



CITY OF SURPRISE
Regular City Council Work Session
16000 N. Civic Center Plaza
Surprise, AZ 85374

Tuesday, September 15, 2020 @ 4:00 PM
COUNCIL CHAMBERS

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Proclamation and Community Acknowledgements
- E. City Manager Report
- F. City Clerk Report
- G. Call To The Public

NOTICE: In an effort to protect health and safety of city employees, residents, and visitors, the Council Chambers will be partially open to the public with limited seating. The public may access the meeting by viewing a live stream or broadcast of the meeting. To watch live, please visit www.surpriseaz.gov/surprisetv, the Surprise City Gov Facebook page at www.facebook.com/cityofsurprise. Cox channel 11 and Century Link channel 8513 will also carry the meeting live. For instructions on how to comment on agenda items and public hearings, please go to <https://bit.ly/3bKCm4Z>

H. Regular City Council Work Session Agenda

CONSENT AGENDA:

REGULAR AGENDA ITEM - PUBLIC HEARING:

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|--|---|---|
| 1. | Citywide | Presentation and discussion pertaining to the Parks and Recreation Master Plan Update. | None |
| | | | Donna Miller
Parks and
Recreation |
| 2. | Internal | Presentation and discussion pertaining to amendments to the City of Surprise Model City Tax Code related to Transaction Privilege Tax. | None |
| | | | Andrea Davis
Finance |
| 3. | Citywide | Presentation and discussion pertaining to the community pool requirement in Planning and Engineering Design Standards as part of the code update. | None |
| | | | JOSHUA MIKE
Community
Development |
| I. | Other Business and Future Agenda Items | | |
| J. | City Council Reports | | |
| K. | Executive Session | | |

For information Purposes; Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, but for only the following purposes:

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2));

L. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: Thursday, September 10, 2020 @ 1:05 p.m.

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
Regular City Council Work Session

Council Meeting Date: September 15, 2020
Submitting Department: Parks and Recreation
Staff Recommendations: None

Contact Person: Donna Miller, DIRECTOR - CRS
District: Citywide

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

Agenda Wording:

Presentation and discussion pertaining to the Parks and Recreation Master Plan Update.

Motion:

Discussion only

Background:

The Parks and Recreation Master plan was approved by council December 2015. It provides a road map and recommendations for future parks and amenities, community facilities, trails and open space based on growth and availability of funds.

Objective Analysis:

Parks and Recreation enhances quality of life for residents of Surprise. The master plan is important to guiding future parks, trails and open space and community facilities.

Policy Compliant:

This item is discussion only and it is compliant with city and council policy.

Financial Impact:

This item is discussion only.

Budget Impact:

This item is discussion only.

FTE Impact:

No FTE impact

ATTACHMENTS:

1. Parks and Recreation Master Plan update council 2020
-



Parks and Recreation Master Plan Update

Parks and Recreation

MASTER PLAN COMPONENTS (approved Dec 2015)

Parks and Recreation Master Plan

- Master Plan Goals
- Desired Acres of Parks and Open Space
- Park System Master Plan Elements

Recommendations on what city will need by 2030 pending growth and funding

- Open Space
- Parklands
- Amenities
- Community Facilities

Where do we start?

- Park and Open Space Priorities
- Planning and Tracking Progress - Scoreboard

MASTER PLAN

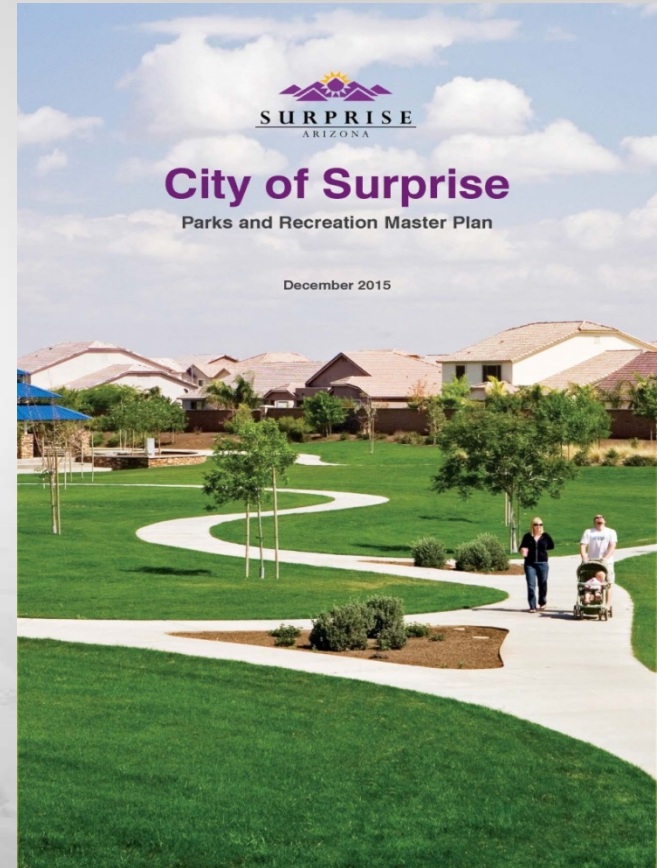
Park System Elements

- Open Space & Natural Areas
- Greenways
- Bikeways & Trails
- Parklands
- Community Facilities



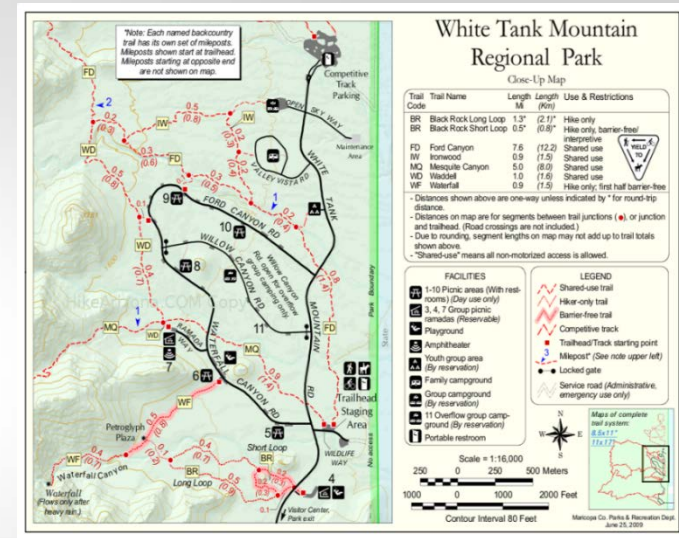
MASTER PLAN GOALS

- Improve the residential quality of life by reinvesting in our existing parks
- Promote active recreation, sports and sports tourism
- Provide a connected park experience through the development of an overall connected park system framework
- Pursue opportunities to create and acquire new parks and open space



Types of Parks - Regional

- 1,000+ Acres in size, preserving major natural areas
- Provides primarily passive recreation, including: paths, mountain biking, interpretive trails but can have active recreation
- Can provide RV and tent camping both for individual parties and groups
- Day use fees or annual pass for use



Types of Parks - City Park

- 75+ Acres in size
- 10 mile service area
- Well-developed amenities that include a variety of specialty park facilities such as Adventure Playgrounds, Fishing Lake and Large Group Ramadas
- Lighted and structured fields that accommodate tournament play
- Tournament level court facilities including tennis and pickleball
- Community recreation facilities that may include a swimming pool, library or multigenerational recreation center.



Types of Parks - Community

- 25 acres in size
- 3 mile service area
- Well developed amenities that include a variety of specialty park facilities
 - Adventure playgrounds
 - Large-group ramadas
- Lighted and Structured Fields that accommodate tournament play
- May include tournament level court facilities including tennis and pickle ball
- May include a swimming pool, recreation center, or library



Types of Parks - Specialty

Size varies to accommodate activity

Examples:

- Soccer Complex
- Softball Complex
- Skate Park



Types of Parks – Civic Spaces and Plazas

- 1-3 acres in size
- Can be associated with a civic building or institution or a stand alone space
- Designed for events and gatherings and typically host signature or annual events



CURRENT PARK INVENTORY

- **8 Pocket / Neighborhood Parks**

Johnson Townhomes, Section 10,
Stonebrook, Three Star, Bicentennial,
Gaines, Sierra Montana, Veramonte
Total 47 acres

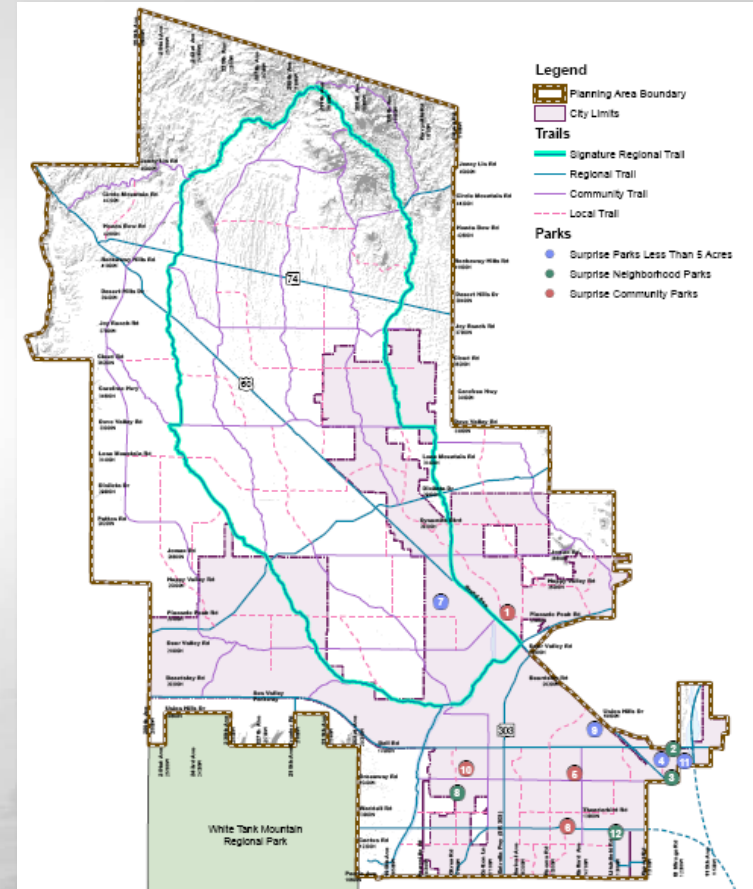
- **4 Community Parks**

Marley Park, Dick McComb, Surprise
Community Park, Asante
Total 193 acres

- **Surprise Recreation Campus**

Total 96 acres
(shared usage with Sports and Tourism)

Total 336 Acres



WHAT WE NEED FOR TOMORROW

WHAT DO WE NEED FOR TOMORROW?

	TODAY	DESIRED ACRES	2020 ADDITIONAL ACRES NEEDED	2030 ADDITIONAL ACRES NEEDED	2030 TOTALS
	123,797 Residents	Per 1,000 Residents	159,171* Residents	241,901* Residents	
OPEN SPACE (ACRES)	0	3.5 (ACRES/1,000)	+557 Ac	+290 Ac	847 Ac
DEVELOPED PARKS (ACRES)	336	3.0 (ACRES/1,000)	+142 Ac	+248 Ac	726 Ac
PRIVATE PARKS* * OPEN ACCESS (ACRES)	215	1.7 (ACRES/1,000)	+56 Ac	+140 Ac	411 Ac
TOTAL PARKS (ACRES)	551	8.2 (ACRES/1,000)	+755 Ac	+678 Ac	1,984 Ac

BY 2030:

1,237

Acres of New Public Parks**

=

1

New 200 Acre City Park

+

8

New 20-25 Acre Community Parks

+

847

Acres of Open Space

* MAG PROJECTIONS FOR SURPRISE MPA POPULATION: 2020 - 159,171, 2030 - 241,901

** DOES NOT INCLUDE NEW PRIVATE PARKS

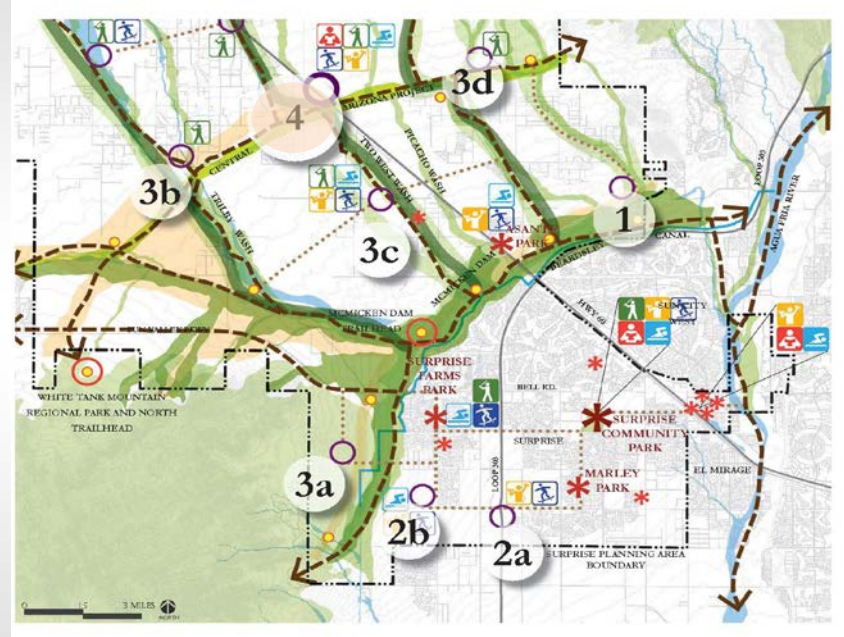
Updated MAG MPA projected total population:

2020 - 150,254 2030 - 216,733 2040 - 307,460

Source: Maricopa Associate of Governments 2019 Socioeconomic Projections Final Draft Projections Approved 6/26/2019

Master Planning for future Parks

- 1 Rancho Mercado TBD
- 2 New Community Parks
20-30 acres
- 3 New Community Parks
20-30 acres
- 4 New City Park 150-200 acres



New programmable community parks could include amenities such as lit soccer/multiuse fields, ball fields, playgrounds, ramadas, courts (basketball, volleyball, tennis, pickleball), dog park, skate park, splash pad. Must have parking and restrooms. Could also be locations for new community facilities.

Future park amenities needed

Amenities	Level of Service	2015 Current	2020 Need	2030 Need	New Amenities	Total Amenities
Population	Per 100,000 Residents	123,797	159,171	241,901		
Ball Fields	15.9	15	10	13	23	38
Soccer/Multi-use Fields	15.0	11	13	12	25	36
Basketball Courts	11.5	12	6	10	16	28
Sand Volleyball Courts	7.0	7	4	6	10	17
Tennis Courts	20.0	25	7	17	23	48
Pickleball Courts	16.0	8	17	13	31	39
Dog Parks	2.0	2	1	2	3	5
Skate Parks	1.3	1	1	2	3	4
Splash Pads	3.8	3	3	6	9	12
Playgrounds	10.0	10	6	8	14	24
Restrooms	9.5	11	4	12	16	27
Amphitheater	1.5	2	0	1	2	4

- Recreation and leisure trends analysis
- Existing Facility and program inventory
- Needs assessment

NOTE: We added (8) new pickleball courts in 2017

MASTER PLAN FACILITY RECOMMENDATION BY 2030

- 3 New Aquatic Facilities
- 3 2 New Recreation Centers (30,000-40,000 square feet) (Ottawa)
- 1 New Fieldhouse (90,000-100,000 square feet)
- 2 1 New Libraries (Asante complete!)



Master Plan 2015 estimated costs vs. current

**The initial 15 year master plan estimated costs for reinvesting in existing parks, new parks, new facilities and open space was \$260M
Estimated net annual operation costs were \$11.6M**

Current 15 year estimated costs for reinvestment, new parks, new facilities and open space is *\$266M. Estimated net annual operation costs are \$6.8M

*** Includes estimate of \$1M asset replacement per year**

General Data of the City

Year	Recreation Program Participants	Population	Number Homes Built	Number of single family rooftops	Number of family pool permits	Single Family Homes with Pools	Recreation Parks and Facilities added to inventory
2002	14,798	47,739	3,365	21,822			Surprise Aquatic Center Northwest Regional Library
2003	99,430	56,259	5,069	26,891			Countryside Recreation Center Surprise Stadium & practice fields
2004	108,200	71,328	7,005	33,896	1230	3,242	Surprise Community Park Sierra Montana park Hollyhock Pool
2005	114,800	89,488	6,151	40,047	1807	5,049	Section 10 park
2006	98,800	102,901	2,841	42,888	1709	6,758	
2007	103,760	110,741	1,386	44,274	813	7,571	Tennis and Racquet Complex Sierra Montana Rec Center Youth Baseball Complex Dreamcatcher Park Heritage / Marley Park
2006 – Before and After school programming moved to Dysart							

General Data of the City continued

Year	Recreation Program Participants	Population	Number Homes Built	Number of single family rooftops	Number of family pool permits	Single Family Homes with Pools	Recreation Parks and Facilities added to inventory
2008	132,795	115,626	650	44,924	347	7,918	Johnson Townhomes
2009	161,882	117,230	297	45,221	170	8,088	Dick McComb-(Turf, walking paths and Softball Complex) Veramonte Park
2010	170,336	117,688	228	45,449	195	8,283	
2011	178,832	118,349	201	45,650	195	8,478	
2012	185,232	119,530	482	46,132	200	8,678	
2013	191,648	121,629	524	46,656	245	8,923	

General Data of the city continued

Year	Recreation Program Participants	Population	Number Homes Built	Number of single family rooftops	Number of family pool permits	Single Family Homes with Pools	Recreation Parks and Facilities added to inventory
2014	192,300	123,797	387	47,043	282	9,205	Asante park
2015	178,186	125,621	458	47,501	305	9,510	New amenities added to Veramonte Park & Dick McComb Park such as Skate park, Splashpads Dog Park, restrooms
2016	160,535	128,434	483	47,984	318	9,828	
2017	163,580	130,129	798	48,782	323	10,151	8 new Pickleball courts
2018	162,012	132,852	1,237	50,019	362	10,513	
2019	141,189	136,194	829	50,848	394	10,907	Asante Library

NOTE: 2015 Senior programming moved to HSCV 2019 Tournaments moved to Sports and Tourism

CONSIDERATIONS

- Surprise grew very quickly in the early 2000's and then...
 - Recession
 - Development Impact fee statute updated 2012
 - 2016 bond initiative not approved by the voters
- Other factors / consideration
 - Ongoing operational costs
 - Balancing needs of the entire city
 - Asset replacement of current amenities

MASTER PLAN

- The city continually seeks opportunities to grow its acres of parks and open spaces to meet the needs of a growing city.
- Maintaining and improving current recreation programs, events, and parks and recreation facilities remains a top priority.
- Since the Parks and Recreation Master Plan was approved in 2015, the department has been able to reinvest in current parks.

Investment in Parks

Since 2015, over \$6.9M has been invested into Surprise parks through various funding sources.

Examples include: New shade structures, 8 new pickleball courts, 8 new acres of turf at Dick McComb Park, Mark Coronado Park fence, skatepark, ramadas, basketball court, splashpads, parking, playgrounds, restrooms, and a dog park, plus several asset replacement items.



