distances between structures, are made to the closest support wall, post or column of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.

4.
- Measurement of Vehicle Stacking or Travel Areas. Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.
5.
- MEASUREMENT FROM AN INTERSECTION. MEASUREMENTS INVOLVING A DISTANCE FROM AN INTERSECTION ARE MEASURED IN A STRAIGHT LINE FROM ALL POINTS ALONG THE LOT LINE OF THE SUBJECT PROPERTY TO THE NEAREST EDGE OF RIGHT-OF-WAY.**

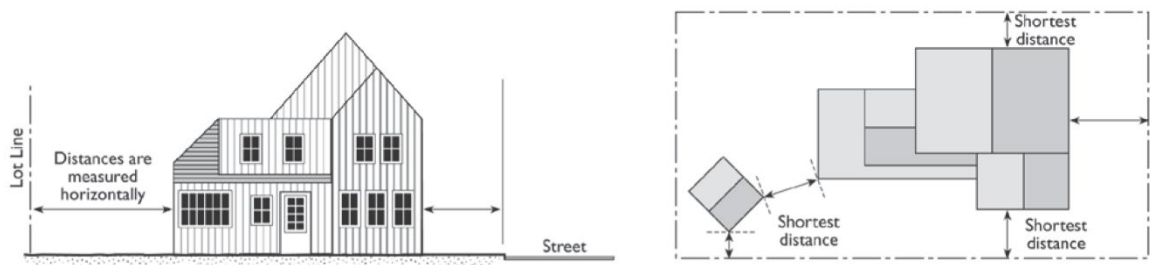


FIGURE 11-2-3.C: MEASURING DISTANCES

Section 2: That Title 11, Chapter 5, Table 11-5-2: Residential Districts is hereby amended as follows:

Table 11-5-2: Residential Districts				
<i>Proposed Use</i>	<i>RS</i>	<i>RSL</i>	<i>RM</i>	<i>Additional Use Regulations</i>
Residential Use Classifications				
Single Residence	P (13, 14)	P (13, 14)	P (12, 13, 14)	
Multiple Residence	--	--	P (15, 16)	
ASSISTED LIVING FACILITY				
ASSISTED LIVING HOME (UP TO 10 RESIDENTS)	P (13, 14)	P (13, 14)	P (13, 16)	SECTION 11-31-14, GROUP HOMES FOR THE HANDICAPPED
ASSISTED LIVING CENTER (GREATER THAN 10 RESIDENTS)	--	--	CUP (13, 16)	SECTION 11-31-28, ASSISTED LIVING CENTERS, NURSING AND CONVALESCENT HOMES
Assisted Living	--	--	P (13, 16)	
Day Care Group Home				

Table 11-5-2: Residential Districts				
<i>Proposed Use</i>	<i>RS</i>	<i>RSL</i>	<i>RM</i>	<i>Additional Use Regulations</i>
Small Day Care Group Home (up to 5)	P (13, 14)	P (13, 14)	P (13, 16)	Section 11-31-13, Day Care Group Homes
Large Day Care Group Home (6 to 10)	P (13, 14)	P (13, 14)	P (13, 16)	
Group Residential				
Boarding House	--	--	P (13, 16)	
Comprehensive Youth Residence	SUP (4, 13, 14)	—	—	Section 11-5-8, Comprehensive Youth Residence
Group Home for the Handicapped (up to 10 residents)	P (13, 14)	P (13, 14)	P (13, 16)	Section 11-31-14, Group Homes for the Handicapped
Group Home for the Handicapped (greater than 10 residents)	--	--	SUP (13, 16)	
Group Housing	--	--	SUP (2, 13, 16)	
Home Occupations	P/SUP (17)	P	P	Section 11-31-33, Home Occupations
Manufactured Home Parks	--	P	P (1, 13, 14)	PAD Overlay Required Chapter 34, Manufactured Home/ Recreational Vehicle Regulations
Manufactured Home Subdivisions	P	P	P (1, 13, 14)	
Recreational Vehicle Subdivisions	—	—	P (1, 13, 14)	
Public and Semi-Public Use Classifications				
Clubs and Lodges	--	--	SUP (9, 13)	
Community Center	SUP	SUP	SUP (9)	
Community Gardens	P	P	P	Section 11-31-10, Community Gardens
Cultural Institutions	P (13)	P (13)	P (9, 13)	
Day Care Centers	SUP/P (10, 13, 14)	P (8, 13, 14)	P (13, 16)	Section 11-31-9, Commercial Uses in Residential Districts
Hospitals and Clinics				
Clinics	—	—	SUP (2, 9, 13, 14)	Section 11-31-15, Hospitals and Clinics
Hospitals	—	—	SUP (2, 9, 13, 14)	
Nursing and Convalescent Homes	—	—	SUP CUP (9, 13, 14)	SECTION 11-31-28, ASSISTED LIVING CENTERS, NURSING AND CONVALESCENT HOMES
Parks and Recreation Facilities, Public	P	P	P (9)	
Places of Worship	P (13)	P (13)	P (9, 13)	Section 11-31-22, Places of Worship
Athletic Facilities When Accessory to a Church	SUP (13)	--	SUP (9, 13)	
Day Care When Accessory to a Church	SUP (13)	--	SUP (9)	

