



City Council Work Session
October 5, 2021

Land Development Ordinance
Zoning Text Amendment
FS21-413

CHAPTER 102 - REVIEW PROCESS AND APPLICATIONS

ARTICLE 2 – PROCEDURE TYPES AND SUBMITTALS

102-2.1 Procedure Types

- B. The following **Table 102-2a** describes the level of public outreach required, decision-making authority, and the appeal authority for the applications processed and the approvals that may be granted under this Ordinance.

	Public Outreach				Community Development Director	Planning and Zoning Commission	City Council	Board of Adjustment
	Agenda Posting	Notice Letter & Newspaper	Neighborhood Meeting	Site Posting				
Type 1 Applications								
Zoning Interpretation					D			A
Site Plan Amendment (minor)					D	A		
Minor land division / Parcel assemblage					D		A	
Administrative Use Permits					D			A
Temporary Use Permits					D	A		
Home Product Review					D	A		
Corrective Plat					D		A	
PEDS Deviation/Waiver					D	A		
Slope Category Analysis Waiver					D	A		
Administrative Waiver/Extension					D	A		
Type 2 Applications								
Site Plan Review	X				R	D	A	
Site Plan Amendment (major)	X				R	D	A	
Protected Development Rights Plans	X				R	R	D	
Preliminary plats	X				R	R	D	
Final plats	X				R		D	
Original Townsite Incentive	X				R		D	
Development Agreement	X				R		D	
Hillside Cut & Fill Waiver	X			X	R	D		
Type 3 Applications								
General Plan Amendments	X	X	X	X	R	R	D	
Specific Area Plan Requests	X	X	X	X	R	R	D	
Rezoning Requests	X	X	X	X	R	R	D	
LDO Text Amendments	X	X ⁽¹⁾	X		R	R	D	
Conditional Use Permits	X	X	X	X	R	D	A	
Comprehensive Sign Program	X	X	X	X	R	R	D	
Variances Requests	X	X		X	R			D
Annexation	X	X	X	X	R		D	

Key:
X = Required
(1) = 1st Class Letter not required

R = Reviews and recommends action to decision-making body
D = Decision-making body
A = Appeal authority

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CHAPTER 102 - REVIEW PROCESS AND APPLICATIONS

ARTICLE 3 – PUBLIC OUTREACH AND PUBLIC NOTIFICATION

102-3.2 Neighborhood Meetings

- A. This is conducted by the *applicant* and/or *developer*.
1. A Neighborhood Meeting is required for all Type 3 Applications that require a public hearing, ~~Preliminary plats~~, and other applications as determined during the Concept Review Meeting. All neighborhood meetings shall be scheduled at a time and publically accessible location near the project that provides reasonable opportunity for assemblage of adjacent landowners, other affected publics, and the applicant to discuss and express their respective views upon the development request. The applicant shall secure a time and location near the proposed project according to the following requirements:

CHAPTER 102 - REVIEW PROCESS AND APPLICATIONS

ARTICLE 6 – TYPE 3 APPLICATION AND REQUESTS

102-6.3 Conditional Use Permits

J. THE DECISION BY THE PLANNING AND ZONING COMMISSION TO APPROVE OR DENY A CUP MAY BE APPEALED BY ANY PERSON AGGRIEVED TO THE CITY COUNCIL AS SET FORTH IN SECTION 2-301(f) OF THE SURPRISE CITY CODE.



CHAPTER 105 – BUILDING AND BUILDING REGULATIONS

ARTICLE 2 – TECHNICAL CODES

- A. 2018 ~~2012~~ International *Building* Code.
- B. 2018 ~~2012~~ International Residential Code.
- C. ~~2012 International~~ 2017 NATIONAL Electrical Code.
- D. 2018 ~~2012~~ International Mechanical Code.
- E. 2018 ~~2012~~ International Plumbing Code.
- F. 2018 ~~2012~~ International Fuel Gas Code.
- G. 2018 ~~2012~~ International Energy Conservation Code.
- H. 2006 International Property Maintenance Code.
- I. 2018 ~~2012~~ International Existing *Building* Code.
- J. 2018 ~~2012~~ International Fire Code.
- K. 2018 INTERNATIONAL GREEN CONSTRUCTION CODE