Investment in Community Facilities

- Since 2015, over \$1.6M has been invested into Parks and Recreation Facilities including the Recreation Centers, Aquatics Facilities and the Surprise Tennis & Racquet Complex. This includes lighting eight more courts at the tennis center, slide renovation at the Surprise Aquatic Center and several other asset replacement items.
- The Asante Library was also constructed in 2019 for \$5.2M.
- The City has also begun programming 8,000 hours annually at the new Ottawa University-Arizona facilities

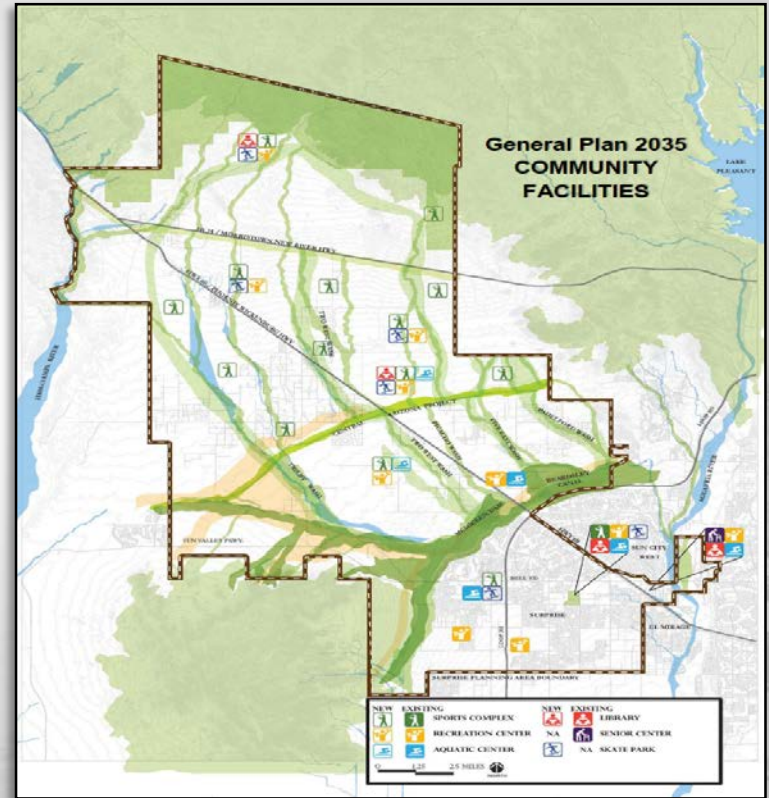


Actual Investment 2015-Current

Funding Sources	Asset	Dev. Impact Fees	Capital	General Fund for Projects	Donations	CDBG	Total
Parks	\$1,488,586	\$2,706,812	\$2,407,483	\$104,800	\$164,000	\$34,758	\$6,906,439
Facilities- Rec Centers, Aquatics, Tennis	\$1,240,107		\$374,561				\$1,614,668
Asante Library		\$4,741,576	\$489,106		\$4,200		\$5,234,882
Total	\$2,728,693	\$7,448,388	\$3,271,150	\$104,800	\$168,200	\$34,758	\$13,755,989

OPPORTUNITIES FOR OPEN SPACE & TRAILS

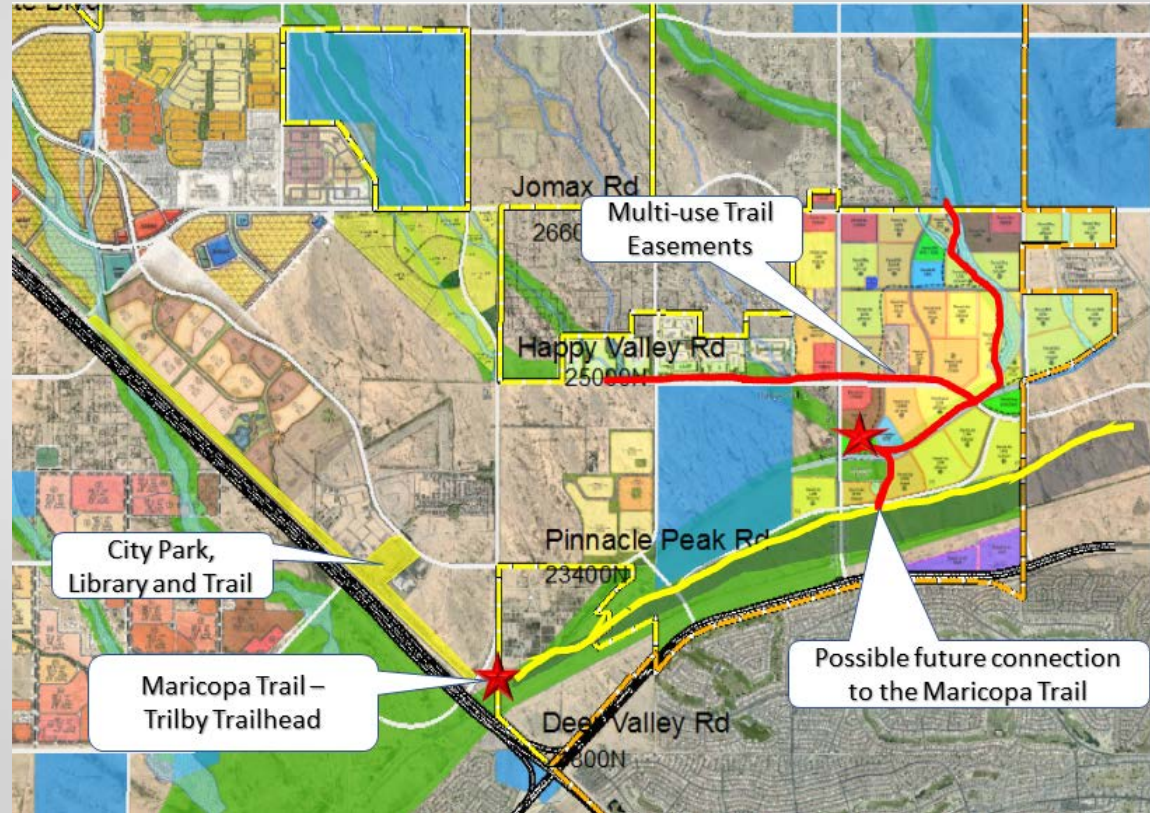
- Flood Control District of Maricopa County
 - McMicken Dam Area
 - Trailhead, passive and active recreation possibilities
- Maricopa County Parks
 - White Tanks Regional Park
 - 16 mile Maricopa Trail
- Bureau of Reclamation (CAP)
 - “Reach Parks”
 - 13 Miles of Trails
- United States Forest Service (USFS)
 - Connection to Bradshaws



NOTE: majority of these areas are not within city limits at this time

EXAMPLE: IMPLEMENTING THE PLAN

Creating a Connected Park System



POTENTIAL PARTNERSHIPS

- Developers
- Public / Private Partnerships
- County
- State
- Federal

POTENTIAL FUNDING STRATEGIES

Impact Fees

Bonds

Grants

- Land and Water Conservation
- Heritage Funds
- USTA

Park Foundation/ Legacy Donation

CHALLENGES

Impact Fees

- Have to spend within 10 years from collection
- Can build swimming pool but not aquatic center
- Can be used to build a park up to 30 acres
- Recreation centers no larger than 3,000 square feet
- Libraries no larger than 10,000 square feet

Bonds

Grants / Donations

- Capacity of current staff to write and track grants
- Often there is a match or don't meet requirement
- Creation and oversight of a Foundation

NOTE: Overall challenge is ongoing operational and maintenance costs

CAPITAL IMPROVEMENT PROJECT PIPELINE

Priorities - 5 year Capital Plan

- *25 acre Community Park (Prasada/303) - estimated design/construction \$11M
- *Community Pool – estimated design/construction \$12M
- *Surprise Community Park Improvements \$2.5M
- Renovation of Northwest Regional Library \$150K for first phase
- Asset replacement (annually approx. \$1M)



*Included in Infrastructure Improvement Plan (Impact fees)



SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE
Regular City Council Work Session

Council Meeting Date: September 15, 2020

Contact Person: Andrea Davis, DIRECTOR -
FINANCE

Submitting Department: Finance

District: Internal

Staff Recommendations: None

Consent: No

Regular: Yes

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Presentation and discussion pertaining to amendments to the City of Surprise Model City Tax Code related to Transaction Privilege Tax.

Motion:

None, discussion only.

Background:

The tax code applied for the City of Surprise is the official version maintained by the Arizona Department of Revenue (ADOR) on its Model City Tax Code website (Modelcitytaxcode.az.gov). The City of Surprise Municipal Code must be periodically updated to reflect the amendments as approved by ADOR. This update will reflect amendments approved between 2012 and 2014.

Staff will return at a future date to amend the Surprise Municipal Code to reflect amendments approved by ADOR through 2019.

Objective Analysis:

Amending the Surprise Municipal Code to reflect the amendments made to the Model City Tax Code as approved by ADOR will minimize the potential for conflicting information.

Policy Compliant:

This item is compliant with City and Council policy.

Financial Impact:

This action has no financial impact.

Budget Impact:

This action has no budgetary impact.

FTE Impact:

This action has no impact on the full-time equivalent count.

ATTACHMENTS:

1. Public Notice TPT Revision
 2. Surprise Tax Code Amendments Summary
 3. SMC Amendments 3.14 et. seq.
 4. Presentation Model City Tax Code Updates
-

Public Notice of Intent to Amend the Surprise Municipal Code

Pursuant to Arizona Revised Statutes (A.R.S) § 9-499.15, notice is hereby given that the City of Surprise intends to discuss and take action to adopt amendments to the City of Surprise Municipal Code related to Transaction Privilege Tax. The Amendments are necessary to ensure the City's compliance with the Model City Tax Code. The City of Surprise City Council will discuss this matter and take action at the Regular City Council Meeting on November 17, 2020 at 6:00 p.m., at the Surprise City Council Chambers, 16000 N. Civic Center Plaza Surprise, AZ, 85374. Due to COVID-19, Council Chambers may be closed to the public. Please check the meeting agenda, when posted, for remote comment instructions. A draft of the proposed changes, including a schedule of the proposed new or increased tax, the amount of the tax, and a written report or other data that supports the new or increased tax, is located on the home page of the City's website located at <https://www.surpriseaz.gov/> and at the City Clerk's Office, 16000 N. Civic Center Plaza Surprise, AZ 85374.

The 2012-2014 Amendments to the Tax Code of the City of Surprise adds two new categories. A distinct tax rate for grocery sales is added as Sec. 3.14-462. Retail Sales: Food for Home Consumption with a tax rate of 0%, and Sec. 3.14-485. Wastewater Removal Services is added with a tax rate of 0%.

Additional information may be obtained by contacting Andrea Davis, Finance Director, at 623.222.1853.

SUMMARY OF CHANGES TO MODEL CITY TAX CODE

The attached Ordinance and Resolution incorporate into the local tax code all of the Model City Tax Code changes approved by the Municipal Tax Code Commission from 2012 through 2014, as described below by Resolution Section number.

Section 1

Section 100 adds language to the existing definitions of "Business" and "Prosthetic". This change excludes the sale of electricity generated by consumer equipment from the definition of "Business". Adding this exclusion means persons that make such sales (e.g. residential solar energy sales) are not deemed to be in the business of providing Utilities, and thus are not required to have a Privilege Tax License to make such sales. The additional language that adds Orthodontics to the definition of "Prosthetic" is a change intended to conform the Code to State statute. These changes are effective retroactively from and after January 1, 2007 for "Business," and October 1, 2007 for "Prosthetic."

Section 2

Section 120 is repealed, eliminating the definition of "Food for Home Consumption." The elements of this definition are incorporated in new Section 462, creating a separate "Food for Home Consumption" tax classification apart from the Retail classification. This section is effective from and after July 1, 2013.

Section 3

Section 200 is amended to add conforming language under the determination of gross income that is related to nuclear fuel sales as found in State statute. This section is effective from and after July 1, 2013.

Section 4

This section repeals and replaces all of Article III – Licensing and Recordkeeping. This is a critical step in TPT Simplification that has the effect of making licensing as uniform as possible across all cities and towns. Note that this section completely replaces the entirety of Article III in every city and town's tax code. This change also eliminates all Regulations numbered in the 300's, as well as eliminating all Green Sheet items related to tax licensing. This section also eliminates the use of the tax license as a means to regulate business for any purpose other than tax collection. From now on, all licensing and enforcement of a regulatory nature such as zoning, use permits, special events, inspections, etc., must be accomplished by a separate business license. This section is effective from and after January 1, 2015.

Section 5

Section 422 is amended to remove an obsolete code reference related to Jet Fuel Sales. This section is effective retroactively from and after September 21, 2006.

Section 6

Section 425 is amended to add an exemption from tax on Job Printing for sales of postage and freight in conformity with State statute. This element is effective retroactively from and after September 21, 2006. Also, Local Option #MM is eliminated effective July 1, 2012, also in conformity with State statute.

Section 7

Section 445 is amended to adopt the final version of a new exemption for Real Property Leases between Affiliated Entities. This section is effective retroactively from and after July 1, 2013.

Section 8

Section 450 is amended to conform to the new State exemption and city preemption that makes the leasing of certified ignition interlock devices required under DUI laws exempt from tax under Tangible Personal Property Rental. This section is effective retroactively from and after September 1, 2004.

SUMMARY OF CHANGES TO MODEL CITY TAX CODE

Section 9

Section 460 is amended in conformity with a new clarifying State exemption and matching city preemption that makes the retail sale of gift cards and other cash equivalents exempt from the tax under the Retail classification. This section is effective retroactively from and after October 1, 2007.

Section 10

Section 462, Retail Sales: Food for Home Consumption is added to the standard Model Code language. This section incorporates all of the definitions and Regulations related to grocery sales that were previously included only in those communities that selected Model Option #2. With this change and standardization, Model Option #2 is eliminated from the Code. Cities and towns are now free to set a distinct tax rate for grocery sales, which can be higher, lower, or zero, as the community sees fit. This section is effective from and after July 1, 2013.

Section 11

Section 465, Retail Sales: Exemptions has undergone significant changes, largely in name of conformity with State statute. A major goal of TPT Simplification was making conforming changes to the Retail classification of the MCTC that aligned with State statute wherever possible, with the intention of preparing for passage of the Marketplace Fairness Act. On the State tax side, the only change enacted was elimination of an exemption for in-store sales to non-residents that are shipped out of State (excluding vehicles). On the municipal side, this movement resulted in the elimination of Model Option #2, related to food for home consumption creating a separate classification; eliminating Local Option #AA, allowing tax exempt employee drinks and meals; and adding charter schools to the list that qualify for a food sale exemption. Also, wholly new conforming exemptions were adopted, including one for the sale of “renewable energy credits”; sale of periodicals to encourage tourism; sale of paper machine clothing to a paper manufacturer; sales of overhead materials used in performing government contracts; and the sale of fuels and sale of equipment to qualified environmental technology manufacturers. All of these changes are effective July 1, 2013, with the exception of the sale of “renewable energy credits” which is effective retroactively from and after January 1, 2007.

Section 12

Changes to this section include adding in a specific exemption from the Utilities classification for sales of excess energy produced by a consumer’s photovoltaic system to a utility distributor, along with language that removes the sale of renewable energy credits (REC) from the Utilities classification. This provides the exemption under the Utilities classification to clarify that when the meter spins backward, the taxable measure is the net charge to the consumer, and that REC sales are not part of the gross receipts under Utilities. This section shall be effective from and after January 1, 2007.

Section 13

Section 485 is added to the standard Code language, creating a new classification that imposes tax on Wastewater Removal Services. This section was formerly a Green Page in several cities. This conversion to standard Code language is part of the ongoing effort to eliminate the Green Pages by either eliminating or adopting exception items. This section shall be effective from and after July 1, 2013. Fountain Hills has chosen to maintain its previous exemption in this area through the application of a zero percent tax rate for this classification.

Section 14

Section 570 is amended to grant the Tax Collector greater latitude in allowing extensions to taxpayers that are making a good faith effort to produce additional information during the audit protest process. Previously the Code technically allowed only one 45-day extension to taxpayers protesting audit results, so actual practice resulted in many “unofficial” extensions. This change allows the Tax Collector to grant additional extension at their discretion. This section is deemed effective from and after July 1, 2008.

SUMMARY OF CHANGES TO MODEL CITY TAX CODE

Section 15

Section 660, Use Tax: Exemptions has undergone significant changes which mirror the changes to the Retail Exemptions noted above in Code Section 465. Again, these are being done in the name of conformity with State statute. This movement resulted in the elimination of the food for home consumption exemption; adding an exemption for employee drinks and meals; and adding charter schools to the list that qualify for a food exemption. Also, wholly new conforming exemptions were adopted, including one for the purchase of “Renewable Energy Credits” or RECs; periodicals to encourage tourism; paper machine clothing to a paper manufacturer; overhead materials used in performing government contracts; and the purchase of fuels and sale of equipment to qualified environmental technology manufacturers. All of these changes are effective July 1, 2013, with the exception of “Renewable Energy Credits” which is effective retroactively from and after January 1, 2007.

Section 16

This section repeals Regulation 120.1 related to the definition of Food for Home Consumption, which has been incorporated in the text of new Section 462 noted above. This section shall be effective from and after July 1, 2013.

Section 17

This section amends Regulation 270.1, adding the provision of wastewater removal services to the list of activities that are considered proprietary and therefore taxable when engaged in by a city or town. This section shall be effective from and after July 1, 2013.

Section 18

This section amends Regulation 460.1, adding the distinction from Retail for activities that fall under the two new classifications: Food for Home Consumption in Section 462, and Wastewater Removal Services in Section 485. This means that an exchange of tangible personal property that occurs under the activity described in Sections 462 or 485, is specifically NOT considered a Retail transaction. This section shall be effective from and after July 1, 2013.

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

Section I. Model City Tax Code Section 3.14-100 is amended as follows, with an effective date of January 1, 2007.

Sec. 3.14-100. General definitions.

For the purposes of this Chapter, the following definitions apply:

"Assembler" means a person who unites or combines products, wares, or articles of manufacture so as to produce a change in form or substance of such items without changing or altering component parts.

"Broker" means any person engaged or continuing in business who acts for another for a consideration in the conduct of a business activity taxable under this Chapter, and who receives for his principal all or part of the gross income from the taxable activity.

"Business" ~~means~~ **INCLUDES** all activities or acts, personal or corporate, engaged in ~~and~~ **OR** caused to be engaged in with the object of gain, benefit, or advantage, either direct**LY** or indirect**LY**, but **DOES** not **INCLUDE EITHER:** casual activities or sales; **OR THE TRANSFER OF ELECTRICITY FROM A SOLAR PHOTOVOLTAIC GENERATION SYSTEM TO AN ELECTRIC UTILITY DISTRIBUTION SYSTEM.**

"Business Day" means any day of the week when the Tax Collector's office is open for the public to conduct the Tax Collector's business.

"Casual Activity or Sale" means a transaction of an isolated nature made by a person who neither represents himself to be nor is engaged in a business subject to a tax imposed by this Chapter. However, no sale, rental, license for use, or lease transaction concerning real property, nor any activity entered into by a business taxable by this Chapter shall be treated, or be exempt, as casual. This definition shall include sales of used capital assets, provided that the volume and frequency of such sales do not indicate that the seller regularly engages in selling such property.

"Combined Taxes" means the sum of all applicable Arizona Transaction Privilege and Use Taxes; all applicable transportation taxes imposed upon gross income by this County as authorized by Article III, Chapter 6, Title 42, Arizona Revised Statutes; and all applicable taxes imposed by this Chapter.

"Commercial Property" is any real property, or portion of such property, used for any purpose other than lodging or lodging space, including structures built for lodging but used otherwise, such as model homes, apartments used as offices, etc.

"Communications Channel" means any line, wire, cable, microwave, radio signal, light beam, telephone, telegraph, or any other electromagnetic means of moving a message.

"Construction Contracting" refers to the activity of a construction contractor.

"Construction Contractor" means a person who undertakes to or offers to undertake to, or purports to have the capacity to undertake to, or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish any building, highway, road, railroad, excavation, or other structure, project, development, or improvement to real property, or to do any part thereof. "Construction contractor" includes subcontractors, specialty contractors, prime contractors, and any person receiving consideration for the general supervision and/or coordination of such a construction

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

project except for remediation contracting. This definition shall govern without regard to whether or not the construction contractor is acting in fulfillment of a contract.

"Delivery (of Notice) by the Tax Collector" means "receipt (of notice) by the taxpayer".

"Delivery, Installation, or Other Direct Customer Services" means services or labor, excluding repair labor, provided by a taxpayer to or for his customer at the time of transfer of tangible personal property; provided further that the charge for such labor or service is separately billed to the customer and maintained separately in the taxpayer's books and records.

"Engaging", when used with reference to engaging or continuing in business, includes the exercise of corporate or franchise powers.

"Equivalent Excise Tax" means either:

- (1) a Privilege or Use Tax levied by another Arizona municipality upon the transaction in question, and paid either to such Arizona municipality directly or to the vendor; or
- (2) an excise tax levied by a political subdivision of a state other than Arizona upon the transaction in question, and paid either to such jurisdiction directly or to the vendor; or
- (3) an excise tax levied by a Native American Government organized under the laws of the Federal Government upon the transaction in question and paid either to such jurisdiction directly or to the vendor.

"Federal Government" means the United States Government, its departments and agencies; but not including national banks or federally chartered or insured banks, savings and loan institutions, or credit unions.

"Food" means any items intended for human consumption as defined by rules and regulations adopted by the Department of Revenue, State of Arizona, pursuant to A.R.S. Section 42-5106. Under no circumstances shall "food" include alcoholic beverages or tobacco, or food items purchased for use in conversion to any form of alcohol by distillation, fermentation, brewing, or other process. Under no circumstances shall "food" include an edible product, beverage, or ingredient infused, mixed, or in any way combined with medical marijuana or an active ingredient of medical marijuana.

"Hotel" means any public or private hotel, inn, hostelry, tourist home, house, motel, rooming house, apartment house, trailer, or other lodging place within the City offering lodging, wherein the owner thereof, for compensation, furnishes lodging to any transient, except foster homes, rest homes, sheltered care homes, nursing homes, or primary health care facilities.

"Jet Fuel" means jet fuel as defined in A.R.S. Section 42-5351.

"Job Printing" means the activity of copying or reproducing an article by any means, process, or method. "Job printing" includes engraving of printing plates, embossing, copying, micrographics, and photo reproduction.

"Lessee" includes the equivalent person in a rental or licensing agreement for all purposes of this Chapter.

"Lessor" includes the equivalent person in a rental or licensing agreement for all purposes of this Chapter.

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

"Licensing (for Use)" means any agreement between the user ("licensee") and the owner or the owner's agent ("licensor") for the use of the licensor's property whereby the licensor receives consideration, where such agreement does not qualify as a "sale" or "lease" or "rental" agreement.

"Lodging (Lodging Space)" means any room or apartment in a hotel or any other provider of rooms, trailer spaces, or other residential dwelling spaces; or the furnishings or services and accommodations accompanying the use and possession of said dwelling space, including storage or parking space for the property of said tenant.

"Manufactured Buildings" means a manufactured home, mobile home or factory-built building, as defined in A.R.S. Section 41-2142.

"Manufacturer" means a person engaged or continuing in the business of fabricating, producing, or manufacturing products, wares, or articles for use from other forms of tangible personal property, imparting to such new forms, qualities, properties, and combinations.

"Medical marijuana" means "marijuana" used for a "medical use" as those terms are defined in A.R.S. Section 36-2801.

"Mining and Metallurgical Supplies" means all tangible personal property acquired by persons engaged in activities defined in Section 3.14-432 for such use. This definition shall not include:

- (1) janitorial equipment and supplies.
- (2) office equipment, office furniture, and office supplies.
- (3) motor vehicles licensed for use upon the highways of the State.

"Modifier" means a person who reworks, changes, or adds to products, wares, or articles of manufacture.

"Nonprofit Entity" means any entity organized and operated exclusively for charitable purposes, or operated by the Federal Government, the State, or any political subdivision of the State.

"Occupancy (of Real Property)" means any occupancy or use, or any right to occupy or use, real property including any improvements, rights, or interests in such property.

"Out-of-City Sale" means the sale of tangible personal property and job printing if all of the following occur:

- (1) transference of title and possession occur without the City; and
- (2) the stock from which such personal property was taken was not within the corporate limits of the City; and
- (3) the order is received at a permanent business location of the seller located outside the City; which location is used for the substantial and regular conduct of such business sales activity. In no event shall the place of business of the buyer be determinative of the situs of the receipt of the order.

For the purpose of this definition it does not matter that all other indicia of business occur within the City, including, but not limited to, accounting, invoicing, payments, centralized purchasing, and supply to out-of-City storehouses and out-of-City retail branch outlets from a primary storehouse within the City.

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

"Out-of-State Sale" means the sale of tangible personal property and job printing if all of the following occur:

- (1) the order is placed from without the State of Arizona; and
- (2) the property is delivered to the buyer at a location outside the State; and
- (3) the property is purchased for use outside the State.

"Owner-Builder" means an owner or lessor of real property who, by himself or by or through others, constructs or has constructed or reconstructs or has reconstructed any improvement to real property.

