



CITY OF SURPRISE
Planning and Zoning Commission Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Thursday, March 5, 2020 @ 6:15 PM
COUNCIL CHAMBERS

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Current Events and Reports
- E. Staff Reports
- F. Planning and Zoning Commission Agenda:

CALL TO THE PUBLIC:

INSTRUCTIONS: In order to address the Board\Commission, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the Secretary before the meeting begins.

Note: A.R.S. 38-431.01(H) - During this time members of the public may address the Board\Commission only on issues within the jurisdiction of the Board\Commission which are not an item on the agenda. At the conclusion of the open call, the Board\Commission may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

CONSENT AGENDA:

- | | | | |
|----|----------|--|--|
| 1. | Internal | Consideration and action to review and approve or disapprove the February 6, 2020, Planning and Zoning Commission Minutes. | Nichole Flores
Community
Development |
|----|----------|--|--|

REGULAR AGENDA ITEM - PUBLIC HEARING:

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|----------|--|---|
| 2. | Citywide | Presentation and discussion regarding Chapters 106-107 of the Land Development Ordinances Code update. | Joshua Mike
Community
Development |
|----|----------|--|---|

- G. Other Business and Future Agenda Items
- H. Executive Session

For information purposes: Upon a public majority vote of a quorum ("Commission"), the Commission may hold an executive session, which will not be open to the public, but for only the following purposes: discussion or consideration of records exempt by law from public inspection (A.R.S. §38-431.03(A)(2));

or discussion or consultation for legal advice with the attorney or attorneys of the public body (A.R.S. §38-431.03(A)(3)).

Confidentiality Requirements: Pursuant to A.R.S. §38-431.03(C)(D), any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney or by agreement of the Commission, or as otherwise ordered by a court of competent jurisdiction.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

I. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: February 27, 2020 at 2:15 PM

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY 623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.



CITY OF SURPRISE
Planning and Zoning Commission Meeting

Council Meeting Date: March 5, 2020 Contact Person: Nichole Flores
Submitting Department: Community Development District: Internal
Staff Recommendations:

Consent: Yes Regular: No Public Hearing: No Report/Discussion: No

Agenda Wording:

Consideration and action to review and approve or disapprove the February 6, 2020, Planning and Zoning Commission Minutes.

Motion:

I move to approve/disapprove the February 6, 2020, Planning and Zoning Commission minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 02-06-20 PZ MIN
-

**CITY OF SURPRISE
PLANNING AND ZONING COMMISSION**

MEETING MINUTES

February 6, 2020 / 6:00 PM

**COUNCIL CHAMBERS
16000 North Civic Center Plaza
Surprise, AZ 85374**

CALL TO ORDER.

Chair Matthew Keating called the Planning and Zoning Commission Meeting to order at 6:00 p.m. at Surprise City Hall, 16000 North Civic Center Plaza, Surprise, Arizona 85374, on February 6, 2020.

A. ROLL CALL

In attendance were Chair Matthew Keating, Vice-Chair Dennis Bash, Commissioner Gisele Norberg, Commissioner Scott Krous, Commissioner Mitchell Rosenbaum, Commissioner Ken Chapman and Commissioner Dennis Smith.

STAFF PRESENT:

Ellen Van Riper, Chief Deputy City Attorney; Chris Boyd, Community Development Director; Robert Kuhfuss, Current Planning Supervisor; Hobart Wingard, Planner and Nichole Flores, Planning and Zoning Secretary.

COUNCIL MEMBERS PRESENT:

None.

B. PLEDGE OF ALLEGIANCE

C. CURRENT EVENTS REPORT

Mr. Boyd stated for the meeting on February 20, 2020, the Commission will serve as Board of Construction Review Commission for an appeal that will start at 6:00 PM and the Planning and Zoning Meeting scheduled for 7:00 PM has been cancelled.

D. STAFF REPORT

None.

CALL TO THE PUBLIC:

Chair Keating opened the call to the public to discuss any items not listed on the agenda.

Hearing no comments, Chair Keating closed the call to the public.

CONSENT AGENDA:

Item 1 – Internal – Consideration and action to review and approve or disapprove the January 16, 2020, Planning and Zoning Commission Minutes.

Commissioner Chapman made a motion to approve the January 16, 2020, Planning and Zoning

Commission Minutes as presented. Commissioner Krous seconded the motion. Motion passes with seven votes in favor.

REGULAR AGENDA ITEMS REQUIRING A PUBLIC HEARING:

Item 2 – District 1 – Consideration and action pertaining to the rezoning of 461.1 acres of property, located within or adjacent to, North Copper Canyon Ranch (aka Austin Ranch) Planned Area Development (“PAD”) into the North Copper Canyon Ranch PAD generally located on the western corner of Deer Valley Road and Grand Avenue.

Hobart Wingard, Planner, presented item 2 to the Commission.

Chair Keating opened the public hearing.

Hearing no comments, Chair Keating closed the public hearing.

Commissioner Rosenbaum made a motion to recommend approval to the Mayor and City Council a rezone of 461.1 acres of property located within or adjacent to, North Copper Canyon Ranch (aka Austin Ranch) Planned Area Development (“PAD”) into the North Copper Canyon Ranch PAD generally located on the eastern corner of Deer Valley Road and Grand Avenue as stated in the staff report. Vice-Chair Bash seconded the motion. Motion passes with seven votes in favor.

REGULAR AGENDA ITEMS NOT REQUIRING A PUBLIC HEARING:

None.

OTHER BUSINESS:

Item G – Other Business and Future Agenda Items.

Commissioner Norberg noted that Vice-Chair Bash being recognized in the newspaper by Hospice.

ADJOURNMENT:

Hearing no further business, Commissioner Rosenbaum made a motion to adjourn the Planning and Zoning Commission meeting. Vice-Chair Bash seconded the motion.

Meeting adjourned at 6:08 P.M.

Matthew Keating
Planning and Zoning Commission Chair

The foregoing instrument is a full, true and correct copy of the original document on file in the office of the City Clerk, City of Surprise, Arizona.

ATTEST BY: _____
Nichole Flores, Commission Secretary

DATE: _____



CITY OF SURPRISE
Planning and Zoning Commission Meeting

Council Meeting Date: March 5, 2020 Contact Person: Joshua Mike
Submitting Department: Community Development District: Citywide
Staff Recommendations:

Consent: No Regular: No Public Hearing: No Report/Discussion: Yes

Agenda Wording:

Presentation and discussion regarding Chapters 106-107 of the Land Development Ordinances Code update.

Motion:

Background:

Staff is preparing changes to the Land Development Ordinances that will implement the General Plan 2035. This presentation will include feedback from an industry stakeholder meeting held on January 7, 2020.

Objective Analysis:

Policy Compliant:

Financial Impact:

There is no direct financial impact. Any financial impact will be determined during the budget process.

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 00 FS18-296 LDO Code Update Memo-3.5.2020
 2. 03 Code Update Presentation 3.5.2020
 3. 01 Surprise Land Development Ordinances Chapter 106 (December 2019 Draft)
 4. 02 LDO Update Stakeholder Meetings Packet
-

LDO Update Discussion

Case:	FS18-296
Project Name:	Land Development Ordinances Update – Residential and Pools
Council Districts:	Citywide
Meeting Date:	March 5, 2020
Planner:	Joshua Mike
Attachments:	Draft Chapter 106 Stakeholder Meetings Packet

Background:

It's been nine years since the City has completed a comprehensive update to the existing Surprise Unified Development Code (SUDC), which effectively acts as the City's Zoning Code. Based on previous discussions with City Council and the Planning and Zoning Commission, the Community Development Department has been researching updates that will implement the vision of the General Plan 2035.

The Land Development Ordinances (LDO) will incorporate changes to the whole development code, replacing the current SUDC, and clarifying the standards for site, open space, general development regulations. Staff used the Surprise General Plan 2035 as a guiding tool; as the Land Development Ordinance should implement the policies of the General Plan.

Draft Language:

Staff has drafted new regulations and standards for uses and development scenarios, such as narrow lot-width subdivisions or internal self-storage facilities that are not addressed in the current SUDC. In such cases, staff reviewed and borrowed "better practices" from other communities based on two scenarios:

1. Regulations to address development issues that have been proposed or are growing trends that are anticipated in the near future, and
2. New ideas to reflect the City's vision that the development community might be open to try.

In order to create a comprehensive review, draft language is being reviewed by City Departments, distributed to stakeholders within the development community, and made available for the public. On the City's website (www.surpriseaz.gov/developnext), staff has published the Planning and Engineering Design Standards (PEDS) Volume 1 and the first 8 chapters (101-108).

Discussion and Input:

In order to properly work through the full draft LDO, staff has presented the first eight chapters of the LDO to the development community that make up the stakeholder group. The stakeholder meetings have generated constructive feedback with questions and comments on each chapter. The goal of the recent stakeholder meetings and this presentation is to focus on residential

zoning districts, requirements around the current trend of small/narrow lot subdivisions, and modifying the community pool requirement within the current SUDC as part of the proposed LDO and/or Planning and Engineering Design Standards (PEDS).

The attachment labeled “**Stakeholder Meetings Packet**” includes proposed draft language related to Article 2 in Chapter 106 of the LDO and the PEDS standards related to amenities and community pool requirements associated with R-1 and R-2 zoning districts. It should be noted that the highlighted yellow text are comments associated with the proposed draft language and the colored and/or strikethrough text includes suggested revisions to the text.

Chapter 106: Zoning and Use Standards, Article 2-Residential Zoning Districts

The purpose of this chapter is to divide the city into zoning districts that classify and regulate the use of land, buildings and structures; regulate the open areas around and between the buildings and structures; and to regulate the density of dwelling units

Updating the zoning district nomenclature is a significant change to the LDO from the SUDC. The table below illustrates the zoning conversion table from previous codes, as it relates to residential zoning districts.

Table 106-1b Conversion Table of Zoning Districts Nomenclature					
Title 17 and 1986 Code		Surprise Unified Development Code (SUDC)		Land Development Ordinance (LDO)	
Symbol	District Name	Symbol	District Name	Symbol	District Name
R1-43	Single-family Residential	RR or RE	Residential Ranch or Residential Estate	RR	Rural Residential
R1-18	Single-family Residential	RL-2	Residential Low Density	R-1	Residential Low Density
		RL-3	Residential Low Density		
R1-8	Single-family Residential	RL-4	Residential Low Density		
R1-5	Single-family Residential	RL-5	Residential Low Density		
R-2	Multi-family Residential	RM	Residential Medium Density	R-2	Residential Medium Density
R-3	Multi-family Residential	RH	Residential High Density	R-3	Residential High Density
		RC	Residential Cluster		(district eliminated)
		CS	Countryside Center		(district eliminated)
		PUD PAD	Planned Unit Development Planned Area Development	PUD PAD	(both districts eliminated for any future use)

Development Standards

The new R-1 and R-2 (formerly RL and RM) zoning districts include development standards tables, which is a different than the SUDC's Character Patterns standards. The RL zoning district in the SUDC would be assigned a density range, each range having different development standards than other RL densities.

Under the proposed LDO language, a residential project could rezone into either the R-1 or R-2 zoning district with a defined lot yield, much like the current standard practice of granting entitlements. The standards tables and lot categories shown below will allow developers flexibility to change layouts and amend plats if the market changes without having to change a zoning entitlement.

R-1 Applicability. The (R-1) *zoning district* reflects the Suburban Development Type and is allowed in the Neighborhood Character area in accordance with the *General Plan* with a maximum of one (1) *dwelling unit per lot* of record.

R-1 Development Standards. **Table 106-2b** below identifies the required development standards for the Residential Low Density (R-1) *zoning district*.

Table 106-2b - Residential Low Density (R-1) Zoning district

<i>Lot Categories</i>	A	B	C	D	E	F
<i>General Plan Compatibility</i>	Suburban	Suburban	Suburban	Suburban and Rural	Rural	Rural
Min <i>Lot Area</i> (sf)	5,000-7,999	8,000-11,999	12,000-17,999	18,000-27,999	28,000-43,559	≥ 43,560
Min <i>Lot Width</i> (sf)	45 ⁴	60	80	90	100	130
Min. <i>Front setback</i> ¹ (ft)	12	12	15	20	20	30
Max. <i>Front setback</i> (ft)	25	25	30	35		
Min. <i>Rear setback</i> ¹ (ft)	15	20	20	25	30	30
Min. <i>Side setback</i> ¹ (ft)	8/13 ²	8/15 ²	8/20 ²	10/25 ²	20	20
Min. <i>Street side setback</i> ¹ (ft)	15	15	15	15	20	20
Max. <i>Bldg. Height</i> (ft)	30	30	30	30	30	30
<i>Lot coverage</i>	45%	40%	35%	30%	30%	25%
<i>Open space</i> (% of <i>gross area</i> of residential development) ³	20%	20%	20%	15%	15%	10%

Notes:

1. *Garage* face and embellishments shall be *setback* a minimum of twenty-five (25) feet measured from any opposing property line; except rear *alley* loaded *garages*, which shall be *setback* nine feet (9') from edge of *alley* line.
2. Minimum *side setback*: one side / total *side setbacks* on a *lot*.
3. The City requires *open space* on a development/subdivision basis rather than on a *lot-by-lot* basis.
4. New *blocks* with any Residential *lots* that are less than fifty feet (50') wide shall have vehicular access from an *alley*

R-2 Applicability. The (R-2) *zoning district* is allowed in the Neighborhood Character area in accordance with the *General Plan* with a maximum of three (3) *dwelling units per lot* of record.

R-2 Development Standards. **Table 106-2c** below identifies the required development standards for the Residential Medium Density (R-2) *zoning district*.

Table 106-2c - Residential Medium Density (R-2) Zoning district				
<i>Lot Categories</i>	A ⁴	B ⁴	C ⁴	D ⁴
<i>General Plan Compatibility</i>	Urban	Suburban	Suburban	Suburban
Min <i>Lot Area</i> (sf)	3,500-4,999	5,000-7,999	8,000-11,999	>12,000
Min <i>Lot Width</i> (sf)	40 ⁶	45 ⁶	70	80
Min. <i>Front setback</i> ¹ (ft)	10	12	12	15
Max. <i>Front setback</i> (ft)	25	25	25	30
Min. <i>Rear setback</i> ¹ (ft)	10	15	20	20
Min. <i>Side setback</i> ^{1, 2} (ft)	7/12 ³	8/13 ³	8/15	8/20
Min. <i>Street side setback</i> ¹ (ft)	10	10	10	10
Max. Bldg. <i>Height</i> (ft)	30	30	30	30
<i>Lot Area per Dwelling unit</i> (sf)	3,500	3,500	3,500	3,500
<i>Open space</i> (% of gross acres of residential development) ⁵	25%	20%	20%	20%
Notes: 1. <i>Garage</i> face and embellishments shall be <i>setback</i> a minimum of twenty-five (25) feet measured from any opposing property line, except rear <i>alley</i> loaded <i>garages</i>, which shall be <i>setback</i> nine feet (9') from <i>alley</i> edge line. 2. Minimum <i>side setback</i>: one (1) side / total <i>side setbacks</i> on a <i>lot</i> 3. May be reduced to 0' <i>setback</i> for <i>Single-family dwellings</i> as <i>attached building</i> and separated by a <i>common wall</i> along the property line. End units must maintain the total combined <i>setback</i> 4. Minimum <i>lot</i> area of four thousand square feet per <i>dwelling unit</i> (4,000 sf/du), except <i>lots</i> in Column A are permitted one <i>dwelling unit</i> (1 du). 5. The City requires <i>open space</i> on a subdivision or development site basis rather than on a <i>lot-by-lot</i> basis 6. New <i>blocks</i> with any Residential <i>lots</i> that are less than fifty feet (50') wide shall have vehicular access from an <i>alley</i>				

Setbacks

Setbacks are used to ensure structures maintain a minimum distance from adjacent property lines and rights-of-way. These are important for fire safety and limiting the intensity of the construction, such as keeping a reasonable distance. The proposed side setbacks listed is to regulate the minimum setback on one side of a home and the combined aggregate setback distances of both sides.

Due to the phrasing and how it's depicted on the table, the stakeholders expressed concerns with the readability of the regulation and also requested to reduce the setbacks to 5-feet on each side for the narrow lot categories.

City Comments

1. The intent of the larger side setback is to provide for a 'usable' side yard. The City is addressing the concern that there is no functional side yard when the only available home products provided in a subdivision maximize the buildable width.
2. 7' and 8' side yards allow for at least one side yard that can accommodate small utility trailers, ATVs, and other personal recreational vehicles, etc. and for small RV gates.
3. Much of the reason for the lot categories is to allow for non-homogenous subdivision layouts and create housing diversity within subdivisions. The setbacks simply address the various lot size and appropriate intensities.
4. It may be necessary to adjust the table to better clarify and identify side setbacks

Narrow Lots

Narrow lots are proposed as a permitted development standard as part of the LDO update in order to accommodate market conditions and housing affordability through subdivision design. The City recognizes that narrow lots allow home builders to provide more options at or below the median home value. However, narrow lots can create long term conflicts and constraints for the City to manage for the life of a subdivision, long after buildout is complete.

1. Garage Dominance
 - a. On a hypothetical 40-foot wide lot, over 70% of the home's width is a garage, after subtracting 12' setbacks and a typical 20' wide two-car garage face.
 - b. PEDS require outdoor features, e.g. front porches, plaza, courtyard, etc.
 - c. Garage face setback is proposed to be 25', pushing the home far from the ROW
2. On Street Parking
 - a. Remaining on street parking (avg 10'x20' parallel space) leaves 1 space per lot.
 - b. Difficult logistics with aligning driveways to avoid driveway access conflicts
3. Driveway/pedestrian conflicts
 - a. Safety concerns with abundance of driveway crossing the sidewalks
4. Trash Collection and Fire-Medical access
 - a. Narrow lot proposals conflict with existing fleet and practices
 - b. City must enforce "no parking on trash day regulations"

Alleys are a solution to address the conflicts listed above that City regularly address and must avoid with future development while still allowing for market conditions. Narrow lot subdivisions

proposed by Valley developers mimic historic east coast and Midwest neighborhoods that were designed prior to common car ownership/dependence. Those historic neighborhoods have one-car garages or alleys.

Stakeholder Input

Other solutions to the long term conflicts and constraints associated with narrow low subdivisions may be applicable and a few have been suggested during the stakeholder meetings. Staff received feedback regarding the tables above and requested the following changes.

1. Remove the alley requirement for lots under 50' wide; it significantly increase the infrastructure costs by adding pavement.
 - a. The market shows that buyers don't want alleys
 - b. Disagree with the idea of the 'natural neighborhood watch'; it doesn't outweigh the concerns over privacy in backyards
2. Perhaps move the alley requirement to the PEDS but allow developers to demonstrate alternative designs that also solve the problems listed above, such as
 - a. Single car garages options, or
 - b. Off-street, guest parking areas
3. The density range/bonuses need to be more quantifiable so as to explain to neighbors, stakeholders, Council members, etc
 - a. Remove the density ranges associated with R-1 and R-2 zoning districts. The market is wanting low density subdivisions while having smaller to accommodate larger open space and infrastructure.
1. The proposed lot sizes for R-1 zoning mimic traditional Euclidean Zoning standards but don't match the market. The general market still wants low single-family densities with smaller lots and larger open space tracts/amenities
 - a. Subdivision with R-1 densities using plats and lots under R-2 lot standards, or
 - b. In R-1 zoning, create a column of smaller lot sizes, or
 - c. Adjust the minimum of column A down to 4,500 sf.
4. Revise some setbacks
 - a. Reduce the garage face setback from 25-feet to 20-feet
 - b. The way the minimum and aggregate side setbacks as written is confusing
 - c. Change the side setbacks for all lots with a width of 50' or less down to 5' on each side.
 - d. Consider "knuckle" lots on the outside of curves or cul-de-sacs that often have a pie-shaped configuration that creates more overall lot area than the standard lot size for that sub-division. Under the Draft LDO's approach, that "knuckle" lot could have an entirely different set of development standards

than adjacent “nonknuckle” lots if the increase in lot size trips a new lot category

5. Please adjust the lot coverages limits to accommodate detached accessory structures.

Draft PEDS Language-Community Pools

The existing SUDC requires that medium density projects that exceed 60 dwelling units must include a community pool as part of the development. At the direction of the Planning and Zoning Commission and the City Council, staff was directed to draft language as a revision to the current regulations with a more practical approach.

The priority centered around 2 main concepts:

1. The increasing number of proposed narrow/small lot subdivisions results in a lack of individual recreational space and restricts the homeowner from building a private pool.
2. Community pools provide for a desired amenity and serves as a common gathering space.

At a stakeholder meeting held on February 11, 2020, staff presented the development community with proposed language that relates to the requirement that a subdivision development must include a community pool. As shown in the attachment “**Stakeholder Meeting Packet**”, there is proposed language that outlines a threshold based requirement to provide a specific number of amenities based on the size of a propose R-1 and R-2 development. This list includes a provision that a project shall provide a community pool based on both a development size and specific density or any lot dimensions that restrict the homeowner from building a private pool.

Purpose of community pool

1. Current requirement designed to create co-recreation space in small lots developments associated with medium density projects.
2. Potential to reduce the quantity of private pools, thus reducing water use.

Thresholds

1. There is conflict with current regulations
 - a. 60 lots seem to be too few
 - b. Conflict between desired densities associated with RL and standards of RM

Minimum sizes rear yard

1. Small lot subdivisions create rear yards that are too small for personal pools, community pools fill that need/desire

Stakeholder Comments

Stakeholders provided feedback regarding the city requirement for a subdivision to include a community pool.

1. Agree that the current 60-lot threshold is significantly too low
2. Reiterated to staff that the market should be the driving force behind providing a community pool
3. Difficult to amortize the cost of constructing and maintaining a community pool across the price point of the homes and HOA fees.
4. Can there be a waiver in the PEDS (like engineering standards waiver) that allows for an alternative amenity to be provided?



Presentation: Updating the Development Code

Planning and Zoning Commission
March 5, 2020

Tonight's Discussion

- Overview of the Code Update
- Chapter 106
 - Residential Zoning Districts
 - Pools
- Stakeholder Meetings
 - Summary of discussions

Code Update

- Land Development Ordinances (LDO)
 - Part II of the Municipal Code
- Removing the title SUDC as a “clean break”
 - Can be its own version in City records
 - Similar to “1986 Code” and “Title 17”
- Comprehensive changes to the whole development code
 - To be referenced as the LDO
 - Reorganizing table of contents
 - Raise standards for site, open space, architectural design

Code Update

Changes to the overall code must follow 3 principles:

1. Easy to Read

- Clear and transparent for individuals, property owners, and developers

2. Easy to Administer

- Straightforward interpretation for staff when reviewing projects

3. Easy to Enforce

- Well-defined regulations for enforcement officers/inspectors to evaluate

Chapter 106

- **Land Use Matrix**

- 2 tables, Primary Land Use and Accessory Use
- easier to see the uses allowed in any given zoning district at-a-glance
- “use specific standards” referenced, points to specific LDO subsection

- **Eliminate the use of “Character Patterns”**

- The PEDS will be utilized, reactive to the environment instead of prescribed geography

- **Zoning Districts:** Realign with other cities, more user-friendly

RL → R-1

RM → R-2

RH → R-3

- **Updating/merging a few zoning districts**

- Major revisions to the Mixed Use zoning districts.
- Moving “Commercial Resort” (C-RS) zoning to a mixed use

- **Creating new zoning district for future master planned communities**

- Traditional Neighborhood Development (TND) zoning
- Useful tool for bringing in new complete communities, with predictability for public infrastructure
- Allows for organic growth of a neighborhood based on market demands

Chapter 106

Table 106-2a - Rural Residential (RR) Zoning district

Min Lot Area (sf)	≥ 43,560
Min Lot Width	130
Min. Front setback (ft)	30
Min. Rear setback ¹ (ft)	30
Min. Side setback ¹ (ft)	20
Min. Street side setback ¹ (ft)	20
Max. Bldg. Height (ft)	30
Lot coverage	25%
Open space (% of gross acres of residential development) ²	10%

Notes:

1. Garage face and embellishments shall be setback a minimum of twenty-five (25) feet measured from the opposing property line except rear, alley loaded garages, which shall be setback nine feet (9') from edge of alley line
2. The City requires open space on a new subdivision; if recorded as metes & bounds or by a minor land division than open space will be required on each individual lot; such as open space or trail easements

Chapter 106

Table 106-2b - Residential Low Density (R-1) Zoning district

Lot Categories	A	B	C	D	E	F
General Plan Compatibility	Suburban	Suburban	Suburban	Suburban and Rural	Rural	Rural
Min Lot Area (sf)	5,000-7,999	8,000-11,999	12,000-17,999	18,000-27,999	28,000-43,559	≥ 43,560
Min Lot Width (sf)	45 ⁴	60	80	90	100	130
Min. Front setback¹ (ft)	12	12	15	20	20	30
Max. Front setback (ft)	25	25	30	35		
Min. Rear setback¹ (ft)	15	20	20	25	30	30
Min. Side setback¹ (ft)	8/13 ²	8/15 ²	8/20 ²	10/25 ²	20	20
Min. Street side setback¹ (ft)	15	15	15	15	20	20
Max. Bldg. Height (ft)	30	30	30	30	30	30
Lot coverage	45%	40%	35%	30%	30%	25%
Open space (% of gross area of residential development)³	20%	20%	20%	15%	15%	10%

Notes:

1. Garage face and embellishments shall be setback a minimum of twenty-five (25) feet measured from any opposing property line; except rear alley loaded garages, which shall be setback nine feet (9') from edge of alley line.
2. Minimum side setback: one side / total side setbacks on a lot.
3. The City requires open space on a development/subdivision basis rather than on a lot-by-lot basis.
4. New blocks with any Residential lots that are less than fifty feet (50') wide shall have vehicular access from an alley

Chapter 106

Table 106-2c - Residential Medium Density (R-2) Zoning district

Lot Categories	A ⁴	B ⁴	C ⁴	D ⁴
General Plan Compatibility	Urban	Suburban	Suburban	Suburban
Min Lot Area (sf)	3,500-4,999	5,000-7,999	8,000-11,999	>12,000
Min Lot Width (sf)	40 ⁶	45 ⁶	70	80
Min. Front setback ¹ (ft)	10	12	12	15
Max. Front setback (ft)	25	25	25	30
Min. Rear setback ¹ (ft)	10	15	20	20
Min. Side setback ^{1, 2} (ft)	7/12 ³	8/13 ³	8/15	8/20
Min. Street side setback ¹ (ft)	10	10	10	10
Max. Bldg. Height (ft)	30	30	30	30
Lot Area per Dwelling unit (sf)	3,500	3,500	3,500	3,500
Open space(% of gross acres of residential development) ⁵	25%	20%	20%	20%

Notes:

- Garage face and embellishments shall be setback a minimum of twenty-five (25) feet measured from any opposing property line, except rear alley loaded garages, which shall be setback nine feet (9') from alley edge line.
- Minimum side setback: one (1) side / total side setbacks on a lot
- May be reduced to 0' setback for Single-family dwellings as attached building and separated by a common wall along the property line. End units must maintain the total combined setback
- Maximum of three (3) dwelling units per lot of record. Minimum lot area of four thousand square feet per dwelling unit (4,000 sf/du), except lots in Column A are permitted one dwelling unit (1 du).
- The City requires open space on a subdivision or development site basis rather than on a lot-by-lot basis
- New blocks with any Residential lots that are less than fifty feet (50') wide shall have vehicular access from an alley

Chapter 106

Table 106-2d - Residential High Density (R-3) Zoning district

Net Density (du/ac)	8-11.9	12-14.9	15+
Min. Setback to Arterial ROW (ft) ²	20	20	20
Min. Setback to Collector and Local ROW (ft) ²	15	15	15
Min. Setback Adjacent to Residential Zoning (ft)	10	15	20
Min. Setback Adjacent to Non-Residential Zoning (ft)	20	20	20
Max. Bldg. Height ¹ (ft)	45	50	60
Open space (sf/du)	150	150	150

Notes:

1. The height of any structure, or portions thereof, shall not exceed thirty feet (30') in height measured at the setback line when adjacent to Single-family, Two-family, Three-family development parcels. 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 equal to the zoning
2. Setback may be reduced to 10' along Collector or Local right-of-way for units that open to the street and exclude a perimeter wall

Stakeholder Meetings

- Is there clarity between regulations for development and the end user?
- What language within this draft needs to be changed?
- Do you have constructive recommendations?
- Are there any major conflicts with current or anticipated market conditions?
- Does this meet the flexibility needs of the development industry?

Stakeholder Meetings

- January 7, 2020
 - Attended by 20 development community stakeholders
 - Overview of Chapters 101-106
 - They provided digital feedback throughout January
- February 11, 2020
 - Attended by 9 development community stakeholders.
 - Discussed residential zoning districts, concerns and proposals, and the community pool requirements



QUESTIONS OR COMMENTS?

Thank You

CHAPTER 106 - ZONING AND use STANDARDS

ARTICLE 1 – IN GENERAL

106-1.1 Zoning Classification

- A. In accordance with the authority granted in A.R.S. §9-462.01B in order to classify and regulate the *use of land, buildings and structures*, and to regulate the open areas around and between the *buildings and structures*, and to regulate the density of *dwelling units*, the City is hereby divided into the *zoning districts* and overlay districts as incorporated herein **TABLE 106-1a** below:

Table 106-1a Land Development Ordinance (LDO) Zoning districts and Density		
Symbol	District Name	Gross Residential Density
RR	Residential Rural	1 du/ac
R-1	Residential Low Density	Up to max. 5 du/ac
R-2	Residential Medium Density	5-8 du/ac
R-3	Residential High Density	Min. 8 du/ac
SHD-RO	Surprise Heritage District-Residential Overlay	Overall 8 du/ac
SHD-CO	Surprise Heritage District-Commercial Overlay	Overall 10 du/ac
TND-R	Traditional Neighborhood Development-Residential	Overall 8 du/ac
TND-C	Traditional Neighborhood Development-Commercial	
TND-MU	Traditional Neighborhood Development-Mixed use	Max. 18 du/ac
TND-OS	Traditional Neighborhood Development-Open space	
MU-1	Mixed use Medium Density	8 du/ac
MU-2	Mixed use High Density	Min. 8 du/ac
MU-3	Mixed use Resort	8-20 du/ac
C-O	Office Commercial	
C-1	Neighborhood Commercial	
C-2	Community Commercial	
C-3	Regional Commercial	
BP	Business Park	
I-1	Light Industrial	
I-2	General Industrial	
I-3	Heavy Industrial	
OS-1	Open space Conservation	
OS-2	Open space Recreation	
PF	Public Facilities	

- B. *Zoning districts*, and the *uses* and/or development standards associated with said districts, may be added or deleted upon the recommendation of the Planning and Zoning Commission and approval by the City Council by the Text *Amendment* process set forth in **Chapter 102** of the Land Development *Ordinance* (LDO).
- C. The City utilized a Planned Area Development (PAD) *zoning district* prior to the adoption of this *Ordinance*. The PAD *zoning* designation now serves only to preserve the governing entitlement documents adopted by City Council for each PAD at the time of the adoption of this *Ordinance*. Existing PADs may have individual development standards, land *uses*, and densities that supersede the *zoning* standards contained within this *Ordinance*. Any *zoning* standard contained within this *Ordinance* shall apply that is not explicitly identified in a PAD. General references to *zoning districts* within previous City of Surprise *zoning* codes shall follow the conversion chart listed in **Table 106-1b** of this chapter.
- D. Standards and regulations such as, but not limited to, *lot size*, *building height*, *residential densities*, and *setbacks* herein, assure compatibility of properties within a district; protect the quality of the environment from nuisances associated with certain *uses* or constructions; and provide adequate *open space* for privacy, light, air, connectivity, and green space.