~~A certain public record entitled "2016 Amendments to the 2012 International Codes," dated September 20, 2016, specifically amends the 2012 building code, residential code, mechanical code, plumbing code, fuel gas code, energy conservation code, existing building code, and fire code.~~

ORDINANCE 2019-31 INCLUDES A CERTAIN PUBLIC RECORD ENTITLED "LOCAL AMENDMENTS TO THE 2018 INTERNATIONAL CODES AND THE 2017 NATIONAL ELECTRICAL CODE," DATED NOVEMBER 14, 2019, WHICH SPECIFICALLY AMENDS THE 2018 BUILDING CODE, RESIDENTIAL CODE, FIRE CODE, PLUMBING CODE, MECHANICAL CODE, FUEL GAS CODE, ENERGY CONSERVATION CODE, EXISTING BUILDINGS CODE, GREEN CONSTRUCTION CODE, AND THE 2017 NATIONAL ELECTRICAL CODE.

State Law reference — Adoption by reference, A.R.S. § 9-801 et seq.; state plumbing code, A.R.S. § 41-619.

CHAPTER 106 - ZONING AND USE STANDARDS

ARTICLE 1 – IN GENERAL

106-1.7 Development Standards and Encroachments

- C. Lot coverage. ~~Measured by the total square footage of structures used for protection or shielding from the elements or weather divided by the square footage of the lot.~~ THE PERCENTAGE OF THE LOT AREA COVERED BY A BUILDING AND/OR OTHER ALLOWED ROOFED STRUCTURE USED FOR PROTECTION OR SHEILDING FROM THE ELEMENTS OR WEATHER.

ARTICLE 1 – IN GENERAL

[illegible]

Zoning District	Places of Assembly	Places of Worship
RR		P
R-1		P
R-2		P
R-3		P
SHD-RO	CUP	P
SHD-CO	P	P
TND-R		P
TND-C	P	P
TND-MU	P	P
TND-OS		
MU-1	P	P
MU-2	P	P
MU-3	P	P
CO		
C-1	P	P
C-2	P	P
C-3	P	P
BP	P	P
I-1	P	P
I-2		
I-3		
OS-1		
OS-2		
PF	P	P

CHAPTER 106 - ZONING AND USE STANDARDS

ARTICLE 3 – SURPRISE HERITAGE DISTRICT (SHD) ZONING DISTRICTS

106-3.2 Design and Development Standards in the SHD Zoning district.

B. Development Standards.

1. The development standards shown in **Table 106-3a** and **Table 106-3b** below are applicable to all properties within the SHD. These tables identify the development standards for properties zoned into one (1) of the overlay zones.

Table 106-3a – SHD - Residential Overlay Zoning (SHD-RO)

	Commercial	Single-family, Two-family, Three-family	Multi-family Residential
Min. Lot Area (sf)	5,000		15,000
Min. Lot Area (sf/du)		5,000	5,000
Min. Front setback (ft)	15	12 ^{2, 3}	15 ^{2, 3}
Max. Front setback (ft)	30	30 ⁴	30 ⁴
Min. Side setback (ft)	10	5 & 10 total ^{1, 3}	20 ³
Min. Rear setback (ft)	12	12 ³	20 ³
Max. Bldg. Height (ft)	30	30	35
Lot coverage %		65%	65%

Notes:

1. May be reduced to 0' setback for *Single-family dwellings* as attached to and separated by a *common wall* along the property line. End units shall maintain the larger setback.
2. A covered front porch may encroach into the *front setback* by up to five feet (5').
3. *Garage* doors/embellishments shall be setback a minimum of twenty feet (20' alley) measured from the opposing property line, except rear, *alley loaded garages*, which shall be setback six feet (6') from the *alley* edge line.
4. Measured from the *primary dwelling*, excluding front porch.