"Person" means an individual, firm, partnership, joint venture, association, corporation, estate, trust, receiver, syndicate, broker, the Federal Government, this State, or any political subdivision or agency of this State. For the purposes of this Chapter, a person shall be considered a distinct and separate person from any general or limited partnership or joint venture or other association with which such person is affiliated. A subsidiary corporation shall be considered a separate person from its parent corporation for purposes of taxation of transactions with its parent corporation.

"Prosthetic" means any of the following tangible personal property if such items are prescribed or recommended by a licensed podiatrist, chiropractor, dentist, physician or surgeon, naturopath, optometrist, osteopathic physician or surgeon, psychologist, hearing aid dispenser, physician assistant, nurse practitioner or veterinarian:

- (1) any man-made device for support or replacement of a part of the body, or to increase acuity of one of the senses. Such items include: prescription eyeglasses; contact lenses; hearing aids; artificial limbs or teeth; neck, back, arm, leg, or similar braces.
- (2) insulin, insulin syringes, and glucose test strips sold with or without a prescription.
- (3) hospital beds, crutches, wheelchairs, similar home health aids, or corrective shoes.
- (4) drugs or medicine, including oxygen.
- (5) equipment used to generate, monitor, or provide health support systems, such as respiratory equipment, oxygen concentrator, and dialysis machine.
- (6) durable medical equipment which has a federal health care financing administration common procedure code, is designated reimbursable by Medicare, can withstand repeated use, is primarily and customarily used to serve a medical purpose, is generally not useful to a person in the absence of illness or injury and is appropriate for use in the home.
- ~~(7)~~ ORTHODONTIC DEVICES DISPENSED BY A DENTAL PROFESSIONAL WHO IS LICENSED UNDER TITLE 32, CHAPTER 11 TO A PATIENT AS PART OF THE PRACTICE OF DENTISTRY.
- ~~(7)~~(8) Under no circumstances shall "prosthetic" include medical marijuana regardless of whether it is sold or dispensed pursuant to a prescription, recommendation, or written certification by any authorized person.

"Qualifying Community Health Center"

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

- (1) means an entity that is recognized as nonprofit under 501(c)(3) of the United States Internal Revenue Code, that is a community-based, primary care clinic that has a community-based board of directors and that is either:
 - (A) the sole provider of primary care in the community.
 - (B) a nonhospital affiliated clinic that is located in a federally designated medically underserved area in this State.
- (2) includes clinics that are being constructed as qualifying community health centers.

"Qualifying Health Care Organization" means an entity that is recognized as nonprofit under Section 501(c) of the United States Internal Revenue Code and that uses, saves or invests at least eighty percent (80%) of all monies that it receives from all sources each year only for health and medical related educational and charitable services, as documented by annual financial audits prepared by an independent certified public accountant, performed according to Generally Accepted Accounting Standards (GAAS) and filed annually with the Arizona Department of Revenue. Monies that are used, saved or invested to lease, purchase or construct a facility for health and medical related education and charitable services are included in the eighty percent (80%) requirement.

"Qualifying Hospital" means any of the following:

- (1) a licensed hospital which is organized and operated exclusively for charitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.
- (2) a licensed nursing care institution or a licensed residential care institution or a residential care facility operated in conjunction with a licensed nursing care institution or a licensed kidney dialysis center, which provides medical services, nursing services or health related services and is not used or held for profit.
- (3) a hospital, nursing care institution or residential care institution which is operated by the Federal Government, this State or a political subdivision of this State.
- (4) a facility that is under construction and that on completion will be a facility under subdivision (1), (2) or (3) of this paragraph.

"Receipt (of Notice) by the Taxpayer" means the earlier of actual receipt or the first attempted delivery by certified United States mail to the taxpayer's address of record with the Tax Collector.

"Remediation" means those actions that are reasonable, necessary, cost-effective and technically feasible in the event of the release or threat of release of hazardous substances into the environment such that the waters of the State are or may be affected, such actions as may be necessary to monitor, assess and evaluate such release or threat of release, actions of remediation, removal or disposal of hazardous substances or taking such other actions as may be necessary to prevent, minimize or mitigate damage to the public health or welfare or to the waters of the State which may otherwise result from a release or threat of release of a hazardous substance that will or may affect the waters of the State. Remediation activities include the use of biostimulation with indigenous microbes and bioaugmentation using microbes that are nonpathogenic, nonopportunistic and that are naturally occurring. Remediation activities may include community information and participation costs and providing an alternative drinking water supply.

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

"Rental Equipment" means tangible personal property sold, rented, leased, or licensed to customers to the extent that the item is actually used by the customer for rental, lease, or license to others; provided that:

- (1) the vendee is regularly engaged in the business of renting, leasing, or licensing such property for a consideration; and
- (2) the item so claimed as "rental equipment" is not used by the person claiming the exemption for any purpose other than rental, lease, or license for compensation, to an extent greater than fifteen percent (15%) of its actual use.

"Rental Supply" means an expendable or nonexpendable repair or replacement part sold to become part of "rental equipment", provided that:

- (1) the documentation relating to each purchased item so claimed specifically itemizes to the vendor the actual item of "rental equipment" to which the purchased item is intended to be attached as a repair or replacement part; and
- (2) the vendee is regularly engaged in the business of renting, leasing, or licensing such property for a consideration; and
- (3) the item so claimed as "rental equipment" is not used by the person claiming the exemption for any purpose other than rental, lease, or license for compensation, to an extent greater than fifteen percent (15%) of its actual use.

"Repairer" means a person who restores or renews products, wares, or articles of manufacture.

"Resides within the City" means in cases other than individuals, whose legal addresses are determinative of residence, the engaging, continuing, or conducting of regular business activity within the City.

"Restaurant" means any business activity where articles of food, drink, or condiment are customarily prepared or served to patrons for consumption on or off the premises, also including bars, cocktail lounges, the dining rooms of hotels, and all caterers. For the purposes of this Chapter, a "fast food" business, which includes street vendors and mobile vendors selling in public areas or at entertainment or sports or similar events, who prepares or sells food or drink for consumption on or off the premises is considered a "restaurant", and not a "retailer".

"Retail Sale (Sale at Retail)" means the sale of tangible personal property, except the sale of tangible personal property to a person regularly engaged in the business of selling such property.

"Retailer" means any person engaged or continuing in the business of sales of tangible personal property at retail.

"Sale" means any transfer of title or possession, or both, exchange, barter, conditional or otherwise, in any manner or by any means whatsoever, including consignment transactions and auctions, of property for a consideration. "Sale" includes any transaction whereby the possession of such property is transferred but the seller retains the title as security for the payment of the price. "Sale" also includes the fabrication of tangible personal property for consumers who, in whole or in part, furnish either directly or indirectly the materials used in such fabrication work.

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

"Solar Daylighting" means a device that is specifically designed to capture and redirect the visible portion of the solar beam, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

"Solar Energy Device" means a system or series of mechanisms designed primarily to provide heating, to provide cooling, to produce electrical power, to produce mechanical power, to provide solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means, including wind generator systems that produce electricity. Solar energy systems may also have the capability of storing solar energy for future use. Passive systems shall clearly be designed as a solar energy device, such as a trombe wall, and not merely as a part of a normal structure, such as a window.

"Speculative Builder" means either:

- (1) an owner-builder who sells or contracts to sell, at any time, improved real property (as provided in Section 3.14-416) consisting of:
 - (A) custom, model, or inventory homes, regardless of the stage of completion of such homes; or
 - (B) improved residential or commercial lots without a structure; or
- (2) an owner-builder who sells or contracts to sell improved real property, other than improved real property specified in subsection (1) above:
 - (A) prior to completion; or
 - (B) before the expiration of twenty-four (24) months after the improvements of the real property sold are substantially complete.

"Substantially Complete" means the construction contracting or reconstruction contracting:

- (1) has passed final inspection or its equivalent; or
- (2) certificate of occupancy or its equivalent has been issued; or
- (3) is ready for immediate occupancy or use.

"Supplier" means any person who rents, leases, licenses, or makes sales of tangible personal property within the City, either directly to the consumer or customer or to wholesalers, jobbers, fabricators, manufacturers, modifiers, assemblers, repairers, or those engaged in the business of providing services which involve the use, sale, rental, lease, or license of tangible personal property.

"Tax Collector" means the Finance Director or their designee or agent for all purposes under this Chapter.

"Taxpayer" means any person liable for any tax under this Chapter.

"Taxpayer Problem Resolution Officer" means the individual designated by the City to perform the duties identified in Sections 3.14-515 and 3.14-516. In cities with a population of fifty thousand (50,000) or more, the Taxpayer Problem Resolution Officer shall be an employee of the City. In cities with a population of less than fifty thousand (50,000), the Taxpayer Problem Resolution Officer need not be an employee of the City. Regardless of whether the Taxpayer Problem Resolution Officer is or is not an employee of the City,

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

the Taxpayer Problem Resolution Officer shall have substantive knowledge of taxation. The identity of and telephone number for the Taxpayer Problem Resolution Officer can be obtained from the Tax Collector.

"Telecommunication Service" means any service or activity connected with the transmission or relay of sound, visual image, data, information, images, or material over a communications channel or any combination of communications channels.

"Transient" means any person who either at the person's own expense or at the expense of another obtains lodging space or the use of lodging space on a daily or weekly basis, or on any other basis for less than thirty (30) consecutive days.

"Utility Service" means the producing, providing, or furnishing of electricity, electric lights, current, power, gas (natural or artificial), or water to consumers or ratepayers.

Section II. Model City Tax Code Section 3.14-120 and Model Option #2 is repealed, with an effective date of July 1, 2013.

~~3.14-120. (RESERVED)~~

Section III. Model City Tax Code Section 3.14-200 is amended as follows, with an effective date of July 1, 2013.

Sec. 3.14-200. Determination of gross income: in general.

- (a) Gross income includes:
 - (1) the value proceeding or accruing from the sale of property, the providing of service, or both.
 - (2) the total amount of the sale, lease, license for use, or rental price at the time of such sale, rental, lease, or license.
 - (3) all receipts, cash, credits, barter, exchange, reduction of or forgiveness of indebtedness, and property of every kind or nature derived from a sale, lease, license for use, rental, or other taxable activity.
 - (4) all other receipts whether payment is advanced prior to, contemporaneous with, or deferred in whole or in part subsequent to the activity or transaction.
- (b) Barter, exchange, trade-outs, or similar transactions are includable in gross income at the fair market value of the service rendered or property transferred, whichever is higher, as they represent consideration given for consideration received.

**2012-2014 AMENDMENTS TO THE
TAX CODE OF THE CITY OF SURPRISE**

- (c) No deduction or exclusion is allowed from gross income on account of the cost of the property sold, the time value of money, expense of any kind or nature, losses, materials used, labor or service performed, interest paid, or credits granted.
- (D) FOR THE PURPOSES OF THIS CHAPTER THE TOTAL AMOUNT OF GROSS INCOME, GROSS RECEIPTS OR GROSS PROCEEDS OF SALES FOR NUCLEAR FUEL SHALL BE DEEMED TO BE THE VALUE OF THE PURCHASE PRICE OF URANIUM OXIDE USED IN PRODUCING THE FUEL. THE TAX IMPOSED BY THIS CHAPTER MAY BE IMPOSED ONLY ONCE FOR ANY ONE QUANTITY OR BATCH OF NUCLEAR FUEL REGARDLESS OF THE NUMBER OF TRANSACTIONS OR FINANCING ARRANGEMENTS WHICH MAY OCCUR WITH RESPECT TO THAT NUCLEAR FUEL.

Section IV. Model City Tax Code Article III is REPEALED AND REPLACED IN ITS ENTIRETY with the following Sections 3.14-300 through 3.14-380, effective January 1, 2015.

Article III - Licensing and Recordkeeping

Sec. 3.14-300. Licensing requirements.

- (a) The following persons shall make application to the Tax Collector for a Transaction Privilege and Use Tax License and no person shall engage or continue in business or engage in such activities until he shall have such a license:
- (1) Every person engaging or continuing in business activities within the City upon which a Transaction Privilege Tax is imposed by this Chapter.
 - (2) Every person engaging or continuing in business within the City and storing or using tangible personal property in this municipality upon which a Use Tax is imposed by this Chapter.
 - (3) Every person required to report and pay tax upon Rental Occupancy, as imposed by Section 3.14-440.
- (b) For the purpose of determining whether a Transaction Privilege and Use Tax License is required, a person shall be deemed to be "engaging or continuing in business" within the City if:
- (1) engaging in any activity as a principal or broker, the gross receipts of which may be subject to Transaction Privilege Tax under Article IV of this Chapter, or
 - (2) maintaining within the City directly, or if a corporation by a subsidiary, an office, distribution house, sales house, warehouse or other place of business; maintaining within the City directly, or if a corporation by a subsidiary, any real or tangible personal property; or having any agent or other representative operating within the City under the authority of such person, or if a corporation by a subsidiary, irrespective of whether such place of

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

business, property, or agent or other representative is located here permanently or temporarily, or

- (3) soliciting sales, orders, contracts, leases, and other similar forms of business relationships, within the City from customers, consumers, or users located within the City, by means of salesmen, solicitors, agents, representatives, brokers, and other similar agents or by means of catalogs or other advertising, whether such orders are received or accepted within or without this City.
 - (4) A person shall also be deemed to be "engaging or continuing in business" if engaging in any activity subject to Use Tax under Article VI of this Chapter for business purposes. Individuals who acquire items subject to Use Tax for their own personal use or their family's personal use are not required to obtain a license.
 - (5) Every person required to report and pay tax upon Rental Occupancy, as imposed by Section 3.14-440.
- (c) A person engaging in more than one activity subject to Transaction Privilege Tax at any one business location is not required to obtain a separate license for each activity, provided that, at the time such person makes application for a license, he shall list on such application each category of activity in which he is engaged.
 - (d) The licensee shall inform the Tax Collector of any changes in his business activities, location, or mailing address within thirty (30) days.
 - (e) Limitation. The issuance of a Transaction Privilege and Use Tax License by the Tax Collector shall in no way be construed as permission to operate a business activity in violation of any other law or regulation to which such activity may be subject.
 - (f) Casual activity. For the purposes of this Chapter, individuals engaging in a "casual activity or sale" are not subject to the license requirements imposed under this Article provided that they are only engaged in private sales activities, such as the sale of a personal automobile or garage sale, on no more than three separate occasions during any calendar year.

Sec. 3.14-310. Licensing: special requirements.

- (a) Partnerships. Application for a Transaction Privilege and Use Tax License for a partnership engaging or continuing in business shall provide, as a minimum, the names and addresses of all general partners. Licenses issued to persons engaging in business as partners, limited or general, shall be in the name of the partnership.
- (b) Limited Liability Companies. Application for a Transaction Privilege and Use Tax License for a Limited Liability Company (LLC) engaging or continuing in business shall provide, as a minimum, the names and addresses of all members and the manager. Licenses issued to persons engaging in business as Limited Liability Companies, shall be in the name of the LLC.
- (c) Corporations. Application for a Transaction Privilege and Use Tax License for a corporation engaging or continuing in business shall provide, as a minimum, the names and addresses of both

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

the Chief Executive Officer and Chief Financial Officer of the corporation. Licenses issued to persons engaging in business as corporations shall be in the name of the corporation.

- (d) Multiple Locations or Multiple Business Names. A person engaging or continuing in one or more businesses at two (2) or more locations or under two (2) or more business names shall procure a license for each such location or business name. A "location" is a place of a separate business establishment.
- (e) Real Property Rental, Leasing, and Licensing for Use. In all cases the Transaction Privilege and Use Tax License shall be issued only to the owner of the real property regardless of the owner engaging a property manager or other broker to oversee the owner's business activity including filing tax returns on behalf of the owner. Each rental property that can be independently sold or transferred is deemed to be a separate business establishment. Each platted parcel of real property subject to the tax imposed by this Chapter is deemed to be a separate business establishment and requires a separate license, regardless of the number of rental units located on that platted parcel. If one structure is located on multiple parcels in a manner such that ownership of an individual parcel cannot be sold or transferred without requiring alteration to divide the structure, one license shall be required for all affected parcels.

Sec. 3.14-320. License fees; annual renewal; renewal fees.

- (a) The Transaction Privilege and Use Tax License shall be valid upon receipt of a non-refundable license fee of ten dollars (\$10.00), except for a license to engage in the business activity of residential or commercial real property rental, leasing, and licensing for use as separately identified in this Section. The Transaction Privilege and Use Tax License shall be valid only for the calendar year in which it is issued unless renewed each year by filing the appropriate application for license renewal and paying an annual license renewal fee of zero dollars (\$0.00) for each license, subject to the limitations in A.R.S. Section 42-5005. Such annual renewal fee shall be due and payable on January 1 of each year and shall be considered delinquent if not paid and received on or before the last business day of January.
- (b) The Transaction Privilege and Use Tax License to engage in the business activity of residential real property rental, leasing, and licensing for use shall be valid only upon receipt of a non-refundable license fee of ten dollars (\$10.00). The Transaction Privilege and Use Tax License shall be valid only for the calendar year in which it is issued unless renewed each year by filing the appropriate application for license renewal and paying an annual license renewal fee of zero dollars (\$0.00) for each license, subject to the limitations in A.R.S. Section 42-5005. Such fee shall be due and payable on January 1 of each year and shall be considered delinquent if not paid and received on or before the last business day of January.
- (c) The Transaction Privilege and Use Tax License to engage in the business activity of commercial real property rental, leasing, and licensing for use shall be valid only upon receipt of a non-refundable license fee of ten dollars (\$10.00). The Transaction Privilege and Use Tax License shall be valid only for the calendar year in which it is issued unless renewed each year by filing the appropriate application for license renewal and paying an annual license renewal fee of zero dollars (\$0.00) for each license, subject to the limitations in A.R.S. Section 42-5005. Such fee shall be due

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

and payable on January 1 of each year and shall be considered delinquent if not paid and received on or before the last business day of January.

Sec. 3.14-330. Licensing: duration; transferability; display; penalties; penalty waiver; relicensing; fees collectible as if taxes.

- (a) The Transaction Privilege and Use Tax License shall be valid only for the calendar year in which it is issued unless renewed each year by filing the appropriate application for license renewal and paying the applicable license renewal fee for each license, subject to the limitations in A.R.S. Section 42-5005. Such fee shall be due and payable on January 1 of each year and shall be considered delinquent if not paid and received on or before the last business day of January. Application and payment of the annual fee must be received in the Tax Collector's office to be deemed paid and received.
- (b) The Transaction Privilege and Use Tax License shall be nontransferable between owners or locations and shall be on display to the public in the licensee's place of business.
- (c) Any person required to be licensed under this Chapter who fails to obtain a license on or before conducting any business activity requiring such license shall be subject to the license fees due for each year in business plus a penalty in the amount of fifty percent (50%) of the applicable fee for each period of time for which such fee would have been imposed, from and after the date on which such activity commenced until paid. This penalty shall be in addition to any other penalty imposed under this Chapter and must be paid prior to the issuance of any license. License fee penalties may be waived by the Tax Collector subject to the same terms as the waiver of tax penalties as provided for in Section 3.14-540.
- (d) Any licensee who fails to renew his license on or before the due date shall be deemed to be operating without a license following such due date, and shall be subject to all penalties imposed under this Chapter against persons required to be licensed and operating without a license. The non-licensed status may be removed by payment of the annual license fee for each year or portion of a year he operated without a license, plus a license fee penalty of fifty percent (50%) of the license fee due for each year. License fee penalties may be waived by the Tax Collector subject to the same terms as the waiver of tax penalties as provided for in Section 3.14-540.
- (e) Any licensee who permits his license to expire through cancellation as provided in Section 3.14-340, by his request for cancellation, by surrender of the license, or by the cessation of the business activity for which the license was issued, and who thereafter applies for a license, shall be granted a new license as a new applicant and shall pay the current license fee imposed under Section 3.14-320.
- (f) Any licensee who needs a copy of his Transaction Privilege and Use Tax License which is still in effect shall be charged the current license fee for each reissuance of a license.
- (g) Any person conducting a business activity subject to licensing without obtaining a Transaction Privilege and Use Tax License shall be liable to the City for all applicable fees and penalties and shall be subject to the provisions of Sections 3.14-580 and 3.14-590, to the same extent as if such fees and penalties were taxes and penalties under such Sections.

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

Sec. 3.14-340. Licensing; cancellation; revocation.

- (a) Cancellation. The Tax Collector may cancel the Transaction Privilege and Use Tax License of any licensee as "inactive" if the taxpayer, required to report monthly, has neither filed any return nor remitted any taxes imposed by this Chapter for a period of six (6) consecutive months; or, if required to report quarterly, has neither filed any return nor remitted any taxes imposed by this Chapter for two (2) consecutive quarters; or, if required to report annually, has neither filed any return nor remitted any taxes imposed by this Chapter when such annual report and tax are due to be filed with and remitted to the Tax Collector.
- (b) Revocation. If any licensee fails to pay any tax, interest, penalty, fee, or sum required to be paid under this Chapter, or if such licensee fails to comply with any other provisions of this Chapter, the Tax Collector may revoke the Transaction Privilege and Use Tax License of said licensee.
- (c) Notice and Hearing. The Tax Collector shall deliver notice to such licensee of cancellation or revocation of the Transaction Privilege and Use Tax License. If the licensee requests a hearing within twenty (20) days of receipt of such notice, he shall be granted a hearing before the Tax Collector.
- (d) After cancellation or revocation of a taxpayer's license, the taxpayer shall not be issued a new license until all reports have been filed; all fees, taxes, interest, and penalties due have been paid; and he is in compliance with all provisions of this Chapter.

Sec. 3.14-350. Operating without a license.

It shall be unlawful for any person who is required by this Chapter to obtain a Transaction Privilege and Use Tax License to engage in or continue in business without a license. The Tax Collector shall assess any delinquencies in tax, interest, and penalties which may apply against such person upon any transactions subject to the taxes imposed by this Chapter.

Sec. 3.14-360. Recordkeeping requirements.