106-1.2 Establishment of Zoning Map

- A. The boundaries of the various *zoning districts* are established and are shown on a map entitled "Zoning Map of Surprise, Arizona" (Zoning Map), which is attached to this *Ordinance* and made a part hereto.
- B. Any change of *zoning district* for a particular property will be memorialized in a City Council approved ordinance that incorporates a map *amendment* depiction.
- C. In the event that the map becomes damaged, destroyed, or lost, the City Council shall adopt a new *zoning* map consistent with the latest backup and/or all available records pertaining to its adoption or *amendment* that will supersede the previous map.
- D. City staff shall update the *zoning* map upon the effective date of the adopting *Ordinance* of a *zoning* change. City staff may also correct drafting and clerical errors or omissions, but corrections shall not have the effect of amending the official zones established.
- E. Where uncertainty exists with respect to any of the boundaries of the *Zoning districts* as shown on the Zoning Map, the following rules shall apply:
 - 1. *Zoning* boundaries shall be extended from the *abutting parcel* and indicated as following the center lines of *street*, highway, or railroad

rights-of-way or such lines extended, such center lines or such lines extended shall be construed to be the boundaries;

2. Where *zoning* boundaries are indicated as approximately following the corporate limit line of the City, such corporate limit line shall be construed to be such boundaries;
3. Where *zoning* boundaries are indicated as approximately following property lines or such lines extended, such property lines or such lines extended shall be construed to be such boundaries;
4. No *zoning* boundary line shall hereinafter be established to divide one (1) *lot* into two (2) or more zones;
5. Where any public *right-of-way* is officially vacated or *abandon*, the *zoning districts* applied to the *abutting* properties shall thereafter extend to the former centerline of the vacated or *abandon right-of-way*; and
6. If determination of boundary cannot be resolved through reference to the preceding rules, the *Zoning administrator* shall determine the location of the district boundary.

106-1.3 Conversion Chart

- A. The following conversion table (**Table 106-1b**) compares the previous terminology *used* for the *zoning district* classifications from previous City of Surprise development regulations to the *zoning* classifications and regulations established by this *Ordinance* listed in **Section 106-1.1 (Table 106-1a)** above. Only those *zoning districts* that existed at the time of adoption of the prior regulations that are being changed by this *Ordinance* appear in the table.

PART II – The City of Surprise LAND DEVELOPMENT ORDINANCE (LDO)

Table 106-1b Conversion Table of Zoning Districts Nomenclature					
Title 17 and 1986 Code		Surprise Unified Development Code (SUDC)		Land Development Ordinance (LDO)	
Symbol	District Name	Symbol	District Name	Symbol	District Name
R1-43	Single-family Residential	RR or RE	Residential Ranch or Residential Estate	RR	Rural Residential
R1-18	Single-family Residential	RL-2	Residential Low Density	R-1	Residential Low Density
		RL-3	Residential Low Density		
R1-8	Single-family Residential	RL-4	Residential Low Density		
R1-5	Single-family Residential	RL-5	Residential Low Density		
R-2	Multi-family Residential	RM	Residential Medium Density	R-2	Residential Medium Density
R-3	Multi-family Residential	RH	Residential High Density	R-3	Residential High Density
		RC	Residential Cluster		(district eliminated)
		CS	Countryside Center		(district eliminated)
		PUD PAD	Planned Unit Development Planned Area Development	PUD PAD	(both districts eliminated for any future use)
		MU	Mixed use	MU-1	Mixed use Medium Density
				MU-2	Mixed used High Density
C-1	Neighborhood Commercial	CN	Neighborhood Commercial	C-1	Neighborhood Commercial
C-2	Community Commercial	CC	Community Commercial	C-2	Community Commercial
C-3	General Commercial	CR	Regional Commercial	C-3	Regional Commercial
		C-RS	Resort Commercial	MU-3	Mixed use Resort
		BP	Business Park	BP	Business Park
I-1	Light Industrial	IP	Industrial Performance	I-1	Light Industrial
I-2	Heavy Industrial	IG	Industrial General	I-2	General Industrial
I-3	Landfill and Mineral Extraction	ILM	Industrial Land Mineral Extraction	I-3	Heavy Industrial
GU	Governmental use	PF	Public Facilities	PF	Public Facilities

106-1.4 Establishment of Land Uses

- A.** The Land use Matrix (**Table 106-1c**) describes allowed primary land *uses* within the different *Zoning districts* and overlay *Zoning districts* on the basis of common functional characteristics and land use compatibility. The symbolism *used* in **Table 106-1c** is defined as follows:
1. “P” designates that the *use* is permitted by right.
 2. “AUP” designates that the *use* is permitted with an “*Conditional use Permit*” as well as any *use* specific standards per Article 10 of this chapter herein; processed as a Type 1 development application (see **Chapter 102**).
 3. “CUP” designates that the *use* is permitted with a “*Conditional use Permit*” as well as any *use* specific standards per Article 10 of this chapter herein; processed as a Type 3 development application (see **Chapter 102**).
 4. “(blank space)” a blank space designates that the *use* is not permitted.
- B.** The *Accessory use* Matrix (**Table 106-1d**) further describes *accessory structures* and land *uses* that may be allowed *accessory* to the legal *primary uses* within the different *Zoning districts* and overlay *Zoning districts*. The symbolism *used* in **Table 106-1d** is the same as those defined in **Section 106-1.4 A.** above.
- C.** The *Zoning administrator* shall determine if *uses* not expressly listed in **Tables 106-1c** and **106-1d** are significantly similar or dissimilar to particular *uses*:
1. Uses that are found to be similar shall meet the same requirements as the related *use* listed in this section.
 2. Uses that are found to be dissimilar, yet appropriate, shall require a text *amendment* processed in accordance with **Chapter 102**.
 3. Uses that are not listed in this section and are found to be dissimilar and inappropriate shall be prohibited.

106-1.5 Specifically Prohibited Uses

- A.** The following *uses* are either inappropriate or dissimilar from any allowed *uses* as listed in **Table No. 106-1c** below and therefore are specifically prohibited in the City. When annexation of lands that have such land *uses* occurs and those *uses* are lawfully occurring, those *uses* may not prevent such annexation but will be considered to be legal non-conforming *uses* upon annexation.
1. Rendering or refining of animal by-products or the storage of offal, tanning or hides.

2. Concentrated animal feeding operations (CAFO); dairies; livestock and fowl production facilities.
3. *Junkyard, auto salvage yard, or wrecking yard.*

106-1.6 Regulations within Zones

- A. Within each of the zones the *use*, location, *height*, and size of *buildings* and *structures*, the *use* of land the size of *lots*, *yards*, *setbacks*, *open spaces*, and the *density* of population are regulated as set forth in the following Articles of this Chapter, and elsewhere in this *Ordinance*. Any *site plan*, *structure*, *building*, or *use* that is not in compliance with these regulations is a violation of this *Ordinance*.

106-1.7 Development Standards and Encroachments

- A. *Setbacks*. *Setbacks* shall not include any *structures*, *parking spaces*, or *drive aisles*; except as listed herein and/or other sections of this *Ordinance*.
 1. Driveways, *ingress/egress* aisles.
 2. Landscaping, trails, and *multimodal* paths.
 3. Outdoor dining, when allowed.
 4. Utility meters and mechanical equipment.
 5. *Accessory uses* identified in **Table 106-1d** and regulated in Article 10 of this chapter.
 6. Additional design features as regulated in the PEDS and other chapters of this *Ordinance* (for example: posts, *fences*, *walls*, mailboxes, floodlights, authorized lights for illuminating *parking areas*, and other features) as determined by the Community Development Director or designee.
- B. *Height Limits*. Maximum *height* limitations are measured to the highest rooflines and/or *parapets* necessary to *screen* mechanical equipment.
 1. Chimneys, church steeples, and other appurtenances (such as spires and flues) may be erected at a *height* exceeding the maximum *height* requirements.
 2. Mechanical penthouses and elevator and stair towers (for *multi-family* and nonresidential *buildings* only) may exceed the maximum requirements by no more than ten feet (10').

- 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*.
- D. Encroachments. To further clarify the *setback* requirements, the following exceptions shall be considered as permitted encroachments for *setback* requirements in all *zoning districts* as described in this article and elsewhere in this chapter:
 - 1. Terraces, uncovered porches, *platforms*, exposed ramps, and all other ornamental features that do not extend more than three feet above the *adjacent* natural *grade* may project into the minimum *setback* but shall be at least three feet (3') from the *adjacent lot line* or one foot (1') from any existing or proposed *access drive*;
 - 2. Sills, belt courses, cornices, eaves, lintels, gutters, awnings, and all other ornamental features may project five feet (5') into the *setbacks*, but shall be at least three feet (3') from any *adjacent lot line*;
 - 3. Chimneys may project two feet (2') into the minimum *setback*, but shall be at least three feet (3') from any *lot line*; and
 - 4. Attached covered porches, canopies, and awnings projecting over windows may extend into any minimum *rear setback* by a maximum of five feet (5'), but shall be at least three feet (3') from the *adjacent right-of-way (ROW)* or *lot line*, provided the required *side yard setbacks* are met;

106-1.8 Compliance with Other Provisions

- A. Planning and Engineering Design Standards (PEDS) as referenced in **Chapter 107, Article 1**. The Articles within the PEDS shall apply where applicable, based on the specific *zoning* and *land use*, and shall govern the general site design and development, *open space* design, circulation design for *complete streets*, landscape and *streetscape* design, and *building* form and architecture of a development in addition to those listed below.
- B. Use Specific Standards. Those *land uses* listed in **Table 106-1c** and **Table 106-1d** that have specific *use* standards associated with them shall comply with the specific standards outlined in **Article 10** herein as well as to the PEDS in **Chapter 107**.
- C. Parking Regulations. In addition to the PEDS, the parking regulations in **Chapter 107, Article 4** herein shall apply.
- D. Landscaping Regulations. All landscaping associated with development shall comply with the PEDS and **Chapter 107, Article 2** herein.

- E. Outdoor lighting. All *outdoor lighting* shall comply with the PEDS and **Chapter 107, Article 3** herein.
- F. Environmentally Sensitive Land Regulations. All development, regardless of *zoning* or *use* of the land, on lands that are determined to contain *environmentally sensitive features* or that contain *cultural resources* shall comply with **Chapter 104, Article 2** herein and **Chapter 5** of the PEDS.
- G. Land Division and Subdivision Regulations. The additional regulations governing the division of land in **Chapter 108** herein shall apply.
- H. Signage. All *signage* proposed shall comply with **Chapter 109** herein.
- I. Life Safety Codes. All life safety codes as adopted per **Chapter 105** herein.

PART II – The City of Surprise LAND DEVELOPMENT ORDINANCE (LDO)

Table No. 106-1c - Primary Land Use Matrix for All Zoning Districts
“P” = Permitted; “AUP” = Administrative Use Permit; “CUP” = Council Use Permit; “(blank space)” = Prohibited

	Residential				Surprise Heritage District		Traditional Neighborhood Development				Mixed Use			Commercial				Employment				Open Space/Public Uses			Use Specific Standards	
Zoning Districts	RR	R-1	R-2	R-3	SHD-RO	SHD-CO	TND-R	TND-C	TND-MU	TND-OS	MU-1	MU-2	MU-3	CO	C-1	C-2	C-3	BP	I-1	I-2	I-3	OS-1	OS-2	PF	Specific regulations can be found in Sections listed below	
Uses																										
Residential																										
Assisted Living Center (more than 10 residents)			P	P	AUP	P	AUP		P			P														
Assisted Living Home (10 or less residents)	P	P			P		P																		Sec. 106-10.10	
Dormitory												CUP														
Dwelling, Live/Work									CUP		CUP	CUP	CUP												Sec. 106-10.25	
Dwelling, Multi-family (4 or more)				P	CUP	P	P		P		P	P	P													
Dwelling, Single-family	P	P	P		P		P																			
Dwelling, Two-family (Duplex)			P	P	AUP	P	P						P													
Dwelling, Three-family (triplex)			P	P	AUP	P	P						P													
Group Home	P	P	P	P	P		P						P												Sec. 106-10.21	
Manufactured Homes	P				P																				Sec. 106-10.26	
Model Home Complex	P	P	P				P						P												Sec. 106-10.29	
Commercial																										
Airstrip (private)	CUP																	CUP	CUP	CUP					Sec. 106-10.6	
Amusement &/or Theme Park													CUP				CUP								Sec. 106-10.8	
Animal Boarding Facility																P	P		P						Sec. 106-10.9	
Animal Clinic						P		P							P	P	P		P						Sec. 106-10.9	
Animal Grooming						P		P			P				P	P	P		P						Sec. 106-10.9	
Animal Hospital	CUP					P										P	P		P						Sec. 106-10.9	
Animal Shelter	CUP															CUP	CUP		CUP					P	Sec. 106-10.9	
Athletic or Fitness Club (Commercial)						P		P	P			P	P			P	P	P	P	P						
Bank						P		P	P		P	P			P	P	P	P	P							
Bar/Nightclub						CUP		CUP	CUP		CUP	CUP	CUP		CUP	CUP	CUP									
Bus Terminal																	P		P	P				P		
Catering Services						P		P	P		P	P				P	P									
Cemetery and Mausoleum		CUP	CUP	CUP												CUP	CUP								Sec. 106-10.13	
Cemetery, Pet (Limited to small animals)																CUP	CUP		CUP						Sec. 106-10.13	
Club, Private						P		P	P		P	P			P	P	P									
Common Area Open Space	P	P	P		P		P	P	P	P	P	P														
Community Facility		P	P	P	AUP	AUP							P										P	P		
Community Garden	P	P	P		P	P	P		P	P	P												P	P	Sec. 106-10.14	
Daycare Center (Child or Adult)		CUP	CUP	CUP	AUP	P	AUP	P	P		P	P			P	P	P	P							Sec. 106-10.16	
Entertainment Establishment - Indoor						P		P	P			P	P		P	P	P	P	P	P						
Entertainment Establishment - Outdoor													P				P		P							
Fairground/Stadium	CUP												CUP				CUP		CUP					CUP		
Funeral Home, Mortuary						P										P	P						P			
Galleries, Museums (including display & production space)						P		P	P		P	P	P		p	P	P									
Golf Course (public or private)										P			P										P		PEDS	
Gunsmith																	CUP		P							
Hotels, Motels, Resort, Timeshares						P	CUP	P	P			CUP	P			P	P									
Library		P	P	P	P	P	P		P	P	P	P			P	P	P						P	P		
Medical Hospital, Overnight Surgical Facility																	P	P							Sec. 106-10.24	
Medical Marijuana Offsite Cultivation Facility															CUP	CUP			CUP	CUP					Sec. 106-10.27	
Medical Marijuana Dispensary																CUP	CUP		CUP						Sec. 106-10.27	
Medical Marijuana Infusion Facility																		CUP	CUP						Sec. 106-10.27	
Medical Office (Health Care Facility)						P		P	P		P	P	P	P	P	P	P	P								
Microbrewery, Distillery, Winery						CUP		P	CUP		P	CUP	P		P	P	P									
Nursing Care Institutional			P	P	CUP	P	P						P			P	P									
Office, General						P	CUP	P	P		P	P		P	P	P	P	P	P	P				P		
Park, Recreation, and Open Lands	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		

PART II – The City of Surprise LAND DEVELOPMENT ORDINANCE (LDO)

Table No. 106-1c - Primary Land Use Matrix for All Zoning Districts
“P” = Permitted; “AUP” = Administrative Use Permit; “CUP” = Council Use Permit; “(blank space)” = Prohibited

Table No. 106-1c - Primary Land Use Matrix for All Zoning Districts																										
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	Residential				Surprise Heritage District		Traditional Neighborhood Development				Mixed Use			Commercial				Employment				Open Space/Public Uses			Use Specific Standards	
Zoning Districts	RR	R-1	R-2	R-3	SHD-RO	SHD-CO	TND-R	TND-C	TND-MU	TND-OS	MU-1	MU-2	MU-3	CO	C-1	C-2	C-3	BP	I-1	I-2	I-3	OS-1	OS-2	PF	Specific regulations can be found in Sections listed below	
Uses																										
Park and Ride						AUP	AUP	AUP	AUP		P	P					CUP	P							P	
Parking Lot, Parking Structure					CUP	P	AUP	AUP	AUP		CUP	CUP	CUP			CUP	CUP	CUP	CUP	CUP					P	
Personal Service Establishment					AUP	P	AUP	P	P		P	P	P	P	P	P	P	P								
Places of Assembly					CUP	P		P	P		P	P	P		P	P	P	P	P	P					P	
Places of Worship	P	P	P	P	P	P	P	P	P		P	P			P	P	P									
Plant Nursery					CUP	P		P								P	P		P						P	Sec. 106-10.29
Post Office					P	P		P	P						P	P	P	P	P						P	Sec. 106-10.30
Public Facility	P	P	P	P	P	P	AUP	AUP	AUP	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Racetrack													CUP						CUP	CUP						Sec. 106-10.36
Recreational Vehicle (RV) Park	CUP												CUP				CUP									Sec. 106-10.37
Recreational Vehicles (RV) Storage																	CUP		CUP	CUP						
Residential Care Institution				P		P			P				P			P	P									
Restaurant					AUP	P		P	P		P	P	P		P	P	P									
Restaurant, Convenience/Take Out					AUP	P	AUP	P	P		P	P	P	P	P	P	P	P	P							
Repair Service Establishment					AUP	P	AUP	P	P		P	P	P		P	P	P	P	P	P						
Retail Shopping Establishment					AUP	P	AUP	P	P		P	P	P		P	P	P	P	P	P						
Schools: Pre-K through 12 (Private)		CUP	CUP	CUP			CUP				CUP	CUP			CUP	CUP										Sec. 106-10.39
Schools: Universities or Colleges (Public or Private)						CUP						CUP			CUP	CUP	CUP	P	CUP						P	Sec. 106-10.39
Schools: Vocational (Technical or Trade)						CUP										CUP	CUP	P	CUP	CUP						Sec. 106-10.39
Self-Storage Facility						CUP										CUP	CUP	CUP	CUP	CUP						Sec. 106-10.40
Service Call Establishment					AUP	P	AUP	P	P		P	P	P	P	P	P	P	P								
Sexually Oriented Business																				CUP	CUP					Sec. 106-10.41
Showroom/Sales Office						P		P	P		P	P		P	P	P	P	P	P	P						
Shooting Range-Indoor Only																	P		P	P						
State Vehicle License & Inspection Station																P	P		P	P					P	
Tattoo and Body Piercing																CUP	P									Sec. 106-10.44
Technology/Business Incubator Space						P												P	P							
Utility Equipment Infrastructure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P		
Utility Service Yard	P																	P							P	
Vehicle Fueling Station						P									P	P	P	P	P	P						Sec. 106-10.47
Vehicle Rental Facilities															CUP	P	P		P	P						Sec. 106-10.48
Vehicle Sales & Leasing: New or Used (Commercial, including Equipment)																			CUP	CUP						Sec. 106-10.49
Vehicle Sales & Leasing: New or Used (OHV, motorcycles, boats, or similar)																	CUP	P	P	P						Sec. 106-10.49
Vehicle Sales & Leasing: New or Used (Personal)																	CUP		P	P						Sec. 106-10.49
Vehicle Service: Major Repair																	CUP		P	P						Sec. 106-10.50
Vehicle Service: Minor Repair						CUP										CUP	CUP	P	P							Sec. 106-10.50
Vehicle Washing Facilities																P	P		P							Sec. 106-10.51
Wireless Telecommunication Facilities	P	P	P	P	P		P	P	P		P	P		P	P	P		P	P	P	P				P	
Zoo & Exotic Animal Keeping	CUP																		CUP				CUP	CUP		Sec. 106-10.49
Employment/Industrial																										
Agricultural Operations	P																									Sec. 106-10.5
Auction—Vehicle (passenger, commercial) & heavy equipment																			P	P						
Brick, Clay, Concrete, or Similar Product—Manufacturing																			P	P	P					
Contractor’s Yard																			P	P						
Correctional Institutions/Facilities																					CUP				CUP	
Data Center																		P	P							
Equestrian Center, Commercial Stables	CUP												P			P	P									Sec. 106-10.19
Farm and Heavy Equipment Sales, Service or Storage	CUP																			P						

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Table No. 106-1c - Primary Land Use Matrix for All Zoning Districts
“P” = Permitted; “AUP” = Administrative Use Permit; “CUP” = Council Use Permit; “(blank space)” = Prohibited

	Residential				Surprise Heritage District		Traditional Neighborhood Development				Mixed Use			Commercial				Employment				Open Space/Pubilc Uses			Use Specific Standards
Zoning Districts	RR	R-1	R-2	R-3	SHD-RO	SHD-CO	TND-R	TND-C	TND-MU	TND-OS	MU-1	MU-2	MU-3	CO	C-1	C-2	C-3	BP	I-1	I-2	I-3	OS-1	OS-2	PF	Specific regulations can be found in Sections listed below
Uses																									
Feed and Tack Sales	CUP														P	P	P		P						
Fleet-Based Services																	P		P	P					
Food Manufacturing & Processing						CUP												CUP	CUP	P					Sec. 106-10.20
Freight Depot/Distribution Center																		CUP	CUP	P					
Grain Processing; including Milling, Drying, Storage	CUP																		P	P					
Laboratory—Research and Testing																		P	P	P					
Laundry, Dry Cleaning: Bulk Operation (Pick-Up & Delivery)																			P	P					
Machine Shop, Welding Shop																		P	P	P					
Manufacturing																		P	P	P					
Manufactured Home Sales (new only)																	CUP		P	P					
Mining and Mineral Extraction																					CUP				Sec. 106.10.28
Moving Company																			P	P					
Plant Nursery (Growing Facility & Wholesale)	P																		P	P				P	Sec. 106-10.30
Portable Building, Oversized and Recreational (RV) Vehicle Sales and Service Sales																	CUP		P	P					
Printing Plant (commercial scale)																		P	P	P					
Recycling, Collection Facility																	CUP		P	P	P			P	Sec. 106-10.38
Recycling, Processing Facility																				P	P			P	Sec. 106-10.38
Sand and Gravel Operation																					P				
Sanitary Landfill																					CUP				
Stone Product Curing, Fabrication																				P	P				
Taxidermist																			P	P					
Tile, Roofing & Waterproofing Production																				P					
Truck Stop (full service & repair permitted)																			P	P					Sec. 106-10.46
Vehicle Towing & Impound Lot																				P					
Warehouse/Distribution																			P	P					
Water Aquafer Recharge/Storage Facility	CUP																			P	CUP	CUP	CUP	P	
Water Reclamation or Wastewater Facility	P																			P	P			P	
Wholesale Shopping Establishment																	P	P	P	P					

ARTICLE 2 – RESIDENTIAL ZONING DISTRICTS

106-2.1 General Standards

- A. Purpose. Residential *zoning districts* create, maintain, and promote various housing opportunities for individual households and lifestyles, and maintain the desired physical character of the City's existing neighborhoods. While the districts primarily accommodate residential *uses*, some non-residential *uses* that are compatible with the residential neighborhoods may be allowed.
- B. Development Standards. In addition to **Section 106-1.8** above and **Article 2** of the Planning and Engineering Design Standards (PEDS) in **Chapter 107**, the regulations specific to residential land *uses*, shall also apply and govern the design of a development.
- C. Residential Density Ranges. Each project/development may assume the minimum *gross residential density*. A higher *gross residential density*, per the residential *zoning district*, may be permitted with a Type 3 rezoning application district based on the criteria outlined in **Section 104-1.11** of the LDO. The development shall exceed the required standards for a variety of housing opportunities, have a generous amount of *open space*, and have a creative design around *environmentally sensitive features*.
- D. New *recorded plats* shall comply with the regulations of Chapter 108 and the PEDS, Volume 1 for *buffering* and transitioning design requirements.

106-2.2 Rural Residential (RR)

- A. Purpose. The Rural Residential (RR) *zoning district* provides areas for *single-family* homes on large *lots* in a rural setting and acts as an equivalent *zoning* for properties zoned RU-43 within the County prior to annexation by the City.
- B. Applicability and Density. The (RR) *zoning district* reflect the Rural Development Type and is allowed in the Neighborhood Character area, and the Scenic Lands Development Sub Area in accordance with the *General Plan* with a maximum *net residential density* not to exceed one (1) *dwelling unit* per acre and a maximum of one (1) *dwelling unit* per *lot* of record.
- C. Development Standards. **Table 106-2a** below identifies the required development standards for the Rural Residential (RR) *zoning district*.

Table 106-2a - Rural Residential (RR) Zoning district	
Min Lot Area (sf)	≥ 43,560
Min Lot Width	130
Min. Front setback (ft)	30
Min. Rear setback ¹ (ft)	30
Min. Side setback ¹ (ft)	20
Min. Street side setback ¹ (ft)	20
Max. Bldg. Height (ft)	30
Lot coverage	25%
Open space (% of gross acres of residential development) ²	10%
Notes: 1. Garage face and embellishments shall be <i>setback</i> a minimum of twenty-five (25) feet measured from the opposing property line except rear, <i>alley</i> loaded <i>garages</i> , which shall be <i>setback</i> nine feet (9') from edge of <i>alley</i> line 2. The City requires <i>open space</i> on a new subdivision; if recorded as metes & bounds or by a <i>minor land division</i> than <i>open space</i> will be required on each individual <i>lot</i> ; such as <i>open space</i> or trail easements	

106-2.3 Residential Low Density (R-1)

- A. Purpose. The Residential Low Density (R-1) *zoning district* provides areas for *single-family* homes on varying *lot* sizes and a mix of densities together with *schools*, *parks*, and other public services necessary for suburban residential neighborhoods.
- B. Applicability and Density. The (R-1) *zoning district* reflects the Suburban Development Type and is allowed in the Neighborhood Character area in accordance with the *General Plan*. The allowed *gross residential density* of a

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new development may range from one (1) to five (5) *dwelling units* per acre with a maximum of one (1) *dwelling unit* per *lot* of record.

- C. Development Standards. **Table 106-2b** below identifies the required development standards for the Residential Low Density (R-1) *zoning district*.

Table 106-2b - Residential Low Density (R-1) Zoning district						
Lot Categories	A	B	C	D	E	F
General Plan Compatibility	Suburban	Suburban	Suburban	Suburban and Rural	Rural	Rural
Min Lot Area (sf)	5,000-7,999	8,000-11,999	12,000-17,999	18,000-27,999	28,000-43,559	≥ 43,560
Min Lot Width (sf)	45 ⁴	60	80	90	100	130
Min. Front setback ¹ (ft)	12	12	15	20	20	30
Max. Front setback (ft)	25	25	30	35		
Min. Rear setback ¹ (ft)	15	20	20	25	30	30
Min. Side setback ¹ (ft)	8/13 ²	8/15 ²	8/20 ²	10/25 ²	20	20
Min. Street side setback ¹ (ft)	15	15	15	15	20	20
Max. Bldg. Height (ft)	30	30	30	30	30	30
Lot coverage	45%	40%	35%	30%	30%	25%
Open space (% of gross area of residential development) ³	20%	20%	20%	15%	15%	10%
Notes: 1. <i>Garage</i> face and embellishments shall be <i>setback</i> a minimum of twenty-five (25) feet measured from any opposing property line; except rear <i>alley</i> loaded <i>garages</i> , which shall be <i>setback</i> nine feet (9') from edge of <i>alley</i> line. 2. Minimum <i>side setback</i> : one side / total <i>side setbacks</i> on a <i>lot</i> . 3. The City requires <i>open space</i> on a development/subdivision basis rather than on a <i>lot-by-lot</i> basis. 4. New <i>blocks</i> with any Residential <i>lots</i> that are less than fifty feet (50') wide shall have vehicular access from an <i>alley</i>						

106-2.4 Residential Medium Density (R-2)

- A. Purpose. The Residential Medium Density (R-2) *zoning district* allows for a variety of housing opportunities including *detached* and *attached buildings* that *single-family dwellings*, *two-family dwellings*, and *three-family dwellings* together with *schools*, *parks*, and public services necessary for an urban and suburban residential environment. While the district primarily accommodates residential *uses*, nonresidential *uses* that help to support, and are compatible with, residential neighborhoods may also be allowed when compatible with adjoining neighborhoods.

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- B. Applicability and Density.** The (R-2) *zoning district* is allowed in the Neighborhood Character area in accordance with the *General Plan*. The allowed *gross residential density* of a new development may range from five to eight (5-8) *dwelling units* per acre with a maximum of three (3) *dwelling units* per lot of record.
- C. Development Standards.** **Table 106-2c** below identifies the required development standards for the Residential Medium Density (R-2) *zoning district*.

Table 106-2c - Residential Medium Density (R-2) Zoning district				
<i>Lot Categories</i>	A ⁴	B ⁴	C ⁴	D ⁴
<i>General Plan Compatibility</i>	Urban	Suburban	Suburban	Suburban
Min <i>Lot Area</i> (sf)	3,500-4,999	5,000-7,999	8,000-11,999	>12,000
Min <i>Lot Width</i> (sf)	40 ⁶	45 ⁶	70	80
Min. <i>Front setback</i> ¹ (ft)	10	12	12	15
Max. <i>Front setback</i> (ft)	25	25	25	30
Min. <i>Rear setback</i> ¹ (ft)	10	15	20	20
Min. <i>Side setback</i> ^{1, 2} (ft)	7/12 ³	8/13 ³	8/15	8/20
Min. <i>Street side setback</i> ¹ (ft)	10	10	10	10
Max. <i>Bldg. Height</i> (ft)	30	30	30	30
<i>Lot Area per Dwelling unit</i> (sf)	3,500	3,500	3,500	3,500
<i>Open space</i> (% of gross acres of residential development) ⁵	25%	20%	20%	20%
Notes: 1. <i>Garage</i> face and embellishments shall be <i>setback</i> a minimum of twenty-five (25) feet measured from any opposing property line, except rear <i>alley</i> loaded <i>garages</i>, which shall be <i>setback</i> nine feet (9') from <i>alley</i> edge line. 2. Minimum <i>side setback</i>: one (1) side / total <i>side setbacks</i> on a <i>lot</i> 3. May be reduced to 0' <i>setback</i> for <i>Single-family dwellings</i> as <i>attached building</i> and separated by a <i>common wall</i> along the property line. End units must maintain the total combined <i>setback</i> 4. Maximum of three (3) <i>dwelling units</i> per <i>lot</i> of record. Minimum <i>lot</i> area of four thousand square feet per <i>dwelling unit</i> (4,000 sf/du), except <i>lots</i> in Column A are permitted one <i>dwelling unit</i> (1 du). 5. The City requires <i>open space</i> on a subdivision or development site basis rather than on a <i>lot-by-lot</i> basis 6. New <i>blocks</i> with any Residential <i>lots</i> that are less than fifty feet (50') wide shall have vehicular access from an <i>alley</i>				

106-2.5 Residential High Density (R-3)

- A. Purpose.** The Residential High Density (R-3) *zoning district* is to provide for the development of high density residential *uses* in areas of the City where adequate *semipublic features* and services exist with capacity to serve the area. The

district is designed to create a high quality environment by incorporating design excellence as well as substantial recreational and aesthetic *amenities*.

- B. Applicability and Density.** The (R-3) *zoning district* reflects the Urban Development Type and is allowed in the Neighborhood Character area in accordance with the *General Plan*. *Multi-family* residential shall have a minimum of four (4) *dwelling units* per *lot* and a *net residential density* of more than eight (8) *dwelling units* per acre. The minimum *lot* size for R-3 *zoning* is one (1) acre.