CHAPTER 106 - ZONING AND USE STANDARDS

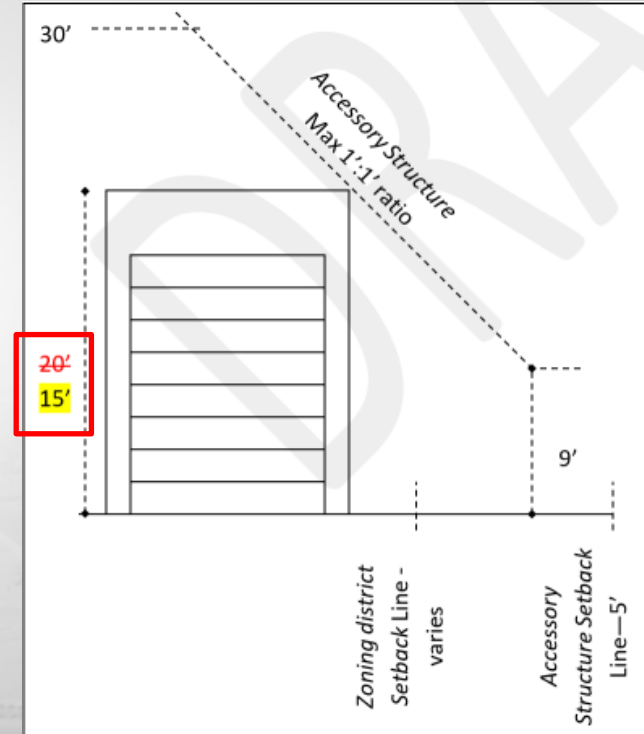
ARTICLE 10 – USE SPECIFIC STANDARDS

106-10.3 Accessory Uses and Structures.

Development Standards. Table 106-10b below identifies the dimensional standards required for an *accessory structure*.

Note 3. The *height* of an *accessory structure* shall not exceed nine feet (9') as measured at the five-foot (5') *setback line*. The *height* of the *accessory structure* may increase at a ratio of one foot vertical for every one foot horizontal (1':1') as measured relative to the property line to a maximum *height* of fifteen feet (15') (See **Figures 106-10a 106-10b**)

- K. *Accessory structures* for multi-family, mixed use, commercial, and employment projects shall be included as part of an approved *site plan* and comply with setbacks of the *zoning district*.



CHAPTER 106 - ZONING AND USE STANDARDS

ARTICLE 10 – USE SPECIFIC STANDARDS

106-10.23 Home Occupation.

- C. The following *uses* have a pronounced tendency, once started, to rapidly increase beyond the limits permitted for *home occupations* and thereby impair the *use* and value of a residentially zoned area for residential purposes. Therefore, the following *uses* shall not be permitted as *home occupations*: (this list is not all inclusive)

11. ~~Sales of weapons or ammunition, retail sales in general,~~ banks, credit unions or payday lending

106-10.31 Outdoor Display and Sales Areas.

Other retail *businesses* may be permitted *outdoor display areas* as an *accessory use* provided:

6. Permanent *outdoor display areas* may be permitted as part of an approved *site plan* for C-3, I-1 AND I-2 Zoning districts.

CHAPTER 106 - ZONING AND USE STANDARDS

ARTICLE 10 – USE SPECIFIC STANDARDS

106-10.40 Self-storage Facilities.

- A. *Self-storage facilities* may be appropriate in the Neighborhood, Commerce and Office, and Employment Character Areas of the *General Plan*, except ~~except~~ may be considered incompatible in areas within the Transit-Oriented Development (TOD) Strategic Plan and Scenic Lands Sub Area.
- B. There are ~~four~~ **THREE** different “types” of *self-storage facilities*; each with different land use needs and varying degrees of regulations.
 - 1. “Garage style” with single story *buildings* that allow customers to drive directly up to the front of each individual roll-up door storage unit/bay.
 - 2. “Multi-story/climate controlled” in a single *building* providing *access* to the individual units from an interior hallway within the *building*.
 - 3. ~~“Parking style” allows outdoor storage of vehicles, boats, RV’s, and trailers. This type can be a standalone facility or combined with either the garage style or multi-story climate controlled facility.~~
 - 4. “Portable container” is the remote facility where small roll-off containers are stored after they have been delivered to and picked up from the customer’s location; with no public or customer *access* to the storage facility.