- (a) It shall be the duty of every person subject to the tax imposed by this Chapter to keep and preserve suitable records and such other books and accounts as may be necessary to determine the amount of tax for which he is liable under this Chapter. The books and records must contain, at a minimum, such detail and summary information as may be required by this Article; Or when records are maintained within an electronic data processing (EDP) system, the requirements established by the Arizona Department of Revenue for Privilege Tax filings will be accepted. It shall be the duty of every person to keep and preserve such books and records for a period equal to the applicable limitation period for assessment of tax, and all such books and records shall be open for inspection by the Tax Collector during any business day.
- (b) The Tax Collector may direct, by letter, a specific taxpayer to keep specific other books, records, and documents. Such letter directive shall apply:

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

- (1) only for future reporting periods, and
- (2) only by express determination of the Tax Collector that such specific recordkeeping is necessary due to the inability of the taxing jurisdiction to conduct an adequate examination of the past activities of the taxpayer, which inability resulted from inaccurate or inadequate books, records, or documentation maintained by the taxpayer.

Sec. 3.14-362. Recordkeeping: income.

The minimum records required for persons having gross income subject to, or exempt or excluded from, tax by this Chapter must show:

- (a) The gross income of the taxpayer attributable to any activity occurring in whole or in part in the City.
- (b) The gross income taxable under this Chapter, divided into categories as stated in the official City tax return.
- (c) The gross income subject to Arizona Transaction Privilege Taxes, divided into categories as stated in the official State tax return.
- (d) The gross income claimed to be exempt, and with respect to each activity or transaction so claimed:
 - (1) If the transaction is claimed to be exempt as a sale for resale or as a sale, rental, lease, or license for use of rental equipment:
 - (A) The City Privilege License number and State Transaction Privilege Tax License number of the customer (or the equivalent city, if applicable, and state tax numbers of the municipality and state where the customer resides), and
 - (B) The name, business address, and business activity of the customer, and
 - (C) Evidence sufficient to persuade a reasonably prudent businessman that the transaction is believed to be in good faith a purchase for resale, or a purchase, rental, lease, or license for use of rental equipment, by the vendee in the ordinary and regular course of his business activity, as provided by Regulation.
 - (2) If the transaction is claimed to be exempt for any other reason:
 - (A) The name, business address, and business activity of the customer, and
 - (B) Evidence which would establish the applicability of the exemption to a reasonably prudent businessman acting in good faith. Ordinary business documentation which would reasonably indicate the applicability of an exemption shall be sufficient to relieve the person on whom the tax would otherwise be imposed from liability therein, if he acts in good faith as provided by Regulation.
- (e) With respect to those allowed deductions or exclusions for tax collected or charges for delivery or other direct customer services, where applicable, evidence that the deductible income has been separately stated and shown on the records of the taxpayer and on invoices or receipts provided to

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

the customer. All other deductions, exemptions, and exclusions shall be separately shown and substantiated.

- (f) With respect to special classes and activities, such other books, records, and documentation as the Tax Collector, by Regulation, shall deem necessary for specific classes of taxpayer by reason of the specialized business activity of any such class.
- (g) In all cases, the books and records of the taxpayer shall indicate both individual transaction amounts and totals for each reporting period for each category of taxable, exempt, and excluded income defined by this Chapter.

Sec. 3.14-364. Recordkeeping: expenditures.

The minimum records required for persons having expenditures, costs, purchases and rental or lease or license expenses subject to, or exempt or excluded from, tax by this Chapter are:

- (a) The total price of all goods acquired for use or storage in the City.
- (b) The date of acquisition and the name and business address of the seller or lessor of all goods acquired for use or storage in the City.
- (c) Documentation of taxes, freight, and direct customer service labor separately charged and paid for each purchase, rental, lease, or license.
- (d) The gross price of each acquisition claimed as exempt from tax, and with respect to each transaction so claimed, sufficient evidence to satisfy the Tax Collector that the exemption claimed is applicable.
- (e) As applicable to each taxpayer, documentation sufficient to the Tax Collector, so that he may ascertain:
 - (1) All construction expenditures and all Privilege and Use Taxes claimed paid, relating to owner-builders and speculative builders.
 - (2) Disbursement of collected gratuities and related payroll information required of restaurants.
 - (3) (Reserved)
 - (A) (Reserved)
 - (B) (Reserved)
 - (4) The validity of any claims of proof of exemption.
 - (5) A claimed alternative prior value for reconstruction.
 - (6) All claimed exemptions to the Use Tax imposed by Article VI of this Chapter.
 - (7) Costs used to compute the "computed charge" claimed for retail service and repair.
 - (8) Payments of tax to the Arizona Department of Transportation and computations therefor, when a motor-vehicle transporter claims such the exemption.

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

- (9) Payments by tenants subject to the tax upon Rental Occupancy imposed by Section 3.14-440.
- (f) Any additional documentation as the Tax Collector, by Regulation, shall deem necessary for any specific class of taxpayer by reason of the specialized business activity of specific exemptions afforded to that class of taxpayer.
- (g) In all cases, the books and records of the taxpayer shall indicate both individual transaction amounts and totals for each reporting period for each category of taxable, exempt, and excluded expenditures as defined by this Chapter.

Sec. 3.14-366. Recordkeeping: out-of-City and out-of-State sales.

- (a) Out-of-City Sales. Any person engaging or continuing in a business who claims out-of-City sales shall maintain and keep accounting records or books indicating separately the gross income from the sales of tangible personal property from such out-of-City branches or locations.
- (b) Out-of-State Sales. Persons engaged in a business claiming out-of-State sales shall maintain accounting records or books indicating for each out-of-State sale the following documentation:
 - (1) documentation of location of the buyer at the time of order placement; and
 - (2) shipping, delivery, or freight documents showing where the buyer took delivery; and
 - (3) documentation of intended location of use or storage of the tangible personal property sold to such buyer.

Sec. 3.14-370. Recordkeeping: claim of exclusion, exemption, deduction, or credit; documentation; liability.

- (a) All deductions, exclusions, exemptions and credits provided in this Chapter are conditional upon adequate proof and documentation of such as may be required under A.R.S. Section 42-5022 or by this Chapter or Regulation.
- (b) Any person who claims and receives an exemption, deduction, exclusion, or credit to which he is not entitled under this Chapter, shall be subject to, liable for, and pay the tax on the transaction as if the vendor subject to the tax had passed the burden of the payment of the tax to the person wrongfully claiming the exemption. A person who wrongfully claimed such exemption shall be treated as if he is delinquent in the payment of the tax and shall be subject to interest and penalties upon such delinquency. However, if the tax is collected from the vendor on such transaction it shall not again be collected from the person claiming the exemption, or if collected from the person claiming the exemption it shall not also be collected from the vendor.

Sec. 3.14-372. Proof of exemption: sale for resale; sale, rental, lease, or license of rental equipment.

A claim of purchase for resale or of purchase, rental, lease, or license for rent, lease, or license is valid only if the evidence is sufficient to persuade a reasonably prudent businessman that the particular item is being

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

acquired for resale or for rental, lease, or license in the ordinary course of business. The fact that the acquiring person possesses a Privilege License number and makes a verbal claim of "sale for resale or lease" or "lease for re-lease" does not meet this burden and is insufficient to justify an exemption. The "reasonable evidence" must be evidence which exists objectively, and not merely in the mind of the vendor, that the property being acquired is normally sold, rented, leased, or licensed by the acquiring person in the ordinary course of business. Failure to obtain such reasonable evidence at the time of the transaction will be a basis for disallowance of any claimed deduction on returns filed for such transactions.

Sec. 3.14-380. Inadequate or unsuitable records.

In the event the records provided by the taxpayer are considered by the Tax Collector to be inadequate or unsuitable to determine the amount of the tax for which such taxpayer is liable under the provisions of this Chapter, it is the responsibility of the taxpayer either:

- (a) to provide such other records required by this Chapter or Regulation; or
- (b) to correct or to reconstruct his records, to the satisfaction of the Tax Collector.

This change also eliminates the following Regulations, effective January 1, 2015:

~~Regulation 3.14-300.1. Who must apply for a license.~~

~~Regulation 3.14-300.2. (Reserved)~~

~~Regulation 3.14-310.1. (Reserved)~~

~~Regulation 3.14-310.2. (Reserved)~~

~~Regulation 3.14-310.3. (Reserved)~~

~~Regulation 3.14-350.1. Recordkeeping: income.~~

~~Regulation 3.14-350.2. Recordkeeping: expenditures.~~

~~Regulation 3.14-350.3. Recordkeeping: out-of-City and out-of-State sales.~~

~~Regulation 3.14-360.1. Proof of exemption: sale for resale; sale, rental, lease or license of rental equipment.~~

~~Regulation 3.14-360.2. Proof of exemption: exemption certificate.~~

Section V. Model City Tax Code Section 3.14-422, Local Option #LL is amended as follows to correct an obsolete reference, with an effective date of July 20, 2011.

Sec. 3.14-422. (Reserved)

**2012-2014 AMENDMENTS TO THE
TAX CODE OF THE CITY OF SURPRISE**

Section VI. Model City Tax Code Section 3.14-425 is amended as follows to eliminate Local Option #MM, which will no longer be used by any city or town, effective July 1, 2012. New subsection (7) is added with an effective date of September 21, 2006.

Sec. 3.14-425. Job printing.

- (a) The tax rate shall be at an amount equal to two and two-tenths percent (2.2%) of the gross income from the business activity upon every person engaging or continuing in the business of job printing, which includes engraving of printing plates, embossing, copying, micrographics, and photo reproduction.
- (b) The tax imposed by this Section shall not apply to:
 - (1) job printing purchased for the purpose of resale by the purchaser in the form supplied by the job printer.
 - (2) out-of-City sales.
 - (3) out-of-State sales.
 - (4) (Reserved)
 - (5) sales of job printing to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property sold is for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.
 - (6) (Reserved)
 - (7) SALES OF POSTAGE AND FREIGHT EXCEPT THAT THE AMOUNT DEDUCTED SHALL NOT EXCEED THE ACTUAL POSTAGE AND FREIGHT EXPENSE THAT IS PAID TO THE UNITED STATES POSTAL SERVICE OR A COMMERCIAL DELIVERY SERVICE AND THAT IS SEPARATELY ITEMIZED BY THE TAXPAYER ON THE CUSTOMER'S INVOICE AND IN THE TAXPAYER'S RECORDS.

Section VII. Model City Tax Code Section 3.14-445 is amended as follows, with an effective date of July 1, 2013.

Sec. 3.14-445. Rental, leasing, and licensing for use of real property.

- (a) The tax rate shall be at an amount equal to two and two-tenths percent (2.2%) of the gross income from the business activity upon every person engaging or continuing in the business of leasing or

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

renting real property located within the City for a consideration, to the tenant in actual possession, or the licensing for use of real property to the final licensee located within the City for a consideration including any improvements, rights, or interest in such property; provided further that:

- (1) Payments made by the lessee to, or on behalf of, the lessor for property taxes, repairs, or improvements are considered to be part of the taxable gross income.
 - (2) Charges for such items as telecommunications, utilities, pet fees, or maintenance are considered to be part of the taxable gross income.
 - (3) However, if the lessor engages in telecommunication activity, as evidenced by installing individual metering equipment and by billing each tenant based upon actual usage, such activity is taxable under Section 3.14-470.
- (b) If individual utility meters have been installed for each tenant and the lessor separately charges each single tenant for the exact billing from the utility company, such charges are exempt.
- (c) Charges by a qualifying hospital, qualifying community health center or a qualifying health care organization to patients of such facilities for use of rooms or other real property during the course of their treatment by such facilities are exempt.
- (d) Charges for joint pole usage by a person engaged in the business of providing or furnishing utility or telecommunication services to another person engaged in the business of providing or furnishing utility or telecommunication services are exempt from the tax imposed by this Section.
- (e) Exempt from the tax imposed by this Section is gross income derived from the rental, leasing, or licensing for use of real property to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property so rented, leased, or licensed is for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.
- (f) A person who has less than two (2) apartments, houses, trailer spaces, or other lodging spaces rented, leased or licensed or available for rent, lease, or license within the State and no units of commercial property for rent, lease, or license within the State, is not deemed to be in the rental business, and is therefore exempt from the tax imposed by this Section on such income. However, a person who has one (1) or more units of commercial property is subject to the tax imposed by this Section on rental, lease and license income from all such lodging spaces and commercial units of real estate even though said person may have fewer than two (2) lodging spaces.
- (g) (Reserved)
- (h) (Reserved)
- (i) (Reserved)
- (j) Exempt from the tax imposed by this Section is gross income derived from the activities taxable under Section 3.14-444 of this Code.
- (k) (Reserved)
- (l) (Reserved)

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

- (m) (Reserved)
- (n) Notwithstanding the provisions of Section 3.14-200(b), the fair market value of one (1) apartment, in an apartment complex provided rent free to an employee of the apartment complex is not subject to the tax imposed by this Section. For an apartment complex with more than fifty (50) units, an additional apartment provided rent free to an employee for every additional fifty (50) units is not subject to the tax imposed by this Section.
- (o) Income derived from incarcerating or detaining prisoners who are under the jurisdiction of the United States, this State or any other state or a political subdivision of this State or of any other state in a privately operated prison, jail or detention facility is exempt from the tax imposed by this Section.
- (p) Charges by any hospital, any licensed nursing care institution, or any kidney dialysis facility to patients of such facilities for the use of rooms or other real property during the course of their treatment by such facilities are exempt.
- (q) Charges to patients receiving "personal care" or "directed care", by any licensed assisted living facility, licensed assisted living center or licensed assisted living home as defined and licensed pursuant to Chapter 4 Title 36 Arizona Revised Statutes and Title 9 of the Arizona Administrative Code are exempt.
- (r) Income received from the rental of any "low-income unit" as established under Section 42 of the Internal Revenue Code, including the low-income housing credit provided by IRC Section 42, to the extent that the collection of tax on rental income causes the "gross rent" defined by IRC Section 42 to exceed the income limitation for the low-income unit is exempt. This exemption also applies to income received from the rental of individual rental units subject to statutory or regulatory "low-income unit" rent restrictions similar to IRC Section 42 to the extent that the collection of tax from the tenant causes the rental receipts to exceed a rent restriction for the low-income unit. This subsection also applies to rent received by a person other than the owner or lessor of the low-income unit, including a broker. This subsection does not apply unless a taxpayer maintains the documentation to support the qualification of a unit as a low-income unit, the "gross rent" limitation for the unit and the rent received from that unit.
- (s) ~~The gross proceeds of sales or gross income derived from a commercial lease in which a reciprocal insurer or a corporation leases real property to an affiliated corporation is exempt. For the purposes of this paragraph:~~
 - (1) ~~“Affiliated corporation” means a corporation that meets one of the following conditions:~~
 - (A) ~~The corporation owns or controls at least eighty percent of the lessor.~~
 - (B) ~~The corporation is at least eighty percent owned or controlled by the lessor.~~
 - (C) ~~The corporation is at least eighty percent owned or controlled by a corporation that also owns or controls at least eighty percent of the lessor.~~
 - (D) ~~The corporation is at least eighty percent owned or controlled by a corporation that is at least eighty percent owned or controlled by a reciprocal insurer.~~

**2012-2014 AMENDMENTS TO THE
TAX CODE OF THE CITY OF SURPRISE**

- (2) ~~For the purposes of subsection (1), ownership and control are determined by reference to the voting shares of a corporation.~~
- (3) ~~“Reciprocal insurer” has the same meaning as prescribed in A.R.S. Section 20-762.~~
- (S) THE GROSS PROCEEDS OF A COMMERCIAL LEASE OF REAL PROPERTY BETWEEN AFFILIATED COMPANIES, BUSINESSES, PERSONS OR RECIPROCAL INSURERS ARE EXEMPT. FOR THE PURPOSES OF THIS PARAGRAPH:
- (1) "AFFILIATED COMPANIES, BUSINESSES, PERSONS OR RECIPROCAL INSURERS" MEANS THE LESSOR HOLDS A CONTROLLING INTEREST IN THE LESSEE, THE LESSEE HOLDS A CONTROLLING INTEREST IN THE LESSOR, AN AFFILIATED ENTITY HOLDS A CONTROLLING INTEREST IN BOTH THE LESSOR AND THE LESSEE OR AN UNRELATED PERSON HOLDS A CONTROLLING INTEREST IN BOTH THE LESSOR AND LESSEE.
- (2) "CONTROLLING INTEREST" MEANS DIRECT OR INDIRECT OWNERSHIP OF AT LEAST EIGHTY PERCENT (80%) OF THE VOTING SHARES OF A CORPORATION OR OF THE INTERESTS IN A COMPANY, BUSINESS OR PERSON OTHER THAN A CORPORATION.
- (3) "RECIPROCAL INSURER" HAS THE SAME MEANING AS PRESCRIBED IN A.R.S. SECTION 20-762.

Section VIII. Model City Tax Code Section 3.14-450 is amended as follows, with an effective date of September 1, 2004.

Sec. 3.14-450. Rental, leasing, and licensing for use of tangible personal property.

- (a) The tax rate shall be at an amount equal to two and two-tenths percent (2.2%) of the gross income from the business activity upon every person engaging or continuing in the business of leasing, licensing for use, or renting tangible personal property for a consideration, including that which is semi-permanently or permanently installed within the City as provided by Regulation.
- (b) Special provisions relating to long-term motor vehicle leases. A lease transaction involving a motor vehicle for a minimum period of twenty-four (24) months shall be considered to have occurred at the location of the motor vehicle dealership, rather than the location of the place of business of the lessor, even if the lessor's interest in the lease and its proceeds are sold, transferred, or otherwise assigned to a lease financing institution; provided further that the city or town where such motor vehicle dealership is located levies a Privilege Tax or an equivalent excise tax upon the transaction.
- (c) Gross income derived from the following transactions shall be exempt from Privilege Taxes imposed by this Section:

**2012-2014 AMENDMENTS TO THE
TAX CODE OF THE CITY OF SURPRISE**

- (1) rental, leasing, or licensing for use of tangible personal property to persons engaged or continuing in the business of leasing, licensing for use, or rental of such property.
- (2) rental, leasing, or licensing for use of tangible personal property that is semi-permanently or permanently installed within another city or town that levies an equivalent excise tax on the transaction.
- (3) rental, leasing, or licensing for use of film, tape, or slides to a theater or other person taxed under Section 3.14-410, or to a radio station, television station, or subscription television system.
- (4) rental, leasing, or licensing for use of the following:
 - (A) prosthetics.
 - (B) income-producing capital equipment.
 - (C) mining and metallurgical supplies.

These exemptions include the rental, leasing, or licensing for use of tangible personal property which, if it had been purchased instead of leased, rented, or licensed by the lessee or licensee, would qualify as income-producing capital equipment or mining and metallurgical supplies.

- (5) rental, leasing, or licensing for use of tangible personal property to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property so rented, leased, or licensed is for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512 or rental, leasing, or licensing for use of tangible personal property in this State by a nonprofit charitable organization that has qualified under Section 501(c)(3) of the United States Internal Revenue Code and that engages in and uses such property exclusively for training, job placement or rehabilitation programs or testing for mentally or physically handicapped persons.
- (6) separately billed charges for delivery, installation, repair, and/or maintenance as provided by Regulation.
- (7) charges for joint pole usage by a person engaged in the business of providing or furnishing utility or telecommunication services to another person engaged in the business of providing or furnishing utility or telecommunication services.
- (8) (Reserved)
- (9) rental, leasing, or licensing of aircraft that would qualify as aircraft acquired for use outside the State, as prescribed by Regulation, if such rental, leasing, or licensing had been a sale.
- (10) rental, leasing and licensing for use of an alternative fuel vehicle if such vehicle was manufactured as a diesel fuel vehicle and converted to operate on alternative fuel and equipment that is installed in a conventional diesel fuel motor vehicle to convert the vehicle to operate on an alternative fuel, as defined in A.R.S. Section 1-215.

**2012-2014 AMENDMENTS TO THE
TAX CODE OF THE CITY OF SURPRISE**

- (11) rental, leasing, and licensing for use of solar energy devices, for taxable periods beginning from and after July 1, 2008. The lessor shall register with the Department of Revenue as a solar energy retailer. By registering, the lessor acknowledges that it will make its books and records relating to leases of solar energy devices available to the Department of Revenue and City, as applicable, for examination.
- (12) LEASING OR RENTING CERTIFIED IGNITION INTERLOCK DEVICES INSTALLED PURSUANT TO THE REQUIREMENTS PRESCRIBED BY A.R.S. SECTION 28-1461. FOR THE PURPOSES OF THIS PARAGRAPH, "CERTIFIED IGNITION INTERLOCK DEVICE" HAS THE SAME MEANING PRESCRIBED IN A.R.S. SECTION 28-1301.

Section IX. Model City Tax Code Section 3.14-460 is amended as follows, with an effective date of October 1, 2007.

Sec. 3.14-460. Retail sales: measure of tax; burden of proof; exclusions.