C. Development Standards.

1. **Table 106-2d** below identifies the required development standards for the Residential High Density (R-3) *zoning district*.

Table 106-2d - Residential High Density (R-3) Zoning district			
Net Density (du/ac)	8-11.9	12-14.9	15+
Min. <i>Setback</i> to Arterial <i>ROW</i> (ft) ²	20	20	20
Min. <i>Setback</i> to Collector and Local <i>ROW</i> (ft) ²	15	15	15
Min. <i>Setback Adjacent</i> to Residential <i>Zoning</i> (ft)	10	15	20
Min. <i>Setback Adjacent</i> to Non-Residential <i>Zoning</i> (ft)	20	20	20
Max. Bldg. <i>Height</i> ¹ (ft)	45	50	60
<i>Open space</i> (sf/du)	150	150	150
Notes: 1. The <i>height</i> of any <i>structure</i> , or portions thereof, shall not exceed thirty feet (30') in <i>height</i> measured at the <i>setback</i> line when <i>adjacent</i> to <i>Single-family</i> , <i>Two-family</i> , <i>Three-family</i> development <i>parcels</i> . The <i>height</i> of the <i>accessory structure</i> 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 <i>height</i> equal to the <i>zoning</i> 2. <i>Setback</i> may be reduced to 10' along Collector or Local <i>right-of-way</i> for units that open to the <i>street</i> and exclude a perimeter wall			

2. All projects shall provide one hundred and fifty square feet (150 sf) of on-site *open space* per *dwelling unit*, which shall include surfacing and safety features such as lighting, and *amenities* that enable residents to use the *open space*,. Acceptable types of *open space* are listed below.
- Common *open space* (excluding *setbacks*) with a minimum dimension of fifteen feet (15') in any direction that is accessible to all *dwelling units* by sidewalks or local paths. The space shall be oriented maximize afternoon shade, unless site conditions such as topography warrant waiving this requirement by the Community Development Director or Designee.
 - Individual balconies or patios (excluding front stoops) may be used for up to twenty-five percent (25%) of the required *open*

space. To qualify as *open space*, balconies or patios must be at least forty square feet (40 sf) with no dimension less than five feet (5').

- c. Rooftop decks and terraces may be *used* to meet up to fifty percent (50%) of the required *open space*, provided the space provides *amenities* such as seating areas, barbeques, fireplaces, recreational spaces, shade and landscaping.
- d. On-site indoor recreation areas may be *used* to meet up to twenty-five percent 25 of the required *open space* provided the space is designed for communal *use* by all residents and provides space for entertaining, gathering, or exercise equipment and fitness activities.
- e. Environmentally sensitive areas may count toward *open space* requirements if integrated into the site design to be visible and usable by residents with features such as trails and benches. Sensitive or critical areas meeting these requirements may count for up to fifty percent (50%) of the required *open space*.

ARTICLE 3 – SURPRISE HERITAGE DISTRICT (SHD) ZONING DISTRICTS

106-3.1 General Standards.

- A. SHD Description. The “Surprise Heritage District” (“SHD”) is the area bounded by Bell Road on the north, Greenway Road on the south, El Mirage Road on the east and Dysart Road on the west.
- B. Purpose. The SHD overlay *zoning districts* enhance and protect the historic character of the Original Town Site (“OTS”) while providing *infill* opportunities and encouraging redevelopment for both residential and commercial *uses* that further reflect the scale and cultural character of this historic neighborhood.
- C. Establishment of *Zoning districts*. The SHD *zoning district* is an umbrella district that is applicable to all properties within this geographic area and includes either the *zoning* regulations and standards present on the property at the time the SHD *zoning* was adopted or one (1) of the overlay *zoning districts* specifically associated with the SHD *Zoning district* as further described below:
1. SHD-RO: This residential overlay is designed to preserve, protect and enhance the types of *uses* allowed as shown in **Table No. 106-1c** and **Table 106-1d** that are indicative of historic residential neighborhoods and the small scale *cottage industry uses* that are pedestrian-oriented and support the residents and allow for them to live, work, and play within their neighborhood. Limited commercial *uses* and *multi-family uses* shall be designed to match the scale, massing, and appearance of the *single-family* neighborhood may be appropriate on adequate sized *infill parcels*. Commercial *structures* are limited to three thousand square feet (3000sf). A minimum of five thousand square feet of *lot area* per *dwelling unit* (5000sf/du) is required for all residential *lots*. *Gross residential density* for the SHD-RO *zoning district* shall be compliant with the Suburban Development Type in the *General Plan* for up to eight (8) *dwelling units* per acre.
 2. SHD-CO: This commercial overlay is designed to provide the types of *uses* allowed as shown in **Table No. 106-1c** and **Table 106-1d** in **Article 1** of this Chapter and promote the local arts and culture as well as *business* opportunities that are compatible with and supportive of the Residential Overlay. A mix of neighborhood-scale commercial, retail, *entertainment establishments*, *live-work buildings*, and *mixed use* development shall be the primary land *uses*. Commercial *uses* shall be limited to forty-five thousand square feet (45000sf). *Multi-family* complexes may also be permitted within this overlay district if appropriately located at the fringes of the district to serve as a *buffer* to the *adjacent* residential neighborhood. A minimum of four thousand square feet of *lot area* per *dwelling unit* (4000sf/du) is required for allowed *multi-family* and *mixed use* developments. *Gross residential density* for the SHD-CO *zoning*

district shall be compliant with the *Mixed use* Residential and Commercial Development Types in the *General Plan* for up to ten (10) *dwelling units* per acre.

- D. Development Incentives. Development that is zoned one (1) of the SHD overlay *zoning districts* shall be eligible for any of the following incentives:
1. New *mixed use* projects and *multi-family* projects may be reduced to three thousand square feet of *lot* area per *dwelling unit* (3000sf/du) when the development provides recreational facilities, community space, and connectivity to existing *adjacent* developments and the greater neighborhood.
 2. In lieu of providing on-site parking, participation in a joint *use* parking *lot* project or a parking improvement district shall be permitted.

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

A. Design Standards.

1. These Design Standards shall apply to any and all new development in the SHD and supersede any conflicting design standards in other parts of this *Ordinance*. The regulations specific to commercial and *mixed use* land *uses*, in **Article 3** of the **PEDS**, may apply to the design of new non-residential development when not in conflict with those outlined herein.
2. Prior to any permits being issued for new development, or renovation of an existing *building*, the architectural, site, and landscape plans shall be reviewed by Development Services for adherence to these Design Standards, in addition to other adopted regulations.
3. Plants and landscape materials shall be low water *use*, drought-tolerant plants as delineated in **Appendix C** of the **PEDS**. All areas of bare soil shall be covered with grass, drought tolerant plantings, or decomposed granite to discourage weeds and to control dust. Edible citrus and nut trees are also permitted. All landscaping shall be well-maintained with diseased and/or dead plant material removed and replaced promptly.
4. Trellis work, open front porches, and *cloth* shade sails will not be counted as part of the *lot coverage* allowance.
5. Architectural features of all *buildings* and *structures* shall reflect the historical character of Phoenix-valley architecture from the 1880's to the 1950's. These architectural features shall be present on all *elevations*.

- a. Residential architectural designs include but are not limited to Bungalow (Classical, California, and Craftsman), Spanish Colonial Revival, California Ranch, Southwest Style, and Pueblo Revival.
- b. All *new construction* should include features and embellishments that were prominent in historical architecture to avoid bland, monotone styles. The features include but are not limited to:
 - (1) Projections and reveals; back and side porches on residential *structures*; varied roof and cornice lines; doors, windows, and window treatments such as shutters, awnings, and lintels; and traditional brick or river rock wainscoting, other architectural features such as porte-cocheres, *garage* doors, dormers, chimneys, and patios.
 - (2) *Building* materials, textures, roof treatments and pitches, *building heights*, *building* mass, and proportions indicative of historical Phoenix-valley architecture.
6. An open and covered porch on the front elevation for all new *single-family* residential development shall be required as a means to help create a pedestrian scale connection to the *street*, permit interaction with neighbors, enhance citizen Block Watch programs, and enhance the sense of neighborhood. *Building* orientation shall consider the existing environmental conditions and solar orientation.
7. Although not required, residential *fences* may be built to a *height* not exceeding six (6') feet in a *side* or *rear yard* or thirty-six (36") inches in a *front yard*. The *fence* material shall be compatible with the design style and material of the main *structure*, preferably masonry, wrought iron, or painted wood. The *use* of chain link fencing (with or without slats) is prohibited.
8. All non-residential land *uses*, excluding *parks*, that *abut* residential properties are required to provide visual *screening* from those residences by an opaque fence/wall or landscaping of approved drought-tolerant plant materials in combination with a wall. This *screening* shall include *accessory uses*, *loading areas*, and trash receptacles. The *use* of concertina wire is prohibited when *adjacent* to a public *right-of-way*.
9. On-site *retention* shall be required for all non-residential properties, all *multi-family* residential properties, and residential properties with more than one (1) *single-family dwelling*. Rainwater harvesting for plant irrigation is encouraged.
10. A color palette of earth tones shall be the predominate colors *used*. The *use* of accent colors is encouraged to provide a festive and lively *streetscape*. Accent color, contrasting the primary wall color, should be

used to accent entryways and special architectural and trim elements (i.e. columns, trellises, lintels, sills, door and window frames, cornices, and moldings).

11. Roof-mounted mechanical equipment shall be *screened* from public view and designed to appear as an integral part of the *building*, with the exception of solar panels. Mechanical equipment, propane tanks, water filters, coolers and air conditioning units, and similar utility equipment installed at *grade* or wall mounted shall be *screened* from public view.
12. Assembly *uses* over 5,000 square feet and *multi-family dwellings* shall adhere to the following *use-specific* standards:
 - a. The residential development shall have a *building frontage* presence to the neighborhood *street* rather than primarily facing a parking lot. The front entry shall include a walkway to the *street* or surrounding neighborhood.
 - b. All multi-story *buildings* shall have unified and stylistic design elements present on all sides of the *building(s)*. A variety of massing and *building heights* and stepping rooflines are strongly encouraged. Straight rooflines should be minimized by using offsets, differing *heights*, stepping, or different orientations to produce variety within a development.
 - c. A color palette of earth tones shall be the predominate color *used*. The *use* of accent colors is encouraged to provide a festive and lively *streetscape*. Accent color, different from the dominate wall color, should be *used* to accent entryways and special architectural features of a *building*.
 - d. The required *off-street parking spaces* shall be located in the rear, to the side, or beneath the *structures* with cars recessed one-half (1/2) level to avoid interrupting the rhythm of the established *streetscape*, to make land on site available for gardens and courtyards rather than for surface parking, and to provide a pedestrian level connection to the neighborhood.
 - e. Mechanical equipment and similar utility devices, whether at *grade* or roof mounted, shall be *screened* from public view and designed to appear as an integral part of the *building*, with the exception of solar panels. The mechanical equipment *screening* shall be included in the overall allowed *building height*. Mechanical equipment shall be treated to be non-reflective. Electrical meters, service components, and SES cabinets should be *screened* from public view or designed to appear as an integral part of the *building*.

- f. Reflective *building* materials are prohibited. Metallic surfaces, including roof materials, shall be treated to be non-reflective.
- g. The *use* of metal or corrugated metal as the primary *building* material is prohibited; it may however be *used* as an architectural accent or decorative element.
- h. The *building* materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments. The city strongly encourages all new *buildings* to meet LEED (Leadership in Energy and Environmental Design) certification standards and *building* sites to utilize low impact development (LID) technologies.
- i. All *buildings* shall harmonize architecturally with the residential character of the neighborhood.
- j. Assembly *uses* may be required to provide a traffic study, depending on the specific location.

B. Development Standards.

- 1. Existing *mobile homes* and *manufactured homes* that are not in compliance with the *use*-specific standards of **Section 10.24** herein as of the effective date of this *Ordinance* shall be considered as legal non-conforming *structures*. However, the existing *mobile home* or *manufactured home* may be replaced in its' entirety with a conventional site-built home or with a *manufactured home* that complies with the *use* specific standards outlined in **Section 10.24** herein.
- 2. 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 w/ 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 total combined 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 (25') measured from the opposing property line, except rear, *alley* loaded *garages*, which shall be setback nine feet (9') from the *alley* edge line.
4. Measured from the primary *dwelling*, excluding front porch.

Table 106-3b – SHD – Commercial Overlay Zoning (SHD-CO)

	Commercial Overlay
Front setback (ft)	15
Side setback (ft)	10
Rear setback (ft)	10
Max. Bldg. Height (ft)	35 ¹
Min. Lot Area (sf)/DU	2000 sf/du

Notes:

1. *Mixed use buildings* that include vertically integrated residential have a max *height* of forty-five feet (45')

ARTICLE 4 – TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) ZONING DISTRICTS

106-4.1 General.

- A. Purpose. The purpose of the Traditional Neighborhood Development (“TND”) *zoning district* is to provide *alternative zoning district* beyond the typical single *use* residential *zoning* category. The TND *zoning district* is a hard zone that is ready-made for master planned communities. Consistent and predictable development standards, a specific list of permitted land *uses*, and basic design standards are outlined in this Article and throughout the PEDS to ensure a well-designed and walkable multi-use development. This district provides flexibility to create a sense of place, allows a mix of land *uses* and blended densities, and allows different *building* types to create neighborhoods that are more economically, socially, and environmentally sustainable than would otherwise be obtainable through conventional *zoning* and development methods.
- B. Intent. The intent is to provide for a sustainable development pattern that can reduce trip demand; provide a wide variety of residential *uses* to accommodate diverse *family* sizes, age groups, and income levels; promote a specific range of commercial *uses* focused on meeting the daily needs of the residents while being compatible with and integrated into the residential neighborhoods; promote walkability and a healthy lifestyle; create more viable self-sustaining neighborhoods where people can live, work, and play; and achieve design excellence that will enhance the unique character and setting of the City of Surprise.
- C. General Provisions.
1. The TND *zoning district* may be appropriate for land that is within the Surprise *General Plan* Neighborhood Character Area and may incorporate both suburban and urban residential development types.
 2. The minimum land area for TND *zoning* shall be 320 contiguous acres; all under single *ownership* or unified control and planned as a single comprehensive and complete development. For the purposes of this *Ordinance* “contiguous” means sharing a common boundary for not less than three hundred feet (300’), exclusive of *rights-of-way*.
 3. The TND *zoning district* allows a phased development with multiple land *use parcels* and a mix of land *uses*.
 4. All land *uses* shall comply with the Land *use* Matrix in **Table 106-1c** and **Table 106-1d** in Article 1 of this Chapter.
 5. Any residentially designated *lot* within a residential *development parcel* may be *used* for a non-residential land *use* (limited to those *uses*

delineated in **Table 106-1c**) only if the *lot* fronts onto a *collector street*; provided the maximum *building* size is limited to 5,000 square feet.

6. Gated developments and age qualified/restricted communities are prohibited within all TND projects.
7. In addition to the other provisions, as listed in **Section 106-1.8** herein, the TND *zoning district* is intended to work in conjunction with the TND specific standards outlined throughout the PEDS.

106-4.2 Establishment of TND Zoning districts.

- A. The TND *zoning district* shall be applied to all properties within the specific geographic area of the development and in conjunction with one (1) of the overlay zones and associated regulations identified in this Section.
- B. The overlay zones indicate the proposed future land *uses* that are anticipated for the different *development parcels* that are shown on the “TND Plan of Development,” but the definitive boundaries are not confirmed until the *platting* process is completed. The overlay zones associated with TND *zoning district* are described below:
 1. TND-R: This Residential overlay is for those *development parcels* that are predominately designated for residential and the other neighborhood oriented land *uses* listed in **Table 106-1c** and **Table 106-1d** in Article 1 of this Chapter.
 2. TND-C: This Commercial overlay is for those *development parcels* that are predominately designated for commercial land *uses* listed in **Table 106-1c** and **Table 106-1d** in Article 1 of this Chapter.
 3. TND-MU: This *Mixed use* overlay is for those *development parcels* that are designated for *mixed use* by vertically or horizontally integrating residential with commercial land *uses* listed in **Table 106-1c** and **Table 106-1d** in Article 1 of this Chapter.
 4. TND-OS: This *Open space* overlay is for those *development parcels* that are designated as *open space*, to be retained in perpetuity as such, per the percentages required for the particular TND development. *uses* shall be limited to those listed in **Table 106-1c** and **Table 106-1d** in Article 1 of this Chapter.
- C. Required Mixture of Land uses.
 1. All TND developments will be required to provide a mixture of land *uses* that include residential, commercial, *mixed use*, and *open space*. **Table 106-4a** below identifies the specific ratios for the required land *uses*

based on the approved number of *dwelling units* in the overall TND project.

2. The target *gross residential density* for a new TND development is eight *dwelling units* per acre (8du/ac) with the opportunity for greater or fewer *lot* yield being approved by the City Council based on the overall design and quality of the project, its walkability and overall connectivity, the interface of its various components, and the integration of the project into the overall community (refer to **Section 106-2.1C**).
3. Residential neighborhoods shall be laid out providing different housing types and varying *lot* sizes interspersed on the same *street* within the same subdivision, to prevent creating homogenous subdivisions filled with repetitive housing types. Every residential *development parcel* shall provide a minimum of three (3) distinctly different *lot* sizes; providing:
 - a. A minimum of two thousand square foot (2,000 sf) differential in *lot* area in combination with;
 - b. A *lot* width differential of at least twenty (20) feet; and
 - c. No one (1) *lot* size shall comprise more than sixty percent (60%) of the total number of residential *lots* within a single *development parcel*.
4. Each TND development shall have at least one (1) main *civic use* (excluding utility land *uses*), such as but not limited to a, public library, community center, museum, live performance theater, or multi-generational recreation center. The square footage or area of this *civic use* may be calculated as a percentage of the required ratio of commercial land *use* (not to exceed 5% of the required commercial ratio).

Table 106-4a - Required Mix of Land Uses –Ratios for TND Zoning District

<i>Gross area</i>	TND Total <i>Dwelling units</i> ^{1,2,3}	Commercial ⁴	<i>Mixed use</i> ^{4,5}	<i>Open space</i> ¹
320 acres (min.)	Approved with TND rezoning	0.0125 ac/du	0.023 ac/du	0.03 ac/du

Notes:

1. *Gross area* of the whole TND project.
2. Typical *single-family* detached residential may be developed up to a maximum *gross residential density* of 8du/ac. Any *gross residential density* greater than 8du/ac shall be developed as an *attached building* product, shared court, shared cluster, mansion *apartment*, rowhouse/townhouse, *apartment*, or *mixed use* residential units.
3. The *net residential density* of any one (1) *platted* residential *lot* or a *mixed use development parcel* within the TND may be increased, up to a maximum of 18du/ac, if approved by the City Council.
4. Provided specific restrictions are met (see Section 106-4.1.C.5. above) a residentially *platted lot* may be used for a commercial or *mixed use* land *use* that is listed in **Table 106-1c** herein.
5. Not required for TND projects with an overall *gross residential density* of less than 4 du/ac.

5. Golf course(s) (not including disc golf courses) may be calculated as *open space* up to a maximum of forty percent (40%) of the total required *open space* for a TND development. In order to be credited as *open space* the golf course must be designed so that at least fifty percent (50%) of the course is visible to the public from and along public trails or *rights-of-way*.

106-4.3 Review and Process.

A. Procedures.

1. A “TND Plan of Development” shall be submitted as part the *rezoning* process pursuant to **Chapter 102** of this *Ordinance*. The TND Plan of Development is the compilation of exhibits that demonstrate compliance with all requirements of this *Ordinance*; which at a minimum shall include the following.
 - a. A Master Development Plan Map that identifies the size and location of each *development parcel*.
 - b. Each *development parcel* shall be labeled with one (1) of the overlay *zoning districts* outlined in **Section 106-4.2B**.
2. The final approved TND Plan of Development, which will govern the development progress of a specific TND project, shall reflect the project’s acreage, approved *lot* yield, and land *use* ratios approved by the City.
3. *Platting* of the individual subdivisions within the TND boundary will still be required and shall comply with the PEDS and other design standards as referenced and outlined in **Chapter 107** and the Land Division and Subdivision Regulations in **Chapter 108** of this *Ordinance*.
4. *Parcels* within a TND development that are proposed for any multiple-*building apartment* complex, *mixed use* development, *civic use*, or a commercial development project shall require *Site plan* Review.
5. The specific overlay boundary lines and associated land *uses* (per **Table 106-1c**) along with the blended *lot* sizes for the residential *parcel(s)* shall be identified at the time of either the *site plan* approval or the *preliminary plat* and recorded on the *final plat*. The *gross residential density* for each residential and *mixed use development parcel* shall be in accordance with the approved TND Plan of Development.
6. At the time of *Final plat* recordation, or approval of the *site plan* if no subdivision is required, the overlay *zoning* boundaries are administratively set for the *development parcel*. The City shall monitor each TND development, from the approval of the TND Plan of Development through the *platting* stage, and then at the *building permit* stage to ensure that the land *use* mixture agreed upon through the initial

rezoning process and the required variety of *lot* sizes and housing types is maintained. The City shall amend the official Surprise *Zoning* Map to reflect the approved “TND Plan of Development” and overlay *zoning* boundaries at each stage.

B. Amendments.

1. A Council approved TND Plan of Development may be amended administratively for the following circumstances
 - a. Up to a ten percent (10%) transfer (increase or decrease) in the allowed quantity of *dwelling units* between *development parcels* within the TND;
 - b. Up to a ten percent (10%) increase or decrease to the overall *gross residential density* of the TND as compared to the City Council approval;
 - c. Up to a ten percent (10%) shift in the individual *development parcel gross area* or configuration, as compared to the City Council approval.
2. Requests for an administrative *amendment* shall require the following:
 - a. The master *developer*, or the specific *applicant* if the master *developer* is no longer involved in the project, shall provide the City with a “Revised TND Plan of Development” that reflects any and all administratively approved *alterations* to date.
 - b. No further applications for *plats*, *site plans*, or *building permits* shall be submitted to the City until after the administrative *amendment* request has been determined; and if approved, a new “Revised TND Plan of Development” showing the latest approved *amendment* has been submitted back to the City.
3. Administrative *amendment* to the TND Plan of Development shall not be allowed if:
 - a. Any *amendment* would require backbone *infrastructure* (water and wastewater) upsizing, or change the parameters for the master drainage design, or change the amount or intent of the *open space* component of the TND as compared to the initial approval.
4. Any *alteration* to the “TND Plan of Development” that exceeds the limits set for administrative approval, as listed above shall require City Council action as a TND *Amendment*.

C. Incentives.

1. The TND *zoning district* complies with the Neighborhood Character Area of the *General Plan* by allowing a variety of residential Development Types and specific supportive commercial. Additionally, the ratios *used* for defining the mix of required land *uses*, delineated in **Table 106-4a**, are based on *dwelling unit* and population as described in the *General Plan*. Thus a *General Plan Amendment* should not be required, provided all other provisions of the Surprise *General Plan* are satisfied.
2. After the TND *Zoning* and the associated TND Plan of Development is approved by the City, through the public hearing process, further *rezoning* of the individual *development parcels* will not be necessary provided development adheres to the approved TND Plan of Development.
3. The City allows for certain *infrastructure* improvements within the public *right-of-way* to be calculated as *open space* if certain *amenities* are provided or design aspects are utilized (see the PEDS in **Chapter 107** for specific details).
4. The TND Residential (TND-R) overlay is the only *zoning district* where the “shared court” (commonly known as 4-packs and 5-packs), “shared cluster”, “mansion *apartment*”, or rowhouse/townhome housing products are permitted to be utilized in the city (see **PEDS, Sec.2.5D** for specific details).

106-4.4 **Development Standards.**

- A. The specific development standards for the TND *zoning district* are outlined in **Table 106-4b** and **Table 106-4c** below. Each *lot*, regardless of the product type or land *use*, shall adhere to the development standards outlined in the following tables.
1. All *multi-family* projects shall provide one hundred and fifty square feet (150 sf) of on-site *open space* per *dwelling unit*, which shall include surfacing and safety features such as lighting, and *amenities* that enable residents to *use* the *open space*,. Acceptable types of *open space* are listed below.
 - a. Common *open space* (excluding *setbacks*) with a minimum dimension of fifteen feet (15’) in any direction that is accessible to all *dwelling units* by sidewalks or local paths. The space shall be oriented maximize afternoon shade, unless site conditions such as topography warrant waiving this requirement by the Community Development Director or Designee.

- b. Individual balconies or patios (excluding front stoops) may be *used* for up to twenty-five percent (25%) of the required *open space*. To qualify as *open space*, balconies or patios must be at least forty square feet (40 sf) with no dimension less than five feet (5').
 - c. Rooftop decks and terraces may be *used* to meet up to fifty percent (50%) of the required *open space*, provided the space provides *amenities* such as seating areas, barbeques, fireplaces, recreational spaces, shade and landscaping.
 - d. On-site indoor recreation areas may be *used* to meet up to twenty-five percent 25 of the required *open space* provided the space is designed for communal *use* by all residents and provides space for entertaining, gathering, or exercise equipment and fitness activities.
 - e. Environmentally sensitive areas may count toward *open space* requirements if integrated into the site design to be visible and usable by residents with features such as trails and benches. Sensitive or critical areas meeting these requirements may count for up to fifty percent (50%) of the required *open space*.
- B. These development standards shall be the same for any and all TND *Zoning districts* approved by the City and shall be applied consistently throughout the City wherever the TND *Zoning district* has been approved. Deviations or refinements to these specific Development Standards will not be permitted or considered by the city, except through the *Variance* process pursuant to **Chapter 102** of this *Ordinance*.
- C. All *development parcels* shall adhere to the approved TND Plan of Development.

Table 106-4b – Development Standards for TND-R Parcels

<i>Lot Categories</i>	<i>A</i>	<i>B¹</i>	<i>C¹</i>	<i>D¹</i>	<i>E¹</i>	<i>F⁸</i>	<i>G⁸</i>
Min. <i>Lot Area</i> (square feet)	3,000 - 4,999	5,000 - 7,999	8,000 - 11,999	12,000 - 17,999	18,000 and over	<i>Multi-family</i> 16,000	Commercial & MU 16,000
Min <i>Lot Width</i> (sf)	40 ⁹	50 ⁹	70	80	90	N/A	N/A
Min. <i>Front setback</i> (ft)	10 ^{2,6}	12 ^{2,6}	15 ^{2,6}	25 ⁵	30 ⁵	15	15
Max. <i>Front setback</i> (ft)	N/A	N/A	N/A	N/A	N/A	25	25
Min. <i>Side setback</i> (ft)	7/12 ^{3,4}	8/15 ^{3,4}	8/15 ³	8/20 ³	10/25 ³	10	10
Min. <i>Rear setback</i> (ft)	10	15 ⁶	20 ⁶	25	30	20	15
Max. Bldg. <i>Height</i> (ft)	30	30	30	30	30	45 ⁷	35 ⁷
<i>Lot coverage %</i>	60%	50%	50%	50%	40%	60%	60%

Notes:

1. Minimum *lot area* of four thousand square feet per *dwelling unit* (4,000 sf/du); except *lots* in column A are permitted one (1) *dwelling unit*.
2. *Garage* face and embellishments shall be *setback* a minimum of twenty-five feet (25') measured from any opposing property line; except rear *alley* loaded *garages*, which shall be *setback* nine feet (9') from *alley* edge line.
3. Minimum *side setback*: one (1) side / aggregate *side setbacks* on same *lot*.
4. May be reduced to 0' *setback* for *single-family dwellings* as *attached building* and separated by *common wall* along property line. End units must maintain total combined *setback*.
5. A covered front porch may encroach closer to the *street* by up to eight (8') feet.
6. A covered front porch may encroach into the *setback* by up to five (5') feet.
7. The *height* of any *structure*, or portions thereof, shall not exceed thirty feet (30') in *height* measured at the *setback* line when *adjacent* to *Single-family* or *Two-family lots*. The *height* of the *structure* may increase at a ratio of one foot vertical for every one foot *setback* horizontally (1':1') ,as measured relative to the property line, to the maximum allowed *height*.
8. Minimum *lot area* of twenty-five hundred square feet per *dwelling unit* (2,500 sf/du).
9. New *blocks* with any residential *lots* that are less than fifty feet (50') wide shall have vehicular access from an *alley*

Table 106-4c – Additional Development Standards

	TND-C	TND-MU ¹	TND-OS
Min. <i>Lot Area</i> (sf)	6,000	16,000	N/A
Min <i>Lot Area per Dwelling unit</i> (sf/du)	N/A	2,000	N/A
Min. <i>Setback</i> to Arterial ROW (ft) ¹	20	20	15
Min. <i>Setback</i> to Collector and Local ROW (ft) ¹	15 ²	20 ²	15
Min. <i>Setback Adjacent</i> to Residential Zoning (ft) ¹	10 ³	10 ³	15
Min. <i>Setback Adjacent</i> to Non-Residential Zoning (ft)	15	20	15
Max. Bldg. <i>Height</i> (ft) ⁴	40	45	35

Notes:

1. *Setbacks* shall not include any *parking spaces* or *drive aisles* except *ingress and egress*.
2. *Setback* may be reduced to 10' for units that open to the *street* and exclude a perimeter wall
3. *Setback* increased to twenty feet (20') from *single-family* residential.
4. The *height* of any *structure*, or portions thereof, shall not exceed thirty feet (30') in *height* measured at the *setback* line when *adjacent* to *Single-family, Two-family, Three-family development parcels*. 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* equal to the *zoning*

ARTICLE 5 – MIXED *use* ZONING DISTRICTS

106-5.1 General.