Table 11-5-2: Residential Districts				
<i>Proposed Use</i>	<i>RS</i>	<i>RSL</i>	<i>RM</i>	<i>Additional Use Regulations</i>
Schools	P (13, 14)	—	P (9, 13, 14)	Section 11-31-24, Schools
Social Services Facility	--	--	CUP (9)	Section 11-31-26, Social Service Facilities
Animal Sales and Services	SUP	--	--	RS-90 and RS-43 Only
Bed and Breakfast Inns	SUP (13, 14)	--	P (9, 15, 16)	Section 11-31-8, Bed and Breakfast Inns
Eating and Drinking Establishments				
Restaurants, Full Service	SUP (11)	SUP (11)	SUP (11)	Section 11-31-9, Commercial Uses in Residential Districts
Restaurants, Limited Service	SUP (11)	SUP (11)	SUP (11)	
Offices				
Business and Professional	SUP (10)	SUP (10)	SUP (10)	Section 11-31-9, Commercial Uses in Residential Districts
Medical and Dental	SUP (10)	SUP (10)	SUP (10)	
Personal Services	SUP (11)	—	SUP (11)	Section 11-31-9, Commercial Uses in Residential Districts
Plant Nurseries and Garden Centers	SUP (7)	—	—	SUP option available only in RS-43 and RS-90 districts
Retail Sales				
General	SUP (11)	SUP (11)	SUP (11)	Section 11-31-9, Commercial Uses in Residential Districts
Recreational Vehicle Storage Yard	SUP (20)	—	—	Section 11-31-35 Storage Yards in Residential Districts
Transportation, Communications, and Utilities Use Classifications				
Utilities, Minor	P	P	P	
Specific Accessory Uses				
Animal Keeping	P (3)	—	—	Section 11-31-4, Animal Keeping
Accessory Dwelling Unit	P/SUP (19)	--	P (9)	Section 11-31-3, Accessory Dwelling Unit
Accessory Uses	P	P	P	Section 11-31-2
Farm Stands	SUP (5)	—	—	RS-43 and RS-35 Only
Medical Marijuana Patient and Caregiver Cultivations	P (13, 18)	P (13, 18)	P (13, 18)	Section 11-31-34, Medical Marijuana Facilities
1. Permitted in the RM-4 District only with approval of a Planned Area Development.				
2. Only permitted or conditionally permitted in the RM-4 district; prohibited in the other RM sub-designations.				
3. Riding and boarding stables are permitted in the RS-43 and RS-90 districts with approval of a SUP on sites of 10 acres or more. Other Large-Scale Commercial Recreation uses are not permitted.				
4. Comprehensive Youth Residence permitted in RS-90 district with approval of a SUP.				
5. Stands are permitted for the sale of agricultural or horticultural products produced on the premises in the RS-35, RS-43 and RS-90 zoning districts with approval of a Special Use Permit. Farm stands are prohibited in the remaining RS sub-designations.				
6. Reserved.				
7. Plant Nurseries may be located in the RS-43 and RS-90 districts with approval of a Special Use Permits. Criteria include that specified for the AG district, Sec Section 11-4-4(C). Plant Nurseries are prohibited in the remaining RS sub-designations.				

Table 11-5-2: Residential Districts				
<i>Proposed Use</i>	<i>RS</i>	<i>RSL</i>	<i>RM</i>	<i>Additional Use Regulations</i>
8. Day Care Centers permitted only as an accessory activity when provided as an amenity by homeowner's association (HOA) for the principal benefit of residents of that same HOA. 9. Not permitted in RM-5 district. 10. Permitted only with approval of a Special Use Permits, and if the location is coterminous to an intersection of an arterial street with a local or collector street, and the aggregate maximum gross floor area is less than 2,000 square feet in floor area, exclusive of any residential uses. 11. Permitted only with approval of a Special Use Permits, and if the location is coterminous to an intersection of an arterial street with a local or collector street, and the aggregate maximum gross floor area is less than 1,500 square feet in floor area, exclusive of any residential uses. No drive-through window services are permitted. 12. Detached Single Residence is not permitted in RM-5 district. 13. Use not permitted when the property is subject to the AOA 1 overflight area, see Sec. 11-19-2, Runway Protection Zones and Airport Overflight Areas. 14. Use not permitted when the property is subject to the AOA 2 overflight area, see Sec. 11-19-2, Runway Protection Zones and Airport Overflight Areas. 15. Use permitted with approval of a (CUP) Council Use Permits when the property is subject to the AOA 1 overflight area, see Sec. 11-19-2, Runway Protection Zones and Airport Overflight Areas. 16. Use permitted with the approval of a (CUP) Council Use Permits when the property is subject to the AOA 2 overflight area, see Sec. 11-19-2, Runway Protection Zones and Airport Overflight Areas. 17. Special Use Permit options for expanded Home Occupations are allowed only in the RS-90 and RS-43 districts. 18. Required to be a minimum distance of 25-miles from closest Medical Marijuana Dispensary. 19. Use is Permitted. Special Use Permit is required if Accessory Dwelling Unit is leased or rented as a secondary apartment.- 20. Also requires previous establishment of a PAD Overlay District.				