- (a) The tax rate shall be at an amount equal to two and two-tenths percent (2.2%) of the gross income from the business activity upon every person engaging or continuing in the business of selling tangible personal property at retail.
- (b) The burden of proving that a sale of tangible personal property is not a taxable retail sale shall be upon the person who made the sale.
- (c) Exclusions. For the purposes of this Chapter, sales of tangible personal property shall not include:
- (1) sales of stocks, bonds, options, or other similar materials.
 - (2) sales of lottery tickets or shares pursuant to Article I, Chapter 5, Title 5, Arizona Revised Statutes.
 - (3) sales of platinum, bullion, or monetized bullion, except minted or manufactured coins transferred or acquired primarily for their numismatic value as prescribed by Regulation.
 - (4) gross income derived from the transfer of tangible personal property which is specifically included as the gross income of a business activity upon which another Section of this Article imposes a tax, shall be considered gross income of that business activity, and are not includable as gross income subject to the tax imposed by this Section.
 - (5) sales by professional or personal service occupations where such sales are inconsequential elements of the service provided.
 - (6) SALES OF CASH EQUIVALENTS. THE GROSS PROCEEDS OF SALES OR GROSS INCOME DERIVED FROM THE REDEMPTION OF ANY CASH EQUIVALENT BY THE HOLDER AS A MEANS OF PAYMENT FOR GOODS OR SERVICES THAT ARE TAXABLE UNDER THIS ARTICLE IS SUBJECT TO THE TAX. "CASH EQUIVALENTS" MEANS ITEMS OR INTANGIBLES, WHETHER OR NOT

**2012-2014 AMENDMENTS TO THE
TAX CODE OF THE CITY OF SURPRISE**

NEGOTIABLE, THAT ARE SOLD TO ONE OR MORE PERSONS, THROUGH WHICH A VALUE DENOMINATED IN MONEY IS PURCHASED IN ADVANCE AND MAY BE REDEEMED IN FULL OR IN PART FOR TANGIBLE PERSONAL PROPERTY, INTANGIBLES OR SERVICES. CASH EQUIVALENTS INCLUDE GIFT CARDS, STORED VALUE CARDS, GIFT CERTIFICATES, VOUCHERS, TRAVELER'S CHECKS, MONEY ORDERS OR OTHER INSTRUMENTS, ORDERS OR ELECTRONIC MECHANISMS, SUCH AS AN ELECTRONIC CODE, PERSONAL IDENTIFICATION NUMBER OR DIGITAL PAYMENT MECHANISM, OR ANY OTHER PREPAID INTANGIBLE RIGHT TO ACQUIRE TANGIBLE PERSONAL PROPERTY, INTANGIBLES OR SERVICES IN THE FUTURE, WHETHER FROM THE SELLER OF THE CASH EQUIVALENT OR FROM ANOTHER PERSON. CASH EQUIVALENTS DO NOT INCLUDE EITHER OF THE FOLLOWING:

- (A) ITEMS OR INTANGIBLES THAT ARE SOLD TO ONE OR MORE PERSONS, THROUGH WHICH A VALUE IS NOT DENOMINATED IN MONEY.
- (B) PREPAID CALLING CARDS OR PREPAID AUTHORIZATION NUMBERS FOR TELECOMMUNICATIONS SERVICES MADE TAXABLE BY SUBSECTION (g) OF THIS SECTION.

- (d) (Reserved)
- (e) When this City and another Arizona city or town with an equivalent excise tax could claim nexus for taxing a retail sale, the city or town where the permanent business location of the seller at which the order was received shall be deemed to have precedence, and for the purposes of this Chapter such city or town has sole and exclusive right to such tax.
- (f) The appropriate tax liability for any retail sale where the order is received at a permanent business location of the seller located in this City or in an Arizona city or town that levies an equivalent excise tax shall be at the tax rate of the city or town of such seller's location.
- (g) Retail sales of prepaid calling cards or prepaid authorization numbers for telecommunications services, including sales of reauthorization of a prepaid card or authorization number, are subject to tax under this Section.

Section X. Model City Tax Code Section 3.14-462 is added as follows, with an effective date of July 1, 2013.

SEC. 3.14-462. RETAIL SALES: FOOD FOR HOME CONSUMPTION.

- (a) THE TAX RATE SHALL BE AT AN AMOUNT EQUAL TO ZERO PERCENT (0%) OF THE GROSS INCOME FROM THE BUSINESS ACTIVITY UPON EVERY PERSON ENGAGING OR CONTINUING IN THE BUSINESS OF SELLING FOOD FOR HOME CONSUMPTION AT RETAIL.

**2012-2014 AMENDMENTS TO THE
TAX CODE OF THE CITY OF SURPRISE**

(b) FOR THE PURPOSES OF THIS SECTION ONLY, THE FOLLOWING DEFINITIONS SHALL BE APPLICABLE:

- (1) "ELIGIBLE GROCERY BUSINESS" MEANS AN ESTABLISHMENT WHOSE SALES OF FOOD ARE SUCH THAT IT IS ELIGIBLE TO PARTICIPATE IN THE FOOD STAMP PROGRAM ESTABLISHED BY THE FOOD STAMP ACT OF 1977 (P.L. 95-113; 91 STAT. 958.7 U.S.C. SECTION 2011 ET SEQ.), ACCORDING TO REGULATIONS IN EFFECT ON JANUARY 1, 1979. AN ESTABLISHMENT IS DEEMED ELIGIBLE TO PARTICIPATE IN THE FOOD STAMP PROGRAM IF IT IS AUTHORIZED TO PARTICIPATE IN THE PROGRAM BY THE UNITED STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE FIELD OFFICE ON THE EFFECTIVE DATE OF THIS SECTION, OR IF, PRIOR TO A REPORTING PERIOD FOR WHICH THE RETURN IS FILED, SUCH RETAILER PROVES TO THE SATISFACTION OF THE TAX COLLECTOR THAT THE ESTABLISHMENT, BASED ON THE NATURE OF THE RETAILER'S FOOD SALES, COULD BE ELIGIBLE TO PARTICIPATE IN THE FOOD STAMP PROGRAM ESTABLISHED BY THE FOOD STAMP ACT OF 1977 ACCORDING TO REGULATIONS IN EFFECT ON JANUARY 1, 1979.**
- (2) "FACILITIES FOR THE CONSUMPTION OF FOOD" MEANS TABLES, CHAIRS, BENCHES, BOOTHS, STOOLS, COUNTERS, AND SIMILAR CONVENIENCES, TRAYS, GLASSES, DISHES, OR OTHER TABLEWARE AND PARKING AREAS FOR THE CONVENIENCE OF IN-CAR CONSUMPTION OF FOOD IN OR ON THE PREMISES ON WHICH THE RETAILER CONDUCTS BUSINESS.**
- (3) "FOOD FOR CONSUMPTION ON THE PREMISES" MEANS ANY OF THE FOLLOWING:**
 - (A) "HOT PREPARED FOOD" AS DEFINED BELOW.**
 - (B) HOT OR COLD SANDWICHES.**
 - (C) FOOD SERVED BY AN ATTENDANT TO BE EATEN AT TABLES, CHAIRS, BENCHES, BOOTHS, STOOLS, COUNTERS, AND SIMILAR CONVENIENCES AND WITHIN PARKING AREAS FOR THE CONVENIENCE OF IN-CAR CONSUMPTION OF FOOD.**
 - (D) FOOD SERVED WITH TRAYS, GLASSES, DISHES, OR OTHER TABLEWARE.**
 - (E) BEVERAGES SOLD IN CUPS, GLASSES, OR OPEN CONTAINERS.**
 - (F) FOOD SOLD BY CATERERS.**
 - (G) FOOD SOLD WITHIN THE PREMISES OF THEATRES, MOVIES, OPERAS, SHOWS OF ANY TYPE OR NATURE, EXHIBITIONS, CONCERTS, CARNIVALS, CIRCUSES, AMUSEMENT PARKS, FAIRS, RACES, CONTESTS, GAMES, ATHLETIC EVENTS, RODEOS, BILLIARD AND POOL PARLORS, BOWLING ALLEYS, PUBLIC DANCES, DANCE HALLS, BOXING, WRESTLING AND OTHER MATCHES, AND ANY BUSINESS**

**2012-2014 AMENDMENTS TO THE
TAX CODE OF THE CITY OF SURPRISE**

WHICH CHARGES ADMISSION, ENTRANCE, OR COVER FEES FOR EXHIBITION, AMUSEMENT, ENTERTAINMENT, OR INSTRUCTION.

- (H) ANY ITEMS CONTAINED IN SUBSECTIONS (b)(3)(A) THROUGH (G) ABOVE EVEN THOUGH THEY ARE SOLD ON A "TAKE-OUT" OR "TO GO" BASIS, AND WHETHER OR NOT THE ITEM IS PACKAGED, WRAPPED, OR IS ACTUALLY TAKEN FROM THE PREMISES.
- (4) "HOT PREPARED FOOD" MEANS THOSE PRODUCTS, ITEMS, OR INGREDIENTS OF FOOD WHICH ARE PREPARED AND INTENDED FOR CONSUMPTION IN A HEATED CONDITION. "HOT PREPARED FOOD" INCLUDES A COMBINATION OF HOT AND COLD FOOD ITEMS OR INGREDIENTS IF A SINGLE PRICE HAS BEEN ESTABLISHED.
- (5) "PREMISES" MEANS THE TOTAL SPACE AND FACILITIES IN OR ON WHICH A VENDOR CONDUCTS BUSINESS AND WHICH ARE OWNED OR CONTROLLED, IN WHOLE OR IN PART, BY A VENDOR OR WHICH ARE MADE AVAILABLE FOR THE USE OF CUSTOMERS OF THE VENDOR OR GROUP OF VENDORS, INCLUDING ANY BUILDING OR PART OF A BUILDING, PARKING LOT, OR GROUNDS.
- (6) "FOOD FOR HOME CONSUMPTION" MEANS ALL FOOD, EXCEPT FOOD FOR CONSUMPTION ON THE PREMISES, IF SOLD BY ANY OF THE FOLLOWING:
- (A) AN ELIGIBLE GROCERY BUSINESS.
- (B) A PERSON WHO CONDUCTS A BUSINESS WHOSE PRIMARY BUSINESS IS NOT THE SALE OF FOOD BUT WHO SELLS FOOD WHICH IS DISPLAYED, PACKAGED, AND SOLD IN A SIMILAR MANNER AS AN ELIGIBLE GROCERY BUSINESS.
- (C) A PERSON WHO SELLS FOOD AND DOES NOT PROVIDE OR MAKE AVAILABLE ANY FACILITIES FOR THE CONSUMPTION OF FOOD ON THE PREMISES.
- (D) A PERSON WHO CONDUCTS A DELICATESSEN BUSINESS EITHER FROM A COUNTER WHICH IS SEPARATE FROM THE PLACE AND CASH REGISTER WHERE TAXABLE SALES ARE MADE OR FROM A COUNTER WHICH HAS TWO CASH REGISTERS AND WHICH ARE USED TO RECORD TAXABLE AND TAX EXEMPT SALES, OR A RETAILER WHO CONDUCTS A DELICATESSEN BUSINESS WHO USES A CASH REGISTER WHICH HAS AT LEAST TWO TAX COMPUTING KEYS WHICH ARE USED TO RECORD TAXABLE AND TAX EXEMPT SALES.
- (E) VENDING MACHINES AND OTHER TYPES OF AUTOMATIC RETAILERS.
- (F) A PERSON'S SALES OF FOOD, DRINK AND CONDIMENT FOR CONSUMPTION WITHIN THE PREMISES OF ANY PRISON, JAIL OR OTHER INSTITUTION UNDER THE JURISDICTION OF THE STATE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF PUBLIC

**2012-2014 AMENDMENTS TO THE
TAX CODE OF THE CITY OF SURPRISE**

SAFETY, THE DEPARTMENT OF JUVENILE CORRECTIONS OR A
COUNTY SHERIFF.

(c) INCOME DERIVED FROM THE FOLLOWING SOURCES IS EXEMPT FROM THE TAX
IMPOSED BY THIS SECTION:

- (1) SALES OF FOOD FOR HOME CONSUMPTION TO A PERSON REGULARLY
ENGAGED IN THE BUSINESS OF SELLING SUCH PROPERTY.
- (2) OUT-OF-CITY SALES OR OUT-OF-STATE SALES.
- (3) CHARGES FOR DELIVERY OR OTHER "DIRECT CUSTOMER SERVICES" AS
PRESCRIBED BY REGULATION.
- (4) FOOD PURCHASED WITH FOOD STAMPS PROVIDED THROUGH THE FOOD
STAMP PROGRAM ESTABLISHED BY THE FOOD STAMP ACT OF 1977 (P.L. 95-
113; 91 STAT. 958.7 U.S.C. SECTION 2011 ET SEQ.) OR PURCHASED WITH FOOD
INSTRUMENTS ISSUED UNDER SECTION 17 OF THE CHILD NUTRITION ACT
(P.L. 95-627; 92 STAT. 3603; AND P.L. 99-669; SECTION 4302; 42 UNITED STATES
CODE SECTION 1786) BUT ONLY TO THE EXTENT THAT FOOD STAMPS OR
FOOD INSTRUMENTS WERE ACTUALLY USED TO PURCHASE SUCH FOOD.
- (5) SALES OF FOOD PRODUCTS BY PRODUCERS AS PROVIDED FOR BY A.R.S.
SECTIONS 3-561, 3-562 AND 3-563.
- (6) SALES OF FOOD, BEVERAGES, CONDIMENTS AND ACCESSORIES TO A
PUBLIC EDUCATIONAL ENTITY, PURSUANT TO ANY OF THE PROVISIONS OF
TITLE 15, ARIZONA REVISED STATUTES, INCLUDING A REGULARLY
ORGANIZED PRIVATE OR PAROCHIAL SCHOOL THAT OFFERS AN
EDUCATIONAL PROGRAM FOR GRADE TWELVE (12) OR UNDER WHICH MAY
BE ATTENDED IN SUBSTITUTION FOR A PUBLIC SCHOOL PURSUANT TO
A.R.S. SECTION 15-802 ; TO THE EXTENT SUCH ITEMS ARE TO BE PREPARED
OR SERVED TO INDIVIDUALS FOR CONSUMPTION ON THE PREMISES OF A
PUBLIC EDUCATIONAL ENTITY DURING SCHOOL HOURS. FOR THE
PURPOSES OF THIS SUBSECTION, "ACCESSORIES" MEANS PAPER PLATES,
PLASTIC EATING UTENSILS, NAPKINS, PAPER CUPS, DRINKING STRAWS,
PAPER SACKS OR OTHER DISPOSABLE CONTAINERS, OR OTHER ITEMS
WHICH FACILITATE THE CONSUMPTION OF THE FOOD.
- (7) SALES OF FOOD, BEVERAGES, CONDIMENTS AND ACCESSORIES TO A
NONPROFIT CHARITABLE ORGANIZATION THAT HAS QUALIFIED AS AN
EXEMPT ORGANIZATION UNDER 26 U.S.C. SECTION 501(C)(3) AND
REGULARLY SERVES MEALS TO THE NEEDY AND INDIGENT ON A
CONTINUING BASIS AT NO COST. FOR THE PURPOSES OF THIS SUBSECTION,
"ACCESSORIES" MEANS PAPER PLATES, PLASTIC EATING UTENSILS,
NAPKINS, PAPER CUPS, DRINKING STRAWS, PAPER SACKS OR OTHER
DISPOSABLE CONTAINERS, OR OTHER ITEMS WHICH FACILITATE THE

**2012-2014 AMENDMENTS TO THE
TAX CODE OF THE CITY OF SURPRISE**

CONSUMPTION OF THE FOOD.

- (d) REPORTING. SUCH PERSONS WHO SELL FOOD FOR HOME CONSUMPTION SHALL, IN CONJUNCTION WITH THE RETURN REQUIRED PURSUANT TO SECTION 3.14-520, REPORT TO THE TAX COLLECTOR IN A MANNER PRESCRIBED BY THE TAX COLLECTOR ALL SALES OF FOOD FOR HOME CONSUMPTION EXEMPTED FROM TAXES IMPOSED BY THIS CHAPTER.
- (e) RECORDKEEPING.
- (1) RETAILERS SHALL MAINTAIN ACCURATE, VERIFIABLE, AND COMPLETE RECORDS OF ALL PURCHASES AND SALES OF TANGIBLE PERSONAL PROPERTY IN ORDER TO VERIFY EXEMPTIONS FROM TAXES IMPOSED BY THIS CHAPTER. A RETAILER MAY USE ANY METHOD OF REPORTING THAT PROPERLY REFLECTS ALL PURCHASES AND SALES OF FOOD FOR HOME CONSUMPTION, AS WELL AS ALL PURCHASES AND SALES OF ITEMS SUBJECT TO TAXES IMPOSED BY THIS CHAPTER, PROVIDED THAT SUCH RECORDS ARE MAINTAINED IN ACCORDANCE WITH ARTICLE III, AND REGULATIONS OF THE TAX COLLECTOR.
- (2) ANY PERSON WHO FAILS TO MAINTAIN RECORDS AS PROVIDED HEREIN SHALL BE DEEMED TO HAVE HAD NO SALES OF FOOD FOR HOME CONSUMPTION, AND IF UPON REQUEST BY THE TAX COLLECTOR, A PERSON CANNOT DEMONSTRATE TO THE TAX COLLECTOR THAT SUCH RECORDS AND REPORTS DO PROPERLY REFLECT ALL SALES OF FOOD FOR HOME CONSUMPTION, THE TAX COLLECTOR MAY RECOMPUTE THE AMOUNT OF TAX TO BE PAID AS PROVIDED IN SECTIONS 3.14-370 AND 3.14-545(B).

Section XI. Model City Tax Code Section 3.14-465 is amended as follows. All changes are effective July 1, 2013, except new subsection (mm), which is effective January 1, 2007.

Sec. 3.14-465. Retail sales: exemptions.

Income derived from the following sources is exempt from the tax imposed by Section 3.14-460:

- (a) sales of tangible personal property to a person regularly engaged in the business of selling such property.
- (b) out-of-City sales or out-of-State sales.
- (c) charges for delivery, installation, or other direct customer services as prescribed by Regulation.
- (d) charges for repair services as prescribed by Regulation, when separately charged and separately maintained in the books and records of the taxpayer.

**2012-2014 AMENDMENTS TO THE
TAX CODE OF THE CITY OF SURPRISE**

- (e) sales of warranty, maintenance, and service contracts, when separately charged and separately maintained in the books and records of the taxpayer.
- (f) sales of prosthetics.
- (g) sales of income-producing capital equipment.
- (h) sales of rental equipment and rental supplies.
- (i) sales of mining and metallurgical supplies.
- (j) sales of motor vehicle fuel and use fuel which are subject to a tax imposed under the provisions of Article I or II, Chapter 16, Title 28, Arizona Revised Statutes; or sales of use fuel to a holder of a valid single trip use fuel tax permit issued under A.R.S. Section 28-5739, or sales of natural gas or liquefied petroleum gas used to propel a motor vehicle.
- (k) sales of tangible personal property to a construction contractor who holds a valid Privilege Tax License for engaging or continuing in the business of construction contracting where the tangible personal property sold is incorporated into any structure or improvement to real property as part of construction contracting activity.
- (l) sales of motor vehicles to nonresidents of this State for use outside this State if the vendor ships or delivers the motor vehicle to a destination outside this State.
- (m) sales of tangible personal property which directly enters into and becomes an ingredient or component part of a product sold in the regular course of the business of job printing, manufacturing, or publication of newspapers, magazines, or other periodicals. Tangible personal property which is consumed or used up in a manufacturing, job printing, publishing, or production process is not an ingredient or component part of a product.
- (n) (Reserved)
 - (1) (Reserved)
 - (2) (Reserved)
- (o) sales to hotels, bars, restaurants, dining cars, lunchrooms, boarding houses, or similar establishments of articles consumed as food, drink, or condiment, whether simple, mixed, or compounded, where such articles are customarily prepared or served to patrons for consumption on or off the premises, where the purchaser is properly licensed and paying a tax under Section 3.14-455 or the equivalent excise tax upon such income.
- (p) sales of tangible personal property to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property sold is for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512 or sales of tangible personal property purchased in this State by a nonprofit charitable organization that has qualified under Section 501(c)(3) of the United States Internal Revenue Code and that engages in and uses such property exclusively for training, job placement or rehabilitation programs or testing for mentally or physically handicapped persons.
- ~~(q) food purchased with food stamps provided through the food stamp program established by the Food Stamp Act of 1977 (P.L. 95-113; 91 Stat. 958.7 U.S.C. Section 2011 et seq.) or purchased with~~

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

~~food instruments issued under Section 17 of the Child Nutrition Act (P.L. 95-627; 92 Stat. 3603; and P.L. 99-669; Section 4302; 42 United States Code Section 1786) but only to the extent that food stamps or food instruments were actually used to purchase such food. (RESERVED)~~

- (r) (Reserved)
 - (1) (Reserved)
 - (2) (Reserved)
 - (3) (Reserved)
 - (4) (Reserved)
- (s) sales of groundwater measuring devices required by A.R.S. Section 45-604.
- (t) (Reserved)
- (u) sales of aircraft acquired for use outside the State, as prescribed by Regulation.
- (v) sales of food products by producers as provided for by A.R.S. Sections 3-561, 3-562 and 3-563.
- (w) (Reserved)
- (x) ~~(Reserved)~~ SALES OF FOOD AND DRINK TO A PERSON WHO IS ENGAGED IN BUSINESS THAT IS CLASSIFIED UNDER THE RESTAURANT CLASSIFICATION AND THAT PROVIDES SUCH FOOD AND DRINK WITHOUT MONETARY CHARGE TO ITS EMPLOYEES FOR THEIR OWN CONSUMPTION ON THE PREMISES DURING SUCH EMPLOYEES' HOURS OF EMPLOYMENT.
- (y) (Reserved)
- (z) (Reserved)
- (aa) the sale of tangible personal property used in remediation contracting as defined in Section 3.14-100 and Regulation 3.14-100.5.
- (bb) sales of materials that are purchased by or for publicly funded libraries including school district libraries, charter school libraries, community college libraries, state university libraries or federal, state, county or municipal libraries for use by the public as follows:
 - (1) printed or photographic materials.
 - (2) electronic or digital media materials.
- (cc) sales of food, beverages, condiments and accessories used for serving food and beverages to a commercial airline, as defined in A.R.S. Section 42-5061(A)(49), that serves the food and beverages to its passengers, without additional charge, for consumption in flight. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.
- (dd) in computing the tax base in the case of the sale or transfer of wireless telecommunication equipment as an inducement to a customer to enter into or continue a contract for telecommunication services that are taxable under Section 3.14-470, gross proceeds of sales or

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

gross income does not include any sales commissions or other compensation received by the retailer as a result of the customer entering into or continuing a contract for the telecommunications services.