- A. Purpose. The *Mixed use zoning districts* are designed to provide an integration of residential with commercial activities such as retail and service *uses, offices, public/semipublic features, recreational use and entertainment establishments*. The purpose of these districts is to create an area with diverse housing options and lifestyle *amenities* that are incorporated with social, entertainment, and employment opportunities that creates economic and social vitality and provides flexibility in the design of new developments.
- B. Intent. It is intended for the *Mixed use zoning districts* to permit a wider variety of residential *uses* but a more specific range of commercial *uses* focused on meeting the daily needs of the residents while being compatible with and integrated into the residential neighborhoods. It is also the intent of these districts to create the *live-work-play* environment designed to promote a pedestrian scaled walkable development. All land *uses* shall comply with the Land use Matrix in **Table 106-1c** and **Table 106-1d** in Article 1 of this Chapter.
- C. General Standards.
1. All development, regardless of the land *use* mix, shall comply with **Chapter 107** of this *Ordinance* and adhere to the Planning and Engineering Design Standards (PEDS) as applicable.
 2. A *mixed use* project may integrate allowed land *uses* either vertically within the same *building* and/or horizontally as separate but *adjacent uses* within the same *development parcel*. Horizontally integrated *mixed uses* shall be both physically and visually connected for pedestrian and vehicular *uses*.
 3. *Mixed use buildings* that contain residential *uses* may be asked to demonstrate, through a report from a qualified acoustical and/or environmental engineer, either that there are no negative impacts in residential livability or that the impacts can be mitigated through appropriate design.
 4. Vertically integrated *mixed use buildings* contain a residential component of some type in addition to any variety of permitted commercial *uses* located on the ground floor.
 5. Horizontally integrated *mixed use* developments will be designed to have:
 - a. A unifying architectural character (style, form, and material);
 - b. An integrated circulation system and parking concept;

- c. An integration of different land *uses* and may include the *use* of vertically integrated *mixed use buildings*;
 - d. Designed as a pedestrian-oriented development.
- 6. A *mixed use* development may achieve an increased *net residential density*, up to twenty-five (25%) percent, when designated as a “receiving site” through the *Transfer of Development Rights (TDR)* regulations (refer to **Chapter 104** of this *Ordinance* for details on TDR).
- 7. A mix of residential and commercial occupancy shall be constructed in each stage of phased developments so that no single type of land *use* is exclusively developed at any time.
- 8. Within the *Mixed use zoning districts* there shall be no restriction on combining different allowed non-residential *uses* within the same *building* other than those imposed by *building code* (refer to **Chapter 105** of this *Ordinance*) and Arizona Revised Statutes.
- 9. All projects shall provide one hundred and fifty square feet (150 sf) of on-site usable *open space* per *dwelling unit*; unless otherwise indicated in the following MU development standards tables. Onsite *open space* shall include *amenities* and safety features that enable residents to *use* the *open space*. Acceptable types of *open space* are listed below and the design of such areas is further detailed in the PEDS (see Volume 1, Chapter 3).
 - a. Common *Open space* (excluding *setbacks*) with a minimum dimension of fifteen feet (15') in any direction that is accessible via sidewalks and local paths to all *dwelling units*. The space shall to be oriented maximize the afternoon shade, unless site conditions such as topography warrant waiving this requirement by the Community Development Director or Designee.
 - b. Individual balconies or patios (excluding front stoops) may be *used* for up to twenty-five percent (25%) of the required *open space*. To qualify as *open space*, balconies or patios must be at least forty square feet (40 sf) with no dimension less than five feet (5').
 - c. Rooftop decks and terraces may be *used* to meet up to fifty percent (50%) of the required *open space*.
 - d. On-site indoor fitness, entertainment, and/or recreation areas may be *used* to meet up to twenty-five percent 25 of the required *open space*.
 - e. Environmentally sensitive areas may count toward *open space* requirements if integrated into the site design to be visible and

usable by residents with passive features such as trails and benches. Sensitive or critical areas meeting these requirements may count for up to fifty percent (50%) of the required *open space*.

- D. Process. A Type 3 review is required to establish any of the *mixed use zoning districts*. All development within a *Mixed use zoning district* shall require a Type 2 *Site Plan Review* prior to the submittal for a *building* and/or grading permit. Some proposed *uses* may require a *Conditional use Permit* (see **Table 106-1c** and **Table 106-1d** in Article 1 herein for requirements).

106-5.2 Mixed Use Medium Density (MU-1).

- A. Purpose. The *Mixed use Medium Density (MU-1) zoning district* provides for the development of a vibrant suburban neighborhood setting through the integration of diverse housing opportunities and a limited range of commercial *uses* as an *amenity*, service, or *business* employment option for the residents within the neighborhood. Generally the commercial *uses* shall be in keeping with the character and scale of the surrounding neighborhood.
- B. Applicability and Density.
1. The MU-1 *zoning district* may be applicable for land that is within the Neighborhood Character Area of the Surprise *General Plan*; as a suburban development type.
 2. MU-1 developments will be limited to locations at intersections or in conjunction with a *park, school, civic use*, or public space and shall have *building frontage* along collector *rights-of-way*.
 3. The maximum allowed *gross residential density* of a MU-1 development is eight *dwelling units* per acre (8 du/ac) with a minimum of four (4) *dwelling units* per *lot* of record.
- C. Diversity and Scale. MU-1 developments shall provide a mixture of both residential and non-residential *uses*.
1. Twenty-five to seventy-five percent (25-75%) of the total floor area within a MU-1 development shall be designed and constructed for residential occupancy.
 2. The ground floor of a vertically integrated *mixed use structure* shall be designed for commercial occupancy.
 3. Any individual *building* shall be limited to a maximum footprint of five thousand square feet (5000sf).

- D. Development Standards. Table 106-5a identifies the development standards required for the MU-1 *zoning district*.

Table 106-5a - Mixed Use Medium Density (Mu-1) Zoning	
Min <i>Development parcel Size</i> (sf)	1 acre
Min. <i>Lot Area per Dwelling unit</i> (sf/du) ⁴	5,500
Min. <i>Setback</i> to Arterial ROW (ft)	20
Min. <i>Setback</i> to Collector and Local ROW (ft) ¹	15
Min. <i>Setback Adjacent</i> to Residential Zoning (ft)	15
Min. <i>Setback Adjacent</i> to Non-Residential Zoning (ft) ²	10
Max. Bldg. <i>Height</i> (ft) ³	45
Max individual <i>building footprint</i> (sf)	5000
Notes: 1. <i>Setback</i> may be reduced to ten feet (10') for units that open to the <i>street</i> and exclude a perimeter wall. 2. <i>Setback</i> may be reduced to five feet (5') when <i>adjacent</i> to other MU <i>zoning districts</i> 3. The <i>height</i> of any <i>structure</i> , or portions thereof, shall not exceed thirty feet (30') in <i>height</i> measured at the <i>setback</i> line when <i>adjacent</i> to RR, R-1, and R-2 <i>zoning districts</i> and established <i>uses</i> . The <i>height</i> of the <i>accessory structure</i> 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 <i>height</i> equal to the <i>zoning</i> 4. New <i>blocks</i> with any residential <i>lots</i> that are less than fifty feet (50') wide shall have vehicular access from an <i>alley</i>	

106-5.3 Mixed Use High Density (MU-2).

- A. Purpose. The *Mixed use High Density (MU-2) zoning district* provides for the development of a vibrant urban residential setting with a range of high density and *multi-family* housing options mixed with employment and *entertainment establishments*.
- B. Applicability and Density.
1. The MU-2 *Zoning district* may be applicable for land that is:
 - a. Within the Neighborhood Character Area of the Surprise *General Plan*; as an urban development type.
 - b. Within the Commerce and Office Character Area of the Surprise *General Plan*.
 - c. Within the Transit Oriented Development District Sub-Area of the Surprise *General Plan*.

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2. MU-2 developments must have *building frontage* along a collector or arterial *rights-of-way* and be within a quarter (¼) mile of a transit node or transit corridor.
 3. The minimum *development parcel* size to request MU-2 *zoning* is one (1) acre. The allowed overall *gross residential density* of a MU-2 development is between eight and twenty *dwelling units* per acre (8-20 du/ac).
- C. Diversity and Scale. MU-2 developments shall provide a mixture of both residential and non-residential *uses*.
1. All MU-2 developments shall be designed and constructed to a residential occupancy of twenty-five to seventy-five percent (25-75%) of the total floor area within a development.
 2. The ground floor of all *mixed use structures* shall be designed for commercial occupancy; except residential *structures* in a horizontal *mixed use* plan.
 3. Non-residential land *uses* shall be limited to a maximum tenant space of 15,000 square feet when developed as a horizontal *mixed use* plan.
 4. Any individual *building* shall be limited to a maximum footprint of 30,000 square feet.
- D. Development Standards. Table 106-5b below identifies the development standards required for the MU-2 *zoning district*.

Table 106-5b - Mixed Use High Density (MU-2) Zoning		
Lot Categories	A	B
Lot Area (sf/du) ⁴	3,700-5,500	2000 minimum
Min. Setback to Arterial ROW (ft)	20	20
Min. Setback to Collector and Local ROW ¹	15	15
Min. Setback Adjacent to Residential Zoning (ft) ²	15	20
Min. Setback Adjacent to Non-Residential Zoning (ft) ³	20	20
Max. Bldg. Height (ft) ²	50	60
Max Building Footprint (sf)	30,000	30,000
Max non-residential Tenant Occupancy (sf)	15,000	15,000
Notes:		
1. Setback may be reduced to 10' for units that open to the <i>street</i> and exclude a perimeter wall		
2. The <i>height</i> of any <i>structure</i> , or portions thereof, shall not exceed thirty feet (30') in <i>height</i> measured at the <i>setback</i> line when <i>adjacent</i> to RR, R-1, and R-2 <i>zoning districts</i> and established <i>uses</i> . The <i>height</i> of the <i>accessory structure</i> 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 <i>height</i> equal to the <i>zoning</i>		
3. Setback may be reduced to fifteen feet (15') when <i>adjacent</i> to other MU <i>zoning districts</i>		
4. New <i>blocks</i> with any residential <i>lots</i> that are less than fifty feet (50') wide shall have vehicular access from an <i>alley</i>		

106-5.4 Mixed Use Resort (MU-3).

- A. Purpose.** The *Mixed use* Resort (MU-3) *zoning district* provides for the development of resort areas into the natural environment and setting with *ancillary* recreational *amenities* as well as residential *cluster development*. This *zoning district* also allows limited commercial establishments that specifically cater to the needs of the tourist oriented trade and which are designed and located to be walkable from the resort area without interference to other daily functions of the surrounding community and other *uses* in the vicinity.
- B. Applicability and Density.**
1. The MU-3 *Zoning district* may be applicable for land that is:
 - a. Within the Scenic Lands Development Sub Area of the Neighborhood Character Area, of the Surprise *General Plan*; as a rural development type.
 - b. Within the Commerce and Office Character Area of the Surprise *General Plan*; as a *mixed use* residential development type.
 2. The minimum *development parcel* size to request MU-3 *zoning* is twenty acres (20 ac). The allowed overall *gross residential density* of a MU-3 development is between eight and twenty *dwelling units* per acre (8-20 du/ac) when the resort development includes an *ancillary* residential component.
- C. Review and Process.**
1. Procedures:
 - a. A Resort Master *Site Plan* (MSP) shall be submitted as part of the *rezoning* process pursuant to **Chapter 102** of this *Ordinance*. The Resort MSP is the compilation of exhibits that demonstrate compliance with all requirements of this *Ordinance* and shall identify the size and location of each allowed *development parcel* listed below.
 - (1) Residential. A residential *development parcel* does not require space designed for commercial occupancy but is meant for a variety of housing.
 - (2) Non-residential. A non-residential *development parcel* has no residential requirement associated with the land *uses* permitted in **Table 106-1c** and **Table 106-1d**.
 - (3) *Mixed use*. A *mixed use development parcel* incorporates *multi-family* housing with space designed for commercial occupancy. The ground floor of all *mixed use structures*

shall be designed for commercial occupancy; except residential *structures* in a horizontal *mixed use site plan*.

- b. *Development parcels* labeled as Residential will be *platted* as per **Chapter 108** of this *Ordinance* and shall comply with the PEDS and other design standards in **Chapter 107**.
 - c. A *Site Plan* Review will still be required for any multiple-*building apartment* complex, *mixed use*, or non-residential development.
 2. *Amendments*: A Council approved Resort MSP may be amended administratively for the following circumstances:
 - a. Up to a ten percent (10%) transfer (increase or decrease) in the allowed quantity of *dwelling units* between *development parcels* with the Resort MSP;
 - b. Up to a ten percent (10%) increase or decrease to the *gross residential density* of the Resort MSP as compared to City Council approval;
 - c. Up to a ten percent (10%) shift in the individual *development parcel gross area* or configuration, as compared to City Council approval.
 3. Requests for an administrative *amendment* shall require the following:
 - a. The master *developer*, or the specific *applicant* if the master *developer* is no longer involved in the project, shall provide the City with a “Revised Resort MSP” that reflects any and all administratively approved *alterations* to date.
 - b. No further applications for *plats*, *site plans*, or *building permits* shall be submitted to the City until after the administrative *amendment* request has been determined; and if approved, a new “Revised Resort MSP” showing the latest approved *amendment* has been submitted back to the City.
 4. Administrative *amendment* to the Resort MSP shall not be allowed if:
 - a. Any *amendment* would require backbone infrastructure (water and wastewater) upsizing, or change the parameters for the master drainage design, or change the amount or intent of the *open space* component of the Resort MSP as compared to the initial approval.
 5. Any *alteration* to the “Resort MSP” that exceeds the limits set for administrative approval, as listed above, shall require City Council action as a Resort MSP *Amendment*.

D. Development Standards.

1. The Resort MSP will comply with overall development standards shown in **Table 106-5c** related to the perimeter to the overall development.
2. Each *development parcel* shall further comply with the development standards identified in **Table 106-5d** and **Table 106-5e** related to the internal development within the overall Resort MSP.
3. Each residential *lot* of record will be allowed a maximum of three (3) *dwelling units*, provided that said *lot* has a minimum *lot* area of three thousand five hundred square feet per *dwelling unit* (3,500 sf/du).
4. The individual *building* footprint for a *mixed use* or non-residential land use shall be limited to a maximum of 30,000 square feet; excluding the main resort *structure* and *ancillary restaurant*.
5. Within the 30,000 *building* footprint limits, non-residential *uses* shall be further limited to fifteen thousand square feet (15,000 sf) per tenant.

Table 106-5c – Mixed Use Resort (MU-3) Zoning Overall Project Development Standards	
Min Resort MSP Project Size	20 acres
Gross Residential Density (du/ac)	8-20
Min. Setback to Arterial ROW	35
Min. Setback to Collector and Local ROW (ft)	20
Min. Setback Adjacent to Residential Zoning (ft)	45
Min. Setback Adjacent to Non-Residential Zoning (ft)	30
Net Open space (%)	30%

**Table 106-5d – Mixed Use Resort (MU-3) Zoning
Residential Development Standards**

<i>Lot Categories</i>	<i>A¹</i>	<i>B¹</i>	<i>C¹</i>
<i>Lot Area (sf)</i>	4,000-7,999	8,000-15,999	16,000-20,000
<i>Min Lot Width (sf)</i>	40 ⁶	60	80
<i>Min. Front setback (ft)</i>	12 ^{2,3}	15 ^{2,3}	15 ^{2,3}
<i>Max. Front setback (ft)</i>	30 ⁴	30 ⁴	30 ⁴
<i>Min. Side setback (ft)</i>	5/10 total ^{2,5}	5/10 total ^{2,5}	10
<i>Min. Rear setback (ft)</i>	12 ²	12 ²	20 ²
<i>Max. Bldg. Height (ft)</i>	30	30	30
<i>Lot coverage %</i>	50	40	30

Notes:

- Maximum of three (3) *dwelling units* per *lot* of record, provided that said *lot* has a minimum *lot* area of three thousand five hundred square feet per *dwelling unit* (3,500 sf/du)
- Garage* doors/embellishments shall be *setback* a minimum of twenty feet (25') measured from the opposing property line, except rear, *alley* loaded *garages*, which shall be *setback* nine feet (9') from the *alley* edge line.
- A covered front porch may encroach closer to the *street* by up to five (5') feet.
- Measured from the primary *dwelling*, excluding front porch.
- Minimum *side setback*: one (1) side / total *side setbacks* on a *lot*. May be reduced to 0' *setback* for *Single-family dwellings* as *attached building* to and separated by a *common wall* along the property line. End units shall maintain the total combined *setback*.
- New *blocks* with any residential *lots* that are less than fifty feet (50') wide shall have vehicular access from an *alley*

**Table 106-5e – Mixed Use Resort (MU-3) Zoning
Non-residential and Mixed Use Development Standards**

	<i>Non-residential</i>	<i>Mixed use</i>
<i>Min Lot Area (sf)</i>	20,000 (min)	20,000
<i>Lot Area per dwelling unit (sf/du)</i>	N/A	2,100 – 5,400
<i>Min. Setback to Arterial ROW</i>	15	20
<i>Min. Setback to Collector and Local ROW (ft)</i>	30	15 ¹
<i>Min. Setback Adjacent to Residential Parcels (ft)</i>	10	10
<i>Min. Setback Adjacent to Non-Residential Zoning (ft)</i>	12	20
<i>Max. Bldg. Height (ft)</i>	45 ²	50 ²

Notes:

- Setback* may be reduced to 10' along Collector or Local *ROW* for units that open to the *street* and exclude a perimeter wall
- The *height* of any *structure*, or portions thereof, shall not exceed thirty feet (30') in *height* measured at the *setback* line when *adjacent* to RR, R-1, and R-2 *zoning districts* and established *uses*. 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* equal to the *zoning district*

ARTICLE 6 – COMMERCIAL ZONING DISTRICTS

106-6.1 General.

- A. Purpose. The Commercial *zoning districts* are intended to provide locations, standards and regulations for all varieties of retail shopping, service establishments, neighborhood convenience, entertainment, and *office uses* in a manner that is consistent with the *General Plan* while providing employment opportunities for existing and future residents of the City.
- B. Applicability and Intensity.
1. The commercial *zoning district(s)* may be applicable for land that is within the Neighborhood, Commerce and Office, and Employment Character Areas of the *General Plan*.
 2. The Commercial *zoning districts* listed below represent the different levels of allowed intensity of a development or land *use* in relation to the *building* size, scale, and overall impact on surrounding neighborhoods (i.e. corner store vs. traditional grocery store vs. typical big box with *outdoor display area*) as delineated in the Land *use* Matrix **Table 106-1c** in Article 1 of this Chapter.
 3. Outdoor *uses* such as dining, display, storage, *drive-through* facilities, entertainment *uses*, and sound systems may be allowed only in certain zones and under certain conditions as delineated in the *Accessory use* Matrix **Table 106-1d** in Article 1 of this Chapter.
- C. Process. A Type 3 review is required to establish a commercial *zoning district*. All development within a commercial *zoning district* shall require a Type 2 *Site Plan* Review prior to submittal for a *building* and/or grading permit. Some proposed *uses* may require a Type 3 review for *Conditional use Permits* per **Table 106-1c** and **Table 106-1d** in Article 1 of this Chapter.

106-6.2. Establishment of Commercial Zoning districts.

- A. Office Commercial (C-O): The Office Commercial (C-O) *zoning district* provides for *offices* and services with smaller, supportive shops and dining.
1. The intent of the OC *zoning district* is to create an employment friendly environment by permitting an *office* and/or service *uses* that limit impact on and can be integrated within the residential neighborhood.
 2. Applicable in Rural, Suburban, Urban, and Community Commercial Development Types of the *General Plan*.

- A. Neighborhood Commercial (C-1):** The Neighborhood Commercial (C-1) *zoning district* provides for the development of smaller shops, dining, recreation, entertainment, *offices*, and services in convenient locations to meet the daily needs of the immediate residential neighborhoods.
1. The intent of the C-1 *zoning district* is to create a *pedestrian friendly*, neighborhood environment by permitting a range of commercial, *office*, and/or service *uses* which are limited to a residential scale and integrated within the residential neighborhood.
 2. The C-1 *zoning district* may be applicable to the Neighborhood (Rural and Suburban) and Commerce & Office (*Mixed use Residential*) Character Areas of the *General Plan*.
- B. Community Commercial (C-2):** The Community Commercial (C-2) *zoning district* provides for retail, *office*, and service activities to satisfy the needs of the community with emphasis on shopping *commerce centers*, clustered *office commerce centers*, and medium sized commercial developments.
1. The intent of this district is to create a *pedestrian friendly*, neighborhood environment and discourage the sprawl of strip commercial development by assembling community-serving *businesses* and services in *commerce centers* rather than in a strip or linear pattern.
 2. The C-2 *Zoning district* may be applicable for land that is within the Neighborhood (Suburban and Urban), Commerce & Office (Office, *Mixed use* and Regional Commercial), and Employment (*Business Park*) Character Areas of the *General Plan*; if the overall development meets the size and intensity guidelines outlined in the *General Plan*.
- C. Regional Commercial (C-3):** The Regional Commercial (C-3) *zoning district* accommodates the development of large-scale planned commercial and *office* complexes that provide goods, recreation, entertainment, food, and services to regional trade areas.
1. The C-3 *zoning district* provides for a diversity of general *business* and commercial *uses* at a large *building* size, scale, and overall intensity. The C-3 *zoning district* shall emphasize safe and convenient pedestrian mobility in many forms, with planning that concentrates *parking areas* for trip reduction and accommodates internal vehicular traffic flow.
 2. The C-3 *zoning district* may be applicable for land that is within the Commerce & Office (Office and Regional) Character Area of the *General Plan*.

106-6.3 Commercial Development Standards.

1. Developments within a Commercial *zoning district(s)* shall comply with development standards shown in **Table 106-6a**.
2. Projects designed as *commerce center* will comply with overall development standards regarding perimeter *setbacks* from *abutting* developments.
3. *Pad sites* within a *commerce center* may have reduced *setbacks* along boundaries internal to the *site plan* if the whole development complies with parking and landscaping regulations. Approval by the Community Development Director or designee is required.

Table 106-6a - Commercial Zoning Districts

	C-O	C-1	C-2	C-3
Minimum <i>Lot Area</i> (sf)	12,000	12,000	18,000	90,000 ¹
Min. <i>Setback</i> to Arterial <i>ROW</i>	35	35	35 ^{5,6}	35 ^{5,6}
Min. <i>Setback</i> to Collector and Local <i>ROW</i> (ft)	15	20	20 ^{5,6}	20 ^{5,6}
Min. <i>Setback Adjacent</i> to Residential <i>Zoning</i> (ft)	20	20	30 ^{5,6}	45 ^{5,6}
Min. <i>Setback Adjacent</i> to Non-Residential <i>Zoning</i> (ft)	15	15	15 ^{5,6}	15 ^{5,6}
Max. Bldg. <i>Height</i> (ft)	30	35 ²	40 ²	45 ²
Max. size per <i>use/tenant</i> (sf) ³	5,000	5,000	45,000	No limit
Max size per <i>Commerce center</i> (ac) ⁴	10	10	20	No limit

Notes:

1. Minimum *lot area* may be reduced to eighteen thousand square feet (18,000 sf) for *pad sites* within a *commerce center* with a minimum size of ninety thousand square feet (90,000 sf)
2. The *height* of any *structure*, or portions thereof, shall not exceed thirty feet (30') in *height* measured at the *setback* line when *adjacent* to Rural Residential (RR), Residential Low Density (R-1), and Residential Medium Density (R-2) *zoning*. The *height* 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* equal to the *zoning district*
3. Area combines the total square footage of the *use*, which may include but is not limited to the gross floor areas of the *building*, outdoor activities and dining areas (when allowed), storage areas, and all display or *sales areas*
4. Contain *uses* designed around common circulation, parking, and pedestrian connectivity, including but not limited to shared *access* or *access easements*
5. Projects designed as *commerce center* will comply with overall development standards regarding perimeter *setbacks* from *abutting* developments.
6. *Pad sites* within a *commerce center* may have reduced *setbacks* along boundaries internal to the *site plan* if the whole development complies with parking and landscaping regulations. Approval by the Community Development Director or designee is required.

ARTICLE 7 – EMPLOYMENT ZONING DISTRICTS

106-7.1 General.

- A. Purpose. The Employment *zoning districts* provide a wide range of employment *uses* to serve the needs of Surprise employers and residents. The standards for the Employment districts are intended to protect employment areas from incompatible *uses* as well as protecting *adjacent uses* from the potential adverse impact of the employment *uses* by establishing standards for compatibility and *screening*, and encouraging quality and variety in *building* and landscape design as further addressed in **Chapter 107** of this *Ordinance*.
- B. Intent. It is intended for the Employment *zoning districts* to permit a variety of both indoor and outdoor industrial *uses* focused on meeting the needs of the different employment sectors of the community while making certain to *buffer* surrounding land *uses* from the negative impacts that might come from such *uses*.
- C. Applicability and Intensity.
1. The Employment *zoning districts* shall be limited to land that is within the Employment Character Area of the Surprise *General Plan* at locations with appropriate *access* to major roads, transportation corridors, and the necessary utilities.
 2. The Employment *zoning districts* listed below represent the different levels of allowed intensity of a development or land *use* in relation to the *building* size, scale, and overall impact on surrounding neighborhoods and developments. All land *uses* shall comply with the Land *use* Matrix in **Table 106-1c** and **Table 106-1d** herein or otherwise is considered in violation of this code.
 3. The Employment *zoning districts* are intended to work in conjunction with and adhere to Articles 1 and 3 of the Planning and Engineering Design Standards (PEDS) of **Chapter 107** of this *Ordinance* in general, and any additional *Business Park* or Industrial specific standards outlined below.
- D. Review and Process. A Type 3 review is required to establish any of the employment *zoning districts*. All development within the *Business Park zoning district* or any of the Industrial *zoning districts* shall require a Type 2 *Site Plan* Review prior to the submittal for a *building* and/or grading permit. Some proposed *uses* may require a Type 3 review for *Conditional use Permits* as identified in **Table 106-1c** and **Table 106-1d** in Article 1 of this Chapter.

106-7.2 Establishment of Employment Zoning districts.

- A. Business Park (BP) Zoning district:** The *Business Park (BP) zoning district* provides for the development of integrated campus-style employment *uses* to serve technology, research and development, *office*, and product distribution along with limited retail and service *uses* primarily to serve the *business park uses*.
1. The standards for the BP *zoning district* are intended to establish and maintain high quality *site planning* and architecture in a landscaped setting to create an attractive and unified development character
 2. Projects within a BP *zoning district* shall develop in a campus-like setting that allows for a variety of *buildings* and sizes that interact through outdoor seating areas, shaded pathways and landscaped areas.
- B. Light Industrial (I-1) Zoning district:** The Light Industrial *zoning district* provides for a mix of industrial activities which have generally negative impacts on the community, and which may be incompatible with other *uses*.
1. Typical Industrial *uses* have limited retail or on-site consumer interaction.
 2. The *uses* permitted within the I-1 *zoning district* are intended to be indoor *uses* with restricted and limited outdoor operations and storage, see **Section 106-10.33**.
- C. General Industrial (I-2) Zoning district:** The Light Industrial *zoning district* provides for a mix of industrial activities requiring large land areas unencumbered by nearby residential or commercial development.
1. Typical Industrial *uses* have limited retail or on-site consumer interaction.
 2. The *uses* permitted within the I-2 *zoning district* are a variety of indoor *uses* with outdoor operations and storage, see **Section 106-10.33**.
- D. Heavy Industrial (I-3) Zoning district:** The Heavy Industrial (I-3) *Zoning district* provides for *uses* that require major earth moving activities suitable only in certain locations and may require land reclamation upon completion of the operation.

106-7.3 Development Standards.

- A.** All projects within the BP *zoning district* shall adhere to the development standards listed below:
1. There may be a combination of *warehousing*, *manufacturing* and *office use* under one (1) development provided all activities are conducted indoors and there is no *outdoor storage*.

2. Developments shall be designed in a campus-like setting that allows for a variety of *buildings* and sizes that interact through outdoor seating areas, shaded pathways and landscaped areas.
 3. The minimum *parcel* size for requesting the BP *zoning district* is fifty acres (50ac).
- B.** All projects within the I-1, I-2, I-3 *Zoning districts* shall adhere to the development standards listed below:
1. Projects designed as *commerce center* will comply with overall development standards regarding perimeter *setbacks* from *abutting* developments.
 2. *Pad sites* within a *commerce center* may have reduced *setbacks* along boundaries internal to the *site plan* if the whole development complies with parking and landscaping regulations. Approval by the Community Development Director or designee is required.
 3. Within the indoor tenant space industrial *uses* may include *ancillary offices, showrooms/sales offices*, retail, and service *uses* (as shown in Table 106-1c) no greater than twenty-five percent (25%) of the gross floor area.
- C.** Developments in I-3 *zoning district* shall also adhere to the additional development standards listed below:
1. Primary *access* from an *arterial street* or *streets* specifically designed for intense heavy equipment *use*.
 2. Appropriate warning *signs* shall be installed upon the property indicating hazards and the type of hazards.
- D.** **Table 106-7a** below is specific to individual *lots* and identifies the dimensional standards required for the Employment *zoning districts*.

Table 106-7a - Employment Zoning Districts

	BP	I-1	I-2	I-3
Minimum <i>Lot Area</i>	20 acres ⁶	20,000 sf	5 acres	40 acres
Min. <i>Setback</i> to Arterial ROW	35	35	35	50
Min. <i>Setback</i> to Collector and Local ROW (ft)	25	35	35	50
Min. <i>Setback Adjacent</i> to Residential Zoning (ft)	75 ¹	50 ²	75 ¹	150 ³
Min. <i>Setback Adjacent</i> to Non-Residential Zoning (ft) ⁴	15	15	25	50
Max. Bldg. Height (ft) ⁵	45	40	85	40

Notes:

1. May be reduced to fifteen feet (15') when the development provides a forty-five feet (45') or greater landscape *buffer "tract"* with a public *access* easement to allow paths or trails that may connect to the Surprise Open Trails system.
2. May be reduced to fifteen feet (15') when the development provides a thirty feet (30') or greater landscape *buffer "tract"* with a public *access* easement to allow paths or trails that may connect to the Surprise Open Trails system.
3. May be reduced to seventy-five feet (75') when the development provides a fifty feet (50') or greater landscape *buffer "tract"* with a public *access* easement to allow paths or trails that may connect to the Surprise Open Trails system.
4. *Setback* may be increased if *abutting a parcel* with OS-1 or OS-2 *zoning* that separates residential *zoning* by less than sixty feet (60')
5. *Buildings*, or portions thereof, shall be *setback* an additional one foot for every one foot (1':1') above thirty feet (30') in *height* when *adjacent* to Residential *zoning districts*.
6. Minimum *lot area* may be reduced to one (1) acre for *pad sites* within a *commerce center*

ARTICLE 8 – CIVIC ZONING DISTRICTS

106-8.1 General

- A. Purpose. The purpose of the *civic zoning districts* is to provide *zoning* criteria and development standards for those public land *uses* and facilities that are necessary to serve the community at large, conserve *environmentally sensitive features* and natural areas, or provide recreational *amenities* that enhance the quality of life for the residents of Surprise.
- B. Applicability and Intensity.
1. The *civic zoning districts* are appropriate for land in all character areas of the *Surprise General Plan*. The *civic zoning districts* have no minimum *lot* size
 2. As these civic districts are appropriate in all character areas they are likewise intended to work in conjunction with and adhere to all Articles of the Planning and Engineering Design Standards (PEDS) of **Chapter 107** of this *Ordinance* and any specific standards outlined below.
- C. Review and Process. A Type 3 review is required to establish any of the *Civic zoning districts*. All development within the Public Facilities or any of the *Open Space zoning districts* shall require a Type 2 *Site Plan* Review prior to application for a *building* and/or grading permit. Some proposed *uses* may require a Type 3 review for *Conditional use Permits* per **Table 106-1c** and **Table 106-1d** in **Article 1** of this Chapter.

106-8.2 Open space Conservation (OS-1) Zoning districts.

- A. Purpose. The purpose of the *Open space Conservation (OS-1) Zoning district* is to conserve, protect and enhance natural *open spaces* such as but not limited to: desert washes and flood plains; *environmentally sensitive lands*, wildlife *habitats*, and steep *hillsides*; historic or archeological sites; and *open space* lands within the community. The primary purpose of designating these areas is to raise the degree of assurance that designated *open space* for conservation will remain undeveloped while allowing limited passive recreational *uses* such as hiking, horseback riding, and bicycling in a natural setting.
- B. Development Standards.
1. Given the conservation purpose of this *zoning district* the minimum *parcel* size necessary to establish OS-1 *Zoning* is ten acres (10 ac) and shall follow the locational hierarchy identified in **Section 104-1.10** of this *Ordinance*.

2. Private lands that are proposed to be zoned for OS-1 shall require the express written consent of the property *owner(s)*.
3. Unpaved or paved trails or paths are permitted for *use* only by pedestrians, non-motorized vehicles, and horses (where specifically designated). Limited *access* is permitted for maintenance and emergency vehicles only. *use* of motorcycles all-terrain vehicles (ATVs) or off-highway vehicles (“OHVs”) is prohibited.
4. Picnic areas, sitting areas, scenic lookouts, shade *structures*, and restrooms may be permitted as *accessory uses*, subject to minimal disturbance and revegetation of the areas disturbed during construction of these *amenities*.
5. Drainage facilities and utility easements shall be revegetated to be consistent with the surrounding natural vegetation.
6. **Table 106-8a** below is specific to individual *parcels*, tracts, or *lots* and identifies the dimensional standards required for any proposed improvements within the OS-1 *Zoning district*.