Section 3: That Title 11, Chapter 6, Table 11-6-2: Commercial Districts is hereby amended as follows:

Table 11-6-2: Commercial Districts						
<i>Proposed Use</i>	<i>NC (C-1)</i>	<i>LC (C-2)</i>	<i>GC (C-3)</i>	<i>OC (O-S)</i>	<i>MX</i>	<i>Additional Use Regulations</i>
Residential Use Classifications						
Single Residence - Attached	CUP (1, 19, 20)	CUP (1, 19, 20)	CUP (1, 19, 20)	CUP (1, 19, 20)	CUP (16, 19, 22)	Section 11-31-31, Residential Uses in Commercial Districts
Multiple Residence	CUP/P (1, 21, 22)	CUP/P (1, 21, 22)	CUP/P (1, 21, 22)	--	P (22)	
ASSISTED LIVING FACILITY						
ASSISTED LIVING HOME (UP TO 10 RESIDENTS)	CUP/P (17, 19, 20)	CUP/P (17, 19, 20)	CUP/P (17, 19, 20)	—	CUP/P (16, 17, 19, 20)	SECTION 11-31-31, RESIDENTIAL USES IN COMMERCIAL DISTRICTS AND SECTION 11-31-14, GROUP HOMES FOR

Table 11-6-2: Commercial Districts						
<i>Proposed Use</i>	<i>NC (C-1)</i>	<i>LC (C-2)</i>	<i>GC (C-3)</i>	<i>OC (O-S)</i>	<i>MX</i>	<i>Additional Use Regulations</i>
						THE HANDICAPPED
ASSISTED LIVING CENTER (GREATER THAN 10 RESIDENTS)	CUP/P (19, 20)	CUP/P (19, 20)	CUP/P	—	CUP/P (22)	SECTION 11-31- 31, RESIDENTIAL USES IN COMMERCIAL DISTRICTS AND SECTION 11-31- 28, ASSISTED LIVING CENTERS, NURSING AND CONVALESCENT HOMES
Assisted Living	SUP (19, 20)	SUP (19, 20)	—	SUP (19, 20)	—	
Group Residential						
Group Home for the Handicapped (up to 10 residents)	--	--	--	--	P (19, 22)	Section 11-31-14, Group Homes for the Handicapped
Group Home for the Handicapped (greater than 10 residents)	SUP (19, 22)	--	--	SUP (19, 22)	SUP (21, 22)	
Group Housing	P (19, 22)	P (19, 22)	P (19, 22)	--	P (21, 22)	
Home Occupation	P (23)	P (23)	P (23)	P (23)	P (23)	Section 11-31-33, Home Occupations
Public and Semi-Public Use Classifications						
Clubs and Lodges	P (19)	P	P (19)	--	P (22)	
Colleges and Trade Schools, Public or Private						
Colleges and Universities	--	P (19, 20)	P (19, 20)	--	P (19, 20)	
Commercial Trade Schools	--	P (19, 20)	P (19, 20)	--	P (19, 20)	
Industrial Trade Schools	--	--	P (4, 19, 20)	--	--	
Community Center	P	P	P	--	P	
Community Gardens	P	P	P	P	P	Section 11-31-10, Community Gardens
Cultural Institutions	P (19)	P (19)	P (19)	P (19)	P (21)	
Day Care Centers	P (19, 20)	P (19, 20)	P (19, 20)	P (19, 20)	P (19, 22)	
Government Offices	P (2)	P	P	P	P (2)	
Hospitals and Clinics						
Clinics	P (3, 19, 20)	P (3, 19, 20)	P (3, 19, 20)	—	P (19, 22)	Section 11-31-15, Hospitals and Clinics
Hospitals	P (19, 20)	P (19, 20)	P (19, 20)	—	—	
Nursing and Convalescent Homes	CUP/P (19, 20)	CUP/P (19, 20)	CUP/P (19, 20)	P (19, 20)	CUP/P (22)	SECTION 11-31- 31,

Table 11-6-2: Commercial Districts						
<i>Proposed Use</i>	<i>NC (C-1)</i>	<i>LC (C-2)</i>	<i>GC (C-3)</i>	<i>OC (O-S)</i>	<i>MX</i>	<i>Additional Use Regulations</i>
						RESIDENTIAL USES IN COMMERCIAL DISTRICTS AND SECTION 11-31- 28, ASSISTED LIVING CENTERS, NURSING AND CONVALESCENT HOMES
Parks and Recreation Facilities, Public	P	P	P	P	P	
Places of Worship	P (19)	P (19)	P (19)	P (19)	P (19)	Section 11-31-22, Places of Worship
Public Safety Facilities	P	P	P	P	P	
Schools, Public or Private	CUP (19, 20)	CUP (19, 20)	CUP (19, 20)	CUP (19, 20)	CUP (19, 20)	Section 11-31-24, Schools
Social Service Facilities	CUP	CUP	CUP	--	--	Section 11-31-26, Social Service Facilities
Commercial Use Classifications						
Animal Sales and Services						
Small Animal Day Care	SUP (4)	SUP (4)	P (4)	—	SUP (4, 7)	
Kennels	SUP (4)	SUP (4)	P (4)	—	—	
Pet Stores	P (4)	P (4)	P (4)	—	SUP (4, 7)	
Veterinary Services	P (4)	P (4)	P (4)	P (4)	P (4, 7)	
Artists' Studios	P	P	P	P	P	
Automobile/Vehicle Sales and Services						
Accessory Automobile Rentals	—	SUP	P	—	SUP	
Automobile Rentals	—	SUP	P	—	—	Section 11-31-5, Automobile Rentals; Automobile/Vehicle Sales and Leasing
Automobile/Vehicle Sales and Leasing	—	—	P	—	—	
Automobile/Vehicle Repair, Major	—	—	P	—	—	Section 11-31-6, Automobile/ Vehicle Repair; Major and Minor
Automobile/Vehicle Service and Repair, Minor	—	P	P	—	—	
Automobile/Vehicle Washing	SUP	SUP	SUP	—	—	Section 11-31-7, Automobile/ Vehicle Washing
Large Vehicle and Equipment Sales, Services, and Rental	—	—	P	—	—	Section 11-31-5, Automobile Rentals; Automobile/ Vehicle Sales and Leasing