- (ee) for the purposes of this Section, a sale of wireless telecommunication equipment to a person who holds the equipment for sale or transfer to a customer as an inducement to enter into or continue a contract for telecommunication services that are taxable under Section 3.14-470 is considered to be a sale for resale in the regular course of business.
- (ff) sales of alternative fuel as defined in A.R.S. Section 1-215, to a used oil fuel burner who has received a Department of Environmental Quality permit to burn used oil or used oil fuel under A.R.S. Sections 49-426 or 49-480.
- (gg) sales of food, beverages, condiments and accessories to a public educational entity, pursuant to any of the provisions of Title 15, Arizona Revised Statutes, INCLUDING A REGULARLY ORGANIZED PRIVATE OR PAROCHIAL SCHOOL THAT OFFERS AN EDUCATIONAL PROGRAM FOR GRADE TWELVE (12) OR UNDER WHICH MAY BE ATTENDED IN SUBSTITUTION FOR A PUBLIC SCHOOL PURSUANT TO A.R.S. SECTION 15-802; to the extent such items are to be prepared or served to individuals for consumption on the premises of a public educational entity during school hours. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.
- (hh) sales of personal hygiene items to a person engaged in the business of and subject to tax under Section 3.14-444 of this Code if the tangible personal property is furnished without additional charge to and intended to be consumed by the person during his occupancy.
- (ii) for the purposes of this Section, the diversion of gas from a pipeline by a person engaged in the business of operating a natural or artificial gas pipeline, for the sole purpose of fueling compressor equipment to pressurize the pipeline, is not a sale of the gas to the operator of the pipeline.
- (jj) sales of food, beverages, condiments and accessories to a nonprofit charitable organization that has qualified as an exempt organization under 26 U.S.C. Section 501(c)(3) and regularly serves meals to the needy and indigent on a continuing basis at no cost. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.
- (kk) sales of motor vehicles that use alternative fuel if such vehicle was manufactured as a diesel fuel vehicle and converted to operate on alternative fuel and sales of equipment that is installed in a conventional diesel fuel motor vehicle to convert the vehicle to operate on an alternative fuel, as defined in A.R.S. Section 1-215.
- (ll) sales of solar energy devices, for taxable periods beginning from and after July 1, 2008. The retailer shall register with the Department of Revenue as a solar energy retailer. By registering, the retailer acknowledges that it will make its books and records relating to sales of solar energy devices available to the Department of Revenue and City, as applicable, for examination.

**2012-2014 AMENDMENTS TO THE
TAX CODE OF THE CITY OF SURPRISE**

- (MM) SALES OR OTHER TRANSFERS OF RENEWABLE ENERGY CREDITS OR ANY OTHER UNIT CREATED TO TRACK ENERGY DERIVED FROM RENEWABLE ENERGY RESOURCES. FOR THE PURPOSES OF THIS PARAGRAPH, "RENEWABLE ENERGY CREDIT" MEANS A UNIT CREATED ADMINISTRATIVELY BY THE CORPORATION COMMISSION OR GOVERNING BODY OF A PUBLIC POWER UTILITY TO TRACK KILOWATT HOURS OF ELECTRICITY DERIVED FROM A RENEWABLE ENERGY RESOURCE OR THE KILOWATT HOUR EQUIVALENT OF CONVENTIONAL ENERGY RESOURCES DISPLACED BY DISTRIBUTED RENEWABLE ENERGY RESOURCES.
- (NN) SALES OF MAGAZINES OR OTHER PERIODICALS OR OTHER PUBLICATIONS BY THIS STATE TO ENCOURAGE TOURIST TRAVEL.
- (OO) SALES OF PAPER MACHINE CLOTHING, SUCH AS FORMING FABRICS AND DRYER FELTS, SOLD TO A PAPER MANUFACTURER AND DIRECTLY USED OR CONSUMED IN PAPER MANUFACTURING.
- (PP) SALES OF OVERHEAD MATERIALS OR OTHER TANGIBLE PERSONAL PROPERTY THAT IS USED IN PERFORMING A CONTRACT BETWEEN THE UNITED STATES GOVERNMENT AND A MANUFACTURER, MODIFIER, ASSEMBLER OR REPAIRER, INCLUDING PROPERTY USED IN PERFORMING A SUBCONTRACT WITH A GOVERNMENT CONTRACTOR WHO IS A MANUFACTURER, MODIFIER, ASSEMBLER OR REPAIRER, TO WHICH TITLE PASSES TO THE GOVERNMENT UNDER THE TERMS OF THE CONTRACT OR SUBCONTRACT.
- (QQ) SALES OF COAL, PETROLEUM, COKE, NATURAL GAS, VIRGIN FUEL OIL AND ELECTRICITY SOLD TO A QUALIFIED ENVIRONMENTAL TECHNOLOGY MANUFACTURER, PRODUCER OR PROCESSOR AS DEFINED IN A.R.S. SECTION 41-1514.02 AND DIRECTLY USED OR CONSUMED IN THE GENERATION OR PROVISION OF ON-SITE POWER OR ENERGY SOLELY FOR ENVIRONMENTAL TECHNOLOGY MANUFACTURING, PRODUCING OR PROCESSING OR ENVIRONMENTAL PROTECTION. THIS PARAGRAPH SHALL APPLY FOR TWENTY (20), FULL CONSECUTIVE CALENDAR OR FISCAL YEARS FROM THE DATE THE FIRST PAPER MANUFACTURING MACHINE IS PLACED IN SERVICE. IN THE CASE OF AN ENVIRONMENTAL TECHNOLOGY MANUFACTURER, PRODUCER OR PROCESSOR WHO DOES NOT MANUFACTURE PAPER, THE TIME PERIOD SHALL BEGIN WITH THE DATE THE FIRST MANUFACTURING, PROCESSING OR PRODUCTION EQUIPMENT IS PLACED IN SERVICE.
- (RR) SALES OR GROSS INCOME DERIVED FROM SALES OF MACHINERY, EQUIPMENT, MATERIALS AND OTHER TANGIBLE PERSONAL PROPERTY USED DIRECTLY AND PREDOMINANTLY TO CONSTRUCT A QUALIFIED ENVIRONMENTAL TECHNOLOGY MANUFACTURING, PRODUCING OR PROCESSING FACILITY AS DESCRIBED IN A.R.S. SECTION 41-1514.02. THIS SUBSECTION APPLIES FOR TEN (10), FULL CONSECUTIVE CALENDAR OR FISCAL YEARS AFTER THE START OF INITIAL CONSTRUCTION.

**2012-2014 AMENDMENTS TO THE
TAX CODE OF THE CITY OF SURPRISE**

Section XII. Model City Tax Code Section 3.14-480 is amended as follows, with an effective date of January 1, 2007, except new Local Option #PP which is available to be selected effective August 1, 2014.

Sec. 3.14-480. Utility services.

- (a) The tax rate shall be at an amount equal to two and two-tenths percent (2.2%) of the gross income from the business activity upon every person engaging or continuing in the business of producing, providing, or furnishing utility services, including electricity, electric lights, current, power, gas (natural or artificial), or water to:
 - (1) consumers or ratepayers who reside within the City.
 - (2) (Reserved)
- (b) Exclusion of certain sales of natural gas to a public utility. Notwithstanding the provisions of subsection (a) above, the gross income derived from the sale of natural gas to a public utility for the purpose of generation of power to be transferred by the utility to its ratepayers shall be considered a retail sale of tangible personal property subject to Sections 3.14-460 and 3.14-465, and not considered gross income taxable under this Section.
- (c) Resale utility services. Sales of utility services to another provider of the same utility services for the purpose of providing such utility services either to another properly licensed utility provider or directly to such purchaser's customers or ratepayers shall be exempt and deductible from the gross income subject to the tax imposed by this Section, provided that the purchaser is properly licensed by all applicable taxing jurisdictions to engage or continue in the business of providing utility services, and further provided that the seller maintains proper documentation, in a manner similar to that for sales for resale, of such transactions.
- (d) (Reserved)
- (e) The tax imposed by this Section shall not apply to sales of utility services to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when sold for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.
- (f) The tax imposed by this Section shall not apply to sales of natural gas or liquefied petroleum gas used to propel a motor vehicle.
- (g) The tax imposed by this Section shall not apply to:
 - (1) revenues received by a municipally owned utility in the form of fees charged to persons constructing residential, commercial or industrial developments or connecting residential, commercial or industrial developments to a municipal utility system or systems if the fees are segregated and used only for capital expansion, system enlargement or debt service of the utility system or systems.

**2012-2014 AMENDMENTS TO THE
TAX CODE OF THE CITY OF SURPRISE**

- (2) revenues received by any person or persons owning a utility system in the form of reimbursement or contribution compensation for property and equipment installed to provide utility access to, on or across the land of an actual utility consumer if the property and equipment become the property of the utility. This exclusion shall not exceed the value of such property and equipment.
- (h) The tax imposed by this Section shall not apply to sales of alternative fuel as defined in A.R.S. Section 1-215, to a used oil fuel burner who has received a Department of Environmental Quality permit to burn used oil or used oil fuel under A.R.S. Sections 49-426 or 49-480.
- (I) THE TAX IMPOSED BY THIS SECTION SHALL NOT APPLY TO SALES OR OTHER TRANSFERS OF RENEWABLE ENERGY CREDITS OR ANY OTHER UNIT CREATED TO TRACK ENERGY DERIVED FROM RENEWABLE ENERGY RESOURCES. FOR THE PURPOSES OF THIS PARAGRAPH, "RENEWABLE ENERGY CREDIT" MEANS A UNIT CREATED ADMINISTRATIVELY BY THE CORPORATION COMMISSION OR GOVERNING BODY OF A PUBLIC POWER UTILITY TO TRACK KILOWATT HOURS OF ELECTRICITY DERIVED FROM A RENEWABLE ENERGY RESOURCE OR THE KILOWATT HOUR EQUIVALENT OF CONVENTIONAL ENERGY RESOURCES DISPLACED BY DISTRIBUTED RENEWABLE ENERGY RESOURCES.
- (J) THE TAX IMPOSED BY THIS SECTION SHALL NOT APPLY TO THE PORTION OF GROSS PROCEEDS OF SALES OR GROSS INCOME ATTRIBUTABLE TO TRANSFERS OF ELECTRICITY BY ANY RETAIL ELECTRIC CUSTOMER OWNING A SOLAR PHOTOVOLTAIC ENERGY GENERATING SYSTEM TO AN ELECTRIC DISTRIBUTION SYSTEM, IF THE ELECTRICITY TRANSFERRED IS GENERATED BY THE CUSTOMER'S SYSTEM.
- (K) (RESERVED)

Section XIII. Model City Tax Code Section 3.14-485 is amended as follows, with an effective date of July 1, 2013.

Sec. 3.14-485. WASTEWATER REMOVAL SERVICES

- (a) THE TAX RATE SHALL BE AN AMOUNT EQUAL TO ZERO PERCENT (0%) OF THE GROSS INCOME FROM THE BUSINESS ACTIVITY UPON EVERY PERSON ENGAGING OR CONTINUING IN THE BUSINESS OF PROVIDING WASTEWATER REMOVAL SERVICES BY MEANS OF SEWER LINES OR SIMILAR PIPELINES TO:
- (1) CONSUMERS OR RATEPAYERS WHO RESIDE WITHIN THE CITY.
- (2) CONSUMERS OR RATEPAYERS OF THIS CITY, WHETHER WITHIN THE CITY OR WITHOUT, TO THE EXTENT THAT THIS CITY PROVIDES SUCH PERSONS WASTEWATER REMOVAL SERVICES, EXCLUDING CONSUMERS OR RATEPAYERS WHO ARE RESIDENTS OF ANOTHER CITY OR TOWN WHICH

**2012-2014 AMENDMENTS TO THE
TAX CODE OF THE CITY OF SURPRISE**

LEVIES AN EQUIVALENT EXCISE TAX UPON THIS CITY FOR PROVIDING
SUCH WASTEWATER REMOVAL SERVICES TO SUCH PERSONS.

- (b) THE TAX IMPOSED BY THIS SECTION SHALL NOT APPLY TO GROSS INCOME
RELATING TO THE PROVIDING OF WASTEWATER REMOVAL SERVICES FROM A
QUALIFYING HOSPITAL, QUALIFYING COMMUNITY HEALTH CENTER OR A
QUALIFYING HEALTH CARE ORGANIZATION.

**Section XIV. Model City Tax Code, Appendix IV, Section 3.14-570 is amended as follows to
conform the Appendix language with prior changes made to Section 3.14-570 of the Model
language, with an effective date of July 1, 2008.**

**Sec. 3.14-570. Administrative review; petition for hearing or for redetermination; finality of order.
(State Administration and Audits)**

- (a) Closing agreements between the Tax Collector and a taxpayer have no force of law unless made in accordance with the provisions of A.R.S. Section 42-1113.
- (b) Administrative review.
- (1) Petitions of appeal shall be made to, and hearings shall be conducted by, the Arizona Department of Revenue, in accordance with the provisions of A.R.S. Section 42-1251, as modified by Section 3.14-571.
- (2) (Reserved)
- (3) (Reserved)
- (4) (Reserved)
- (5) Hearings shall be held by the Arizona Department of Revenue in accordance with the provisions of A.R.S. Section 42-1251. The Department's decision may be appealed to the State Board of Tax Appeals, in accordance with the provisions of A.R.S. Section 42-1253.
- (6) (Reserved)
- (7) (Reserved)
- (8) (Reserved)
- (c) (Reserved)
- (d) (Reserved)
- (e) Taxpayers shall be subject to the State Taxpayer Bill of Rights (A.R.S. Section 42-2051 et. seq.).

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

Sec. 3.14-570. Administrative review; petition for hearing or for redetermination; finality of order. (Local Audits)

For the purposes of this section, "Municipal Tax Hearing Office" means the administrative offices of the ~~minicipal~~ MUNICIPAL Tax Hearing Officer.

- (a) Informal Conference. A taxpayer shall have the right to discuss any proposed assessment with the auditor prior to the issuance of any assessment, but any such informal conference is not required for the taxpayer to file a petition for administrative review.
- (b) Administrative Review.
 - (1) Filing a Petition. Other than in the case of a jeopardy assessment, a taxpayer may contest the applicability or amount of tax, penalty, or interest imposed upon or paid by him pursuant to this Chapter by filing a petition for a hearing or for redetermination with the Tax Collector as set forth below:
 - (A) within forty-five (45) days of receipt by the taxpayer of notice of a determination by the Tax Collector that a tax, penalty, or interest amount is due, or that a request for refund or credit has been denied; or
 - (B) by voluntary payment of any contested amount when accompanied by a timely filed return and a petition requesting a refund of the protested portion of said payment; or
 - (C) by petition accompanying a timely filed return contesting an amount reported but not paid; or
 - (D) by petition requesting review of denial of waiver of penalty as provided in subsection 3.14-540(g).
 - (2) Extension to file a petition. In all cases, the taxpayer may request ~~only one~~ AN extension from the Tax Collector. Such request must be in writing, state the reasons for the requested delay ~~and time of delay requested~~, and must be filed with the Tax Collector within the period allowed above for originally filing a petition. The Tax Collector shall allow ~~such A~~ FORTY-FIVE (45) DAY extension to file a petition, when such written request has been properly and timely made by the taxpayer, ~~but such extension shall not exceed forty-five (45) days beyond the time provided for originally filing a petition. THE TAX COLLECTOR MAY GRANT AN ADDITIONAL EXTENSION AND MAY DETERMINE THE CORRESPONDING TIME OF ANY SUCH EXTENSION AT HIS SOLE DISCRETION.~~
 - (3) Requirements for petition.
 - (A) The petition shall be in writing and shall set forth the reasons why any correction, abatement, or refund should be granted, and the amount of reduction or refund requested. The petition may be amended at any time prior to the time the taxpayer rests his case at the hearing or such time as the Hearing Officer allows for submitting of amendments in cases of redeterminations without hearings. The Hearing Officer may require that amendments be in writing, and in that case, he

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

shall provide a reasonable period of time to file the amendment. The Hearing Officer shall provide a reasonable period of time for the Tax Collector to review and respond to the petition and to any written amendments.

- (B) The taxpayer, as part of the petition, may request a hearing which shall be granted by the Hearing Officer. If no request for hearing is made the petition shall be considered to be submitted for decision by the Hearing Officer on the matters contained in the petition and in any reply made by the Tax Collector.
 - (C) The provisions of this Section are exclusive, and no petition seeking any correction, abatement, or refund shall be considered unless the petition is timely and properly filed under the Section.
- (4) Transmittal to Hearing Officer. The City shall designate a Hearing Officer, who may be other than an employee of the City. The Tax Collector, if designated to receive petitions, shall forward any petition to the Municipal Tax Hearing Officer within twenty (20) days after receipt, accompanied by documentation as to timeliness. In cases where the Hearing Officer determines that the petition is not timely or not in proper form, he shall notify both the taxpayer and the Tax Collector; and in cases of petitions not in proper form only, the Hearing Officer shall provide the taxpayer with an extension up to forty-five (45) days to correct the petition.
 - (5) Hearings shall be conducted by a Hearing Officer and shall be continuous until the Hearing Officer closes the record. The taxpayer may be heard in person or by his authorized representative at such hearing. Hearings shall be conducted informally as to the order of proceeding and presentation of evidence. The Hearing Officer shall admit evidence over hearsay objections where the offered evidence has substantial probative value and reliability. Further, copies of records and documents prepared in the ordinary course of business may be admitted, without objection as to foundation, but subject to argument as to weight, admissibility, and authenticity. Summary accounting records may be admitted subject to satisfactory proof of the reliability of the summaries. In all cases, the decision of the Hearing Officer shall be made solely upon substantial and reliable evidence. All expenses incurred in the hearing shall be paid by the party incurring the same.
 - (6) Redeterminations upon a "petition for redetermination" shall follow the same conditions, except that no oral hearing shall be held.
 - (7) Hearing Ruling. In either case, the Hearing Officer shall issue his ruling not later than forty-five (45) days after the close of the record by the Hearing Officer.
 - (8) Notice of Refund or Adjusted Assessment. Within sixty (60) days of the issuance of the Hearing Officer's decision, the Tax Collector shall issue to the taxpayer either a notice of refund or an adjusted assessment recalculated to conform to the Hearing Officer's decision.
- (c) Stipulations that future tax is also protested. A taxpayer may enter into a stipulation with the Tax Collector that future taxes of similar nature are also at issue in any protest or appeal. However, unless such stipulation is made, it is presumed that the protest or appeal deals solely and exclusively with the tax specifically protested and no other. When a taxpayer enters into such a stipulation with the Tax Collector that future taxes of similar nature will be included in any redetermination,

2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

hearing, or court case, it is the burden of that taxpayer to identify, segregate, and keep record of such income or protested taxable amount in his books and records in the same manner as the taxpayer is required to segregate exempt income.

- (d) When an assessment is final.
 - (1) If a request for administrative review and petition for hearing or redetermination of an assessment made by the Tax Collector is not filed within the period required by subsection (b) above, such person shall be deemed to have waived and abandoned the right to question the amount determined to be due and any tax, interest, or penalty determined to be due shall be final as provided in subsections 3.14-545(a) and 3.14-555(f).
 - (2) The decision made by the Hearing Officer upon administrative review by hearing or redetermination shall become final thirty (30) days after the taxpayer receives the notice of refund or adjusted assessment required by subsection (b)(8) above, unless the taxpayer appeals the order or decision in the manner provided in Section 3.14-575.
- (e) The provisions of the State Taxpayer Bill of Rights (A.R.S. Section 42-2051 et. seq.) shall not apply.

Section XV. Model City Tax Code Section 3.14-660 is amended as follows. All changes are effective July 1, 2013, except new subsection (mm), which is effective January 1, 2007, and new Local Option #PP which is available to be selected effective August 1, 2014.

Sec. 3.14-660. Use tax: exemptions.

The storage or use in this City of the following tangible personal property is exempt from the Use Tax imposed by this Article:

- (a) tangible personal property brought into the City by an individual who was not a resident of the City at the time the property was acquired for his own use, if the first actual use of such property was outside the City, unless such property is used in conducting a business in this City.
- (b) tangible personal property, the value of which does not exceed the amount of one thousand dollars (\$1,000) per item, acquired by an individual outside the limits of the City for his personal use and enjoyment.
- (c) charges for delivery, installation, or other customer services, as prescribed by Regulation.
- (d) charges for repair services, as prescribed by Regulation.
- (e) separately itemized charges for warranty, maintenance, and service contracts.
- (f) prosthetics.
- (g) income-producing capital equipment.
- (h) rental equipment and rental supplies.

**2012-2014 AMENDMENTS TO THE
TAX CODE OF THE CITY OF SURPRISE**

- (i) mining and metallurgical supplies.
- (j) motor vehicle fuel and use fuel which are used upon the highways of this State and upon which a tax has been imposed under the provisions of Article I or II, Chapter 16, Title 28, Arizona Revised Statutes.
- (k) tangible personal property purchased by a construction contractor, but not an owner-builder, when such person holds a valid Privilege License for engaging or continuing in the business of construction contracting, and where the property acquired is incorporated into any structure or improvement to real property in fulfillment of a construction contract.
- (l) sales of motor vehicles to nonresidents of this State for use outside this State if the vendor ships or delivers the motor vehicle to a destination outside this State.
- (m) tangible personal property which directly enters into and becomes an ingredient or component part of a product sold in the regular course of the business of job printing, manufacturing, or publication of newspapers, magazines or other periodicals. Tangible personal property which is consumed or used up in a manufacturing, job printing, publishing, or production process is not an ingredient nor component part of a product.
- (n) rental, leasing, or licensing for use of film, tape, or slides by a theater or other person taxed under Section 3.14-410, or by a radio station, television station, or subscription television system.
- (o) food served to patrons for a consideration by any person engaged in a business properly licensed and taxed under Section 3.14-455, but not food consumed by owners, agents, or employees of such business.
- (p) tangible personal property acquired by a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property is in fact used in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.
- (q) ~~(RESERVED) food for home consumption.~~
- (r) (Reserved)
 - (1) (Reserved)
 - (2) (Reserved)
 - (3) (Reserved)
 - (4) (Reserved)
- (s) groundwater measuring devices required by A.R.S. Section 45-604.
- (t) (Reserved)
- (u) aircraft acquired for use outside the State, as prescribed by Regulation.
- (v) sales of food products by producers as provided for by A.R.S. Sections 3-561, 3-562 and 3-563.
- (w) (Reserved)

**2012-2014 AMENDMENTS TO THE
TAX CODE OF THE CITY OF SURPRISE**

- (x) ~~(Reserved)~~ FOOD AND DRINK PROVIDED BY A PERSON WHO IS ENGAGED IN BUSINESS THAT IS CLASSIFIED UNDER THE RESTAURANT CLASSIFICATION WITHOUT MONETARY CHARGE TO ITS EMPLOYEES FOR THEIR OWN CONSUMPTION ON THE PREMISES DURING SUCH EMPLOYEES' HOURS OF EMPLOYMENT.
- (y) (Reserved)
- (z) (Reserved)
- (aa) tangible personal property used in remediation contracting as defined in Section 3.14-100 and Regulation 3.14-100.5.
- (bb) materials that are purchased by or for publicly funded libraries including school district libraries, charter school libraries, community college libraries, state university libraries or federal, state, county or municipal libraries for use by the public as follows:
 - (1) printed or photographic materials.
 - (2) electronic or digital media materials.
- (cc) food, beverages, condiments and accessories used for serving food and beverages by a commercial airline, as defined in A.R.S. Section 42-5061(A)(49), that serves the food and beverages to its passengers, without additional charge, for consumption in flight. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.
- (dd) wireless telecommunication equipment that is held for sale or transfer to a customer as an inducement to enter into or continue a contract for telecommunication services that are taxable under Section 3.14-470.
- (ee) (Reserved)
- (ff) alternative fuel as defined in A.R.S. Section 1-215, by a used oil fuel burner who has received a Department of Environmental Quality permit to burn used oil or used oil fuel under A.R.S. Section 49-426 or Section 49-480.
- (gg) food, beverages, condiments and accessories purchased by or for a public educational entity, pursuant to any of the provisions of Title 15, Arizona Revised Statutes, INCLUDING A REGULARLY ORGANIZED PRIVATE OR PAROCHIAL SCHOOL THAT OFFERS AN EDUCATIONAL PROGRAM FOR GRADE TWELVE (12) OR UNDER WHICH MAY BE ATTENDED IN SUBSTITUTION FOR A PUBLIC SCHOOL PURSUANT TO A.R.S. SECTION 15-802; to the extent such items are to be prepared or served to individuals for consumption on the premises of a public educational entity during school hours. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.