Table 106-8a - Open space Conservation (OS-1) Zoning district	
Min. Arterial, Collector, and Local <i>ROW Setback</i> (ft)	15
<i>Adjacent to Residential Zoning</i> (ft)	50
<i>Adjacent to Non-Residential Zoning</i> (ft)	15
Max. Bldg. <i>Height</i> (ft)	15

106-8.3 Open space Recreation (OS-2) Zoning district.

- A. Purpose. The purpose of the *Open space Recreation (OS-2) Zoning district* is to conserve and protect those lands agreed to be developed for recreational *uses* through the plan approval process. The primary purpose of designating these areas is to raise the degree of assurance that designated *open space* for recreational areas will be preserved as such as well as to further the goals and objectives of the Surprise *General Plan*.
- B. Development Standards.
 1. New residential subdivisions shall plan, design, and provide the required *open space* for usage by the general public on a subdivision-wide basis rather than on a *lot-by-lot* basis and shall follow the locational hierarchy identified in **Section 104-1.10** of this *Ordinance*.

2. The minimum width of any *open space* area *used* for active recreation shall be 30 feet.
3. **Table 106-8b** below is specific to individual *parcels*, tracts, or *lots* and identifies the dimensional standards required for any allowed development within the OS-2 *Zoning district*

Table 106-8b - Open space Recreation (OS-2) Zoning district ¹	
Min. Arterial, Collector, and Local ROW Setback (ft)	15
Adjacent to Residential Zoning (ft) ²	15
Adjacent to Non-Residential Zoning (ft) ³	15
Max. Bldg. Height (ft) ⁴	35
Notes: 1. Setbacks shall not contain <i>drive aisle</i>, <i>parking spaces</i>, or <i>buildings</i>. Exceptions allowed for <i>ingress/egress</i> only, seating areas, patios, sidewalks/trails, bicycle parking, and pedestrian <i>amenities</i> 2. Used for whole length of any <i>lot line</i> that <i>abuts</i> any residential zoning district 3. Used for any <i>side lot line</i> that <i>abuts</i> any non-residential zoning district 4. Height may be increased by 10' (up to a max of 60') for each additional 5' away from the <i>side</i> or <i>rear lot line</i>.	

106-8.4 Public Facilities (PF) Zoning district.

- A. **Purpose.** The purpose of the Public Facilities (PF) *zoning district* is to accommodate development on federal, state, county, and City of Surprise owned land for those land *uses* necessary to serve the needs of the community and/or protect the public health and safety.
- B. **Development Standards.**
 1. The PF *Zoning district* is intended to work in conjunction with and adhere to all Articles of the Planning and Engineering Design Standards (PEDS) in **Chapter 107** of this *Ordinance*.
 2. The dimensional standards required for the PF *zoning district* will be determined based on *use* and impact on surrounding developments as part of the *site plan* process.

ARTICLE 9 – OVERLAY ZONING DISTRICTS

106-9.1 Planned Unit Development (PUD) Overlay

- A. The City utilized a Planned Unit Development (PUD) overlay *zoning district* prior to the adoption of this *Ordinance*. The PUD overlay *zoning* designation now serves only to preserve the governing entitlement documents adopted by City Council for each PUD. Existing PADs and PUDs may have individual development standards, land *uses*, and densities that supersede the *zoning* standards contained herein at the time of the adoption of this *Ordinance*. Any *zoning* standard contained herein this *Ordinance* shall apply that is not explicitly identified in a PUD.

ARTICLE 10 – USE SPECIFIC STANDARDS

106-10.1 General Standards for all *use* Specific Development

- A. The *use* Specific Standards outlined in this Article set forth specific requirements that shall be met before approval may be given for a proposed development. These *use* Specific Standards incorporate requirements to address *uses* that require additional regulations to protect public health, safety, and welfare.
- B. Specific proposals for new development may be subject to more than one (1) set of standards and shall also comply with the requirements listed elsewhere in this *Ordinance*. In the case of conflict with a *zoning district*, *use* Specific Standards, or requirements of the Planning and Engineering Design Standards (“PEDs”) the more restrictive requirement shall apply; unless specifically provided to the contrary and clearly intended.
- C. Nothing in these provisions shall relieve any property *owner* or property *user* from satisfying any condition or requirement associated with a previous approval, special permit, conditional *use*, *Variance*, or other permit issued under any local, state, or federal ordinance or statute.

106-10.2 Accessory Dwelling Units (ADU).

- A. *Single-family* residential *uses* will be limited to only one (1) *accessory dwelling unit (ADU)* per *lot* of record in the RR, R-1 and R-2, SHD-RO, and TND-R *zoning districts*. A minor *site plan* review shall be required.
 - 1. New *accessory dwelling units* may not be constructed within the 65 DNL pursuant to A.R.S. §28-8481(E) after the adoption of this *Ordinance*.
- B. The *ADU* shall be located on the same *lot* as the *primary uses* and may not be sold or conveyed as a separate *dwelling unit* nor calculated as a separate *dwelling unit* for the purposes of determining *gross or net residential density*.
- C. An attached *ADU* shall have independent *access* and no direct, internal *access* to the primary *dwelling*. Detached *ADUs* shall not be located in the *front yard*.
- D. The design of any *ADU* shall respect the general *building* scale and architectural character of the primary *dwelling*, and placed to allow sharing of common space on the *lot*, such as driveways and *yards*.
- E. The *ADU* has a maximum area not to exceed fifty percent (50%) of the habitable space of the primary *dwelling unit* or eight hundred square feet (800 sf) of habitable space, whichever is less.
- F. The *ADU* shall not have separate utility services unless the *public utility* determines that a separate meter is required for safety reasons.

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- G. One (1) additional *off-street parking space* is required for the *ADU*. Existing required *off-street parking* for the primary *dwelling* shall be maintained or replaced onsite.
- H. Development Standards. **Table 106-10a** below identifies the dimensional standards required for an *ADU*.

Table 106-10a - Accessory dwelling units (ADU)

	Max ADU Size ¹	Building Separation ²	Setback (Front yard) ³	Setback (Side and/or Rear yard)	Height
Detached ADU	50% of primary dwelling	5'	Not permitted	5'	9' ^{4, 6}
Attached ADU ⁵	50% of primary dwelling	n/a	Same as Zoning min setbacks	Same as Zoning min setbacks	Same as Zoning allowed height

Notes:

1. Calculated by the floor area of the first floor of the principal *building*. Maximum area of *ADU* shall not exceed 800 sf if the primary *dwelling* exceeds 1600 sf.
2. May be increased as required by the *building* and/or fire codes.
3. The entrance to the *ADU* shall not face be visible from the *street*, except for entrances that do not have *access* from the ground level, such as entrances from balconies or decks. *Access* shall not create the appearance of a *two-family dwelling*.
4. The *height* of an *ADU structure* shall not exceed nine feet (9') as measured at the five-foot (5') *setback* line. The *height* of the *ADU 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* equal to the *zoning district* (See **Figure 106-10a** and **106-b**).
5. The *ADU* shall be connected to the primary *dwelling* by a common roof, covered passageway, or *common wall* without direct *access* to the primary *dwelling unit*.
6. On *lots* 30,000 sf or greater each *ADU* has a maximum *height* equal to the *zoning district* when constructed within the *building envelope*.

106-10.3 Accessory uses and Structures.

- A. All residential *accessory uses* (including *ADUs*), *buildings*, *structures*, and fencing shall be located on the same *lot* as the principal or main *use* and be at least five feet (5') from other *structure* or as required by the *building* and/or fire codes, except that fencing *used* to separate properties in a subdivision may straddle the common property line. *Accessory structures* in residential districts shall not be located within any easement.
- B. An *accessory structure* that is exempt from the *building permit* requirement still must comply with any other provisions, code, or regulation adopted by the city.
- C. No *accessory use*, *building*, or *structure* shall be constructed or developed on a *lot* prior to the establishment/construction of the *primary uses*, *building*, or *structure*; except for open-wire fencing on an otherwise undeveloped residential *lot* in the Rural Residential (RR) *Zoning district* or retaining walls associated with site development.

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- D. No *accessory building* shall at any time be *used* as a *dwelling unit*, unless specifically developed as an *ADU* in compliance with the standards outlined in **Section 106-10.2** above and otherwise complies with the applicable *building codes*.
- E. A *structure* shall not be considered *accessory* if it is connected to the principal *building* by a common roof *structure* or covered passageway, except an *ADU* may be connected to the primary *dwelling*.
- F. With the exception of attached *ADUs*, and decorative shade *structures* such as gazebos, pergolas, and arbors, a residential *accessory structure* shall not be located in the *front yard* of a residential *lot*; except in the *RR Zoning district*. *ADUs* and decorative shade *structures*, such as gazebos and arbors, may be in the *front yard*, but may not encroach into the minimum *front* or *side setbacks*.
- G. An *accessory structure* shall remain *accessory* to and under the same *ownership* as the *primary uses*, and shall not be *subdivided* or sold separately.
- H. No permit shall be issued for the construction of more than one (1) detached *garage accessory structure* for each *dwelling*.
- I. Apiaries may be permitted, provided the hives shall not be located closer than eighty feet (80') to any *dwelling*, *lot line*, or *right-of-way*.
- J. Development Standards. **Table 106-10b** below identifies the dimensional standards required for an *accessory structure*.

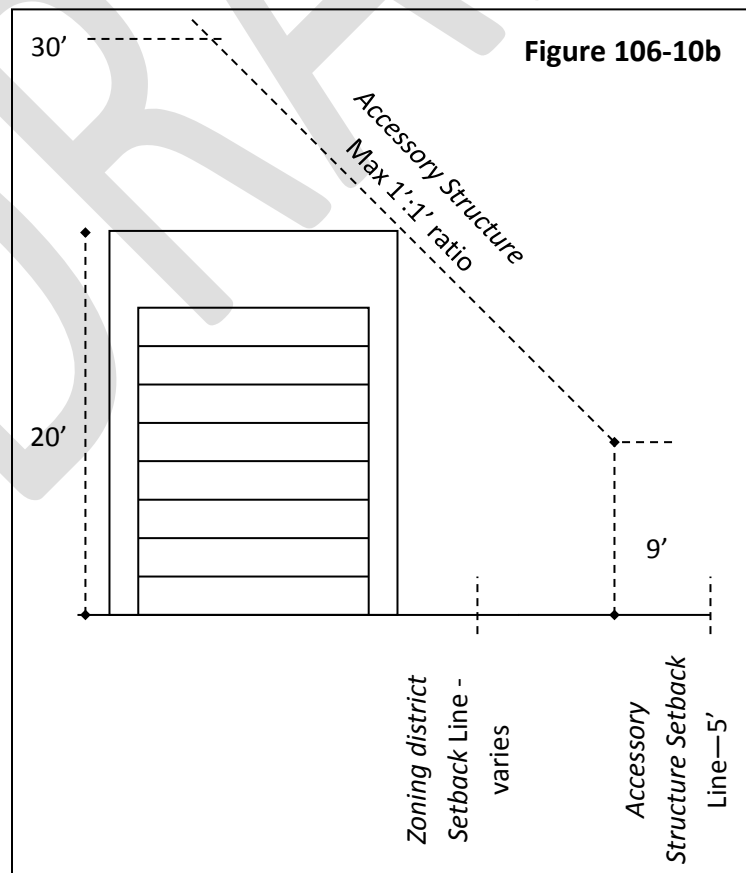
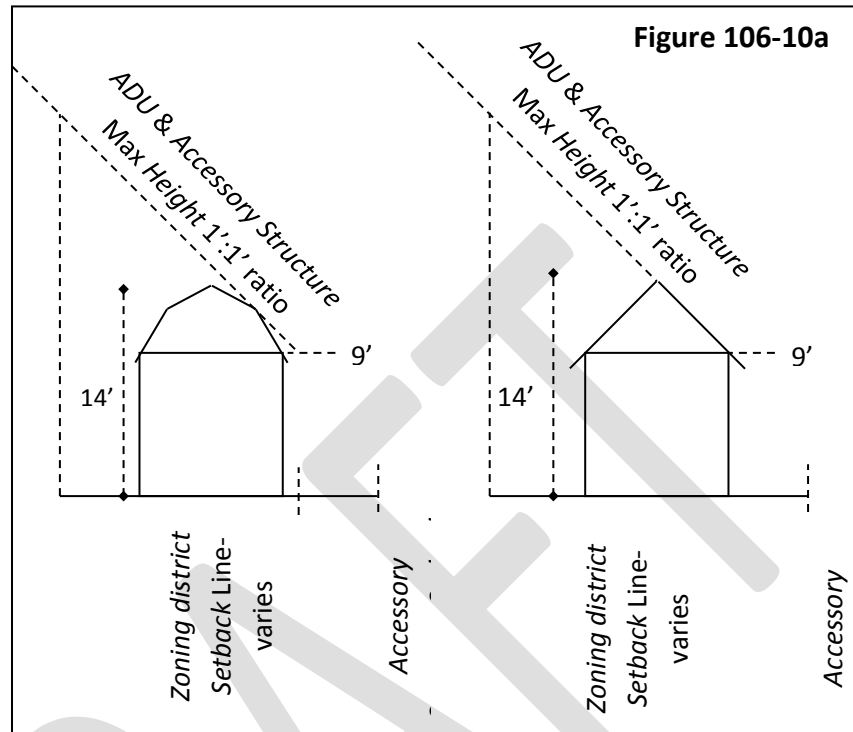
Table 106-10b - Accessory Structures

	Max Accessory Structure Size	Building Separation ²	Setback (Front yard)	Setback (Side and Rear yard)	Height
Shade Structures	400 sf	5'	Same as Zoning min setbacks	5'	9' ³
Other accessory structures	50% of primary dwelling ^{1, 4}	5'	Not allowed ⁷	5' ⁵	9' ^{3, 6}

Notes:

1. Calculated by the finished floor area of the first floor of the principal *building*. Maximum area of *accessory structure* shall not exceed 800sf if primary *dwelling* exceeds 1600 sf.
2. May be increased as required by the *building* and/or fire codes
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**)
4. On *lots* 30,000 sf or greater each *accessory structure* has a maximum area not to exceed 3,000 sf
5. *Fences* used to separate properties in a subdivision may straddle the common property line
6. On *lots* 30,000 sf or greater each *accessory structure* has a maximum *height* equal to the *zoning district* when constructed within the *building envelope*.
7. In *RR zoning districts*, *accessory structures* are permitted in the *front yard* when constructed within the *building envelope*.

- 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*.



106-10.4 Agricultural Animal Keeping.

- A. When allowed, the production and sale, boarding and/or breeding of *agricultural animals* for commercial purposes shall meet the provisions as outlined in **Section 106-10.5** below.
- B. The keeping of *agricultural animals* for non-commercial or personal use shall comply with **Chapter 10** of the Municipal Code.
- C. Apiaries may be permitted for beekeeping, provided the *structures* containing the hives shall not be located closer than eighty feet (80') to any *dwelling*, property line or *right-of-way*.
- D. No shows or other activities that would generate more vehicular traffic than is normal to an area with *single-family* residences are permitted unless the site has direct *access* to an arterial or *collector street*. Occasional shows may be allowed provided a *Temporary use Permit* is secured and adequate parking for such shows or other special events can be demonstrated.

106-10.5 Agricultural operations and Facilities.

- A. *Agricultural operations* may be permitted provided the site is a minimum of forty (40) acres.
- B. No commercial pen feeding or commercial feed/lots or the commercial feeding of garbage to animals shall be allowed.
- C. *Agricultural structures* for storage of and maintenance of specialized machinery and equipment shall not be located closer than 200 feet from any *lot line*.
- D. Open *outdoor storage* is limited to plants, bulk organic dirt, or packaged fertilizer.
- E. All *plant nursery* or greenhouse enclosures, for commercial and wholesale purposes, shall be located a minimum of fifty feet (50') from any *lot line*.
- F. Wholesale growing of plants, trees, bushes, flowers, vegetables, and other food crops, may include limited onsite retail sales as an *accessory use* provided the *sales areas* complies with the *Farm stand* regulations listed below.
- G. Application of pesticides shall comply with the *buffer* requirements of A.R.S. §3-365 for *schools*, *day cares*, and *adjacent residential uses*.
- H. A *Farm stand* may be permitted as an *accessory use* to *agricultural operations* for the purpose of selling produce or other products principally raised or produced on the premises. Exempt from the provisions in **Section 106-10.3**, the *Farm stand* shall be located and constructed to meet the following requirements:

1. The stand shall be *setback* a minimum of thirty feet (30') from the nearest *right-of-way*.
2. The stand shall be staked or anchored in such a way as to prevent movement into the *right-of-way*.
3. The site has *access* and *off-street parking* shall be provided. When a stand is located *adjacent* to a *parkway*, *access* shall be from a frontage road or intersecting *roadway*. In no case shall *access* be allowed from a *parkway*.
4. The *Farm stand* shall be of portable construction and shall be removed during the seasons when it is not in *use*.
5. The *structure* shall not be more than ten feet (10') in *height* and not be more than four hundred square feet (400sf).
- I. Apiaries may be permitted, provided the hives shall not be located closer than eighty feet (80') to any *dwelling*, property line or *right-of-way*.
- J. In addition to this Section, keeping of animals shall comply with **Chapter 10** of the Surprise Municipal Code.

106-10.6 Airstrip, private.

- A. Privately owned or operated airports or airstrips for the landing and take-off operations of aircraft and hang gliders; including any fixed-base operations shall be subject to the following requirements:
 1. The land area shall be a minimum of twenty (20) acres.
 2. Landing areas and strips shall be *setback* a minimum of 300 feet from any property line.
 3. All *buildings* and *structures* shall be a minimum of 100 feet from any property line.
 4. Hours of operation for any fixed-base operation (FBO) shall not impact surrounding residential land *uses*.
 5. A minimum of one (1) *off-street parking space* per each hanger and/or tie-down space shall be required.
 6. Strobe lights shall be *used* only if no *alternative* lighting is permitted by federal regulation.
 7. Safety fencing, up to six (6) feet in *height* may be required around the fixed-base operations and/or landing strip areas.

8. Must comply with all federal, state and local regulations, including licensing, and shall not interfere with any governmental or public airport operations.

106-10.7 Amateur Radio Antennas.

A. Antennas Permitted. *Amateur radio antennas* and support *structures* are permitted in all residential *zoning districts* without a *Conditional use Permit* provided:

1. *Antenna structures* do not exceed a maximum *height* of thirty-five feet (35') or the maximum *building height* of the *zoning district* in which such *structure* is located;
2. *Tower* shall comply with *setback* standards for the *zoning district* in which it is located;
3. Such *structures* shall not be located in the required *front setback*, in *front yard*, or in the *street side yard*;
4. *Antennas*, including support *structures*, shall not extend beyond the property line;
5. Not more than two (2) such *structures* may be erected per *lot* or *parcel*; and
6. When a Federally Licensed Radio Amateur no longer occupies the subject property, the *antenna structure* shall be removed.

B. In addition to the provisions outlined in **106-10.7.A** above, all *amateur radio antennas* that exceed thirty-five feet (35') in *height* shall require approval of a *Conditional use Permit* and shall adhere to the following:

1. Such *antennas* shall be of telescoping design and lowered to a *height* of no more than the maximum *building height* of the *zoning district* in which such *structure* is located when not in *use*; and
2. In no event shall an *amateur radio antenna* exceed the *height* of seventy-five feet (75').

106-10.8 Amusement/Theme Park.

- A.** When allowed, permanent *public features* and *structures* shall be constructed.
- B.** The *lot* area shall be a minimum of ten acres (10 ac).

- C. The required *frontage* on a *public street* shall be at least four hundred feet 400 in length.
- D. All points of vehicular *access* shall be from arterial roads, except Fire-Medical may take *access* where appropriate.

106-10.9 Animal Hospital, Clinic, Shelter, or Boarding Facilities

- A. A report from a qualified acoustical and/or environmental engineer, either that there are no negative impacts on neighboring residential *uses* or that they can be mitigated through appropriate design may be required.
- B. The *building* construction methods shall incorporate sound proof barriers and be designed to properly eliminate odors, waste, and other contaminants to protect *adjacent* properties.
- C. Activities shall be located within a fully enclosed soundproof *building*. No outdoor boarding shall be permitted, except in the case of *animal hospital/clinics* that service large *agricultural animals*.
- D. Outdoor exercise areas may not be placed immediately *adjacent* to or within one hundred feet (100') of an *adjacent* residential *use* or residentially zoned property.

106-10.10 Assisted living home.

- A. An *assisted living home* shall comply with the following requirements:
 - 1. Shall be licensed by the state and shall remain so licensed for as long as the *assisted living home* is in operation.
 - 2. An *assisted living home* shall not be located on a *lot* within one thousand two hundred feet (1,200'), measured by a straight line in any direction, from another *assisted living home*, as measured from property line to property line.
 - 3. The separation requirements shall not apply to *assisted living homes* separated by arterial roads.
 - 4. An *assisted living home* shall contain three hundred square feet (300 sf) of overall living space for each resident.
 - 5. Shall include the installation of an automatic fire sprinkler system.
 - 6. In the event that the state revokes or terminates a *person's* license to operate an *assisted living home*, then the person operating the *assisted*

living home shall immediately inform the city of such revocation or termination of their license.

- B.** The above regulations are not intended to apply to the following facilities, as defined by this ordinance, provided the appropriate and/or required licensing by the state is obtained.
1. Group home as defined by A.R.S. § 36-551.
 2. Adult development home as defined by A.R.S. § 36-551.
 3. *Assisted living center*.
 4. *Residential care institutions* as defined by A.R.S. § 36-581.
 5. *Nursing care facility*
- C.** A *group home* or an *adult development home* shall not be permitted any *signage*, graphics, display, or other visual forms of identification, other than that permitted for a residential *dwelling*.

106-10.11 Bar/Nightclub

- A.** *Bars* and *nightclubs* shall comply with A.R.S. § 4-207 separation requirements.
- B.** A report from a qualified acoustical and/or environmental engineer, either that there are no negative impacts on neighboring residential *uses* or that they can be mitigated through appropriate design may be required.
- C.** Site locations and *site plan* design, such as but not limited to compatibility with *adjacent* neighborhoods and/or being developed within an established entertainment *commerce center*, shall be factors to be considered with the application for a *CUP*.

106-10.12 Bed and Breakfast Establishment.

- A.** The *bed and breakfast* establishment shall be *owner*-occupied and the guest rooms shall be part of the *single-family dwelling*.
- B.** No more than four (4) bedrooms per residence may be *used* for the *bed and breakfast* establishment.
- C.** A fire escape plan shall be developed and graphically displayed in each guest room. Such plan shall be filed with and approved by the city fire department.
- D.** Maximum guest stay at a *bed and breakfast* establishment is limited to thirty (30) consecutive days.

- E. Meals may be served only to overnight guests and residents.
- F. No *alterations* to the exterior of the residence that *alters* the residential character, except fire escapes, accessible entrances and other features may be added to protect public safety as required by the applicable life-safety codes.
- G. There shall be one (1) *off-street parking space* per rental room.

106-10.13 Cemetery.

- A. Cemeteries intended for human burial shall contain a minimum of ten acres (10'). Cemeteries intended for small animal burial shall contain a minimum of five acres (5'). Cemeteries shall be located on a collector or *arterial street*.
- B. The *cemetery* may include *accessory uses* and *structures* such as, but not limited to, a *business office*, chapel, columbarium, mausoleum, and equipment storage that are incidental to the operation of a *cemetery*. A crematorium is not an *accessory use*. *Accessory uses* and *structures* shall be set back at least fifty feet (50') from any property line.
- C. No required *setback* shall be occupied by graves. There shall be a minimum of a fifty-foot (50') landscaped *buffer* between the property line or *roadway right-of-way*; and any *building*, *structure*, or gravesite. The fifty-foot (50') *setback* shall not apply to roads designed for internal circulation within the *cemetery*.

106-10.14 Community gardens

- A. A *fence* shall be provided on the perimeter of the garden built to a *height* not to exceed six feet (6') along the *side* or *rear lot lines* or thirty-six inches (36") along the front property line. The *fence* material shall be compatible with the design style and material of all *structures*
- B. The site shall be designed and maintained so that water and fertilizer will not drain to *adjacent* property or *right-of-way*.
- C. Hours of operation shall be limited to the hours between 6 a.m. and 8 p.m.
- D. Waste receptacles shall be provided and *screened* from neighboring properties. Refuse shall be removed so as not to be a nuisance.
- E. Composting equipment and containers, if provided, shall be specifically designed for that purpose and shall be located away from *adjacent* residences, *businesses*, and *parks* and *screened* from public view. Open composting piles are prohibited.
- F. Permitted *Buildings*:

1. One (1) shed limited to two hundred square feet (200 sf) shall be permitted for the storage of any tools, fertilizers, equipment or other materials *used* in conjunction with the *community garden*. If provided it shall be adequately secured and meet *setback* requirements according to Section 106-10.3 of this article.
 2. Greenhouses, limited to two hundred square feet (200 sf), may be permitted if constructed of glass or other transparent materials and situated in compliance with all required *setbacks* of the *zoning district* in which it is located.
- G. *Amenities* such as raised/accessible planter beds, rain barrels, picnic tables, benches, bike racks, and garden art may be permitted.
- H. The property shall be maintained in a neat and orderly fashion as required by the Surprise Property Maintenance Code.
- I. Outdoor retailing of fresh produce or flowers grown on the site is permitted with an *Conditional use Permit* in accordance with **Section 106-10.5H**.
- J. The *community garden signage* shall comply with the Chapter 109 of this *Ordinance*.
- K. If a *community garden* is no longer in operation or left fallow, for longer than one hundred-eighty (180) days, the site shall be returned to its original form, unless otherwise developed in accordance with this *Ordinance*. Any reestablishment of a *community garden* on the same site shall require processing and approval of a new *Conditional use Permit*.

106-10.15 Cottage industry.

- A. Not more than forty-nine percent (49%) of the *dwelling unit* may be *used* for *cottage industry*. Up to one hundred (100%) percent of *accessory buildings* may be *used* for a *cottage industry*. carry
- B. The aggregate *building* area, including portions of the *dwelling* together with any and all *accessory buildings used* in conjunction with a *cottage industry*, shall be limited to four thousand square feet 4,000 (sf) or not more than sixty-five percent (65%) *lot coverage*, whichever is less.
- C. The *cottage industry use* shall be limited to the first floor of the *dwelling*, *accessory buildings*, and outdoor areas of the *lot*.
- D. A *cottage industry use* that receives patrons, students, or any *business*-related individuals may only do so between the hours of 8:00 a.m. and 8:00 p.m.
- E. *Accessory buildings* and outdoor areas *used* for *cottage industry* purposes are intended to be limited to low intensity *uses* that produce or repair a product,

and operate in such a way that they do not adversely affect *adjacent* properties. Parking and storage of *business* related commercial-rated vehicles, equipment, and products shall be limited to an enclosed *building* or within the *rear yard* and *screened* by an opaque *fence* or landscaping of approved drought-tolerant plant materials in combination with a fence.

F. Outdoor dining *ancillary* to a *cottage industry*:

1. Shall not be located within the *front setback*, shall be a minimum of fifteen feet (15') from an *adjacent* residential use, and *screened* by a minimum three foot (3') high opaque *fence* or landscaping of approved drought-tolerant plant materials in combination with the barrier.
2. Shall not be more than fifty percent (50%) of the *dwelling unit's* ground floor *gross area*.
3. Shall not operate outside of the indoor *restaurant's* hours of operation.

G. A *cottage industry use* may not change the character of the *structure* or *alter* the residential character of the neighborhood.

H. Cottage industries may employ up to 5 employees in addition to those residing in the residence.

I. *Signage* shall be limited and shall comply with the regulations outlined in **Chapter 109** of this *Ordinance*.

106-10.16 Day Care Center

A. A minimum of seventy-five square feet (75') of *fenced* in outdoor play space per child shall be provided. *Fenced-in*, outdoor play space shall not include driveways, *parking areas* or land unsuited by virtue of other usage or natural features for children's play space.

B. The minimum *lot* area shall be no less than six thousand square feet (6,000 sf) or the minimum required by the *zoning district* in which the *day care* facility is proposed, whichever requirement is greater.

C. Access to the *day care* facility shall be by means of a collector or *arterial street*.

D. A minimum of one (1) drop off space per every five (5) children or a maximum of five (5) spaces, located out of the main travel way, shall be provided. A five-foot (5') wide sidewalk running from the drop-off spaces to the *day care* entrance shall be provided.

E. *Day care uses* as a *home occupation* are exempt from this Section and shall comply with **Section 106-10.22**.

106-10.17 Donation bins.

- A.** A *Temporary use Permit* (“*TUP*”) is required, subject to the following:
1. *Donation bins* may be placed with a *TUP* for up to twelve (12) months out of a calendar year with a *TUP* or prorated through the end of the calendar year.
 2. The *TUP* for any *donation bin* shall be renewed annually. Each renewal requires a new *TUP* application and fee. *Donation bin TUPs* shall be renewed within sixty (60) days prior to the first day of every calendar year. If an *applicant* submits for a *TUP* prior to the 60-day renewal period, the permit shall not exceed the duration of the current calendar year and the permit fees will be prorated.
 3. The property *owner* will control the *TUP*, and as such, the *owner* or *authorized agent* may rescind their authorization by submitting a cancellation request to the City in writing. At the request of the property *owner* or *authorized agent*, the permit will be revoked.
 4. The Community Development Director or designee may revoke the *TUP* issued under the provisions of this section when the *TUP* is issued in error or on the basis of incorrect, inaccurate, incomplete, or fraudulent information.
 5. Failure to comply with the requirements of this section may result in revocation of the *TUP* by the Community Development Director or designee.
 6. A *site plan* shall be submitted as part of the *TUP* process. The *site plan* shall indicate the proposed location of all bins on the specific site.
- B.** Arizona state law regarding drop boxes will apply to *donation bins* as defined in this *Ordinance*.
- C.** *Donation bins* within residential *zoning districts* may only be permitted in conjunction with *places of assembly* and other *public facilities*.
- D.** Locational Standards:
1. *Donation bins* shall be located on a paved surface.
 2. *Donation bins* shall not be located within the *setbacks*, required landscaped areas, or within required *parking spaces*.
 3. *Donation bins* shall not obstruct pedestrian or vehicular circulation, or be located within the public *right-of-way*, *drive aisles*, fire lanes, loading zones, or any other location that may cause hazardous conditions, or constitute a threat to the public health, safety, and welfare.

E. Size and Quantity Standards:

1. There shall be no more than one (1) *donation bin* on properties less than one acre (1 ac) in size, no more than two (2) *donation bins* on properties or *commerce centers* of one to three acres (3 ac) in size, and no more than four (4) *donation bins* on a *commerce center* greater than three acres in size. No more than two (2) *donation bins* shall be clustered together and located within one thousand feet (1,000') of any other *donation bin* within a *commerce center*.
2. *Donation bins* shall have a capacity no greater than seven cubic yards (7 c³).