Table 11-6-2: Commercial Districts						
<i>Proposed Use</i>	<i>NC (C-1)</i>	<i>LC (C-2)</i>	<i>GC (C-3)</i>	<i>OC (O-S)</i>	<i>MX</i>	<i>Additional Use Regulations</i>
Service Station	SUP	SUP	SUP	—	—	Section 11-31-25, Service Stations
Banks and Financial Institutions	P	P	P	P	P	
With Drive-Thru Facilities	SUP	P	P	SUP	SUP	Section 11-31-18, Drive-thru Facilities
Banquet and Conference Center	P	P	P	P	P	
Building Materials and Services	—	P (11)	P	—	—	Section 11-31-16 if GFA exceeds 25,000 sq. ft.
Business Services	P	P	P	P	P	
Commercial Entertainment	--	P	P	--	P	
Commercial Recreation						
Small-Scale	--	P	P	--	SUP	
Large-Scale	--	SUP	P (19)	--	--	
Eating and Drinking Establishments						
Bars/Clubs/Lounges	—	P	P	—	P	
Coffee Shops/Cafes	P	P	P	P (5)	P	
Restaurants, Bar and Grill	—	P	P	—	P	
Restaurants, Full Service	P	P	P	—	P	
Restaurants, Limited Service	P	P	P	P (5)	P	
With Drive-Thru Facilities	SUP	P	P	—	SUP	Section 11-31-18, Drive-thru Facilities
With Outdoor Seating Areas	SUP (21, 22)	P (21, 22)	P (21, 22)	SUP (5, 21, 22)	P (21, 22)	Section 11-31-19, Outdoor Eating Areas
With Live Entertainment	—	P (4, 26)	P (26)	—	P (4, 26)	
Farmer's Market	TUP/SUP (27)	TUP/SUP (27)	TUP/SUP (27)	—	TUP/SUP (27)	
Food and Beverage Sales						
Convenience Market	P/SUP (12)	P/SUP (12)	P/SUP (12)	P (5, 13)	P (13)	Section 11-31-11, Convenience Markets
General Market	P (14)	P	P	—	P	Section 11-31-16 applies if GFA exceeds 25,000 sq. ft.
Funeral Parlors and Mortuaries	—	P (18)	P	—	P (18)	
Accessory Crematorium	—	SUP	P	—	—	
Hotels and Motels	--	P	P	--	P	
Large Commercial Development	—	P	P	—	CUP (7)	Section 11-31-16, Large Commercial Development
Light Fleet-Based Services	—	—	P	—	—	
Live-Work Unit	SUP (19, 20)	SUP (19, 20)	SUP (19, 20)	—	P (7, 19, 22)	Section 11-31-17, Live Work Units
Maintenance and Repair Services	P	P	P	—	—	

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Non-chartered Financial Institutions (Payday Lenders)	—	CUP (10)	CUP (10)	—	—	
Offices						
Business and Professional	P	P	P	P (15)	P	
Medical and Dental	P	P	P	P	P	
Parking, Commercial	—	—	P	—	CUP	
Personal Services	P	P	P	P (5)	P	
Plant Nurseries and Garden Centers	—	SUP	P	—	P/SUP (6, 7)	
Retail Sales						
General	P (8, 9)	P	P	—	P (7)	
Pawn Shops	CUP (10)	CUP (10)	CUP (10)	—	—	Section 11-31-21, Pawn Shops
Tattoo and Body Piercing Parlors	—	P	P	—	P	
Employment Use Classifications						
Handicraft/Custom Manufacturing	—	—	P	—	—	
Light Assembly/Cabinetry	—	—	P	—	—	
Research and Development	—	—	P	—	P	
Recycling Facilities						
Reverse Vending Machine	P	P	P	—	P (7)	Section 11-31-23
Small Indoor Collection Facility	—	SUP	P	—	SUP (7)	Section 11-31-23
Warehousing and Storage						
Mini-Storage	—	P	P	—	SUP (7)	
Wholesale	—	—	CUP	—	—	
Transportation, Communication, and Utilities Use Classifications						
Communication Facilities						
Antenna and Transmission Towers	See Chapter 35					
Facilities within Buildings	See Chapter 35					
Transportation Passenger Terminals	P	P	P	P	P	
Utilities, Minor	P	P	P	P	P	
Heliports	—	CUP (24)	CUP (24)	—	CUP (24)	
Specific Accessory Uses						
Caretakers' Residences	SUP	SUP	SUP	SUP	P	
Garden Center	—	SUP	P		SUP (6, 7)	
Outdoor entertainment or activities	SUP	SUP	SUP	SUP	SUP	
Outdoor display, not specified by other classifications	—	—	SUP	—	SUP (19)	
Notes:						
1. Multi-Family Residential is permitted for density range between minimum 15 du/ac to maximum 25 du/ac, a minimum of 40% of the Gross Floor Area shall be reserved for commercial land use classifications, as otherwise permitted in the district. In all other cases, Attached Single-Family Dwellings and/or Multi-Family Residential are permitted with approval						