CHAPTER 106 - ZONING AND USE STANDARDS

ARTICLE 10 – USE SPECIFIC STANDARDS

106-10.40 Self-storage Facilities. (Continued)

- D. Regardless of the “type” the minimum size of any storage facility site shall be one acre (1 ac). ~~The site should be limited to a maximum of two acres (2 ac) when adjacent to a residential zoning district or a residential use.~~
- H. *Outdoor storage* shall be limited to boats, trailers, or *recreational vehicles*. The storage of these vehicles in conjunction with either the garage style or the “multi-story/climate controlled” storage facility shall be limited to a maximum fifteen percent (15%) of the net site area. All outdoor vehicle storage shall be located in the interior of the site and shall be *screened* from view from surrounding properties. ~~Parking style and~~ Garage style storage facilities shall provide an eight foot (8') decorative view-obscuring *wall* to *screen* the entire storage area. There shall be no storage of *abandon*, damaged, or junked boats, trailers or *recreational vehicles* in any storage facility.

106-10.47 Vehicle fueling stations

~~0.~~

CHAPTER 107 DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE 2 – LANDSCAPE AND SCREENING REGULATIONS

107-2.2 REPAIR AND Maintenance RESPONSIBILITIES

- A. The REPAIR AND maintenance of all landscaping on the property or abutting *right-of-way, landscape strip, open space, buffer areas, setbacks, parks, retention basins, or pathways* shall be the responsibility of the property owner. THE CITY OF SURPRISE SHALL NOT HAVE ANY REPAIR OR MAINTENANCE RESPONSIBILITIES ON PRIVATELY OWNED LANDSCAPING, UNLESS BY SEPARATE AGREEMENT.; ~~unless otherwise accepted by the City for maintenance purpose. Maintenance of medians and median landscaping on arterial roads, or on parkways, shall be the responsibility of the city after acceptance.~~

CHAPTER 107 DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE 2 – LANDSCAPE AND SCREENING REGULATIONS

107-2.2 REPAIR AND Maintenance RESPONSIBILITIES

- M. Sidewalks, medians, and *landscape strip* construction and the landscaping within these areas shall adhere to the Property Maintenance regulations as referred to in Chapter 105 of the LDO AND THE NEIGHBORHOOD PRESERVATION ORDINANCE. THE OWNER OF A PARCEL OF REAL PROPERTY OR RESPONSIBLE PARTY IN CONTROL OF ANY LAND ABUTTING A COLLECTOR OR LOCAL STREET RIGHTS-OF-WAY, MEDIANS, SIDEWALKS, OR ALLEYS SHALL BE RESPONSIBLE FOR THE LANDSCAPING AND MAINTENANCE IN THESE AREAS. THE AREAS REQUIRED TO BE MAINTAINED PURSUANT TO THIS SUBSECTION ARE AS FOLLOWS:
1. ANY PORTION OF A STREET, WHICH HAS BEEN OPENED FOR PUBLIC USE, BETWEEN THE CURB LINE, OR IF THERE IS NO CURB LINE THE EDGE OF PAVEMENT, AND THE ABUTTING PROPERTY LINE INCLUDING LANDSCAPING STRIPS AND SIDEWALKS.
 - a. THE CITY SHALL NOTIFY THE OWNER WHEN LANDSCAPING IS FOUND IN VIOLATION OR A SIDEWALK IS FOUND TO BE DEFECTIVE, UNSAFE OR HAZARDOUS, AS DETERMINED BY THE CODE ENFORCEMENT DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT.
 - b. WHENEVER ANY OWNER HAS BEEN NOTIFIED TO CORRECT A LANDSCAPE VIOLATION OR RECONSTRUCT OR REPAIR ANY SIDEWALK, THE CITY MAY PROCEED TO MAINTAIN, RECONSTRUCT, OR REPAIR THE ISSUE THREE (3) DAYS AFTER SUCH NOTICE EXPIRATION, AND THE COST OF SUCH MAINTENANCE, RECONSTRUCTION OR REPLACEMENT SHALL BE PAID BY THE OWNER OF SUCH ABUTTING PROPERTY.
 - c. THE CITY SHALL NOTIFY THE OWNER OF SUCH ABUTTING PROPERTY OF THE AMOUNT DUE FOR THE MAINTENANCE, RECONSTRUCTION, OR REPLACEMENT OF SUCH LANDSCAPING OR SIDEWALK AND THE OWNER SHALL THEREAFTER PAY TO THE CITY.