**2012-2014 AMENDMENTS TO THE
TAX CODE OF THE CITY OF SURPRISE**

- (hh) personal hygiene items purchased by a person engaged in the business of and subject to tax under Section 3.14-444 of this Code if the tangible personal property is furnished without additional charge to and intended to be consumed by the person during his occupancy.
- (ii) the diversion of gas from a pipeline by a person engaged in the business of operating a natural or artificial gas pipeline, for the sole purpose of fueling compressor equipment to pressurize the pipeline, is not a sale of the gas to the operator of the pipeline.
- (jj) food, beverages, condiments and accessories purchased by or for a nonprofit charitable organization that has qualified as an exempt organization under 26 U.S.C. Section 501(c)(3) and regularly serves meals to the needy and indigent on a continuing basis at no cost. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.
- (kk) sales of motor vehicles that use alternative fuel if such vehicle was manufactured as a diesel fuel vehicle and converted to operate on alternative fuel and sales of equipment that is installed in a conventional diesel fuel motor vehicle to convert the vehicle to operate on an alternative fuel, as defined in A.R.S. Section 1-215.
- (ll) The storage, use or consumption of tangible personal property in the City by a school district or charter school.
- (mm) RENEWABLE ENERGY CREDITS OR ANY OTHER UNIT CREATED TO TRACK ENERGY DERIVED FROM RENEWABLE ENERGY RESOURCES. FOR THE PURPOSES OF THIS PARAGRAPH, "RENEWABLE ENERGY CREDIT" MEANS A UNIT CREATED ADMINISTRATIVELY BY THE CORPORATION COMMISSION OR GOVERNING BODY OF A PUBLIC POWER UTILITY TO TRACK KILOWATT HOURS OF ELECTRICITY DERIVED FROM A RENEWABLE ENERGY RESOURCE OR THE KILOWATT HOUR EQUIVALENT OF CONVENTIONAL ENERGY RESOURCES DISPLACED BY DISTRIBUTED RENEWABLE ENERGY RESOURCES.
- (nn) MAGAZINES OR OTHER PERIODICALS OR OTHER PUBLICATIONS BY THIS STATE TO ENCOURAGE TOURIST TRAVEL.
- (oo) PAPER MACHINE CLOTHING, SUCH AS FORMING FABRICS AND DRYER FELTS, SOLD TO A PAPER MANUFACTURER AND DIRECTLY USED OR CONSUMED IN PAPER MANUFACTURING.
- (pp) OVERHEAD MATERIALS OR OTHER TANGIBLE PERSONAL PROPERTY THAT IS USED IN PERFORMING A CONTRACT BETWEEN THE UNITED STATES GOVERNMENT AND A MANUFACTURER, MODIFIER, ASSEMBLER OR REPAIRER, INCLUDING PROPERTY USED IN PERFORMING A SUBCONTRACT WITH A GOVERNMENT CONTRACTOR WHO IS A MANUFACTURER, MODIFIER, ASSEMBLER OR REPAIRER, TO WHICH TITLE PASSES TO THE GOVERNMENT UNDER THE TERMS OF THE CONTRACT OR SUBCONTRACT.
- (qq) COAL, PETROLEUM, COKE, NATURAL GAS, VIRGIN FUEL OIL AND ELECTRICITY SOLD TO A QUALIFIED ENVIRONMENTAL TECHNOLOGY MANUFACTURER,

**2012-2014 AMENDMENTS TO THE
TAX CODE OF THE CITY OF SURPRISE**

PRODUCER OR PROCESSOR AS DEFINED IN A.R.S. SECTION 41-1514.02 AND DIRECTLY USED OR CONSUMED IN THE GENERATION OR PROVISION OF ON-SITE POWER OR ENERGY SOLELY FOR ENVIRONMENTAL TECHNOLOGY MANUFACTURING, PRODUCING OR PROCESSING OR ENVIRONMENTAL PROTECTION. THIS PARAGRAPH SHALL APPLY FOR TWENTY FULL CONSECUTIVE CALENDAR OR FISCAL YEARS FROM THE DATE THE FIRST PAPER MANUFACTURING MACHINE IS PLACED IN SERVICE. IN THE CASE OF AN ENVIRONMENTAL TECHNOLOGY MANUFACTURER, PRODUCER OR PROCESSOR WHO DOES NOT MANUFACTURE PAPER, THE TIME PERIOD SHALL BEGIN WITH THE DATE THE FIRST MANUFACTURING, PROCESSING OR PRODUCTION EQUIPMENT IS PLACED IN SERVICE.

(RR) MACHINERY, EQUIPMENT, MATERIALS AND OTHER TANGIBLE PERSONAL PROPERTY USED DIRECTLY AND PREDOMINANTLY TO CONSTRUCT A QUALIFIED ENVIRONMENTAL TECHNOLOGY MANUFACTURING, PRODUCING OR PROCESSING FACILITY AS DESCRIBED IN A.R.S. SECTION 41-1514.02. THIS SUBSECTION APPLIES FOR TEN FULL CONSECUTIVE CALENDAR OR FISCAL YEARS AFTER THE START OF INITIAL CONSTRUCTION.

(SS) (RESERVED)

Section XVI. Model City Tax Code Regulation 3.14-120.1 is repealed, with an effective date of July 1, 2013.

Reg. 3.14-120.1. (Reserved)

Section XVII. Model City Tax Code Regulation 3.14-270.1 is amended as follows, with an effective date of July 1, 2013.

Reg. 3.14-270.1. Proprietary activities of municipalities are not considered activities of a governmental entity.

The following activities, when performed by a municipality, are considered to be activities of a person engaged in business for the purposes of this Chapter, and not excludable by reason of Section 3.14-270:

- (a) rental, leasing, or licensing for use of real property to other than another department or agency of the municipality.
- (b) producing, providing, or furnishing electricity, electric lights, current, power, gas (natural or artificial), or water to consumers or ratepayers.

**2012-2014 AMENDMENTS TO THE
TAX CODE OF THE CITY OF SURPRISE**

- (c) sale of tangible personal property to the public, when similar tangible personal property is available for sale by other persons, as, for example, at police or surplus auctions.
- (d) ~~(Reserved)~~ PROVIDING WASTEWATER REMOVAL SERVICES TO CONSUMERS OR RATEPAYERS BY MEANS OF SEWER LINES OR SIMILAR PIPELINES.

Section XVIII. Model City Tax Code Regulation 3.14-460.1 is amended as follows, with an effective date of July 1, 2013.

Reg. 3.14-460.1. Distinction between retail sales and certain other transfers of tangible personal property.

- (a) Charges for transfer of tangible personal property included in the gross income of the business activity of persons engaged in the following business activities shall be deemed only as gross income from such business activity and not sales at retail taxed by Section 3.14-460:
 - (1) tangible personal property incorporated into real property as part of reconstruction or construction contracting, per Sections 3.14-415 through 3.14-418.
 - (2) sales of feed at wholesale, per Section 3.14-420.
 - (3) job printing, per Section 3.14-425.
 - (4) mining, timbering, and other extraction, per Section 3.14-430.
 - (5) publication of newspapers, magazines, and other periodicals, per Section 3.14-435.
 - (6) rental, leasing, and licensing of real or tangible personal property, per Sections 3.14-445 or 3.14-450.
 - (7) restaurants and bars, per Section 3.14-455.
 - ~~(7)(8)~~ FOOD FOR HOME CONSUMPTION, PER SECTION 3.14-462.
 - ~~(9)~~ telecommunications services, per Section 3.14-470.
 - ~~(10)~~ utility services, per Section 3.14-480.
 - ~~(11)~~ WASTEWATER REMOVAL SERVICES, PER SECTION 3.14-485.
- (b) Distinction between construction contracting, retail, and certain direct customer service activities.
 - (1) When an item is attached or installed on real property, it is a construction contracting activity and any subsequent repair, removal, or replacement of that item is construction contracting.
 - (2) Items attached or installed on tangible personal property are retail sales.
 - (3) Transactions where no tangible personal property is attached or installed are considered direct customer service activities (for example: carpet cleaning, lawn mowing, and landscape maintenance).

**2012-2014 AMENDMENTS TO THE
TAX CODE OF THE CITY OF SURPRISE**

- (4) Demolition, earth moving, and wrecking activities are considered construction contracting.
- (c) The sale of sand, rock, and gravel extracted from the ground shall be deemed a sale of tangible personal property and not mining or metallurgical activity.
- (d) Sale of consumable goods incorporated into or applied to real property is considered a retail sale and not construction contracting. Examples of consumable goods are lubricants, faucet washers, and air conditioning coolant, but not paint.
- (e) Installation or removal of tangible personal property which has independent functional utility is considered a retail activity.
 - (1) "Tangible personal property which has independent functional utility" must be able to substantially perform its function(s) without attachment to real property. "Attachment to real property" must include more than connection to water, power, gas, communication, or other service.
 - (2) Examples of tangible personal property which has independent functional utility include artwork, furnishings, "plug-in" kitchen equipment, or similar items installed by bolts or similar fastenings.
 - (3) Examples of tangible personal property which does not have independent functional utility include wall-to-wall carpeting, flooring, wallpaper, kitchen cabinets, or "built-in" dishwashers or ranges.
 - (4) The installation of window coverings (drapes, mini-blinds, etc.) is always a retail activity.



THE 2012-2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

Finance Department

AMENDMENTS TO THE TAX CODE OF THE CITY OF SURPRISE

- The Model City Tax Code (MCTC) is a state-wide, uniform set of local tax laws designed to ensure consistent privilege (sales) tax laws among all Arizona cities and towns, and is maintained by the Arizona Department of Revenue (DOR).
- The Taxation Chapter (46) of the City of Surprise's Municipal Code is for informational purposes only.

What Changes Were Included in the Updates

- Section 4 Repeals and replaces all of Article III – Licensing and Recordkeeping. This is a critical step in TPT Simplification and ensures that licensing is as uniform as possible across all cities and towns.
- Section 11 Section 465, Retail Sales: Exemptions - changes were adopted to achieve conformity to State statute. A major goal of TPT Simplification was aligning the retail classification of the MCTC with State statute whenever possible, in preparation for passage of the Marketplace Fairness Act.



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE Regular City Council Work Session

Council Meeting Date: September 15, 2020 Contact Person: JOSHUA MIKE
Submitting Department: Community Development District: Citywide
Staff Recommendations: None

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

Agenda Wording:

Presentation and discussion pertaining to the community pool requirement in Planning and Engineering Design Standards as part of the code update.

Motion:

Discussion only.

Background:

Staff has prepared changes to the Land Development Ordinances that will implement the General Plan 2035. This code update has included across-the-board teamwork from all disciplines of the development community; home builders, architects, engineers, landscape architects, planners, etc. Since April 2020, after the stay-at-home order was put in place, staff continued to revise the drafts based on those meetings and other feedback such as phone calls and emailed suggestions. The newest draft is a comprehensive version, incorporating revisions that attempt to follow the direction set by City leaders and address the needs of developers in the City. This presentation will include feedback from the industry regarding provisions for residential zoning and community pool requirements.

Objective Analysis:

The Land Development Ordinances (LDO) and Planning and Engineering Design Standards (PEDS) will incorporate changes to the whole development code, replacing the current SUDC, and clarifying the standards for site, open space, and general development regulations.

Policy Compliant:

This development code update will implement the General Plan 2035.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide city services.

Budget Impact:

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

FTE Impact:

There will be no impact on FTE.

ATTACHMENTS:

1. 00 FS18-296 LDO Code Update Memo-9.15.2020
 2. 01 FS18-296 Surprise Planning Engineering Design Standards (August 2020 REDLINE DRAFT with notes)
 3. 02 FS18-296 Surprise Planning Engineering Design Standards (August 2020 CLEAN DRAFT)
 4. 03 Code Update Presentation 9.15.2020
-

Case:	FS18-296
Project Name:	Land Development Ordinances Update – Pools and Community Facility
Council Districts:	Citywide
Meeting Date:	September 15, 2020
Planner:	Joshua Mike
Attachments:	Draft Planning and Engineering Design Standards (PEDS) Volume 1 (Clean Draft and Revised with Notes Draft, dated August 2020)

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. In December 2019, the Community Development Department published a proposed comprehensive update, which will replace the existing SUDC with Land Development Ordinances (LDO) within the city's Municipal Code and establish the Planning and Engineering Design Standards (PEDS).

During the first few months of this year, many of the draft chapters were presented and discussed at stakeholder meetings, Planning and Zoning Commission meetings, and City Council Work Sessions. Over the past few months, while social distancing protocols and gathering restrictions have been in place, staff has continued to revise the drafts based on those meetings and additional feedback received by phone and email.

Introduction:

This memo presents the provisions in the PEDS as it relates to the regulations for community pools. It will show the current regulation in the SUDC, draft language presented to stakeholders and City leadership, and a summary of outreach discussions. It will identify multiple options discussed between staff and stakeholders. Direction will be sought from the Planning and Zoning Commission and City Council on how to finalize design standards.

The attachments to this memo include updated drafts of the PEDS since the first draft was published. One copy includes all the changes shown in red and includes notes from stakeholder and City comments. The other copy has all the revisions accepted and displayed as a clean version of the draft.

SUDC Pool Requirement:

The existing SUDC requires that medium density projects that exceed 60 dwelling units must include a community pool as part of the development. At previous discussions with 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.

Draft PEDS Language-Community Pools;

In February 2020, staff presented design standard language in the PEDS that retained a requirement for a community pool but with different thresholds for a given development. A summary of those provisions included:

- All single-, two-, and three-family developments must provide a sliding scale of amenities, calculated on the number of dwelling units provided, i.e. **more homes = more amenities**.
 1. Less than twenty (20) units = One (1) amenity
 2. Twenty (20) to one hundred (100) units = Three (3) or more amenities
 3. One hundred (100) to one hundred eighty (180) units = Four (4) or more amenities
 4. One hundred eighty (180) to two hundred sixty (260) units = Five (5) or more amenities
 5. Two hundred sixty (260) units or larger = Six (6) amenities a large community amenity listed below
- The following are types of individual amenities that meet the above requirement.
 1. Ramada with BBQ and seating area.
 2. Tot lot minimum three thousand (3,000) square feet with three (3) pieces of play equipment.
 3. Regulation size volleyball court.
 4. Concrete multi-use court sixty (60) feet by sixty (60) feet minimum.
 5. Lighted, regulation size tennis courts, racquetball courts, and/or pickle ball court.
 6. Weight room.
 7. Putting green.
 8. Large amenities that may include but are not limited to a community facility for social, entertainment, athletic, or recreational uses or community pool
- Developer to provide semi-public pool facility in single-, two-, and three-family developments when each of the following are met:
 1. 80 gross acres or more, and
 2. 3.25 DU/ac or more gross density
 3. All lots must have minimum required rear yard area of 1,000 square feet or pool requirement is invoked regardless of gross area or gross density (known as the '1-lot failure' rule)
- Location of pool must be within ¼ mile of most homes and size determined by a calculation of number of residents served
 1. Number of dwelling units within the residential development X 3.8 persons per dwelling unit X 0.1 sf per persons served
 2. For example: 260 DU X 3.8 persons/DU X 0.1 sf/persons = 98.9 sf
- Community Pool is quasi-public for the subdivision's residents and must include bathrooms, water fountains, shade structure, etc.

Discussion and Input:

Discussions with stakeholders, Planning and Zoning Commission meetings, and City Council Work Sessions, included the ongoing costs for a homeowners associations (HOA) amortized over various size subdivisions, the opposition to prescribed rigidity of a required community pool, and the quality of life benefits of a community facility that offers gathering spaces and/or recreation.

Feedback from the WeSERV Association of REALTORS showed that the resale homebuyers are not consistently seeking community pool options when searching for homes, but instead prefer private pools if choosing between the two options. Approximately 27% of those asked prefer both. High HOA fees associated community pools deter about 1/3 of buyers.

Home builders echoed the sentiment that community pools are only added to a subdivision when it adds value to the package and lifestyle of its identity. Other subdivisions include other amenity options to differentiate the subdivision from others.

Direction from City Leadership:

Staff was directed to maintain a regulation for some form of large amenity and explore options that provide builders with flexibility. Stakeholders were informed that quality of life and benefits from a large amenity are important and can be integrated into large subdivisions to benefit both the builder in the short-term and the residents of the City in the long-term.

Updated Revisions:

Using the discussion and direction from City Leadership, staff revised the language from February 2020 and presented to stakeholders at a virtual stakeholder meeting on August 24, 2020. While this started as a discussion exclusive to the community pool requirement, it has evolved into an open space/amenities package discussion. This allows a broader approach to understand the whole issue that community pools were previously trying to address.

A summary of the revised approach includes:

- A **large amenity** replace the explicit requirement for a community pool
 1. The type of amenity is flexible for developers but must meet a general size determined by a calculation of number of residents served.
 2. Any variety of amenities may be placed within that **large amenity** portion of subdivision, such as playgrounds, clubhouse, splash pads, community pool, etc.
- The '1-lot failure' rule is connected to exceeding a percentage of the small lot categories in the development standards table in the zoning chapter of the LDO.

Stakeholder Response:

Stakeholders engaged in a thorough discussion during the meeting on August 24, voicing their response and offering suggested revisions. A summary of those revisions include:

- First and foremost, a large amenity or community pool requirement is too prescriptive. The City should maintain the open space and trails requirements, but allow developers use market forces to determine the types/sizes of amenities installed within the open space.
- Provisions related to '1-lot failure' rules are intended to prevent shorting but any threshold will create an opportunity to develop outside that scenario.
 1. The City should accept that anything developed outside the threshold means the project is acceptable without that provision.
- Not all large amenities necessitate bathrooms, showers, water fountains, shade structure, etc. Those features do not universally provide value compared to costs and maintenance. The building code should be the authority if those features must be provided, such as community pools, clubhouses, fitness centers, etc.
- If a provision for a large amenity remains in the final draft of the PEDS, the thresholds and sliding scale of amenities should be recalculated to reflect better value and practicality for the design of a subdivision
- The City should provide a mechanism to accommodate infill projects or subdivisions phased within a larger development that has included a large community facility.

Direction Needed:

In order to prepare the next set of revisions for the LDO and the PEDS, staff is considering some of the suggestions identified by the stakeholder groups. Direction from the City Leaders is needed on the following concepts.

- Should the PEDS include a requirement for a community pool or a large amenity?
- Should this requirement be removed to allow market forces determine amenities?
- Can the extra provisions that account for unique, '1-lot failure' rule situations be removed from the PEDS?
- Can features like bathrooms, showers, water fountains, shade structure, etc be regulated by other regulations, like building codes?
- Is the threshold for the large amenity sufficient or should it be changed (and to what)?
 - 80 gross acres or more, and
 - 3.25 DU/ac or more gross density
- Is the size calculation for the size of the large amenity sufficient?
 - Number of dwelling units within the residential subdivision X 3.8 persons per dwelling unit X 100 sf per persons served
 - For example: 260 DU X 3.8 persons/DU X 100 sf/persons = 98,800 sf
- Or should this simply be a single minimum measurement, such as 100,000 sf?

Conclusion:

Feedback from this meeting will be discussed and revisions to the PEDS will be made. Updated drafts will be published and distributed to the stakeholder and discussed at future stakeholder meetings, Planning and Zoning Commission meetings, and City Council Work Sessions.