Table 11-6-2: Commercial Districts						
<i>Proposed Use</i>	<i>NC (C-1)</i>	<i>LC (C-2)</i>	<i>GC (C-3)</i>	<i>OC (O-S)</i>	<i>MX</i>	<i>Additional Use Regulations</i>
<p>of a CUP when part of a mixed-use development, with commercial uses in the same building and/or on the same site. See Section 11-31-31, Residential Uses in Commercial Districts.-</p> <ol style="list-style-type: none"> Permitted if occupying less than 5,000 square feet; greater floor area requires approval of an SUP. A CUP is required for plasma centers and substance abuse detoxification and treatment centers; other Clinics are permitted by right. Must be confined to completely enclosed, sound-attenuated facilities. Permitted if located within an office building or other commercial building and occupying no more than 1,500 square feet. Permitted if floor area is no more than 5,000 square feet. Special Use Permit required is floor area is greater than 5,000 square feet. All activities must be conducted entirely within an enclosed building, with no outside storage or display. No individual retail store may exceed an area of 10,000 square feet. No group commercial development shall exceed an aggregate area of 50,000 square feet. May not include drive-through facilities. Must be at least 1,200 feet from any use in the same classification, and at least 1,200 feet from any school. Accessory Outdoor Retail Display, limited to display of landscape and building materials only, requires approval of a SUP. SUP is required only if accessory fuel sales are present, otherwise use permitted by right. Accessory fuel sales are not permitted in OC or MX districts. Maximum size for one store is 10,000 square feet. Retail and restaurant uses are limited to no more than 1,500 square feet each, and no more than 3% of the aggregate gross floor area of the project. Attached single residences shall have a minimum density of 15 dwelling units per acre in MX zones. Reserved ALLOWED ONLY IN ATTACHED RESIDENTIAL DWELLINGS. Accessory crematories allowed in the LC District with approval of a SUP; accessory crematories not permitted in the MX District. Use not permitted when the property is subject to the AOA 1 overflight area, see Section 11-19-2, Runway Protection Zones and Airport Overflight Areas. Use not permitted when the property is subject to the AOA 2 overflight area , see Section 11-19-2, Runway Protection Zones and Airport Overflight Areas. Use permitted with approval of a CUP when the property is subject to the AOA 1 overflight area, See Section 11-19-2, Runway Protection Zones and Airport Overflight Areas. Use permitted with the approval of a CUP when the property is subject to the AOA 2 overflight area, See Section 11-19-2, Runway Protection Zones and Airport Overflight Areas. Home Occupations permitted as ancillary activity where and when a residence use is authorized. Heliports in Commercial Districts shall be set a minimum of 2 full stories above the natural grade, unless associated with a hospital. Subject to approval by the City Council and the State Racing Commission of a Tele-track Betting Establishment Permit per AAC R19-2-401 and following. Permitted only when accessory to a Eating or Drinking establishment. Special Use Permit is required for continuation of Farmer's Market at expiration of Temporary Use Permit Period. 						

Section 4: That Title 11, Chapter 8, Table 11-8-3: Downtown Districts is hereby amended as follows:

Table 11-8-3: Downtown Districts							
<i>Proposed Use</i>	<i>DR-1</i>	<i>DR-2</i>	<i>DR-3</i>	<i>DB-1</i>	<i>DB-2</i>	<i>DC</i>	<i>Additional Use Regulations</i>

Residential Use Classifications							
Single Residence							
Detached	P	P	P	—	—	—	
Attached	—	P	P	P	CUP	—	
Multiple Residence	—	P	P	P	CUP	P (1)	
ASSISTED LIVING FACILITY							
ASSISTED LIVING HOME (UP TO 10 RESIDENTS)	P	P	P	P (15)	CUP (15)	—	SECTION 11-31-14, GROUP HOMES FOR THE HANDICAPPED
ASSISTED LIVING CENTER (GREATER THAN 10 RESIDENTS)	--	--	CUP	CUP	CUP	CUP	SECTION 11-31-28, ASSISTED LIVING CENTERS, NURSING AND CONVALESCENT HOMES
Assisted Living	—	—	SUP	SUP	—	SUP	
Day Care Group Home							
Small Home Day Care (up to 5)	P	P	P	P	—	—	Section 11-31-13, Day Care Group Homes
Large Home Day Care (6 to 10)	—	SUP	SUP	P	—	—	
Group Residential							
Boarding House	—	—	P	P	—	—	
Group Home for the Handicapped (up to 10 residents)	P	P	P	P	—	—	Section 11-31-14, Group Homes for the Handicapped
Group Home for the Handicapped (greater than 10)	—	SUP	SUP	—	—	—	
Group Housing	—	—	—	P	—	—	
Home Occupations	P	P	P	P (9)	—	P (9)	Section 11-31-33, Home Occupations
Public and Semi-Public Use Classifications							
Clubs and Lodges	—	—	—	P	P	P	
Colleges and Trade Schools, Public or Private							
Colleges and Universities	—	—	—	P	P	P	
Commercial Trade Schools	—	—	—	P	P	P	
Industrial Trade Schools	—	—	—	—	SUP	—	
Community Center	—	SUP	SUP	P	P	P	
Community Gardens	P	P	P	P	P	P	Section 11-31- 10, Community Gardens
Cultural Institutions	—	—	—	—	—	P	
Day Care Centers	—	SUP	SUP	P	P	P	
Government Offices	—	—	—	P (2)	P	P	
Hospitals and Clinics							
Clinics	—	—	—	P (3)	P (3)	—	Section 11-31- 15,