CHAPTER 107 DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE 2 – LANDSCAPE AND SCREENING REGULATIONS

107-2.2 **REPAIR AND Maintenance RESPONSIBILITIES** (Continued)

2. ONE-HALF (½) OF THE WIDTH OF ABUTTING ALLEYS FROM THE PROPERTY LINE TO THE CENTERLINE OF THE ALLEY.
3. ANY PORTION OF A STREET ABUTTING THE BOUNDARIES OF A PARCEL OF LAND, WHICH STREET HAS NOT BEEN OPENED FOR PUBLIC USE, SHALL BE MAINTAINED BY THOSE PERSONS WHO DEDICATED THE STREET OR THEIR SUCCESSORS IN INTEREST, INCLUDING LESSEES AND OTHER PERSONS IN CONTROL OF THE LAND ABUTTING THE STREET; PROVIDED THAT IF THE ABUTTING LAND ON EITHER SIDE OF SUCH STREET IS OWNED BY DIFFERENT PERSONS AND EACH PERSON HAS AN OBLIGATION TO MAINTAIN THE STREET. HEREUNDER, THEN THE RESPONSIBLE PARTY OR OTHER PERSON IN CONTROL OF THE LAND SHALL ONLY BE REQUIRED TO MAINTAIN ONE-HALF (½) OF THE WIDTH OF THE STREET ABUTTING THEIR LAND.

107-2.4 Quantity, Size, and Spacing Requirements.

- C. Parking Areas/Lots, **MULTI-FAMILY** and Non-residential Setbacks



CHAPTER 107 DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE 3 – OUTDOOR LIGHTING REGULATIONS

107-3.7 Outdoor Advertising Signs.

A.



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A.



CHAPTER 107 DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE 4 – PARKING AND LOADING REGULATIONS

107-4.3 R-1 and R-2, AND SHD-RO Residential Provisions

- A. ~~Required~~ Off-street parking SPACES WITHIN THE FRONT YARD shall be utilized solely for the parking of licensed and operable passenger vehicles and in addition to Chapter 54, Article IV of the Municipal Code the regulations below shall apply:
1. The *recreational vehicle* or utility trailer stored in the rear or *side yard* shall be behind the front line of the *primary structure*.
 2. Placement of a *recreational vehicle* or utility trailer ~~in~~ other than the rear or *side yard* for loading and unloading purposes may be permitted for a period not to exceed seventy-two (72) hours up to two (2) times per month.
 3. No person shall *park* a *truck* on any *lot*, except while loading and unloading the *truck*, while services are being provided to the residence by the *truck's* occupant, or for a period of time to exceed twenty (24) hours.
- B. The ~~required~~ off-street parking spaces WITHIN THE FRONT YARD shall not be *used* for storage of commercial equipment.
- C. Residential parking and driveway areas shall be constructed and maintained, with the required *parking space(s)* being located on and *accessed* by a dust-proof surface.
- D. DRIVEWAY ENTRANCES AND OFF-STREET PARKING SPACES WITHIN THE FRONT YARD SHALL NOT COMPRISE OF MORE THAN THIRTY PERCENT (30%) OF THE FRONT LOT LINE, EXCEPT THAT EACH LOT IS PERMITTED ONE DRIVEWAY UP TO EIGHTEEN FEET (18') WIDE.

CHAPTER 107 DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE 4 – PARKING AND LOADING REGULATIONS

107-4.5 Dimensions

- D. Off-street loading spaces. The number of such required spaces is outlined in **Table 107-4a** and the dimensions, exclusive of *access* or maneuvering area, *platform*, and other appurtenances, are as follows:
1. Each large space shall have an overhead clearance of at least fifteen feet (15'), shall be at least twelve feet wide and at least fifty feet (12'x50') long.
 2. Each small space shall have an overhead clearance of at least ten feet (10'), shall be at least eight feet wide and at least **TWENTY** feet long (8'x20').

CHAPTER 108 - LAND DIVISION AND SUBDIVISION REGULATIONS

ARTICLE 1 – GENERAL PROCESS AND OVERVIEW

108-1.8 MAINTENANCE OF MEDIANS AND MEDIAN LANDSCAPING.