F. Appearance Standards:

1. Each *donation bin* shall have a firmly closing lid.
2. Each *donation bin* shall be clearly marked to identify the specific items and materials requested to be collected for donation.
3. Each *donation bin* shall be clearly marked to identify the City of Surprise TUP permit number with contrasting paint. The numbers shall be a minimum of two inches (2") high and located on the deposit face of the *donation bin*.
4. The name and telephone number of the entity obtaining the TUP shall be affixed to the *donation bin* on an area no larger than one foot by one foot (1'x1').
5. If a *donation bin* is damaged or vandalized, it must be removed within five *business days* of discovery or notification. If there is a public health, safety, or welfare concern pursuant to the authority granted to the city, the *donation bin* must then be removed within 24 hours of discovery or notification.
6. It is the responsibility of the entity obtaining the *Temporary use Permit* to maintain the *donation bin* painted or otherwise un-rusted and un-dented and in good repair.
7. It is the joint responsibility of the property owner or *authorized agent* and the entity obtaining the *Temporary use Permit* to keep the area around the donation boxes free of litter and debris, and remove any graffiti within 24 hours of discovery or notification, whichever occurs first.

- G. All donated items must be collected and stored in the *donation bin* and all contents cleared no less than once a week. Any items or materials left outside of the *donation bin* shall be removed within 24 hours of discovery or notification, whichever occurs first.

- H. This ordinance authorizes the city and property *owner* to remove and dispose of any *donation bin* (including its contents) which is unauthorized, unpermitted, or is otherwise in violation of this ordinance.

106-10.18 Drive-through Window/Facilities.

- A. *Drive-through* facilities shall be located a minimum of twenty-five feet (25') from a public *right-of-way* and a minimum of seventy-five feet (75') from a residential district.
- B. *Drive-through* aisles shall be clearly identified through the *use* of striping, landscaping, and *signage* and shall be designed to
1. Contain aisles that are a minimum eleven feet (11') wide. Any curved sections shall be a minimum of twelve feet (12') wide with a minimum radius of twenty-five feet (25') on curved section;
 2. Minimize the conflict between pedestrians, parking and the *building* entrance. Pedestrian walkways should not intersect the *drive-through* aisles, but where they do; they shall have a minimum of fifteen feet (15') clear visibility and be emphasized with enhanced paving. Appropriate pedestrian crossing *signs* shall be visible from both the vehicle *drive aisle* and the pedestrian walkway; and
 3. Be integrated with the on-site circulation of the larger development.
- C. *Drive-through* exits shall be directly onto a public *right-of-way* and shall be separated by fifteen feet (15') from a parallel, main *ingress/egress drive aisle* to avoid conflicts with other vehicular traffic.
- D. Each *drive-through* lane shall have the following minimum distances
1. Forty feet (40') between the entry point and the ordering facility (i.e. *restaurant* menu board, teller machine or ordering window)
 2. One hundred feet (100') between pick-up/service window and ordering facility or entry point if no ordering facility is present
- E. *Drive-through* speakers shall not be audible from the right-of way or *adjacent* residential *uses*. Additional landscaping, sound attenuation walls, or other mitigation measures may be required to reduce the sound level.
- F. *Drive-through* facilities shall orient pick-up/teller windows away from *adjacent* residential *uses* or from facing the arterial or *collector street*.
- G. *Drive-through* lanes shall be *screened* from the *right-of-way* and *adjacent uses* through the incorporation of a landscaped *berm* with continuous, dense landscaping at least four feet (4') in *height* to effectively *screened* the headlights

of the vehicles in line. In cases when a *berm* may not be feasible because of space constraints, a *screen fence/wall* may be *used* in connection with landscaping.

- H. *Drive-through* facilities shall incorporate either an attached canopy over the *drive-through* window or teller area of the facility or plant shade trees within the landscape *screening* areas at the window location. The canopy shall not exceed fourteen feet (14') in *height*, measured from the ground to underside of the canopy. If canopy support pillars are *used*, they shall be finished with the same body and accent materials as the primary *building*. All *lighting fixtures* in the canopy area shall be fully recessed.
- I. The architecture of *drive-through uses* shall reflect the architecture of the principal *building*.

106-10.19 Equestrian centers and Commercial Stables

- A. Shall have a minimum site area of ten (10) acres unless the site is *adjacent* to equestrian trails in which case the minimum site area requirement may be less; to be determined on a case-by-case basis.
- B. All livestock *structures*, containment areas of facilities *used* for the stabling, storing, showing or training of livestock and for temporary manure storage shall be set back a minimum of one hundred feet (100') from any property line. Normal *setbacks* apply to all other *structures* and *uses*.
- C. An attendant must be in residence on the property.
- D. All activity and pasture areas shall be grassed, sprinkled or treated with regularly tilled organic soil mix for dust suppression.
- E. All livestock turnout areas and pens shall be enclosed with *fences* at least five feet in *height*. The design of these enclosures shall be shown on drawings submitted with the *Conditional use Permit* application.
- F. A specific plan for the physical containment and location of manure storage and/or disposal, which minimizes odor and fly impacts on *adjacent lots* or *parcels*, must be provided. The spreading and tilling of manure into the soil of the paddock, pasture or arena areas may be considered manure disposal.
- G. No shows or other activities that would generate more vehicular traffic than is normal to an area with *single-family* residences are permitted when located in a RR zone unless the site has immediate *access* to an arterial or *collector street*. Occasional small shows may be allowed per stipulations of the *Conditional use Permit* in other zones. A public address system or other means of outdoor amplification may be *used* as a convenience for announcements and administration during special equestrian events only.

- H. Outdoor activity shall be limited to the hours of 6:00 a.m. and 10:00 p.m. daily.
- I. A minimum of one (1) *off-street parking space* shall be provided for each three stalls. Additional parking must be provided for shows or other special events.
- J. In the review for an *equestrian center*, commercial *stables*, and/or boarding *stables*, the City may also consider lighting, landscaping, *signage*, plan of operation, and neighborhood impact.

106-10.20 Food Manufacturing

- A. When subject to a *CUP* in the SHD-CO zoning district, *manufacturing use* may not exceed fifteen thousand square feet (15,000 sf).
- B. May have on-site *restaurant* & retail combined as part of the establishment.

106-10.21 Group Home

- A. No group home or *recovery residence* shall be located on a *lot* within 1,320 feet, measured by a straight line in any direction, from the *lot line* of another group home or *recovery residence*.
- B. Evidence of license, certification, or registration with the appropriate local, state or federal agency, if required by such local, state or federal agency.
- C. No identification from a *public street* shall be permitted by *signage*, graphics, display, or other visual means, except for *signage* otherwise permitted by **Chapter 109** herein.
- D. Compliance with all applicable *building*, fire and safety regulations. Such homes must be reviewed and approved by the community development department for *building* code and land *use* compliance prior to the *use* commencing.
- E. No exterior change that would *alter* the *building's* residential character shall be made to the exterior of the *building(s)* and the grounds.
- F. The Community Development Department maintains authority to approve the location of any group home or *recovery residence*. An administrative record of all homes shall be maintained with the community development department.

106-10.22 Heliport.

- A. A heliport may be permitted as an *accessory use* for a *hospital*, medical facility, news station, emergency service, or similar *use*; with a *Conditional use Permit*.

- B.** Helicopter landing pads shall be a minimum of 600 feet from all residentially zoned property or residential *uses*; and a minimum of 100 feet from property lines in all other *zoning districts*.
- C.** All take-off, landing, and *parking areas* for helicopter landing facilities must be surfaced with a dust proof material.
- D.** Evidence of Federal Aviation Administration approval of the air space and air traffic of the proposed operation and a planning report analyzing environmental impacts including, but not limited to, noise levels and mitigation, traffic generation, land *use* compatibility, number of daily operations, hours of operation, flight corridor, and the identification of any adverse impacts to the operation of other airports shall be approved and implemented prior to the issuance of any permit for a helicopter landing facility.

106-10.23 Home occupation.

- A.** A *home occupation* shall be considered a permitted *accessory uses* in all residential *zoning districts* provided that they are operated and maintained to not interfere with the peace, quiet, and dignity of the property *owners* or neighbors, if it complies with the following standards and requirements:
 - 1. The *use* of the *dwelling* as a *home occupation* location must be clearly incidental and subordinate to its *use* for residential purposes. A valid City *Business License* shall be required for all *home occupations*.
 - 2. All *home occupation* activities shall occur entirely within the residential *dwelling*, *garage*, or *accessory building* unless the Community Development Director or designee determines that the *business* activity conducted outside the *dwelling* is similar to noncommercial activities normally associated with *single-family* residences. Exceptions to this provision shall be made for swimming lessons or in-home day care.
 - 3. The *use* shall occupy no more than fifty percent (50%) of the gross floor area of the residence or four hundred square feet (400sf) of a *garage* or *accessory structure*.
 - 4. Employees shall be limited to *persons* residing in the *dwelling unit* immediate *family* members, or up to two (2) individuals who are not residents of the *dwelling unit* or immediate *family* members.
 - 5. A *home occupation* that is authorized to receive patrons, students or any *business*-related individuals at the *home occupation* location may only do so between the hours of 8:00 a.m. and 8:00 p.m., unless further regulated by a *Conditional use Permit*.

6. There shall be no exterior displays, no *outdoor storage* visible from the *street* of equipment or goods, including equipment, materials, vehicles, trailers, or open *lot* storage.
7. The *home occupation* shall not produce offensive noise, vibration, smoke, electrical interference or fluctuation in *off-site* line voltages, dust, odors, heat or other nuisances discernable beyond the property lines or beyond the *common walls* if the *home occupation* is conducted within a multiple-family unit.
8. The *home occupation* shall not require *structural alterations* to the principal residence that would change the outside appearance of the principle residence or change the character of the property from that of a residential *use*.
9. The *home occupation* shall not involve the *use* of electrical or mechanical equipment that would change the fire rating of the *structure* or include storage of flammable, combustible, or explosive materials. The *home occupation* shall not *use* or create any hazardous waste.
10. The *home occupation* shall not require the installation of equipment or machinery creating utility demand, noise, fumes or other impacts in excess of equipment or machinery that is customarily found in a residential area.
11. On-site advertising for the *home occupation* is prohibited, except a Class I Temporary Sign as defined in **Chapter 109** of this *Ordinance* may be displayed during *business* hours within the property of the residence. Window areas must not purposely, intentionally or unintentionally be *used* as *display areas* or to offer merchandise for sale.
12. No pedestrian or vehicular traffic shall be generated by the *home occupation* in greater volumes than would normally be expected in a residential area.
13. No *home occupation* will be permitted which requires receipt or delivery of merchandise, goods or equipment by a large semi-tractor/trailer *truck* nor substantial retailing or wholesaling of stocks, supplies, or products conducted on the premises.
14. No *home occupation* shall cause an increase in the *use* of any utilities (water, sewer, garbage, or electric) so that the combined total *use* for *dwelling* and *home occupation* purposes exceeds the average for residences in the neighborhood.
15. The *home occupation* shall not be conducted in such a manner or advertised in such a way as to attract consumer traffic or other nonresidential traffic. Advertisements that are displayed in any media,

including telephone directories, may not give the *street* address of the *home occupation* location.

16. All vehicles of patrons or students of the *home occupation* must be *parked* in authorized parking locations either on the *lot* where the *home occupation* is located or in the public parking *adjacent* to the *home occupation* location.

B. In case of any question as to the suitability of a *home occupation*, the Community Development Director or designee shall determine which *uses* may be allowed as *home occupations*. The following are some examples of *uses*, which would be acceptable as *home occupations*, provided they comply with the above regulations: (this list is not all inclusive and listed *uses* do not automatically qualify as a *home occupation*)

1. Home *office uses* for *service call establishments*, *mobile vending*, professional occupations, and consulting services (accountant, architect, attorney, medical, dental, therapy, insurance or real estate) without client contact at the home.
2. Art studio that includes but is not limited to painting, sculpting, writing, or composing.
3. Home crafts such as jewelry making, pottery, weaving and rug making, woodworking, metal working, and home cooking and preserving
4. *Off-site* sales and/or the *use* of retail shipping services than would normally be expected in a residential area.
5. Music lessons, swim lessons, and tutoring with no more than four (4) *persons* at any a time.
6. In-home *day care* with no more than four (4) children or adults that are not related to the caregiver.
7. Services such as *catering*, dressmaking, sewing and tailoring services, (non-vehicular) *repair services*, door-to-door sales, and off-premise party sales without client contact at the home.
8. Telephone answering, message services, word processing and other computer applications.

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)

1. *Animal clinics, veterinary offices, and kennels or boarding facilities.*

2. Dance or gymnastic instruction, and photo studios.
 3. Medical, dental, physical therapy, or psychotherapy *offices*, ambulance services, and mortuary.
 4. Motor vehicle repair or paint shops, storage, restoration or conversion, engine repair or similar *uses*; except on a vehicle personally owned by the resident.
 5. Repair shops, machine shop, furniture refinishing and upholstering.
 6. *Restaurants*.
 7. Private *schools* with organized classes
 8. *Stables* or *kennels* for commercial purposes.
 9. Beauty shops and barber shops
 10. *Contractor's yards*
 11. Sales of weapons or ammunition, retail sales in general, *banks*, credit unions or payday lending
- D.** Complaints by citizens or local residents may be cause for immediate termination of the *home occupation use* if appropriate measures cannot be undertaken to mitigate the complaint or violations. All complaints or violation of the above conditions shall be registered with, and reviewed by, the *Zoning administrator*.

106-10.24 Medical Hospitals.

- A.** The minimum *lot* area shall be five acres.
- B.** The minimum *lot frontage* shall be 300 feet or the minimum requirement of the district, whichever distance is greater.
- C.** Bio-hazardous waste incinerators with an allowable operating capacity equal to or less than 1,000 pounds per hour may be allowed as an *accessory* to a *hospital use* with the following *use* standards:
 1. An incinerator *use* shall be set back a minimum of 500 feet from any property line *abutting* a residential *zoning district* or *use*.
 2. A *site plan* shall be provided illustrating how the operation functions including circulation routes and the locations, square footage, *height* and location of *buildings*, incinerator and storage areas.

106-10.25 Live-work Dwelling

- A. The maximum size of a development designed exclusively for *live-work* units shall be 3 acres.
- B. The living space must be occupied by the *business owner* of the work space and not separately leased.
- C. The work space shall be located within the *building frontage* and/or on the ground floor or may be permitted above the ground floor through a *CUP* process.
- D. The work space shall be limited to only the non-residential *permitted uses* for the specific *zoning district* as listed in **Table No. 106-1c** with a maximum work space size of 4,000 square feet and a maximum of two (2) employees in addition to the *family* members residing in the *dwelling unit*.
- E. A *live-work* unit should mirror the *adjacent* residential *structures* in mass and design to be compatible with the diverse neighborhood in which they are located.
- F. There shall be direct pedestrian *access* at the *street frontage* or near *grade* level to each individual *live-work* unit.
- G. A *live-work* unit that has employees or walk-in commercial trade (not just by appointment) shall be fully accessible and meet ADA requirements where these commercial activities occur.
- H. *Mixed use buildings* that contain residential *uses* may be asked to demonstrate, through a report from a qualified acoustical and/or environmental engineer, either that there are no negative impacts on residential livability or that they can be mitigated through appropriate design.

106-10.26 Manufactured homes.

- A. When permitted a *manufactured home* shall be designed and situated on the *lot* in a manner that assures similarity in exterior appearance and in keeping with, the architectural character of conventional site-built *dwellings* and the character of the surrounding neighborhood in general as required by the PEDS and with the additional specific standards outlined below.
- B. All *manufactured homes* shall be required to meet the current HUD Code standards, be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, and comply with State of Arizona Office of Manufactured Housing regulations.
- C. A *manufactured home* shall be both multi-sectional in design and not constructed more than ten (10) years prior to the date of application for *building* installation permit.

- D. A *mobile home, recreational vehicle, or park model* is not a *manufactured home* and shall not be *used* as or considered to be a primary residential *dwelling*.
- E. Foundations. The *manufactured home* shall be pit set and placed on an excavated foundation with a permanent masonry stem wall. Skirting material is not permitted; rather the stem wall shall be treated to have the appearance of a foundation wall similar to conventional site built homes.
- F. Exterior Building Materials. Reflective *building* materials are prohibited. Metallic surfaces, including roof materials, shall be treated to be non-reflective. The *building* materials shall be durable, require low maintenance, and be of the same or higher quality as the surrounding site-built homes. Acceptable siding materials include: wood, stucco, brick, stone, or other masonry materials or any combination of these materials. Other *building* materials may be considered on a case-by-case basis provided they meet the codes and addendums adopted by the City of Surprise.
- G. Garage or Carports. The design and materials of any *garage* or *carport* shall be compatible with the design and materials of the main *structure*.
- H. Steps. If the *dwelling unit* has steps leading to the front entry the steps shall be attached to a permanent foundation and designed and constructed to compliment the architectural style of the *dwelling unit*.
- I. Anchor Ties. The *structure* shall be anchored to the ground, in accordance with engineered plans and/or approved *manufactured home* installation standards.

106-10.27 Medical Marijuana uses.

- A. All medical marijuana *uses* shall comply with all regulations and laws pursuant to the Arizona Revised Statutes. The following provisions will not be construed as permitting any *use* or act which is otherwise prohibited or made punishable by law.
- B. A *medical marijuana dispensary facility, medical marijuana dispensary off-site cultivation location, and a medical marijuana infusion facility* shall:
 - 1. Be located in a permanent *building* and may not be located in a trailer, cargo container, storage unit, or motor vehicle.
 - 2. The *business* location shall not exceed a maximum size of 2,500 gross square feet.
 - 3. Not have a drive-thru service.
 - 3. Not emit dust, fumes, vapors or odors into the environment.
 - 4. Not provide *off-site* delivery of medical marijuana.

5. Prohibit consumption of marijuana on the premises.
 6. Not have outdoor seating areas.
 7. Disposal of marijuana remnants, by-products, and/or infused products shall not be placed within the facilities exterior refuse containers.
- C. A *medical marijuana dispensary*, *medical marijuana dispensary off-site cultivation*, and a *medical marijuana infusion facility* shall meet the following minimum separations, measured in a straight line from the boundary of the *parcel* containing the *medical marijuana dispensary*, *off-site cultivation*, or infusion location to the property boundary of the *parcel* containing any *uses* as listed below in (see **Table 106-10c**).
- D. A *medical marijuana dispensary off-site cultivation* location or a *medical marijuana infusion facility* not associated with a *medical marijuana dispensary* is prohibited.
- E. A *medical marijuana dispensary*, *off-site cultivation* facility, or an infusion facility lawfully operation is not rendered in violation of these provisions by the subsequent location of a *place of worship*, public or private primary or secondary *school*, public or private *day care*, preschool, kindergarten facility, public *park*, or playground closer than the separation distances outlined below in **Table 106-10c**.

Table 106-106-10c - Separation Distances for any Medical Marijuana Facility	
Land use	Dispensaries Off-site Cultivation Facilities Infusion Facilities
From any residentially zoned property	500 feet
From any <i>place of worship</i>	500 feet
From any <i>dwelling unit</i>	500 feet
From any public or private charter, primary, or secondary <i>school</i>	1,500 feet
From any public or private <i>day care</i> , preschool, or kindergarten facility	1,500 feet
From any public <i>park</i> or playground	1,500 feet
From any other medical marijuana facility of any type	3,000 feet
From any <i>sexually oriented business</i>	3,000 feet
From any residential substance abuse facility	3,000 feet

- F.** Medical marijuana designated caregiver cultivation and qualifying patient cultivation locations shall further comply with the follow requirements:
1. Cultivation locations will be an enclosed, locked facility such as a closet, room, greenhouse or other *building* that does not exceed 50 square feet of cultivation space.
 2. Cultivation locations will not be visible from beyond the boundaries of the property on which the cultivation location is situated.
 3. Medical marijuana cultivation as an *accessory use* to the qualifying patient primary residence will only be permitted if the residence is located at least 25 miles from a *medical marijuana dispensary*.

106-10.28 Mining and Mineral Extraction

- A.** Extraction and processing of minerals and natural resources, such as mines, quarries and gravel pits and including concrete or asphalt batch plants as an *accessory use* shall comply with the following standards:
1. No excavation or processing of excavated materials shall be permitted within thirty (30) feet to the exterior boundaries and within one hundred fifty (150) feet to any residential zoned property or existing residence.
 2. Material shall be excavated in such a manner so as to assure the convenient, efficient, and successful restoration of the land to hold to a minimum any adverse effects to *adjacent* and surrounding land as a result of piling or storing the overburden material.
 3. Material shall be excavated in such a manner that leaves a minimum of two (2) feet of undisturbed sand, gravel, or soil over the entire excavation tract to provide a water bearing strata for any ground water; or more if the required geological report indicates that it is necessary.
 4. The excavation operator shall maintain haul roads within the premise covered by the permit and the perimeter public roads in a dust-free condition.
 5. The hours of operation, unless otherwise specified by the City, shall not be prior to 6AM or after 10PM unless the City grants special permission, for temporary expansion of the hours.
 6. Operations shall be conducted in such a manner that excavated areas will not collect or permit stagnant water to remain therein.
 7. The required development plan shall indicate compliance with the above standards and shall include the following topographic information at a minimum of 5 foot contour intervals:

- a. pre-excavation contours;
- b. proposed excavation contours;
- c. degree of slope of banks for all excavations;
- d. location of any *public facilities*, irrigation canals, ditches, or streambeds;
- e. post excavation re-use and contours.

106-10.29 Model Home Complex

- A. A *site plan* shall be required of all *model home* complexes. All requirements, (e.g. *garage* conversions, temporary sales trailers, landscaping, *building permits*, inspections), related to the construction of a *model home* complex shall be satisfied before a certificate of occupancy shall be issued.
 1. Sewage disposal lines and service stub to the *model home lot(s)* shall be installed and operable.
 2. The subdivision water mains and service stub to the *model home lot(s)* shall be installed and operable.
 3. Fire hydrants, as required by and in accordance with the City's Fire Code and the standards outlined in the PEDS, shall be installed and operable.
 4. *Streets* and *alley* improvements are complete.
- B. The *model home* complex shall be *used* only to market homes being built in the subdivision or master development in which it is located. No *off-site* sales are allowed.
- C. *Building permits* for the sales/construction *office* in a *model home*, sales trailer, or *construction trailer* within the *model home* complex can be processed before or concurrent with the *Model home* Complex application. These permits can also be processed after approval of the *model home* complex. The location and parking for trailers shall be included in the *site plan* for the *Model home* Complex application if they are to remain during the public *use* of the *model home* complex.
- D. All *model home* complexes shall prominently display a map identifying all existing and planned land *uses* and *zoning* within the subdivision and within a mile of the boundary of the subdivisions. The map shall also include the location of any proposed *major arterials* or freeways said boundary area; and the type and location of any public or private trails that will be constructed through or *adjacent* to the subdivision. The map shall be colored and a minimum of 24 inches by 36 inches in size.

- E.** All *model home* complexes for residential developments must provide notice to prospective buyers and tenants that the project is located within the influence area of Luke Airforce Base and shall be subject to the requirements of Surprise Municipal Code regarding the display of the Surprise/Luke Notification Map.
- F.** Models shall be converted to a residential *use* when the last home in the development has been sold. The time limit does not apply to models located within *apartment* complexes or *manufactured home parks*, provided the residential character of the model is maintained. Prior to occupancy as a residential unit, the *model home* complex must remove any temporary parking, sales *office*, lighting, trap fencing, flagpoles, *signage*, and similar improvements and replace *garage* doors, *fences*, and driveways to those typically found within the residential neighborhood.
- G.** All site improvements shall be completed and the complex shall have adequate *access* per the adopted City International Fire Code.
- H.** *Outdoor storage* of construction materials, supplies, or equipment shall not be permitted.
- I.** Where *model homes* complexes consist of two (2) or more than homes, xeriscape landscaping techniques shall be *used* for a minimum of one-third (1/3) of the models.

106-10.30 Plant Nursery

- A.** Retail *plant nursery*, providing all incidental equipment and supplies such as but not limited to soil, fertilizer and empty containers, shall be kept within a completely enclosed *building* or within an area enclosed on all sides by a solid *fence/wall* at least six feet in *height*. No goods, materials, or objects shall be stacked higher than the *fence/wall*.
- B.** A minimum *setback* of fifty feet (50') from *abutting* residential *zoning district* shall be maintained for *structures* outlined above; except sales *display areas* for plants and other goods may be outdoors and within *setbacks*.
- C.** Outdoor public address systems shall not be allowed.
- D.** Only low-level lighting shall be allowed.

106-10.31 Outdoor Dining/Seating.

- A.** Outdoor dining, patios, and seating areas must be associated and in conjunction with a *permitted use* that serves food and/or beverages for on-site consumption. For purposes of state liquor license spacing regulations the outdoor dining, patio, and seating areas shall be considered part of the premises.

- B. Outdoor dining/seating shall be limited to locations on private property and may encroach into *setbacks* up to ten feet (10') but shall be a minimum of five feet (5') from any property line and not within the public *right-of-way*.
- C. Outdoor dining/seating shall not obstruct sidewalk or trail pedestrian or bicycle traffic or create public health and safety hazards.
- D. Roof material covering an outdoor dining/seating area may be temporary, fixed, or retractable and shall be opaque. Awnings, canopies, or similar protective shelter must be fire-treated or nonflammable.
- E. Any definable decorative barrier element physically separating the outdoor dining/seating area from *adjacent* pedestrian traffic provided shall be handicapped accessible and not exceed forty inches (40") in *height*. The design and materials of such barrier element shall complement and be compatible to the architectural design of the primary *building* façade.
- F. Decorative/accent lighting may be incorporated into the outdoor dining/seating area, landscape, awning, or canopy and shall meet all City code requirements.

106-10.32 Outdoor display and Sales areas.

- A. When allowed as an *accessory use*, *outdoor display areas* for the sale, rental, or lease of new or *used* automobiles, *trucks*, boats, trailers, *recreational vehicles*, and *farm* and construction equipment may be permitted provided:
 - 1. The maximum *display area*, which is *used* to highlight sale items excluding the sales *lot* area, shall not exceed ten percent (10%) of the total net *lot* area. Displays may encroach into *setbacks* up to ten feet (10') but shall be a minimum of ten feet (10') from any property line and not within the public *right-of-way*.
 - 2. All sales, repair, and rental activities are conducted within a *building*. Openings to service bays shall not face public *rights-of-way* and shall be designed to minimize the visual intrusion into adjoining properties.
 - 3. The *outdoor display areas* shall be included on an approved *site plan* and on a paved or other hard-surfaced area. Display *platforms* shall be a minimum of thirty feet (30') from other display *platforms*, not exceed four feet (4') in *height* and incorporate the design components of the primary *building* or landscape features.
 - 4. The sales or rental display of new or *used farm* and/or construction equipment shall have the equipment in the down and transportable position.

5. The areas designated for the parking and/or storage (not *display area*) of all of the above vehicles and/or equipment shall be paved and properly *screened* with a *fence/wall*, hedge, or landscaped *berm* or combination thereof. Adequate *loading areas* must be allocated, specifically identified, and reserved on the site for the unloading of all such vehicles and equipment brought to the site by carriers.
 6. The installation and *use* of an outside public address or bell system is prohibited.
- B.** Other retail *businesses* may be permitted *outdoor display areas* as an *accessory use* provided:
1. The *outdoor display area* is only for merchandise sold on the property with the sale of the merchandise being conducted within the *business building*; no open *outdoor sales* shall be permitted.
 2. The *display area* is located on private property (not within the public *right-of-way*), not displayed within the landscaping areas, and does not displace any required parking for the *permitted uses*.
 3. The merchandise is displayed in a manner allowing for shopping with a clear walkway and displayed only during *business hours* with the merchandise being brought inside at the close of each *business day*, except for permanent *outdoor displays*.
 4. The *outdoor display* shall be in a manner that presents a display vignette rather than lined-up and/or chained together, and has no *signage*, blinking lights, movable or audible aspects to the display.
 5. The *display area* shall be limited to only twenty-five (25%) percent of the *business store frontage* and located within twenty-five feet (25') of the customer entrance.
 6. Permanent *outdoor display areas* may be permitted as part of an approved *site plan* for C-3 Zoning districts.

106-10.33 Outdoor Storage and use

- A.** When allowed as an *accessory use*, *outdoor storage and use* areas may be permitted provided:
1. Permanent *outdoor storage and use* areas may be permitted as part of an approved *site plan*.
 2. *Outdoor storage* of materials and *use* areas are not permitted in the required *setbacks*.

3. *Outdoor storage* of materials and *use* areas shall be *screened* from residential *uses* and any public *right-of-way*

106-10.34 Portable Carports.

- A. Portable *carports* may be permitted in all residential districts, subject to the following provisions.
 1. Portable *carports* shall not be permanently anchored to concrete slabs or footings or otherwise anchored in a manner that would impede ready removal and portability; but shall be tied down in such a manner to prevent wind uplift.
 2. Portable *carports* shall remain open on four (4) sides and shall be limited to a maximum of two hundred square feet (200 sf) in size.
 3. Portable *carports* shall not be located in the *front yard* of a residential *lot*.
 4. Portable *carports* shall be limited to one (1) per *lot*.
 5. Portable *carports* shall not encroach into required *front* or *side setbacks* when adequate area and *access* otherwise exist.
- B. If the *lot* size, area, *access*, or configuration limitations do not permit the installation of portable *carports* without encroaching into the required *front*, *side* or *rear yard setbacks*, the *Zoning administrator* may authorize encroachment into the *setback* by issuing an *Conditional use Permit* pursuant to **Chapter 102** of this *Ordinance*.

106-10.35 Portable Storage Containers and Construction trailers.

- A. The dimensions of a portable storage container shall not exceed 102 inches (eight feet, six inches) in *height* and 96 inches (eight feet) in width. Lengths may vary but shall not exceed 40 feet in length.
- B. The temporary placement of a portable storage container on any residential *lot* for the purpose of loading and unloading household contents shall be permitted for a period of time not exceeding seven days in a calendar year.
- C. In all non-residential districts, portable storage containers are permitted only in accordance with the following:
 1. Portable storage containers may be a *temporary use* during the construction, remodeling, or redevelopment of permanent on-site *building* and facilities. In addition to specifying and limiting the number, size, location, and duration of the storage containers, the Community

Development Director or designee may require additional measures to ensure compatibility with *adjacent* land *uses* such as increased *setbacks*, *screening*, landscaping, exterior materials and color.

2. Portable storage containers may be an *accessory* to a *temporary use* such as a special events or temporary retail sale that is periodic, intermittent, or isochronal. In addition to specifying and limiting the number, size, location, and duration of the storage containers, the Community Development Director or designee may require additional measures to ensure compatibility with *adjacent* land *uses* such as increased *setbacks*, *screening*, landscaping, exterior materials and color.
3. Portable storage containers shall not be located in landscape areas, *open space*, *retention* basins, *drive aisles*, fire lanes, required *parking spaces*, loading zones, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land *uses* and developments.

D. *Construction trailer* shall be subject to the following requirements:

1. The *construction trailer* shall remain on site only for the duration of an active permit. *Abandon* trailers shall not be permitted on the site.
2. The *construction trailer*, attendant parking and storage areas shall be located on site so as not to interfere with safe *ingress and egress* to developed areas or areas under construction.
3. The *construction trailer* shall be removed prior to issuance of a final certificate of occupancy.

106-10.36 Racetrack.

A. Auto racetracks and Animal racetracks shall have the following requirements:

1. The minimum *lot* size area shall be forty (40) acres.
2. The site shall not be *adjacent* to *single-family* residential properties.
3. All *buildings*, *structures*, and facilities associated with the activity shall be no closer than 100 feet from any property line.
4. A public address system or other means of outdoor amplification may be only during race hours or special events times.