							Hospitals and Clinics
Hospitals	—	—	—	P	P	—	
Nursing and Convalescent Homes	—	—	—	P CUP	P CUP	—	SECTION 11-31-28, ASSISTED LIVING CENTERS, NURSING AND CONVALESCENT HOMES
Parks and Recreation Facilities, Public	P	P	P	P	P	P	
Places of Worship	P	P	P	P	P	P	Section 11-31-22, Places of Worship
Public Safety Facilities	—	—	—	P	P	P	
Schools, Public or Private	CUP	CUP	CUP	CUP	CUP	CUP	Section 11-31-24, Schools
Social Service Facilities	—	—	—	CUP	CUP	—	Section 11-31-26, Social Service Facilities
Commercial Use Classifications							
Animal Sales and Services							
Kennels	—	—	—	—	P (4)	—	
Pet Stores	—	—	—	—	P	P (4, 6)	
Veterinary Services	—	—	—	P (4)	P	—	
Artists' Studios	—	—	—	P	P	P	
Automobile/Vehicle Sales and Services							
Accessory Automobile Rentals	—	—	—	SUP	—	SUP (12)	Section 11-31-5, Automobile Rentals; Automobile/Vehicle Sales and Leasing
Automobile Rentals	—	—	—	—	SUP	CUP	
Automobile/Vehicle Sales and Leasing	—	—	—	—	SUP	—	
Automobile/Vehicle Repair, Major	—	—	—	—	SUP	—	Section 11-31-6, Automobile/ Vehicle Repair; Major and Minor
Automobile/Vehicle Service and Repair. Minor	—	—	—	—	SUP	CUP	
Automobile/Vehicle Washing	—	—	—	—	SUP	CUP	Section 11-31-7, Automobile/Vehicle Washing
Large Vehicle and Equipment Sales, Services, and Rental	—	—	—	—	SUP	—	Section 11-31-5, Automobile Rentals; Automobile/ Vehicle Sales and Leasing
Service Station	—	—	—	—	SUP	CUP	Section 11-31-25, Service Stations
Banks and Financial Institutions	—	—	—	P	P	P	
With Drive-Thru Facilities	—	—	—	CUP	SUP	CUP	
Banquet and Conference Center	—	—	—	P	P	P	
Bed and Breakfast Inns	SUP	P	P	—	—	—	Section 11-31-8, Bed and Breakfast Inns

Business Services	—	—	—	—	P	P	
Commercial Entertainment	—	—	—	P	P	P	
Commercial Recreation							
Small-Scale	—	—	—	P	P	P	
Large-Scale	—	—	—	—	—	P (5)	
Eating and Drinking Establishments							
Bars/Clubs/Lounges	—	—	—	P	P	P	
Coffee Shops/Cafes	—	—	—	P	P	P	
Restaurants, Bar and Grill	—	—	—	P	P	P	
Restaurants, Full Service	—	—	—	P	P	P	
Restaurants, Limited Service	—	—	—	P	P	P	
With Drive-Thru Facilities	—	—	—	CUP	SUP	—	
With Outdoor Seating Areas	—	—	—	SUP	SUP	SUP	Section 11-31-19, Outdoor Eating Areas
Farmer's Market	—	—	—	TUP	TUP	SUP	Section 11-31-30, Temporary Uses: Swap Meets and Farmer's Markets
Food and Beverage Sales							
Convenience Market	—	—	—	SUP	SUP	P	Section 11-31-11, Convenience Markets
General Market	—	—	—	P	P	P	
Funeral Parlors and Mortuaries	—	—	—	—	P	CUP	
Hotels and Motels	—	—	—	P	—	P	
Laboratories	—	—	—	—	P	—	
Large Commercial Development	—	—	—	—	CUP	CUP	Section 11-31-16, Large Commercial Development
Light Fleet-Based Services	—	—	—	—	P	CUP	
Live-Work Unit	—	P	P	P	P	SUP	Section 11-31-17, Live Work Units
Maintenance and Repair Services	—	—	—	—	P	—	
Offices							
Business and Professional	SUP (10)	SUP (10)	SUP (10, 11)	P	P	P	
Medical and Dental	—	—	—	P	P	P	
Parking, Commercial	—	—	—	—	SUP	P (7)	
Personal Services	—	—	—	P	P	P	
Plant Nurseries and Garden Centers	—	—	—	—	SUP	—	
Retail Sales							
General	—	—	—	P	P	P	

Pawn Shops	—	—	—	CUP (8)	CUP (8)	—	Section 11-31- 21, Pawn Shops
Tattoo and Body Piercing Parlors	—	—	—	P	P	P	
Employment and Industrial Use Classifications							
Handicraft/Custom Manufacturing	—	—	—	—	P	—	
Manufacturing, Light Cabinet Assembly	—	—	—	—	P	—	
Manufacturing, Limited	—	—	—	—	P	—	
Research and Development	—	—	—	—	P	—	
Warehousing and Storage							
Contractors' Yards	—	—	—	—	SUP	—	
Indoor Warehousing and Storage	—	—	—	—	P	—	
Mini-Storage	—	—	—	—	P	—	
Recycling Facilities							
Reverse Vending Machine	—	—	—	P (4)	P (4)	—	Section 11-31-23
Small Indoor Collection Facility	—	—	—	—	SUP (14)	—	Section 11-31-23
Transportation, Communication, and Utilities Use Classifications							
Communication Facilities							
Antenna and Transmission Towers	See Chapter 35						
Facilities within Buildings	See Chapter 35						
Transportation Passenger Terminals	—	P	P	P	P	P	
Utilities, Minor	P	P	P	P	P	P	
Accessory Uses and Facilities							
Outdoor Storage	—	—	—	—	SUP		
Drive-thru facilities	—	—	—	CUP	SUP	CUP	
Accessory Dwelling Unit	P/SUP (13)	P/SUP (13)	P/SUP (13)	—	—	—	Section 11-31-3, Accessory Dwelling Unit
Caretakers' Residences	—	—	—	—	SUP	—	
Outdoor entertainment or activities	—	—	—	SUP	SUP	—	
1. Multiple-Family Residential permitted at a minimum density of 20 units/acre in an exclusive multiple residence project. No minimum density when part of a mixed-use project.							
2. Permitted if occupying less than 5,000 square feet; greater floor area requires approval of an SUP.							
3. A CUP is required for plasma centers and substance abuse detoxification and treatment centers; other Clinics are permitted by right.							
4. Must be confined to completely enclosed, sound-attenuated facilities.							
5. Permitted if all activities pertaining to commercial recreation are conducted entirely within an enclosed building.							