- A. THE REPAIR AND MAINTENANCE OF ALL MEDIANS AND MEDIAN LANDSCAPING WITHIN ALL ARTERIAL AND PARKWAY RIGHTS-OF-WAY CLASSIFICATIONS WILL NOT BE THE RESPONSIBILITY OF THE CITY OF SURPRISE UNTIL ALL REQUIREMENTS ARE MET AS DESCRIBED HEREIN.
1. PRIOR TO ACCEPTANCE OF THE MEDIAN AND/OR MEDIAN LANDSCAPING, IF A MEDIAN AND/OR MEDIAN LANDSCAPING IS FOUND TO BE DEFECTIVE, OVERGROWN, UNSAFE OR HAZARDOUS, THE CITY SHALL NOTIFY THE APPLICANT AND/OR ASSOCIATION FORMED BY THE APPLICANT OF THE ABUTTING PROPERTY TO RECONSTRUCT AND/OR REPAIR AND/OR REPLACE THE MEDIAN AND/OR MEDIAN LANDSCAPING WITHIN A TIME FRAME NOT TO EXCEED 45 DAYS FROM WRITTEN NOTICE.
 2. FAILURE TO REPAIR WITHIN THE TIME ALLOTTED WILL RESULT IN THE WITHHOLDING ON THE COMPANY'S BOND WHEN APPLICABLE. SECTION 42-44 II AND III SHALL APPLY AS DESCRIBED IN THE SURPRISE MUNICIPAL CODE.

CHAPTER 108 - LAND DIVISION AND SUBDIVISION REGULATIONS

ARTICLE 1 – GENERAL PROCESS AND OVERVIEW

108-1.8

MAINTENANCE OF MEDIANS AND MEDIAN LANDSCAPING.

B.

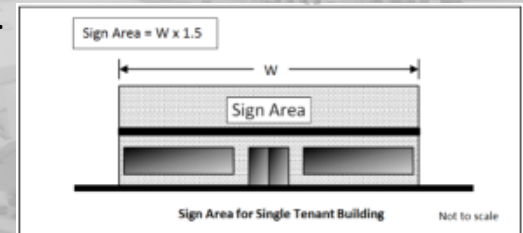
THE REPAIR AND MAINTENANCE OF ALL MEDIANS AND MEDIAN LANDSCAPING WITHIN ALL COLLECTOR AND LOCAL STREET RIGHTS-OF-WAY CLASSIFICATIONS SHALL BE THE RESPONSIBILITY OF THE APPLICANT AND/OR ASSOCIATION FORMED BY THE APPLICANT. THE CITY OF SURPRISE SHALL NOT HAVE ANY REPAIR OR MAINTENANCE RESPONSIBILITIES FOR MEDIANS LOCATED IN COLLECTOR AND LOCAL STREET RIGHTS-OF-WAY, UNLESS BY SEPARATE AGREEMENT.

1. WHEN A MEDIAN AND/OR MEDIAN LANDSCAPING IS FOUND TO BE DEFECTIVE, OVERGROWN, UNSAFE OR HAZARDOUS, THE CITY SHALL NOTIFY THE OWNER OF THE ABUTTING PROPERTY TO RECONSTRUCT OR REPAIR THE MEDIAN AND/OR MEDIAN LANDSCAPING WITHIN A TIME FRAME NOT TO EXCEED FORTY-FIVE (45) DAYS FROM WRITTEN NOTICE.
2. WHEN AN OWNER NOTIFIED TO REPAIR ANY MEDIAN AND/OR MEDIAN LANDSCAPING, AS PROVIDED IN THE PRECEDING SECTION, FAILS TO REPAIR SUCH MEDIAN AND/OR MEDIAN LANDSCAPING AS REQUIRED BY THE NOTICE AND ORDINANCES OF THE CITY, THE CITY MAY PROCEED TO REPAIR SUCH MEDIAN AND/OR MEDIAN LANDSCAPING THREE (3) DAYS AFTER SUCH NOTICE EXPIRATION TO SUCH OWNER, AND WHEN SO REPAIRED BY THE CITY, THE COST OF SUCH REPAIR SHALL BE PAID BY THE OWNER OF SUCH ABUTTING PROPERTY AND BE COLLECTED AS DESCRIBED HEREIN.