B. In addition to the standards listed in (A) above, animal racetracks shall have the following requirements:

1. Exercise tracks for animal racetracks and any additional activity areas shall be maintained in non-dust condition at all times.
 2. A manure waste management plan and fly control plan shall be prepared.
 3. All *buildings* shall be maintained in a safe and healthy manner and applicable federal, state or local statute or ordinance.
- C. Other racetracks (e.g. bicycle, motocross) shall follow the requirements as outlined in (A) above with the exception that the minimum *lot* size may be reduced to ten (10) acres.

106-10.37 Recreational vehicle (RV) Park.

- A. A *recreational vehicle (RV) park* shall provide adequate *streets*, driveways, walkways, proper sanitary facilities, adequate fire protection, adequate water supply, adequate lighting, and adequate protection of surrounding properties. All *RV parks* shall be land-lease developments that comply with the following standards:
1. No “*park model*”, *manufactured homes*, or site built *dwelling units* shall be permitted except for that of the *owner/manager*.
 2. *RV parks* shall be a minimum of ten (10) acres in size and all spaces shall be a minimum of 50 feet from the exterior *recreational vehicle park* exterior property lines
 3. *RV parks* shall not be *used* as permanent residences except for that of the caretaker or manager. All *recreational vehicles* within an *RV park* shall display current license *plates/tags* and shall not be *parked* nor occupied for more than one hundred eighty (180) days per calendar year.
 4. There shall be a maximum *net residential density* of twenty (20) spaces per net acre.
 5. There shall be a minimum of twenty-five percent (25%) *open space* required within the development; excluding the *private streets*.
 6. Dimensional requirements for each individual *RV space* are as follows:
 - a. Minimum of two thousand square feet (2,000sf)
 - b. Minimum *frontage*/driveway shall be fifteen feet (15') and space width shall be forty feet (40')
 - c. Minimum space length shall be fifty feet (50')
 - d. The following minimum *setbacks* for *RVs* shall be required for all individual *lots*:

1. *Minimum front setback: fifteen feet (15')*
2. *Minimum side and setback: eight feet (8')*
7. Each *park* must provide an adequate and easily identifiable *office* or registration area. The location of the *office* shall not interfere with the normal flow of traffic into and out of the *RV park*.
8. *RV park* developments shall be improved with paved *private streets* built to City specifications. *Private streets* shall be maintained by the private owner of the *RV park*.
9. No *RV* space within the *park* shall have direct access to a *public street* outside of the development.
10. An approved decorative perimeter *fence* shall be constructed around the entire *RV Park*.
11. Each designated space in the *park* shall have a concrete slab for the parking of only one (1) *RV* unit per space. There shall be no *RV* parking other than on the paved surface area within the designated space. The concrete slab shall directly connect to the paved *street* system of the *RV park*. A minimum of one (1) *off-street parking space* shall be provided on or *adjacent* to each space.
12. Each *RV* unit shall be equipped with wheels, which remain on the unit; however, the wheels may be blocked for stability.
13. No permanent room addition shall be attached to the *RV* unit nor shall the unit be attached to any permanent *structure*.
14. Recreational *amenities* such as a swimming pool, shuffle board, and tennis and/or social centers, which may be *used* for dancing, crafts, hobbies, games, meeting, banquets, and similar recreational *uses* shall be developed and may be of conventional construction.
15. Restroom and shower facilities shall be provided separately for men and for women. A common *use* laundry facility shall be provided at a ratio of one (1) washer and one (1) dryer for each twenty (20) spaces or fraction thereof.
16. Each *RV park* shall be master metered for both electric and water/*sewer* service. Individual lease spaces shall be developed with a hook-up to these utilities. If approved by the City, the *park* may be allowed some short-term lease spaces without utility hook-ups. Additionally, each development shall provide at least one (1) approved disposal site/pumping station for both water and *sewer* holding tanks for the *RV* units.

106-10.38 Recycling Operations and Facilities.

- A.** Indoor *recycling collection facilities* will be subject to the following requirements:
1. Will be located a minimum of 200 feet from any residential *zoning district*, measured by a straight line in any direction from property line to property line.
 2. Storage and operations will only be performed within an enclosed *building*.
 3. Processing operations are limited to cleaning, compacting, sorting, wire stripping, shearing, and baling.
- B.** Outdoor *recycling collection facilities* will be subject to the following requirements:
1. Will be located within I-1, I-2, or I-3 *zoning districts* and a minimum of 1,320 feet from any residential *zoning district*, measured by a straight line in any direction from property line to property line.
 2. Processing operations are limited to cleaning, compacting, sorting, wire stripping, shearing, and baling.
 3. All operations and storage, including all equipment *used* in conducting such *use*, other than parking, will only be conducted within an enclosed *building* or within an area enclosed by a minimum six-foot (6') high *screen wall*.
 4. Storage is not permitted above the *height* of the *screen wall*.
 5. All areas of the facility open to vehicular passage will be paved.
- C.** Reverse vending machines will be subject to the following requirements:
1. Will be located a minimum of 200 feet from any residential *zoning district*, measured by a straight line in any direction from the reverse vending machine to any residential property line.
 2. Will occupy no more than 350 square feet of space.
 3. Will not reduce the number of required *parking spaces* for the hosting site.
 4. Will be clearly marked to identify the name and telephone number of the reverse vending machine *owner* and display a notice stating that no material will be left outside of the *building* or *recycling reverse vending machine*.
 5. Will be located a minimum of 100 feet from any *right-of-way access point*.

- D. In addition to the standards listed in (B) above, *recycling processing facilities* will allow for other types of processing operations to occur.

106-10.39 Schools and Universities

- A. Pre-K through 12 *schools* shall be subject to the following requirements:
1. *School* sites shall not have public *access* directly from a *parkway* or arterial.
 2. *Building setbacks* shall be a minimum of 50 feet for front, side and *rear setbacks*.
 3. Maximum *lot coverage* shall be sixty (60%) percent.
 4. *Open space*, including play area, shall be a minimum of twenty-five (25%) percent.
 5. Designated and separate bus and parental drop off/pick up areas with separate pedestrian pathways shall be provided. The parental drop off/pick up area shall accommodate a minimum of five cars at a time. The bus drop off/pick up area shall accommodate a minimum of three buses at a time.
 6. Special paving, brick, striping, or other methods shall be *used* for pathway areas that cross vehicular *use* areas.
 7. Dumpster and trash receptacles shall be *screened* and located a minimum of 75 feet from any residential property lines.
 8. All lighting shall be directed down and fully shielded. All *building* mounted lighting and freestanding pole mounted lighting shall be a maximum of 16 feet in *height* above *grade*. All pole lighting *adjacent* to residential districts shall be *setback* a minimum of 30 feet from the property line. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.
 9. Parking may be allowed in the *front setbacks* of the *lot* for *schools* on a *right-of-way* designated as a collector or greater. There shall be a three-foot high landscaped *berm* or *fence/wall* or combination thereof along the *street frontage* where parking occurs. On all other *street* classifications, parking shall be meet minimum *setbacks*. A minimum of 15 percent of all *parking areas* shall be landscaped. A twenty-foot (20') minimum landscaped *setback* shall be provided where parking is *adjacent* to residential districts.
 10. Security fencing of the campus and/or outdoor play areas shall be view fencing and shall allow for emergency vehicle *access*.

11. All *buildings* shall be designed in accordance with the PEDS (see **Chapter 107** herein) and to be compatible with the surrounding residential neighborhood.
 12. New *schools* shall not be located in areas within the 65 DNL Noise Contours.
 13. *Off-site* improvements may be required to accommodate peak traffic volumes.
- B.** University, college or trade *schools* shall be subject to the following requirements:
1. *School* sites may have public *access* from a *parkway* or *major arterial*.
 2. The site shall have pedestrian and bicycle accessibility.
 3. Campus-like development site shall include a minimum of twenty-five (25%) percent *open space*.
 4. New *schools* shall not be located in areas within the 65 LDN Noise Contours.
 5. *School* sites shall provide adequate on-site parking or participate in the improvements of *off-site* parking facilities or *structure(s)* that would adequately serve student needs without impacting the surrounding neighborhoods or *uses*.
 6. All *outdoor lighting* shall be directed down and fully shielded. All *building* mounted lighting and freestanding pole mounted lighting shall be a maximum of 16 feet in *height* above *grade*. All pole lighting *adjacent* to residential districts shall be *setback* a minimum of 30 feet from the property line.

106-10.40 Self-storage facilities.

- A.** *Self-storage facilities* may be appropriate in the Neighborhood and Commerce & Office Character Areas of the *General Plan*, except are not permitted in the Transit-Oriented Development (TOD) and Scenic Lands Sub Areas.
- B.** There are four 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.
- C. *Self-storage facilities* are for storage purposes only. No on-site retail sales are permitted from a rented storage unit.
- D. Regardless of the “type” the minimum size of any storage facility site shall be one acre (1 ac). When the site is *adjacent* to a residential *zoning district* or a residential *use*, the site shall be limited to a maximum of two acres (2 ac).
- E. The site shall be contiguous to an arterial or collector road, although *access* may or may not be directly onto such arterial or collector, as determined through the review process.
- F. All *buildings* that are visible from a *public street* shall exhibit architectural enhancements, including variation of rooflines, *uses* of multiple material types, and color variations compatible with surrounding *uses* as set forth in the PEDS (see **Chapter 107**) herein. Architectural plans, including material and color samples, shall be submitted for review at the time of application.
- G. A minimum eight-foot (8’) high masonry *wall* with architectural enhancements shall be provided around the perimeter of the property or storage area. When *adjacent* to a right-of way or public area, the perimeter wall or *building wall* will be designed in accordance with **item F** of this section.
- 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.
- I. Site Design for Garage style facilities:
1. Each site shall provide a minimum of two (2) exits, one (1) of which may be for emergency vehicle *use* only.
 2. All driveways, parking, loading, and circulation areas shall be paved with concrete, asphalt, or similar material.

3. All one-way driveways shall provide a fifteen-foot (15') travel lane. Signing and painting shall be *used* to designate traffic direction and parking.
 4. All two-way driveways shall meet the Surprise Standard Details in the PEDS.
 5. When the main driveway directly serves storage areas or cubicles, a ten-foot (10') wide parking lane shall be provided in addition to the travel lane(s).
 6. No garage style *self-storage building* shall be more than two hundred feet (200') long.
- J. The maximum *building height adjacent* to a residential *zoning district* or within fifty feet (50') of a residential *dwelling* shall be fourteen feet (14') in *height*. *Building height* may be increased one foot in *height* for every two feet of additional *setback* (1':2') to a maximum twenty-four feet (24') in *height* from finished *grade*. The maximum *building height adjacent* to a non-residential *zoning district* shall be a maximum of thirty-five feet (35') in *height* from finished *grade*.
- K. The required landscape areas shall be provided along all *street frontages* between the *street* and sidewalk, and within areas of the site visible from public view, including areas *adjacent* to all perimeter *fences/walls*.
- L. No hazardous or flammable materials shall be stored in a mini-storage development.
- M. No auctions, commercial sales/rentals, garage sales, or other activities not consistent with the approved storage *use* shall be conducted on the premises.

106-10.41 Sexually Oriented Businesses (SOB).

- A. A *sexually oriented business* shall not be established or operated any closer to and shall maintain a separation from those *uses* as outlined in **Table 106-10d** below.
- B. Such distances shall be measured between subject *lot lines* at their closest proximity on an aerial view without regard for intervening *structures*, topography, political boundaries, or other objects.
- C. An *SOB* lawfully operating as a conforming *use* shall not be rendered a *nonconforming use* by the subsequent location of a residential district or residential *use*, or any of those *uses* previously listed in **Table 106-10.41a** above. If the *SOB use* is *abandoned* or the *business* license is not renewed, it becomes *nonconforming* and subject to the provisions herein.

- D. Advertisements, displays or other promotional materials displaying or depicting “*specified anatomical areas*” or “*specific sexual activities*” shall not be shown or exhibited so as to be visible or audible to the public from *adjacent streets*, sidewalks or walkways or from other areas outside the establishment.
- E. A map showing the particular property or properties for which the application is being requested and the *adjacent* properties, *buildings* and *structures*, land *uses*, and *public streets* and ways within a radius of 1,320 feet of the exterior boundaries thereof shall be submitted along with the application for a *Conditional use Permit*.
- F. No *sexually oriented business*, except for an *adult motel* and *adult theaters*, may remain open at any time between the hours of one o'clock (1:00) A.M. and eight o'clock (8:00) A.M.
- G. Site locations and *site plan* design, such as but not limited to compatibility with *adjacent* neighborhoods, shall be factors to be considered with the application for a *CUP*.

Table 106-10d - Sexually Oriented Businesses

Land use	Separation Requirement (feet)
Another <i>sexually oriented business</i>	1,000
Establishment having an Arizona Spirituous Liquor License Series #06: <i>Bar</i> License or Series #07: Beer and Wine <i>Bar</i> License	500
Public <i>park</i> , playground, or public recreational facility	1,320
<i>Schools</i> (public or private)	1,320
<i>Day care</i> facility or preschool	1,320
<i>Place of Worship</i> , cultural institutions	1,320
Residential district boundary	1,320

106-10.42 Special Events and Seasonal Activities

- A. Special events that necessitate additional parking, special equipment (such as generators or portable sanitation facilities), or security measures, including but not limited as those listed below, shall require a *Temporary use Permit (TUP)* from the City.
 - 1. Carnivals, circuses, festivals, fairs, firework shows, and holiday events;
 - 2. Concerts, exhibitions, special performances or other outdoor live entertainment;

3. Farmer's markets and temporary retail sales of arts, crafts, souvenirs, gifts, food, and other goods;
 4. Grand opening events, tent sales, sidewalk sales, and other events that include commercial activities or commercial related activities in areas that are not *used* for commercial purposes;
 5. Religious/revival gatherings;
 6. Political/organizational rallies;
 7. Parades, races, walk or bike-a-thons, and sports tournaments;
 8. *School* events beyond the typical *use* of parking or traffic congestion;
 9. Garage or yard sales held in excess of thirty-two (32) hours or two (2) times a year.
- B.** Seasonal activities, as those listed below, shall require a *TUP* from the City.
1. Special events that exceed the time limit of seven (7) consecutive days;
 2. Temporary retail sales such as but not limited to Christmas trees, pumpkins, fireworks, or other seasonally related *outdoor sales*;
- C.** A time limit shall be established for each event.
1. Special events shall be no more than seven (7) consecutive days and no more than four (4) event periods during a calendar year shall be permitted on any single site.
 2. Seasonal activities shall be no more than forty-five (45) consecutive days per event, and may not occur more than ninety (90) cumulative days per calendar year per property, or in the case of a *commerce center*, per tenant.
- D.** Special events and seasonal activities that are minor and do not require additional parking, equipment (such as generators and portable sanitation facilities), or security measures such as those listed below do not require a *TUP*:
1. Sports tournaments.
 2. *School* events.
 3. City operated events.
 4. Garage or yard sales held for a maximum of 32 hours or two times a calendar year.
 5. *Temporary use* of portable storage containers in residential districts for the purpose of loading and unloading household contents is only

permitted for a period of time not exceeding seven days in a calendar year.

6. Live entertainment, such as ancillary to a restaurant.
 7. Peaceful assembly.
- E. Permanent facilities or *structures* shall not be permitted under a *TUP*. The site shall be cleared of all temporary facilities and *uses* and cleaned of trash and debris when concluded.
- F. If applicable Maricopa County Health Department approval shall be obtained prior to the City issuing the *TUP*.
- G. All *parking areas* must be paved or have a method of dust control. If the *temporary use* is within the existing *parking area* the number of *parking spaces* shall not be reduced by more than ten (10) percent of the total spaces existing.
- H. Any *TUP* that includes retail sales must comply with necessary *business* and/or vendor license. Any *TUP* is subject to revocation if any activities related to the *TUP* are in violation of a Surprise Municipal Code.

106-10.43 Sport Courts.

- A. Outdoor sport courts in residential and *mixed use zoning districts*, including the enclosure and lighting elements, may be built as follows:
1. Sport courts other facilities shall not be permitted in the *front yard* when *used* an *accessory* to a *dwelling unit*;
 2. Sport courts other facilities without lighting shall be set back five feet from all *lot lines* (measure from the edge of the playing surface) and when *used* an *accessory* to a *dwelling unit* shall maintain *height* limitations defined in **Section 106-10.3**;
 3. Sport courts with lighting shall be set back 20 feet from all side and *rear lot lines* (measured from the edge of the playing surface or base of the lighting standard);
 4. Photometric foot-candles shall be zero along property lines and shielded to prevent *light spillage*.
 5. Protective fencing/netting may be allowed along the residential property line that *abuts* a ballfield, sport courts, or golf course.

106-10.44 Swimming Pools.

- A.** Outdoor swimming pools, in-ground or above-ground, wading pools, hot tubs, spas, or other similar pools *used* for swimming, wading, purposes are subject to *building* code requirements with the following additions:
1. Private facilities listed above located in residential *zoning districts* are prohibited in the *front yard*. No water surface shall be closer than three feet (3') from any property line.
 2. A *building permit* shall not be issued for any swimming pool unless the plans for such pool provide for a *fence* as required by **Chapter 105** of this *Ordinance*.
 3. No swimming pool shall be *filled* in whole or in part with water unless the pool *structure* has been installed in accordance with this section and approved by the *building* official, or his designee.
 4. It shall be the responsibility of both the property *owner* and the occupant of the premises to install and maintain the *fences*, locks, latches, and gates in good condition and proper working order when water is in the pool and both may be deemed in violation of this section for failure to do so.
 5. Swimming facilities listed above as ancillary or as an *amenity* to multi-family or non-residential *uses* shall comply with development standards of the *zoning district*.

106-10.45 Tattoo and/or Body Piercing Establishment

- A.** Tattoo and/or body piercing establishments shall maintain the following minimum separations, measured by a straight line in any direction:
1. Shall not be located within one thousand feet (1,000') from the *lot line* of another tattoo shop or body piercing establishment.
 2. Shall not be located within five hundred feet (500'), from the *lot line* of a residential district.
 3. Shall not be located within five hundred feet (500') from the *lot line* of a *school*, which provides elementary or secondary education.
- B.** A tattoo and/or body piercing establishment lawfully operating as a conforming *use* shall not be rendered a *nonconforming use* by the subsequent location of a residential district or residential *use*, or any of those *uses* previously listed in above. If the tattoo and/or body piercing establishment is *abandoned* or the *business* license is not renewed, it becomes *nonconforming* and subject to the provisions herein.

- C. Site locations and *site plan* design, such as but not limited to compatibility with *adjacent* neighborhoods *commerce center*, shall be factors to be considered with the application for a *CUP*.
- D. Permanent facial cosmetics service shall be exempted from this section

106-10.46 Truck Stop/Travel Plaza

- A. The *lot* or *parcel* for a travel plaza/truck stop use shall be no more than 500 feet from an interstate or state highway interchange *right-of-way* and the minimum *lot* or *parcel* size shall be twenty (20) acres.
- B. On-site improvements, including but not limited to: 1) turning radius; 2) *drive aisle* dimensions and; 3) parking stall dimensional standards shall be in compliance with the American Association State Highway and Transportation Officials standards (AASHTO) when not included in the City of Surprise PEDS.
- C. A masonry sound attenuation *wall* of at least six (6') feet shall be installed along all property lines that *abut* or are *adjacent* to a residential *zoning district* or *use*.
- D. Any fuel dispenser along with underground storage tanks or pumps shall be a minimum of one hundred (100') feet from any residential *zoning district* and at least forty (40') feet from any property line or public *right-of-way* line.
- E. *Amenities*, such as but not limited to, shower and restroom facilities, laundry facilities, driver lounge, and *restaurant* or food services shall be provided.

106-10.47 Vehicle fueling stations

- A. All activities and operations shall be conducted entirely within an enclosed *structure*, except as follows:
 - 1. The dispensing pumps and plug-in stands, water and air facilities;
 - 2. Trash receptacles and windshield cleaning paraphernalia.
- B. The total site area shall not be less than 20,000 square feet unless it is planned to be part of a functionally integrated commercial complex.
- C. All *structures* shall be of a unique design character that is appropriate to the area. If present, pump island plug-in stand canopies shall be architecturally similar to and compatible with the main *structure* unless otherwise approved through the *site plan* review process.
- D. Landscaping shall account for a minimum of 15 percent of the site. For sites that are located at intersections, a landscaped area shall be provided at the intersection and shall extend a minimum of 150 feet in both directions from the

street corner. Paving shall be limited to functional vehicle and pedestrian areas. All unpaved areas shall be maintained with landscaping.

- E. Sites located on arterial intersections or in other areas of significant pedestrian *use* shall locate pump islands, plug-in stands, and queuing lines away from intersections, driveways, sidewalks and other pedestrian areas.
- F. Site improvements such as *buildings* or *structures* (permanent or temporary) shall be separated from any residential property line by a minimum of 75 feet. *Parking areas* shall be separated from any residential property line by at least 25 feet.
- G. Pump islands and plug-in stands shall be located a minimum of 50 feet from a *street right-of-way* line or non-residential property line and 75 feet from a residential property line.
- H. All sources of artificial light shall be hidden and all lighting shall be *full cut-off* and designed so there is no glare or spillover on *adjacent* properties and *roadways*. Lighting under canopies shall *use* flat lenses (rather than drop lenses or refractors) and/or be fully recessed within the canopy.
- I. No vehicle shall be *parked* on the premises for the purposes of offering the vehicle for sale.
- J. Noise from bells or loudspeakers shall not be audible beyond the property line at any time.
- K. Interior curbs of not less than six inches in *height* shall be constructed to separate driving surfaces from sidewalks, landscaped areas, and *street rights-of-way*.
- L. Driveways for *fueling stations* shall be developed in conjunction with *adjacent uses* and shall be located as part of the total circulation element of such *adjacent uses*. Single *use* driveways for *fueling station use* will only be allowed when environmental or topographic constraints prohibit such shared driveway *access*.
- M. Lighting shall not exceed 50 foot-candles under canopies.
- N. No existing *fueling station* or *abandoned fueling station* may be converted to any other *use* unless the following standards are met:
 - 1. All pumps, canopies, *signs*, insignia, and corporate trademarks, supporting *structures*, mountings, and foundations, and all other aboveground improvements which are uniquely associated with *fueling station* operations shall be taken down, dismantled, and removed from the site.
 - 2. All fuel storage tanks, fuel lines, pumps, and other below ground apparatus related to the delivery or disposal of fuel products shall be

excavated and removed from the site or *filled* in accordance with the provisions of the Fire Code as currently adopted by the city and all other applicable law.

3. Upon the removal of the tanks, *structures*, and apparatus specified in subsections 1 and 2 of this subsection, the proposed converted fuel station site shall be resurfaced and landscaped in a manner appropriate to the proposed commercial or industrial *use*.

- O.** If fuel canopies are fronting on an arterial and/or *parkway*, a minimum of 3.5 kW photovoltaic shall be required to be placed on the top of the canopy.

106-10.48 Vehicle Rental Facilities

- A.** The primary *business* of a vehicle rental/leasing facility must be the rental and leasing of automobiles and light passenger *trucks*.
- B.** No rental or leasing of other vehicles such as utility *trucks*, trailers or *RVs* shall be allowed.
- C.** No more than six (6) vehicles shall be stored on-site in cases where the rental location is located in a *commerce center* or commercial complex that includes other retail *uses*.
- D.** No outside storage of any type shall be permitted, except for passenger vehicle storage.
- E.** On-site service and repairs of automobiles is prohibited, except for hand washing, vacuuming, window cleaning and checking fluids. Openings to the service bays shall not face public *rights-of-way* and shall be designed to minimize the visual intrusion into adjoining properties.
- F.** The area *used* for parking and/or vehicle storage shall be properly *screened* with a *fence/wall*, hedge, plantings or combination thereof.
- G.** The area *used* for parking and/or storage shall be paved.
- H.** The installation and *use* of an outside public address or bell system is prohibited.
- I.** Site improvements such as *buildings* or *structures* (temporary or permanent) shall be separated and *screened* from all residential zones by a minimum of 50 feet.

106-10.49 Vehicle Retail Sales.

- A.** The primary *business* of a vehicle and boat sales establishment must be the retail sale of new products, except classic cars and in CR zoned properties.

- B.** When on-site servicing and repair are permitted, the site also shall meet the requirements in **Section 106-10.50**.
- C.** Site improvements such as *buildings* or *structures* (temporary or permanent) shall be separated from a residential zone by a minimum of 150 feet.
- D.** Adequate *loading areas* must be allocated, specifically identified, and reserved on the site for the unloading of vehicles and boats brought to the site by carriers.
- E.** Outside loudspeakers shall not be permitted. Digital pagers or other means must be *used* to communicate between employees in the *office* and on the premises.
- F.** The maximum area for vehicle or boat display shall not exceed 20 percent of the total net *lot* area.
- G.** Vehicle or boat display shall be limited to hard-surfaced areas and shall be incorporated into a setting of significant *open space*.
- H.** All areas designated for vehicle or boat storage (not *display area*) shall be *screened* from view through approved landscape *berms* and *screens*.

106-10.50 Vehicle Service.

- A.** Major repair. When allowed, *major repair vehicle service* facilities shall be subject to the following requirements:
 - 1. All repair and service work shall be performed within a completely enclosed *building*.
 - 2. Openings to the service bays shall not face public *rights-of-way* and shall be designed to minimize noise and visual intrusion into adjoining properties.
 - 3. No *used* or discarded automotive parts or equipment shall be located or stored in any open area outside of the enclosed *building*.
 - 4. No dismantling, *remanufacturing*, or *rebuilding* shall be permitted unless it is clearly incidental to the *business* and the product is sold at retail at the location.
 - 5. All disabled vehicles shall be stored in an area that is *screened* from view from the surrounding properties and adjoining *streets*. Vehicles shall not be stored on the property longer than 30 days.
- B.** Minor repair. When allowed, *minor repair vehicle service* facilities shall be subject to the following requirements:
 - 1. If an installation service is offered, the service shall be restricted to the installation of minor parts only, including batteries, windshield wipers,

hoses, fuses, lights, radios, tires and similar minor elements, but excluding engine, transmission and differential service, or similar installation.

2. All repair and service work shall be performed within a completely enclosed *building* with the exception of gasoline sales.
3. Service bays shall not face public *rights-of-way* and shall be designed to minimize the noise and visual intrusion into adjoining properties.
4. No new stock, or *used* or discarded automotive parts or equipment, shall be located or stored in any open area outside of the enclosed *building*.
5. No dismantling, *remanufacturing* or *rebuilding* shall be permitted.
6. All vehicles waiting for repair shall be *screened* from view through the *use* of a landscape *screen* such as *berms* and dense landscaping.
7. *Outdoor storage and displays* are prohibited.

106-10.51 Vehicle washing facilities (also known as car washes)

- A. *Vehicle washing facilities* may be self-serve or full-serve as a *primary* or an *accessory use* to *vehicle fueling stations* or *vehicle service* facilities.
- B. *Vehicle washing facilities* shall be subject to conditions (c) - (f), (h), (j) - (l), under *vehicle fueling stations* as outlined in **Section 106-10.47** above.
- C. Sufficient area on the premise to provide stacking shall be provided. The size of each individual stacking space shall be twenty feet by nine feet (20'x9'). When the stacking lane is adjacent to the *street*, it shall be *screened* by a landscaped *berm*, *screen wall*, or combination thereof not less than three feet (3') in height
- D. All wash water disposal facilities including sludge, grit removal and disposal equipment shall be subject to the approval of the city engineer, and shall conform to all city ordinances regarding sewage and health and shall be designed so as not to detrimentally affect the city *sewer system*.
- E. The wash tunnel exit shall be oriented away from all *adjacent* residential *uses*.
- F. Self-service and accessory *vehicle washing facilities*. Stacking lanes shall have a minimum capacity two (2) vehicles.
- G. Full-service *vehicle washing facilities*. Stacking lanes shall have a minimum capacity of ten (10) vehicles.

106-10.53 Zoos, Indigenous Wildlife Rescue Facilities

- A.** Animals shall be confined at all times within a secured, enclosed or *fenced* area;
- B.** Animals that are kept outdoors must be located at least 2,640 feet from any residential *dwelling, school*, or childcare facility;
- C.** The site must have a minimum area of six acres; and all operations and activities shall be in accordance with Surprise Municipal Code.

DRAFT

Surprise Land Development Ordinances (LDO) Update
January 7, 2020

A. Welcome and Stakeholder Sign-In

B. Introduction and Overview

- City wants to stakeholder buy-in
- Flexibility and clarity to implement General Plan over next 20 years
 1. Easy to Read
 - Clear and transparent for developers, individuals, property owners
 2. Easy to Administer
 - Straightforward interpretation for staff when reviewing projects
 3. Easy to Enforce
 - Well-defined regulations for enforcement officers/inspectors

C. LDO Walk-thru

- Highlight changes in each chapter

Chapter 101: Administrative Provisions
Chapter 102: Review Process and Applications
Chapter 103: Enforcement
Chapter 104: Fundamental Development Requirements
Chapter 105: Buildings and Building Regulations
Chapter 106: Zoning and Use Standards
Chapter 107: Design & Development Regulations
Chapter 108: Land Division and Subdivision Regulations

D. Open discussion

- Is there clarity between regulations for development and the end user?
- What language within this draft needs to be changed?
- Do you have constructive recommendations?
- Are there any major conflicts with current or anticipated market conditions?
- Does this meet the flexibility needs of the development industry?

E. Closing

- Joint effort between Surprise and Development Community
- Additional stakeholder meetings
- Digital feedback is encouraged; suggested language, major conflicts, etc
- Contact Josh Mike with comments and questions

joshua.mike@surpriseaz.gov

623-222-3134

Surprise Land Development Ordinances (LDO) Update

Stakeholder Meeting

January 7, 2020

www.surpriseaz.gov/DevelopNext

- Is there clarity between regulations for development and the end user?
- What language within this draft needs to be changed?
- Do you have constructive recommendations?
- Are there any major conflicts with current or anticipated market conditions?
- Does this meet the flexibility needs of the development industry?

Surprise Land Development Ordinances (LDO) Update

February 11, 2020

- A. Welcome and Stakeholder Sign-In**
- B. Introduction and Overview**
- C. Chapter 106, Article 2: Residential Zoning Districts**
 - Highlight stakeholder comments
 - Open discussion
 - Densities
 - Lot Areas
 - Setbacks
 - Lot Width/Alley Requirement
- D. Pools Discussion**
 - Community Pools Requirement
 - Open discussion
 - Purpose of community pool
 - Thresholds
 - Minimum sizes rear yard
- E. Closing**
 - Joint effort between Surprise and Development Community
 - Additional stakeholder meetings
 - Digital feedback is encouraged; suggested language, major conflicts, etc
 - Contact Josh Mike with comments and questions
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623-222-3134

Chapter 106, Article 2: Residential Zoning Districts

Densities

Stakeholder Comment/Concern

1. The density range/bonuses need to be more quantifiable so as to explain to neighbors, stakeholders, Council members, etc.
2. a point system should be clearly defined and provide density increases, and potentially lot size variations, commensurate with developers' investment in open space preservation and other project features sought by the City

City Comments

1. The City will address these vague interpretation to these density bonuses.
2. Point systems are one option but staff will explore other quantifiable approaches.
3. Please provide examples of what other city's use that allows developers to justify higher density proposals

Lot Area

Stakeholder Comments/Concerns

1. The proposed lot sizes for R-1 zoning mimic traditional Euclidean Zoning standards but don't match the market.
2. The general market still wants low single-family densities, but with smaller lots and larger open space tracts/amenities
 - a. Subdivision with R-1 densities
 - b. Plats and lots with R-2 lot standards
3. In particular, the 3,500-4,999 sf lot size is listed in the development standards table for the R-2 district, which requires a density range of 5-8 du/acre, but not the R-1 district, which allows densities below 5 du/acre.