6. Permitted if floor area is no more than 1,500 square feet.
7. Structured parking garages are permitted. A CUP is required for surface (open) parking lots.
8. Must be at least 1,200 feet from any use in the same classification, and at least 1,200 feet from any school.
9. Home Occupations permitted where and when a residence is authorized.
10. Eligible sites are limited to locations designated as Class 1 Historic Buildings based on the City of Mesa Historical Survey, 1984.
11. Eligible sites limited to lots with frontage on an arterial street as designated in the Mesa General Plan.
12. Eligible Sites limited to ancillary use to hotel or motel.
13. Use is Permitted as an accessory use only. Special Use Permit is required if Accessory Dwelling Unit is leased or rented as a secondary apartment.
14. Facility may be as large as 6,000 square feet in the DB-2 district, subject to approval of a Special Use Permit.
15. ALLOWED ONLY IN ATTACHED RESIDENTIAL DWELLINGS.

Section 5: That Title 11, Chapter 31, is hereby amended by adding Section 11-31-28 as follows:

11-31-28: - ASSISTED LIVING CENTERS, NURSING AND CONVALESCENT HOMES

ASSISTED LIVING CENTERS AND NURSING AND CONVALESCENT HOMES AS DEFINED IN SECTION 11-86-2, SHALL BE LOCATED, DEVELOPED, AND OPERATED IN COMPLIANCE WITH THE LAND USE REGULATIONS IN ARTICLE 2 AND THE FOLLOWING STANDARDS:

A. GENERAL REQUIREMENTS

- 1. DISTANCE FROM A MAJOR INTERSECTION. THE ASSISTED LIVING CENTER OR NURSING AND CONVALESCENT HOME MUST BE LOCATED A MINIMUM DISTANCE OF 600 FEET FROM THE FOLLOWING INTERSECTIONS, AS MEASURED IN ACCORDANCE WITH THE RULES OF MEASUREMENT IN SECTION 11-2-3(C):**
 - a. HIGHWAY AND ARTERIAL STREET;**
 - b. HIGHWAY AND COLLECTOR STREET;**
 - c. ARTERIAL STREET AND ARTERIAL STREET; OR**
 - d. ARTERIAL STREET AND COLLECTOR STREET.**
- 2. SEPARATION FROM SIMILAR USES. THE ASSISTED LIVING CENTER OR NURSING AND CONVALESCENT HOMES MUST BE SEPARATED A MINIMUM DISTANCE OF 1,200 FEET FROM THE CLOSEST ASSISTED LIVING CENTER, NURSING AND CONVALESCENT HOME, OR GROUP HOME FOR THE HANDICAPPED AS MEASURED IN ACCORDANCE WITH SECTION 11-2-3(C), UNLESS SEPARATED BY A SIGNIFICANT INTERVENING NATURAL OR MANMADE FEATURE, SUCH AS A MUNICIPAL OPEN SPACE OF AT LEAST TEN (10) ACRES IN SIZE (E.G. PARK, GOLF COURSE, ETC.), A RAILROAD, OR A HIGHWAY, THAT IS APPROVED BY THE ZONING ADMINISTRATOR.**
- 3. LICENSURE. THE ASSISTED LIVING FACILITY OR NURSING AND CONVALESCENT HOME MUST OBTAIN THE LICENSE THE STATE OF**

ARIZONA REQUIRES TO OPERATE THE PROPOSED USE. A COPY OF THE STATE ISSUED LICENSE MUST BE SUBMITTED WITH THE APPLICANT'S REGISTRATION APPLICATION OR WITHIN 30 DAYS FROM THE DATE THE LICENSE FOR THE PROPOSED USE IS ISSUED.

- 4. REGISTRATION. THE ASSISTED LIVING CENTER OR NURSING AND CONVALESCENT HOME MUST REGISTER WITH THE CITY AS SET FORTH IN THIS SECTION.**
 - A. REGISTRATION PROCESS FOR ASSISTED LIVING CENTERS AND NURSING AND CONVALESCENT HOMES THAT DO NOT REQUIRE A CONDITIONAL USE PERMIT. TO REGISTER WITH THE CITY, WHEN THE ASSISTED LIVING CENTER OR NURSING AND CONVALESCENT HOME DOES NOT REQUIRE A COUNCIL USE PERMIT TO OPERATE, THE APPLICANT MUST SUBMIT THE CITY'S REGISTRATION APPLICATION IN ACCORDANCE WITH SECTION 11-67 AND PROVIDE EVIDENCE DEMONSTRATING COMPLIANCE WITH THIS SECTION. IF THE FACILITY COMPLIES WITH ALL CITY REQUIREMENTS, THE APPLICANT WILL RECEIVE PROVISIONAL REGISTRATION APPROVAL FROM THE PLANNING DIVISION. TO OBTAIN FINAL REGISTRATION, THE APPLICANT MUST PROVIDE TO CITY A COPY OF THE STATE ISSUED LICENSE REQUIRED IN SECTION 11-31-28(A)(3) ABOVE WITHIN 30 DAYS FROM THE DATE OF ISSUANCE.**
 - B. ASSISTED LIVING CENTER AND NURSING AND CONVALESCENT HOMES THAT REQUIRE A COUNCIL USE PERMIT. TO REGISTER WITH THE CITY, WHEN THE ASSISTED LIVING CENTER OR NURSING AND CONVALESCENT HOME REQUIRES A COUNCIL USE PERMIT TO OPERATE, THE APPLICANT MUST SUBMIT THE CITY'S APPLICATION FOR A COUNCIL USE PERMIT IN ACCORDANCE WITH SECTION 11-67 AND PROVIDE EVIDENCE DEMONSTRATING COMPLIANCE WITH THIS SECTION. THE REQUEST FOR A CONDITIONAL USE PERMIT WILL BE REVIEWED BY THE APPLICABLE GOVERNING BODY. APPROVAL OF THE CONDITIONAL USE PERMIT GRANTS THE APPLICANT PROVISIONAL REGISTRATION APPROVAL. TO OBTAIN FINAL REGISTRATION APPROVAL, THE APPLICANT MUST PROVIDE TO CITY A COPY OF THE STATE ISSUED LICENSE REQUIRED IN SECTION 11-31-28(A)(3) ABOVE WITHIN 30 DAYS FROM THE DATE OF ISSUANCE.**
- 5. THE ASSISTED LIVING CENTER OR NURSING AND CONVALESCENT HOME MUST COMPLY WITH ALL APPLICABLE FEDERAL, STATE, COUNTY, AND LOCAL REQUIREMENTS FOR THE LOCATION AND OPERATION OF THE FACILITY.**
- 6. THE ASSISTED LIVING CENTER OR NURSING AND CONVALESCENT HOME MUST PROVIDE ADEQUATE ACCESS FOR EMERGENCY VEHICLES.**