CHAPTER 109 - SIGNS

ARTICLE 1 – IN GENERAL PROCESS AND OVERVIEW

- 109-1.9 Sign classifications and types.** The following sign classifications and types as defined in **section 109-1.6** are permitted in the city as outlined in table 109-1a subject to the following "time, place and manner" restrictions.
- B. Building-mounted signs.** Building-mounted signs may only be placed on building elevations which face a street or primary parking lot. For purposes of this section, parking areas adjacent to service bays, access drives located behind a building, or alley ways are not considered primary parking areas.
1. *Building wall signs.* In other than residential zoning, building wall signs are permitted on any building elevation of any primary use building, subject to the following:
 - a. For single story, single-tenant **AND MULTI-TENANT** buildings, any number of building wall signs may be affixed to any building elevation, provided the aggregate sign area does not exceed one and one-half square foot per one linear foot of building elevation **OF THE TENANT WIDTH** on which the sign is mounted.



CHAPTER 110 - DEVELOPMENT IMPACT FEES

ARTICLE 1 – IN GENERAL

110-1.1 Definitions.

- A. Unless otherwise defined in this chapter, terms used in this chapter have the same meaning as used in A.R.S. § 9-463.05.

G

GROSS FLOOR AREA: FOR FEES ASSESSED ON THE BASIS OF SQUARE FEET, GROSS FLOOR AREA SHALL BE CALCULATED AS FOLLOWS. THE FLOOR AREA WITHIN THE INSIDE PERIMETER OF THE EXTERIOR WALLS OF THE BUILDING UNDER CONSTRUCTION, EXCLUSIVE OF THE VENT SHAFTS AND COURTS, WITHOUT DEDUCTION FOR CORRIDORS, STAIRWAYS, RAMPS, CLOSETS, THE THICKNESS OF THE INTERIOR WALLS, COLUMNS OR OTHER FEATURES. THE FLOOR AREA OF A BUILDING, OR PORTION THEREOF, NOT PROVIDED WITH SURROUNDING EXTERIOR WALLS SHALL BE THE USEABLE AREA UNDER THE HORIZONTAL PROJECTION OF THE ROOF OR FLOOR ABOVE. THE GROSS FLOOR AREA SHALL NOT INCLUDE SHAFTS WITH NO OPENINGS OR INTERIOR COURTS. THE USEABLE SPACE FOR A BUSINESS UNDER THE CANOPY FOR OUTDOOR DINING, GAS PUMPS, PARKING, DRIVE THROUGH, ETC. WILL BE COUNTED IN GROSS FLOOR AREA SQUARE FOOTAGE CALCULATION.

Sec. 2-301. - Planning and zoning commission.

(d) *Powers, duties and responsibilities.* The commission will:

(8) ~~Make recommendations in all matters pertaining to the use of United States Department of Housing and Urban Development grant funding programs and other community support grant funding programs.~~ REVIEW AND APPROVE OR DENY APPLICATIONS FOR SITE PLAN APPROVAL AND CONDITIONAL USE PERMITS, AS SET FORTH IN THE LAND DEVELOPMENT CODE, OR AS OTHERWISE SET FORTH IN THIS CODE.

(f) *Appeals.* ~~When sitting as either the board of adjustment or the board of construction review, only decisions of the planning and zoning commission may be appealed as set forth in section 2-303 or 2-304 as appropriate.~~ Decisions by the Planning and Zoning Commission may be appealed as follows:

(1) ANY PERSON AGGRIEVED BY THE DECISION OF THE PLANNING AND ZONING COMMISSION TO APPROVE OR DISAPPROVE AN APPLICATION FOR A CONDITIONAL USE PERMIT MAY APPEAL THE DECISION TO THE CITY COUNCIL WITHIN 15 CALENDAR DAYS AFTER THE COMMISSION HAS RENDERED ITS DECISION. THE AGGRIEVED PERSON, OR ANY MUNICIPAL OFFICER OR OFFICIAL DEPARTMENT OF THE CITY, OR MEMBER OF CITY COUNCIL, MAY FILE AN APPEAL WHETHER OR NOT THEY WERE A PREVIOUS PARTY TO THE DECISION. APPEALS SHALL BE FILED IN WRITING WITH THE OFFICE OF THE CITY CLERK AND SHALL SPECIFY THE GROUNDS FOR THE APPEAL. THE DECISION BY THE CITY COUNCIL SHALL BE FINAL.

(2) WHEN SITTING AS EITHER THE BOARD OF ADJUSTMENT OR THE BOARD OF CONSTRUCTION REVIEW, DECISIONS OF THE PLANNING AND ZONING COMMISSION MAY BE APPEALED AS SET FORTH IN SECTION 2-303 OR 2-304 AS APPROPRIATE.



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You