City Comments

1. Since density is a function planning out the General Plan, we could support removing it from zoning district regulations.
2. Zoning district entitlements include the use (single-, two-, three-, and multi-family DUs) and the total lot yield as defined during the rezoning process
3. More aptly, each zoning district would use a minimum 'lot area per dwelling unit'

Setbacks

Stakeholder Comments/Concerns

1. The proposed minimum side and aggregate setbacks are confusing and too large on small lots.
2. Consider “knuckle” lots on the outside of curves or cul-de-sacs that often have a pie-shaped configuration that creates more overall lot area than the standard lot size for that sub-division. Under the Draft LDO’s approach, that “knuckle” lot could have an entirely different set of development standards than adjacent “nonknuckle” lots if the increase in lot size trips a new lot category.

City Comments

1. The intent of the larger side setback is to provide for a ‘usable’ side yard. The City is addressing the concern that there is no functional side yard when the only available home products provided in a subdivision maximize the buildable width.
2. 7’ and 8’ side yards provide for small RV gates that can accommodate small utility trailers, ATVs, and other personal recreational vehicles, etc.
3. Much of the reason for the lot categories is to allow for non-homogenous subdivision layouts and create housing diversity within subdivisions. The setbacks simply address the various lot size and appropriate intensities.

Lot Width/Alley Requirement

Stakeholder Comments/Concerns

1. Alleys are not common in new residential projects, and this requirement would impact cost of development and project design, as well as increase City maintenance costs.
2. With the LDO’s 20’ minimum alley ROW width (see Sec. 108-2.4.C.3.a), the alley would increase the land needed for a 110’ deep lot by approximately 8%.
3. Alternative equivalents for trash pick-up and street parking could be handled in other ways.
4. Phoenix struggles to address alleys that were components of most developments in the 60’s and 70’s, as they are difficult to abandon later and become an attractive nuisance raising safety concerns

City Comments

1. While narrow lot subdivisions can be functional, they introduce numerous long-term conflicts and constraints that continue through the life of the subdivision
 - a. Garage Dominance
 - Over 70% of the home’s width is garage, after subtracting 12’ setbacks from a 40’ wide lot and a standard 20’ wide garage face.

- PEDS require front porches or other interactive space, e.g. plaza, courtyard, etc.
- Garage face setback is 25' and pushed the home far from the ROW
- b. On Street Parking
 - Remaining on street parking (avg 10'x20' parallel space) leave 1 space per lot.
 - Difficult logistics with aligning driveways to avoid driveway access conflicts
- c. Driveway/pedestrian conflicts
 - Safety concerns with abundance of driveway crossing the sidewalks
- d. Trash Collection and Fire-Medical access
 - Narrow lot proposals conflict with existing fleet and practices
- e. Attractive Nuisance Concern
 - Cross section mimic Glendale and Mesa plat standards used to avoid CPTED safety design flaws
- 2. Narrow lot subdivisions proposed by Valley developers mimic historic east coast and Midwest neighborhoods that were designed prior to common car ownership/dependence.
- 3. Alleys are a solution to address the above conflicts that City regularly address and must avoid with future development while still allowing for market conditions
- 4. Other solutions may exist but have not be proposed to the City.

Pools Discussion

Purpose of community pool

1. Current requirement designed to create co-recreation space in small lots developments associated with medium density projects.

Thresholds

1. There is conflict with current regulations
 - a. 60 lots seem to be too few
 - b. Conflict between desired densities associated with RL and standards of RM

Minimum sizes rear yard

1. Small lot subdivisions create rear yards that are too small for personal pools, community pools fill that need/desire

City Comments The subsection below is Article 2 of Chapter 106 of the LDO and relates to the discussions about residential zoning districts and required community pools.

CHAPTER 106 - ZONING AND USE STANDARDS

ARTICLE 1 – IN GENERAL

ARTICLE 2 – RESIDENTIAL ZONING DISTRICTS

106-2.1 General Standards

- A. Purpose. Residential *zoning districts* create, maintain, and promote various housing opportunities for individual households and lifestyles, and maintain the desired physical character of the City's existing neighborhoods. While the districts primarily accommodate residential *uses*, some non-residential *uses* that are compatible with the residential neighborhoods may be allowed.
- B. Development Standards. In addition to **Section 106-1.8** above and **Article 2** of the Planning and Engineering Design Standards (PEDS) in **Chapter 107**, the regulations specific to residential land *uses*, shall also apply and govern the design of a development.
- C. Residential Density Ranges. Each project/development may assume the minimum *gross residential density*. A higher *gross residential density*, per the residential *zoning district*, may be permitted with a Type 3 rezoning application district based on the criteria outlined in **Section 104-1.11** of the LDO. The development shall exceed the required standards for a variety of housing opportunities, have a generous amount of *open space*, and have a creative design around *environmentally sensitive features*.

Stakeholder Comment: Section 104-1.11 is too general on what constitutes an increase in the density to the higher gross densities...these should be quantifiable so as to explain to neighbors, stakeholders, Council members, etc. why the density is in the higher densities because a quantifiable goal was met to deserve the higher density

The Draft LDO's approach to low and medium density residential districts is to assign a range of densities to each district. In particular, R-1 allows 1-5 du/acre and R-2 allows 5-8 du/acre, with certain bonus features listed in Section 104.1-11.A (e.g., open space, amenities, LEED, and variation in lot sizes) required to exceed the minimum density in the district. We are concerned that as drafted this bonus approach is too vague to allow for certainty in project planning. With reference to the R-1 district, there is a substantial difference between 1 du/acre and 5 du/acre, but it is unclear how much additional density may be obtained by providing any particular bonus feature or any combination of features.

We suggest this approach be revised to provide more certainty as to the density increase available from specific bonus features and/or creating more zoning districts with narrower ranges of permitted density or minimums rather than ranges. For example, other jurisdictions have implemented various forms of a point system that permits specific density increases for implementation of each specified project feature. In addition, the point system could provide for specified decreases in lot size in exchange for implementing certain project features – which may be needed as an alternative if the LDO does not include a robust PUD tool. In any event, such lan.

- D. New *recorded plats* shall comply with the regulations of Chapter 108 and the PEDS, Volume 1 for *buffering* and transitioning design requirements.

106-2.2 Rural Residential (RR)

- A.** Purpose. The Rural Residential (RR) *zoning district* provides areas for *single-family* homes on large *lots* in a rural setting and acts as an equivalent *zoning* for properties zoned RU-43 within the County prior to annexation by the City.
- B.** Applicability and Density. The (RR) *zoning district* reflect the Rural Development Type and is allowed in the Neighborhood Character area, and the Scenic Lands Development Sub Area in accordance with the *General Plan* with a maximum *net residential density* not to exceed one (1) *dwelling unit* per acre and a maximum of one (1) *dwelling unit* per *lot* of record.
- C.** Development Standards. **Table 106-2a** below identifies the required development standards for the Rural Residential (RR) *zoning district*.

Table 106-2a - Rural Residential (RR) Zoning district	
Min Lot Area (sf)	≥ 43,560
Min Lot Width	130
Min. Front setback (ft)	30
Min. Rear setback ¹ (ft)	30
Min. Side setback ¹ (ft)	20
Min. Street side setback ¹ (ft)	20
Max. Bldg. Height (ft)	30
Lot coverage	25%
Open space (% of gross acres of residential development) ²	10%
Notes: 1. Garage face and embellishments shall be <i>setback</i> a minimum of twenty-five (25) feet measured from the opposing property line except rear, <i>alley</i> loaded <i>garages</i>, which shall be <i>setback</i> nine feet (9') from edge of <i>alley</i> line 2. The City requires <i>open space</i> on a new subdivision; if recorded as metes and bounds or by a <i>minor land division</i> than <i>open space</i> will be required on each individual <i>lot</i>; such as <i>open space</i> or trail easements	

Stakeholder Comment: Alley Requirements in R-1 and R-2 Districts: Sections 106-2.3 and 106-2.4; Tables 106-2b and 106-2c.

While the Draft LDO provides for some narrower lot widths than the SUDC, it requires alley access for lots less than 50' wide in the R-1 and R-2 districts. Alleys are not common in new residential projects, and this requirement would impact cost of development and project design, as well as increase City maintenance costs. Pulte has developed attractive 30' product that reduces garage dominance but would not be possible with an alley loading requirement.

In this market, per front foot costs are frequently above \$1,000 and require a certain scale for project viability. With the LDO's 20' minimum alley ROW width (see Sec. 108-2.4.C.3.a), the alley would increase the land needed for a 110' deep lot by approximately 8%. An alley requirement would force tough choices trading off lot depth or open space, and would make it less feasible to develop smaller scale projects with less than 50' wide lots. Alternative equivalents for trash pick-up and street parking could be handled in other ways. Phoenix struggles to address alleys that were components of most developments in the 60's and 70's, as they are difficult to abandon later and become an attractive nuisance raising safety concerns.

The alley requirement is placating the fire and sanitation depts. non-flexibility with the large size of their trucks. Smaller lots, smaller streets are sustainable growth the City should strive for...the fire dept. standards for truck movement defeat the purpose for less impervious surface and heat island effect...

Lot Size and Density in R-1 and R-2 Zoning Districts:

The Draft LDO's approach of providing a density range for zoning districts rather than a minimum density could also cause a disconnect between lot sizes and project densities. In particular, the 3,500-4,999 sf lot size is listed in the development standards table for the R-2 district, which requires a density range of 5-8 du/acre, but not the R-1 district, which allows densities below 5 du/acre. The smallest lot listed in R-1 is 5,000 sf. As such, the Draft LDO would preclude a project with a 4 du/acre density and significant open space above minimum requirements (such as to accommodate a natural feature like a wash) from developing lots of less than 5,000 sf. This unintended consequence is another example of why a PUD tool is necessary.

In addition, the development standards tables for the R-1 and R-2 districts provide different development standards for different lot size ranges, denoted as “lot categories.” This approach could create practical difficulties for projects with multiple lot sizes. In particular, “knuckle” lots on the outside of curves or cul-de-sacs often have a pie-shaped configuration that creates more overall lot area than the standard lot size for that sub-division. Under the Draft LDO’s approach, that “knuckle” lot could have an entirely different set of development standards than adjacent “nonknuckle” lots if the increase in lot size trips a new lot category.

106-2.3 Residential Low Density (R-1)

- A. Purpose. The Residential Low Density (R-1) *zoning district* provides areas for *single-family* homes on varying *lot* sizes and a mix of densities together with *schools, parks,* and other public services necessary for suburban residential neighborhoods.
- B. Applicability and Density. The (R-1) *zoning district* reflects the Suburban Development Type and is allowed in the Neighborhood Character area in accordance with the *General Plan*. ~~The allowed gross residential density of a new development may range from one (1) to five (5) dwelling units per acre~~ with a maximum of one (1) *dwelling unit* per *lot* of record.
- C. Development Standards. **Table 106-2b** below identifies the required development standards for the Residential Low Density (R-1) *zoning district*.

Table 106-2b - Residential Low Density (R-1) Zoning district

Lot Categories	A	B	C	D	E	F
<i>General Plan Compatibility</i>	Suburban	Suburban	Suburban	Suburban and Rural	Rural	Rural
Min Lot Area (sf)	5,000-7,999	8,000-11,999	12,000-17,999	18,000-27,999	28,000-43,559	≥ 43,560
Min Lot Width (sf)	45 ⁴	60	80	90	100	130
Min. Front setback ¹ (ft)	12	12	15	20	20	30
Max. Front setback (ft)	25	25	30	35		
Min. Rear setback ¹ (ft)	15	20	20	25	30	30
Min. Side setback ¹ (ft)	8/13 ²	8/15 ²	8/20 ²	10/25 ²	20	20
Min. Street side setback ¹ (ft)	15	15	15	15	20	20
Max. Bldg. Height (ft)	30	30	30	30	30	30
Lot coverage	45%	40%	35%	30%	30%	25%
Open space (% of gross area of residential development) ³	20%	20%	20%	15%	15%	10%

Notes:

1. *Garage* face and embellishments shall be *setback* a minimum of twenty-five (25) feet measured from any opposing property line; except rear *alley* loaded *garages*, which shall be *setback* nine feet (9') from edge of *alley* line.
2. Minimum *side setback*: one side / total *side setbacks* on a *lot*.
3. The City requires *open space* on a development/subdivision basis rather than on a *lot-by-lot* basis.
4. New *blocks* with any Residential *lots* that are less than fifty feet (50') wide shall have vehicular access from an *alley*

Stakeholder Comment: Table 106-2b and 106-2c

45' x 110' is a popular lot size among many valley developers. That minimum lot size 4,950 and smaller than Column A

Min. Side and aggregate setback are "Confusing"

106-2.4 Residential Medium Density (R-2)

- A.** Purpose. The Residential Medium Density (R-2) *zoning district* allows for a variety of housing opportunities including *detached* and *attached buildings* that *single-family dwellings*, *two-family dwellings*, and *three-family dwellings* together with *schools*, *parks*, and public services necessary for an urban and suburban residential environment. While the district primarily accommodates residential *uses*, nonresidential *uses* that help to support, and are compatible with,

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residential neighborhoods may also be allowed when compatible with adjoining neighborhoods.

- B. Applicability and Density.** The (R-2) *zoning district* is allowed in the Neighborhood Character area in accordance with the *General Plan*. ~~The allowed gross residential density of a new development may range from five to eight (5-8) dwelling units per acre~~ with a maximum of three (3) *dwelling units* per lot of record.
- C. Development Standards.** **Table 106-2c** below identifies the required development standards for the Residential Medium Density (R-2) *zoning district*.

Table 106-2c - Residential Medium Density (R-2) Zoning district				
<i>Lot Categories</i>	A ⁴	B ⁴	C ⁴	D ⁴
<i>General Plan Compatibility</i>	Urban	Suburban	Suburban	Suburban
<i>Min Lot Area (sf)</i>	3,500-4,999	5,000-7,999	8,000-11,999	>12,000
<i>Min Lot Width (sf)</i>	40 ⁶	45 ⁶	70	80
<i>Min. Front setback¹ (ft)</i>	10	12	12	15
<i>Max. Front setback (ft)</i>	25	25	25	30
<i>Min. Rear setback¹ (ft)</i>	10	15	20	20
<i>Min. Side setback^{1,2} (ft)</i>	7/12 ³	8/13 ³	8/15	8/20
<i>Min. Street side setback¹ (ft)</i>	10	10	10	10
<i>Max. Bldg. Height (ft)</i>	30	30	30	30
<i>Lot Area per Dwelling unit (sf)</i>	3,500	3,500	3,500	3,500
<i>Open space(% of gross acres of residential development)⁵</i>	25%	20%	20%	20%
Notes: 1. <i>Garage</i> face and embellishments shall be <i>setback</i> a minimum of twenty-five (25) feet measured from any opposing property line, except rear <i>alley</i> loaded <i>garages</i>, which shall be <i>setback</i> nine feet (9') from <i>alley</i> edge line. 2. Minimum <i>side setback</i>: one (1) side / total <i>side setbacks</i> on a lot 3. May be reduced to 0' <i>setback</i> for <i>Single-family dwellings</i> as <i>attached building</i> and separated by a <i>common wall</i> along the property line. End units must maintain the total combined <i>setback</i> 4. Maximum of three (3) dwelling units per lot of record. Minimum <i>lot</i> area of four thousand square feet per <i>dwelling unit</i> (4,000 sf/du), except <i>lots</i> in Column A are permitted one <i>dwelling unit</i> (1 du). 5. The City requires <i>open space</i> on a subdivision or development site basis rather than on a <i>lot-by-lot</i> basis 6. New <i>blocks</i> with any Residential <i>lots</i> that are less than fifty feet (50') wide shall have vehicular access from an <i>alley</i>				

106-2.5 Residential High Density (R-3)

- A. Purpose.** The Residential High Density (R-3) *zoning district* is to provide for the development of high density residential *uses* in areas of the City where adequate

semipublic features and services exist with capacity to serve the area. The district is designed to create a high quality environment by incorporating design excellence as well as substantial recreational and aesthetic *amenities*.

B. Applicability and Density. The (R-3) *zoning district* reflects the Urban Development Type and is allowed in the Neighborhood Character area in accordance with the *General Plan*. *Multi-family* residential shall have a minimum of four (4) *dwelling units* per *lot* and a *net residential density* of more than eight (8) *dwelling units* per acre. The minimum *lot* size for R-3 *zoning* is one (1) acre.

C. Development Standards.

1. **Table 106-2d** below identifies the required development standards for the Residential High Density (R-3) *zoning district*.

Table 106-2d - Residential High Density (R-3) Zoning district			
Net Density (du/ac)	8-11.9	12-14.9	15+
Min. <i>Setback</i> to Arterial ROW (ft) ²	20	20	20
Min. <i>Setback</i> to Collector and Local ROW (ft) ²	15	15	15
Min. <i>Setback Adjacent</i> to Residential <i>Zoning</i> (ft)	10	15	20
Min. <i>Setback Adjacent</i> to Non-Residential <i>Zoning</i> (ft)	20	20	20
Max. Bldg. <i>Height</i> ¹ (ft)	45	50	60
<i>Open space</i> (sf/du)	150	150	150
Notes: 1. The <i>height</i> of any <i>structure</i> , or portions thereof, shall not exceed thirty feet (30') in <i>height</i> measured at the <i>setback</i> line when <i>adjacent</i> to <i>Single-family, Two-family, Three-family development parcels</i> . The <i>height</i> of the <i>accessory structure</i> 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 <i>height</i> equal to the <i>zoning</i> 2. <i>Setback</i> may be reduced to 10' along Collector or Local <i>right-of-way</i> for units that open to the <i>street</i> and exclude a perimeter wall			

Stakeholder Comment: Table 106-2d

Why limit heights when adjacent to three family development parcels?

2. All projects shall provide one hundred and fifty square feet (150 sf) of on-site *open space* per *dwelling unit*, which shall include surfacing and safety features such as lighting, and *amenities* that enable residents to *use* the *open space*. Acceptable types of *open space* are listed below.
 - a. Common *open space* (excluding *setbacks*) with a minimum dimension of fifteen feet (15') in any direction that is accessible to all *dwelling units* by sidewalks or local paths. The space shall be

oriented maximize afternoon shade, unless site conditions such as topography warrant waiving this requirement by the Community Development Director or Designee.

- b. Individual balconies or patios (excluding front stoops) may be *used* for up to twenty-five percent (25%) of the required *open space*. To qualify as *open space*, balconies or patios must be at least forty square feet (40 sf) with no dimension less than five feet (5').
- c. Rooftop decks and terraces may be *used* to meet up to fifty percent (50%) of the required *open space*, provided the space provides *amenities* such as seating areas, barbeques, fireplaces, recreational spaces, shade and landscaping.
- d. On-site indoor recreation areas may be *used* to meet up to twenty-five percent (25%) of the required *open space* provided the space is designed for communal *use* by all residents and provides space for entertaining, gathering, or exercise equipment and fitness activities.
- e. Environmentally sensitive areas may count toward *open space* requirements if integrated into the site design to be visible and usable by residents with features such as trails and benches. Sensitive or critical areas meeting these requirements may count for up to fifty percent (50%) of the required *open space*.

The subsection below is within Article 10 of Chapter 106 of the LDO and the Use Specific Standard as related to the discussions about residential zoning districts and required community pools.

ARTICLE 10 – USE SPECIFIC STANDARDS

106-10.44 Swimming Pools.

- A. Outdoor swimming pools, in-ground or above-ground, wading pools, hot tubs, spas, or other similar pools *used* for swimming, wading, purposes are subject to *building* code requirements with the following additions:
1. Private facilities listed above located in residential *zoning districts* are prohibited in the *front yard*. No water surface shall be closer than three feet (3') from any property line.
 2. A *building permit* will not be issued for any swimming pool unless the plans for such pool provide for a *fence* as required by **Chapter 105** of this Ordinance.
 3. No swimming pool may be filled in whole or in part with water unless the pool *structure* has been installed in accordance with this section and approved by the *building* official, or his designee.
 4. It shall be the responsibility of both the property *owner* and the occupant of the premises to install and maintain the *fences*, locks, latches, and gates in good condition and proper working order when water is in the pool and both may be deemed in violation of this section for failure to do so.
 5. Swimming facilities listed above as ancillary or as an *amenity* to multi-family or non-residential *uses* shall comply with development standards of the *zoning district*.

DRAFT PEDS LANGUAGE

City Comment: The definitions and subsection below is Chapter 2 of the Surprise Planning and Engineering Design standards (PEDS) and relates to the discussions about residential zoning districts and required community pools.

Definitions: For purposes of this Section, the following definitions shall apply:

Aquatic Center – A type of *public pool* that is established primarily for the purpose of hosting water related competitive events such as but not limited to swim meets, water polo, diving, as well as associated practice. The programming of events may include local public and charter schools, public and private universities, local athletic clubs, and other competitive organizations. A city-owned aquatic center may, at the discretion of the Parks and Recreation Department Director, be open to the general public during times when not scheduled for competitive events or related practice times. The facility may also be programed for city-sanctioned aquatic classes.

Pool, Private – A *swimming pool* that is owned and maintained by individual homeowner for personal use.

Pool, Public – A *swimming pool*, that is open to the public with or without the payment of a fee, including a *swimming pool* that is operated by a county, municipality, political subdivision, school district, university, college, or a commercial establishment whose primary business is the operation of a *swimming pool*.

Pool, Semi-Public – A *swimming pool* operated for the residents of lodgings such as hotels, motels, resorts, apartments, condominiums, townhouse complexes, trailer courts, mobile home parks, or similar establishments. A semi-public swimming pool includes a *swimming pool* that is operated by a neighborhood or community association for the residents of the community and their guests and any a *swimming pool* at a country club, health club, camp, or similar establishment where the primary business of the establishment is not the operation of a *swimming pool* and where the use of the *swimming pool* is included in the fee for the primary use of the establishment.

Pool, Swimming – Any *structure* intended for swimming or recreational bathing that contains water over 18 inches (457 mm) deep at any point, and, other than hot tubs and spas is wider than 8 feet (2400 mm) at any point. This includes in-ground, above ground and on-ground swimming pools and, other than the width, hot tubs and spas.

Required Rear Yard Area – That area of the rear yard that is bound by the side and rear lot lines and the rear setback line.

2.2 OPEN SPACE DESIGN AND PUBLIC PLACES

A. GENERAL RESIDENTIAL OPEN SPACE DESIGN.

1. Multi-use pathways and equestrian trails uses as a secondary mode of travel and access throughout neighborhoods and the City shall be landscaped, provided with low level lighting for safety, and furnished to provide rest areas at transition points and other locations as determined to accommodate the specific needs of the community.
2. In the event retention basins are required, per the drainage analysis, they shall be developed as an amenity and landscaped to accommodate active and/or passive recreation.
3. Retention basins with a bottom area in excess of one-half (1/2) acre, shall be designed, turfed in a manner to accommodate a play field rather than being landscaped with decomposed granite. All structures and play equipment are to be located above the 100 year, 2 hour high water line and an ADA path provided to the structures.
4. When naturally occurring desert washes are present, the development's drainage shall be designed to allow storm water retention to meander through the development as a greenbelt, simulating natural filtration lands, as opposed to constructing a series of separate and distinct basins.
5. Open space shall be evenly distributed and connected throughout the development and constructed in conjunction with the approved phasing plan; if applicable. Exceptions may be made, if approved by the Community Development Director, when natural washes and floodways account for the required open space acreage.
6. The development shall provide a backbone network of both on-street bike lanes as well as off-street multi-use pathways to accommodate all levels of cyclists and to provide a safe alternative *multimodal* system. On-street bike lanes will not be calculated as part of the required open space unless they are "protected bike lanes". Off-street multi-use pathways may be calculated as open space.
7. Golf courses shall be designed to be watered using effluent water, reclaimed water, or a renewable water source.
8. Open space within and throughout any residential development shall be

designed so that a playground, ball field, public gathering area, multi-use pathway, picnic ramada, or community garden is provided within 1,320 feet of every residential lot.

- a. Access to park and open space areas shall be direct from a street or a cul-de-sac that abuts or extends into the open space; or through designated access between lots.
 - b. The access shall be of adequate width so that the placement of adjoining homes and fences will not create a long, narrow, "tunnel" effect. Such accesses shall be a minimum of 30 feet in width.
 - c. View fences may be constructed along the adjacent private property lines along the access. The maximum height of a view fence along an access shall not exceed four feet (4').
 - d. Adjoining houses are encouraged to provide windows facing the access to provide a sense that the space is being observed and is not isolated.
9. Neighborhood parks and playgrounds shall provide off-street parking.

B. AMENITIES AND RECREATION IN ~~R-2R-1~~ AND R-2 ZONING DISTRICTS

1. Public open space shall conform to the goals and standards of the parks and trails master plan.
2. In addition to those amenities and infrastructure designs outlined in **Section 1.2.C.** herein, ~~the following are further examples of what may be calculated as open space for the purpose of meeting the required open space, for the specific residential zoning district, as designated in Chapter 106 of the LDO. N~~ new developments shall provide amenity options in accordance with the following schedule for the purpose of meeting the required open space, for the specific residential zoning district, as designated in Chapter 106 of the LDO:

Less than twenty (20) units = One (1) amenity

Twenty (20) to one hundred (100) units = Three (3) or more amenities

One hundred (100) to one hundred eighty (180) units = Four (4) or more amenities

One hundred eighty (180) to two hundred sixty (260) units = Five (5) or more amenities

Two hundred sixty (260) units or larger = Six (6) amenities plus ~~second a community pool as required is section 2.2.B.4, below. , ramada, etc.~~

3. The following amenity options shall encourage and enhance development within a neighborhood, such as but not limited to
 - a. Ramada with BBQ and seating areas.
 - b. Tot lot minimum three thousand (3,000) square feet with three (3) pieces of play equipment.
 - c. Regulation size volleyball court.
 - d. Concrete multi-use court sixty (60) feet by sixty (60) feet minimum.
 - e. Lighted, regulation size tennis courts, racquetball courts, and/or pickle ball courts.
 - f. Weight room.
 - g. Putting green.
4. All new single-family attached or detached residential developments located in the R-1 and R-2 Zoning Districts shall provide a Community Pool Amenity meeting the requirements as set forth in Section E.32.2.B.5 below when either of the two (2) following criteria are met:
 - a. The residential development is 80 gross acres or more with a gross density equal to or greater than 3.25 Dwelling Units per Acre (DU/Ac); or,
 - b. The development contains any lot or lots that are less than 50 feet wide and contain a required rear yard area of less than 1,000 square feet.
5. When required, a Community Pool Amenity shall meet the following criteria:
 - a. The Community Pool Amenity shall be sited strategically such to place the greatest number of dwelling units possible within ¼ mile radius of the facility.
 - b. The Community Pool Amenity shall include not less than one (1) semi-public pool with a cumulative water surface area as required by the Building Code in effect at the time of permit application, based on the number of occupants as determined by the following formula:

(Number of dwelling units within the residential development) X (3.8 persons per dwelling unit) X (10%)
 - c. The semi-public pool included in the Community Pool Amenity shall include a deck area as required by the Building Code in effect at the time of permit application, based on the number of occupants as determined using the formula stated in Paragraph E.3.ii above.
 - d. The Community Pool Amenity shall include semi-public restrooms,

the number and configuration of which meeting the requirements as stated in the Building Code in effect at the time of permit application.

- e. The Community Pool Amenity shall include water fountains, the number and configuration of which meeting the requirements as stated in the Building Code at the time of permit application.
- f. The Community Pool Amenity shall include not less than one (1) shade structure.
- g. The Community Pool Amenity shall include parking in accordance with the Community Facility requirement as stated in Chapter 108 of the Land Development Ordinance.
- h. The swimming pool shall be equipped with a pool barrier as required by the Maricopa County Environmental Services Department.
- i. The Community Pool Amenity shall meet all applicable accessibility requirements as stated in the Surprise Municipal Code.

C. ADDITIONAL OPEN SPACE DESIGN STANDARDS for TND DEVELOPMENTS.

- 1. The TND development shall be integrated through a combination of multi-use pathways, *greenways*, parks, community and civic facilities, public plazas, and compact open space areas that relate to a compact and *complete street* system. Landscaping shall be strategically planned and provide for urban plazas and parks in selected areas to encourage pedestrian movement and as well as shaded respites.
- 2. The open space component of any TND shall include some sort of appropriate active outdoor recreational facilities for adults, such as lighted athletic fields, full court basketball courts, tennis courts, volleyball courts, and other similar recreational facilities along with facilities for children such as tot lots.
- 3. Increase the pedestrian experience at the street level as well as in plazas, parks, and recreational open space by providing site amenities such as shade, street furniture, special paving treatments, bikeways, and strategic use of accent and flowering plants to provide both comfort and safety for the residents.
- 4. In order to create user-friendly spaces and to encourage use by the public, the required open space and other public spaces shall incorporate all of the following features to the maximum extent feasible:
 - a. A sense of privacy for outdoor seating areas with landscaping,

- topography, and/or buildings and structures;
 - b. A consistent palette of streetscape furnishings, such as lighting, benches, landscaping, shelter, and trash receptacles;
 - c. Locate streetscape furnishings in clusters or nodes throughout the entire TND – not just within the “neighborhood core”; and
 - d. Use creative surfaces and materials for walking paths and gathering and seating areas that are appropriate for their respective functions. Stabilized porous hardscape, sustainable materials, and water harvesting should be considered.
5. Open spaces and outdoor public spaces shall be located to:
- a. Be shared by adjoining buildings, when within the same site or complex;
 - b. Visually and/or physically connect with open space on adjacent properties and to the community-wide open space network;
 - c. Connect the entrances of multiple buildings on a site to provide meeting and gathering spaces;
 - d. Orient towards views of activities or natural features that provide visual interest;
 - e. Provide a connection between the TND and the city’s community-wide open space system.
6. Each parcel within the TND, developed as a residential subdivision, shall provide both bicycle and pedestrian connections to the TND’s backbone open space network.

D. OPEN SPACE DESIGN STANDARDS FOR MULTI-FAMILY DEVELOPMENTS.

- 1. Multi-family developments shall create on-site open space that follow the guidelines outlined in **Section 2.2 B. 5.** above, and at a ratio per dwelling unit as outlined in **Chapter 106** of the LDO. This open space shall include surfacing that is ADA compliant, safety features such as lighting, and amenities that enable residents to use and enjoy the open space.
- 2. Common open space that is accessible to all dwelling units via sidewalks or local paths shall provide:
 - a. Features to make the area more functional and enjoyable for a range of users including, but not limited to, paths or walkable

areas, landscaping, seating, lighting, play structures, sports courts or other pedestrian amenities. Potential noise issues related to hard court sports such as basketball, tennis and handball may require additional design considerations.

- b. Common space shall be separated from ground level windows, streets, service areas and parking lots with landscaping, view fence, or other treatments as approved by the Community Development Director or Designee that enhance safety and privacy for both the common open space and the dwelling units.
 - c. The space shall be oriented to maximize afternoon shade, unless site conditions such as topography warrant waiving this requirement by the Community Development Director or Designee.
3. Rooftop decks and terraces may be considered as common open space provided these areas contain amenities such as seating areas, barbeques, fireplaces, recreational space, shade structures and landscaping as an integral component of the areas.
4. On-site indoor recreational areas may be considered as open space if the area(s) are designed for communal use by all residents and provide space for entertaining, gathering, or fitness activities.
- 4.5. Multi-family developments that with 100 or more dwelling units shall provide one or more community pools in accordance with Section 2.2.B.5 above.