- B. COUNCIL USE PERMIT CRITERIA. WHEN A PROPOSED ASSISTED LIVING CENTER OR NURSING AND CONVALESCENT HOME IS REQUIRED TO OBTAIN A COUNCIL USE PERMIT, THE COUNCIL USE PERMIT WILL ONLY BE GRANTED IF THE GOVERNING BODY FINDS THAT THE USE CONFORMS TO THE CRITERIA IN SECTION 11-70-6 OF THE MESA ZONING ORDINANCE AND ALL OF THE FOLLOWING CRITERIA:**
- 1. THE PROPOSED USE IN COMBINATION WITH ANY EXISTING ASSISTED LIVING FACILITIES, NURSING AND CONVALESCENT HOMES OR GROUP HOMES FOR THE HANDICAPPED WILL NOT ALTER THE CHARACTER OF THE AREA BY CREATING OR INTENSIFYING AN INSTITUTIONAL ATMOSPHERE OR BY CREATING OR INTENSIFYING A DE FACTO SOCIAL SERVICE DISTRICT BY CLUSTERING ASSISTED LIVING FACILITIES, NURSING AND CONVALESCENT HOMES OR GROUP HOMES FOR THE HANDICAPPED IN A PARTICULAR AREA; AND**
 - 2. THE PROPOSED USE IN COMBINATION WITH OTHER EXISTING ASSISTED LIVING FACILITIES, NURSING AND CONVALESCENT HOMES, GROUP HOMES FOR THE HANDICAPPED AND OTHER LAND USES THAT TYPICALLY GENERATE HIGHER CALLS FOR SERVICE TO THE FIRE DEPARTMENT, WILL NOT OVERBURDEN OR HAVE AN ADVERSE IMPACT ON THE CITY'S FIRE DEPARTMENT OR THE FIRE DISTRICT WHERE THE PROPOSED USE WILL BE LOCATED; AND**
 - 3. WHETHER THE LOCATION AND OPERATIONAL CHARACTERISTICS OF THE PROPOSED USE WILL HAVE AN ADVERSE IMPACT ON VEHICULAR TRAFFIC AND OTHER PUBLIC FACILITIES AND SERVICES.**

Section 6: That Title 11, Chapter 86, That Mesa City Code Title 11 Zoning Ordinance, Article 8 Land Use Classifications and Definitions, Chapter 86 Use Types, is hereby amended by modifying the definition of assisted living facility and adding additional definitions. All other definitions not changed by this Ordinance shall remain the same.

ASSISTED LIVING FACILITY: A RESIDENTIAL CARE INSTITUTION, INCLUDING ADULT FOSTER CARE, THAT IS LICENSED BY THE STATE OF ARIZONA TO PROVIDE SUPERVISORY CARE SERVICES, PERSONAL CARE SERVICES OR DIRECTED CARE SERVICES ON A CONTINUING BASIS.

ASSISTED LIVING CENTER: AN ASSISTED LIVING FACILITY THAT PROVIDES RESIDENT ROOMS OR DWELLING UNITS TO 11 OR MORE RESIDENTS.

ASSISTED LIVING HOME: AN ASSISTED LIVING FACILITY THAT PROVIDES RESIDENT ROOMS TO 10 OR FEWER RESIDENTS.

RESIDENTIAL CARE INSTITUTION: A HEALTH CARE INSTITUTION OTHER THAN A HOSPITAL OR A NURSING CARE INSTITUTION WHICH PROVIDES RESIDENT BEDS OR DWELLING UNITS, SUPERVISORY CARE SERVICES, PERSONAL CARE SERVICE, DIRECTED CARE SERVICES OR HEALTH-RELATED SERVICES FOR PERSONS WHO DO NOT NEED INPATIENT NURSING CARE.

Section 7: REPEAL OF CONFLICTING ORDINANCES.

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: 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 9: The effective date of this Ordinance shall be January 1, 2021.

Section 10: 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 11: 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 1st day of December, 2021.

APPROVED:

Mayor

ATTEST:

City Clerk

EFFECTIVE DATE: January 1, 2021.