PLANNING AND ENGINEERING DESIGN STANDARDS (PEDS)



August 2020

VOLUME 1: PLANNING DESIGN STANDARDS

Table of Contents

<u>INTRODUCTION</u>	<u>1</u>
<u>CHAPTER 1 – STANDARD REQUIREMENTS FOR ALL LAND USES</u>	<u>32</u>
1.1 INTRODUCTION	
1.2 OPEN SPACE DESIGN	
1.3 CIRCULATION DESIGN FOR COMPLETE STREETS	
1.4 LANDSCAPE AND STREETScape DESIGN	
1.5 BUILDING FORM AND ARCHITECTURE	
1.6 GRADING & DRAINAGE DESIGN AND FLOODWAYS	
1.7 UTILITY SCREENING	
1.8 ART IN PUBLIC PLACES	
<u>CHAPTER 2 – NEIGHBORHOOD LAND USES</u>	<u>15</u>
2.1 GENERAL LAND/SITE DESIGN & DEVELOPMENT	
2.2 OPEN SPACE DESIGN AND PUBLIC PLACES	
2.3 CIRCULATION DESIGN	
2.4 LANDSCAPE AND STREETScape DESIGN	
2.5 BUILDING FORM AND ARCHITECTURE	
2.6 EDGE TREATMENT AND TRANSITIONS	
2.7 RESIDENTIAL SOLID WASTE GUIDELINES	
<u>CHAPTER 3 – COMMERCE, OFFICE, AND MIXED USE LAND USES</u>	<u>3339</u>
3.1 GENERAL LAND/SITE DESIGN AND DEVELOPMENT	
3.2 OPEN SPACE DESIGN AND PUBLIC PLACES	
3.3 CIRCULATION DESIGN FOR COMPLETE STREETS	
3.4 LANDSCAPE AND STREETScape DESIGN	
3.5 BUILDING FORM AND ARCHITECTURE	
3.6 EDGE TREATMENT AND TRANSITIONS	
3.7 OTHER CONSIDERATIONS	
<u>CHAPTER 4 – BUSINESS PARK AND INDUSTRIAL LAND USES</u>	<u>4853</u>
4.1 GENERAL LAND/SITE DESIGN AND DEVELOPMENT	

4.2	CIRCULATION DESIGN FOR COMPLETE STREETS	
4.3	LANDSCAPE AND STREETScape DESIGN	
4.4	BUILDING FORM AND ARCHITECTURE	
4.5	EDGE TREATMENT AND TRANSITIONS	

CHAPTER 5 – ENVIRONMENTALLY SENSITIVE LANDS STANDARDS	5559
---	------

5.1	GENERAL LAND/SITE DESIGN AND DEVELOPMENT	
5.2	WALLS: PERIMETER, PRIVACY AND RETAINING	
5.3	ROADWAYS	
5.4	WATER FEATURES	
5.5	TRANSITION STANDARDS AND EDGE TREATMENTS	
5.6	HILLSIDE DEVELOPMENT AREA	

Appendix A – Glossary of Terms	6468
--------------------------------	------

Appendix B – Public Right of Way & Public Spaces Plant List	7277
---	------

Appendix C – Low Water Use Drought Tolerant Plant List	7883
--	------

VOLUME 2: ENGINEERING DESIGN STANDARDS

TABLE OF CONTENTS

<u>CHAPTER 1 – POLICIES AND ENGINEERING DEVELOPMENT STANDARDS</u>	<u>1-1</u>
1.1 INTRODUCTION	1-1
1.2 OVERVIEW OF THE ENGINEERING DEVELOPMENT STANDARDS	1-1
1.3 APPLICABLE POLICIES, CODES AND STANDARDS	1-2
1.4 ENGINEERING STANDARDS MODIFICATION REQUESTS	1-3
1.5 INSURANCE REQUIREMENTS	1-3
1.5.1 PERMITTEE LIABILITY	1-3
1.5.2 INSURANCE LIMITS	1-3
1.5.3 EFFECTIVE TIMEFRAME OF INSURANCE	1-4
1.5.4 INSURANCE OF PERMITTEE'S AGENTS, CONTRACTORS AND SUBCONTRACTORS	1-4
APPENDIX 1-1 ENGINEERING STANDARDS MODIFICATION REQUEST SUMMARY FORM	1-1-1
<u>CHAPTER 2 – LAND DEVELOPMENT DESIGN AND CONSTRUCTION STANDARDS</u>	<u>2-1</u>
2.1 DEVELOPMENT PLANS AND SUPPORTING DOCUMENTS	2-1
2.2 ENGINEERING SERVICES DIVISION REVIEW TIME & FEES FOR DEVELOPMENT PLANS	2-2
2.3 DEVELOPMENT IN PHASES	2-2
2.4 PROJECT ABANDONMENT	2-2
2.5 RIGHT-OF-WAY ACQUISITION FOR A PROPOSED DEVELOPMENT	2-2
2.6 FIRE DEPARTMENT ACCESS REQUIREMENTS	2-3
2.7 PUBLIC STREET LIGHTS	2-4
2.7.1 STREET LIGHT PLAN	2-4
2.7.2 STREET LIGHT IMPROVEMENT DISTRICT (SLID)	2-4
2.8 SOLID WASTE VEHICLE ACCESS AND ROUTE DESIGN	2-4
2.9 CONSTRUCTION PERMITS	2-4
<u>CHAPTER 3 – STREET DESIGN STANDARDS</u>	<u>3-1</u>
3.1 GENERAL INFORMATION	3-1
3.2 VALLEY GUTTERS	3-2
TABLE 3-2 TECHNICAL DESIGN REQUIREMENTS BY STREET CLASSIFICATION	3-3
APPENDIX 3-1 DRIVEWAY PLAN FOR RESIDENTIAL LOT	3-1-1

CHAPTER 4 – TRAFFIC ENGINEERING STANDARDS **4-1**

4.1	GENERAL INFORMATION	4-1
4.2	STREET AND LANE CLOSURE PERMITS	4-1
4.3	TRAFFIC IMPACT ANALYSIS PROCEDURES	4-1
4.4	TRAFFIC CONTROL POLICIES AND PROCEDURES	4-2

APPENDIX 4-1	TRAFFIC IMPACT ANALYSIS (TIA)	4-1-1
--------------	-------------------------------	-------

CHAPTER 5 – STORM WATER STANDARDS **5-1**

5.1	GENERAL INFORMATION	5-1
5.2	DRAINAGE REPORT	5-1
5.3	STREET DRAINAGE	5-2
5.4	LOT GRADING	5-2
5.5	BOX CULVERTS	5-2
5.6	STORM DRAINS	5-3
5.7	OPEN CHANNELS	5-3
5.8	STORM INLETS	5-4
5.9	RETENTION/DETENTION FACILITIES	5-4
5.10	DETENTION FACILITIES	5-6
5.11	DRAINAGE EASEMENT	5-7
5.12	STORM WATER POLLUTION PREVENTION PLAN (SWPPP) CHECKLIST	5-7

APPENDIX 5-1	CHECKLIST FOR STORM WATER POLLUTION PREVENTION PLAN (SWPPP)	5-1-1
--------------	---	-------

APPENDIX 5-2	CHECKLIST FOR CONSTRUCTION SITE SWPPP INSPECTION	5-2-1
--------------	--	-------

APPENDIX 5-3	PRELIMINARY AND FINAL DRAINAGE REPORT GUIDELINES	5-3-1
--------------	--	-------

APPENDIX 5-4	UNDERGROUND RETENTION/DETENTION SYSTEMS STANDARDS AND SPECIFICATIONS	5-4-1
--------------	--	-------

CHAPTER 6 – WATER AND RECLAIMED WATER STANDARDS **6-1**

6.1	GENERAL INFORMATION	6-1
6.2	POTABLE WATER SOURCE	6-2
6.3	POTABLE WATER QUALITY	6-2
6.4	FACILITIES	6-2
6.5	DESIGN CRITERIA	6-2
6.6	RECLAIMED WATER SYSTEM	6-3
6.7	PIPELINE MATERIALS	6-4
6.8	FIRE SERVICES	6-4
6.9	DEPTH AND SEPARATION OF POTABLE AND RECLAIMED LINES	6-6
6.10	AIR RELEASE	6-6

6.11	VALVES	6-6
6.12	SERVICE LINES AND METERS	6-7
6.13	PIPE BEDDING, BACKFILL AND MARKER BALL REQUIREMENTS	6-9
6.14	CONSTRUCTION WATER	6-9
6.15	BACKFLOW PREVENTION DEVICES	6-10
6.16	SITE WATER MODEL REQUIREMENTS	6-10
6.17	NEW OR REPAIRED WATER LINE/SYSTEM TESTING	6-10

APPENDIX 6-1	WATER MODEL REPORT FORMAT GUIDELINES	6-1-1
--------------	--------------------------------------	-------

<u>CHAPTER 7 – SEWER SYSTEM DESIGN STANDARDS</u>	<u>7-1</u>
---	-------------------

7.1	GENERAL INFORMATION AND REQUIREMENTS	7-1
7.2	TYPES OF SANITARY SEWER LINES	7-1
7.3	MATERIALS OF SANITARY SEWER LINES	7-2
7.4	DESIGN CRITERIA OF SEWER LINES	7-2
7.5	LOCATIONS OF SEWER LINES	7-3
7.6	DEPTH AND SEPARATION OF SEWER LINES	7-3
7.7	PIPE BEDDING AND MARKER BALL REQUIREMENTS	7-3
7.8	SEWER SERVICE TAPS	7-4
7.9	SEWER MANHOLES AND CLEANOUTS	7-4
7.9.1	MATERIALS OF MANHOLES	7-4
7.9.2	SPACING OF MANHOLES AND CLEANOUTS	7-5
7.9.3	MANHOLE LOCATIONS	7-5
7.9.4	MANHOLE DESIGN CRITERIA	7-5
7.10	WASTE CONTROL FROM COMMERCIAL DEVELOPMENTS AND MULTI-FAMILY RESIDENTIAL	7-6
7.11	WASTE CONTROL FROM INDUSTRIAL DEVELOPMENTS	7-7
7.11.1	PRELIMINARY TREATMENT FACILITIES	7-7
7.11.2	CONTROL VAULT/MONITORING MANHOLE REQUIREMENTS	7-7
7.11.3	INDUSTRIES REQUIRED TO INSTALL CONTROL VAULTS IN THE BUILDING SEWER	7-8
7.12	SEWER LINE CONSTRUCTION	7-9
7.13	SEWER LINE INSPECTION	7-9

APPENDIX 7-1	SEWER TAP PLAN PERMIT APPLICATION	7-1-1
--------------	-----------------------------------	-------

<u>CHAPTER 8 – LANDSCAPING AND IRRIGATION STANDARDS</u>	<u>8-1</u>
--	-------------------

8.1	GENERAL INFORMATION	8-1
8.2	IRRIGATION SYSTEMS	8-2
8.3	IRRIGATION SYSTEMS SUPPLIED BY RECLAIMED WATER	8-3
8.4	CROSS CONNECTION TESTING REQUIREMENTS	8-4

<u>CHAPTER 9 – CONSTRUCTION PLANS</u>	<u>9-1</u>
9.1 GENERAL REQUIREMENTS	9-1
9.2 FINAL RECORDED PLAT SUBMITTAL FORMAT	9-3
APPENDIX 9-1 CHECKLISTS FOR THE PREPARATION OF UNIFORM PLAN SETS	9-1-1

<u>CHAPTER 10 – CONSTRUCTION INSPECTION GUIDELINES</u>	<u>10-1</u>
10.1 GUIDELINES	10-1
10.2 GENERAL REQUIREMENTS FOR INSTALLATION OF UNDERGROUND UTILITIES	10-7
10.3 TRENCH SPECIFICATIONS AND ACCEPTANCE REQUIREMENTS	10-9
10.3.1 DOCUMENTS REQUIRED FOR TRENCHING IN THE CITY OF SURPRISE RIGHT-OF-WAY	10-9
10.3.2 SPECIFICATIONS FOR TRENCHING WITHIN THE CITY OF SURPRISE RIGHT-OF-WAY	10-10
10.3.3 TRENCH TESTING REQUIREMENTS	10-10
10.3.4 TRENCH WARRANTY	10-12
10.4 UTILITY PERMIT PROCEDURES AND REQUIREMENTS FOR UTILITIES WITH FRANCHISE AGREEMENTS	10-12
10.4.1 PAVEMENT CUT SURCHARGE FEE	10-12
10.4.2 MANDATORY BEGIN WORK NOTIFICATION	10-12
10.4.3 TRAFFIC RESTRICTION AND BARRICADING REQUIREMENTS	10-13
10.4.4 ARIZONA BLUESTAKE, INC. AND OVERHEAD HIGH VOLTAGE SAFETY	10-13
10.4.5 CONSTRUCTION STANDARDS FOR EXCAVATIONS (OSHA)	10-13
10.4.6 GENERAL INSPECTIONS	10-13
10.4.7 DRY UTILITY BLANKET PERMITS	10-14
10.4.8 WARRANTY OF WORK	10-14
10.4.9 PERMIT CLOSE OUT	10-15
10.4.10 DEFAULT NOTICE	10-15
10.5 INSPECTION PROCEDURES FOR SUBSTANTIAL COMPLETION AND FINAL APPROVAL OF PROJECTS	10-15
10.5.1 INSPECTION GUIDELINES	10-15
10.5.2 PRE-WALK REQUIREMENTS	10-15
10.5.3 SUBSTANTIAL COMPLETION WALK	10-16
10.5.4 REQUIRED DOCUMENTATION FOR CERTIFICATE OF OCCUPANCY	10-16
10.5.5 COUNCIL ACCEPTANCE	10-17
10.5.6 WARRANTY PERIOD	10-17
10.5.7 WARRANTY WALK	10-17
10.5.8 RELEASE OF WARRANTY FINANCIAL ASSURANCE	10-18
APPENDIX 10-1 CHECKLISTS FOR PROJECT WALKOUT	10-1-1
APPENDIX 10-2 CHECKLISTS FOR CONDITIONAL AND FINAL PROJECT APPROVAL	10-2-1

CITY OF SURPRISE SUPPLEMENTAL STANDARD DETAILS

List of Abbreviations

ADA	Americans with Disabilities Act
ADEQ	Arizona Department of Environmental Quality
ADOT	Arizona Department of Transportation
ADWR	Arizona Department of Water Resources
<u>A.R.S.</u>	<u>Arizona Revised Statutes</u>
C of O	Certificate of Occupancy
EDS	Engineering Development Standards
FCDMC	Flood Control District of Maricopa County
FEMA	Federal Emergency Management Agency
<u>LDO</u>	<u>Land Development Ordinances</u>
MAG	Maricopa Association of Governments
MCDES	Maricopa County Department of Environmental Services
MCDOT	Maricopa County Department of Transportation
<u>PEDs</u>	<u>Planning and Engineering Design Standards</u>
SUDC	Surprise Unified Development Code

Introduction

The purpose of Volume One of the “Planning & Engineering Design Standards (PEDS) Manual” is to communicate to developers, architects, engineers, and other design professionals, the City’s design standards and development expectations for the many and varied land uses in the City of Surprise. The Planning Design Standards are not intended to be viewed as the only solution, but as the baseline for the minimum design expectations necessary for development approval by the City. These design standards are preferred approaches, but alternative solutions that achieve expected protection of existing neighborhoods and the native desert setting may be proposed and considered. The intent is to ensure the creation of smartly designed, sustainable, compatible, quality development that enhances the livability and desirability of the City of Surprise.

The Standards identify key site design and architectural elements, streetscape, right-of-way and on-site landscaping, and connectivity and *multimodal* aspects that are important to the City while providing latitude for creative, innovative solutions to design proposals. The basic nature of these standards affords the necessary flexibility to permit creativity and innovation, which the City encourages, as new technologies, techniques, and products become available as well as to accommodate difficult or unusual site design situations. However, the following Planning Design Standards and all appendices herein are formally adopted in Chapter 107 of the Land Development Ordinance (LDO) and therefore have the full force and effect of law.

Some land uses will be more auto-centric than others, but in all cases an objective is to balance vehicular access with those of alternative modes such as pedestrians, bicyclists, transit/bus, and the potential for commuter/light rail in the future.

In addition to ensuring quality development, these Planning Design Standards are intended to implement the Surprise General Plan 2035 by:

- Increasing pedestrian and *multimodal* connectivity;
- Promoting energy efficient and environmentally sensitive designs;
- Creating sustainably built environments;
- Providing quality development with compatibility between developments;
- Diversifying development in a manner that enhances the value of property;
- Encouraging distinctive development that reinforces Surprise’s “sense of place”.

The following Volume One Planning Design Standards work in conjunction with the Engineering Design Standards found in Volume Two to constitute the Surprise PEDS Manual. Words or phrases expressed using *italics* shall assume the meaning as ascribed in Appendix A herein.

Commented [a1]: The HBACA is generally opposed to the adoption of residential design standards or guidelines, including the regulation of architecture and aesthetic design. These types of regulations are often overly burdensome, dictate features that should be left up to individual consumers, discount the substantial resources builders expend to determine what buyers want, and may prevent a potential home buyer from being able to move into a neighborhood.¹

In addition, the HBACA is concerned that these types of regulations are inherently subjective and vague, which may run afoul of our members’ due process rights.²

City Comment: These regulations are meant to create a clear and transparent expectation for the quality of design while not being prescriptive not dictate the architectural aesthetics.

CHAPTER 1: STANDARD REQUIREMENTS FOR ALL LAND USES

1.1 GENERAL LAND/SITE DESIGN & DEVELOPMENT

- A. Existing features of the site, including but not limited to, rock outcroppings, steep slopes, washes, and views of the surrounding mountains shall be incorporated in the planning and design of the development to shape the identity and character of both the development and the open space component to the greatest extent possible.
- B. Sustainable development practices shall be followed when planning the design of any proposed project regardless of its physical location within the City of Surprise. In addition, the provisions and standards found in Chapter 5: Environmentally Sensitive Lands Standards herein and the regulations in Article 2, Chapter 104 of the LDO shall be followed when planning the design of any proposed project on property that possesses cultural resources and/or environmentally sensitive features.
- C. If a development parcel is located adjacent to or encompasses areas identified as open space, trails and greenways, in either the Surprise General Plan or Parks and Recreation Master Plan, the development shall be required to provide for and incorporate those areas into the overall site design and the open space network of the development. Conservation of these identified community-wide open spaces, trails, and greenways and construction of the improvement within them shall be the responsibility of the developer. These larger community-wide trails shall be platted as a "multi-use trail easement" and stated to allow for public use and access, with maintenance responsibilities falling onto the Homeowners' Association, unless those open spaces, trails and greenways have been dedicated to and accepted by the City of Surprise into the City park system for maintenance responsibilities.
- D. The open space component of a new development shall tie to the City's broader *multimodal* system, open space system including washes and wildlife corridors, and ultimately to the hierarchy of parks planned throughout the City.
- E. The development's pedestrian circulation and open space system shall provide for connections to adjacent developments to enhance continuous *multimodal* circulation and open space throughout the City of Surprise. These spaces shall be large enough to also serve as a buffer between incompatible land uses, different development densities, and different development patterns.
- F. All new dry utilities must be placed underground; with the exception of wireless facilities (WF) and 69 KV or larger electric lines.

Commented [a2]: The HBACA is concerned that some of these set asides for public benefit may constitute a taking of property which would require compensation by the City. In addition, we are concerned that assigning the maintenance responsibilities to the HOA will result in dramatically increased HOA dues that home owners will not be willing to pay.

City Comment: The open space identified in the GP 2035 is primarily FEMA floodways that intend to preserve these unbuildable swaths of natural desert as recreational amenity. This provision is consistent with HOA maintained open space/trails. The public access easement addresses unenforceable trespassing rules on trails that connect one subdivision or commercial development to another.

1.2 OPEN SPACE DESIGN

- A. The amount of required open space for any development is based on the zoning of the property and further outlined in Chapter 104 and the specific articles of Chapter 106 in the LDO. Different kinds of open space serve different needs (for example, ecological, recreational, entertainment, and culture). While some open space may serve more than one need, there is a particular need to retain

Commented [a3]: The HBACA will provide further comment on these requirements once subsequent drafts of the LDO have been published for comment.

natural desert open space and corridors.

- B.** The required open space shall be designed, located, and oriented to provide:
1. Conservation of the Sonoran Desert vegetation and *wildlife habitats* that are important to native wildlife species and create a “sense of place” for the community.
 2. Individual development parcels that provide opportunities for hiking, cycling and equestrian trails that are safely and conveniently located and provide bicycle racks, benches and/or other amenities that promote their use.
 3. Physical connections to adjacent parcels that enhance a structure of continuous open space, streetscape, and a *multimodal* circulation system.
 4. Preservation and/or enhancement of watersheds, major drainage ways, *wildlife corridors*, *cultural resources*, and natural desert open space view corridors to the surrounding mountains.
 5. Include on-site storm water retention facilities as an integral component and useable amenity of the open space network. Plan the site’s drainage to lead runoff away from active use areas, pathways, and parking areas while utilizing a Low Impact Design.
 6. Wherever and whenever possible, orient open space for optimal solar access to extend its use throughout the year. Provide user-friendly gathering and rest areas that are shaded, landscaped, lighted, and furnished to invite and encourage use by the public.
 7. Maintain appropriate buffer areas and/or setbacks between wildlife corridors and developed areas to mitigate edge effects on wildlife corridors.
 8. Maintain connectivity to other community and regional parks, trails and greenspaces.
 9. Provide for wildlife permeability within open space corridors and across restrictive sections of major roadways and other potential barriers.
- C.** In addition to ~~the any~~-undeveloped buffer areas, the preserved *environmentally sensitive features*, and/or *cultural resources* the following amenities and infrastructure designs are examples of ~~what might areas/elements that can~~ also be calculated as open space for the purpose of meeting the open space requirements for the specific property:
41. Existing desert washes and *wildlife corridors* if:
 - a. they are incorporated into the overall open space design of the development in their historical unaltered location; and
 - b. the buffer area adjacent to such wash/corridor is improved with a multi-use pathway for bicycles, pedestrians and if applicable equestrians.

PEDS Vol 1: Planning Design Standards

12. Landscaped or hardscaped plazas, landscaped tracts at ends of residential blocks, gathering and sitting areas designed to provide an open park like atmosphere;
23. Community gardens;
34. Protected bike lanes within the right-of-way and multi-use pathways outside of the right-of-way (not sidewalks associated with the street right-of-way);
5. Retention facilities if:
 - a. given a "natural" character (not ditch-like in design) by terracing, berming, and contouring to naturalize and enhance the aesthetics of the basin and constructed with/of natural materials (not concrete lined); and
 - b. landscaped and connected into the overall open space system in a manner that could accommodate recreational facilities such as tot lots, play fields, and other amenities provided all amenities are located above the 100-year, 2 hour storm event level.
6. If the developer chooses to utilize the Alternative Local Street cross section (see **Illustration 1A**) in lieu of the Standard Local Street cross section (see **Illustration 1B**) then the entire ~~landscaped boulevard strip~~ *landscape strip* may be calculated as open space even though the ~~boulevard strip~~ *landscape strip* is within the public right-of-way. The excess ~~boulevard strip~~ *landscape strip* must exceed standards by a minimum of five (5) foot for open space credit to apply.

Commented [AB4]: The City should define what it considers to be protected bike lanes. Is providing bollards sufficient to be considered protected? Or, is the City expecting a separate tract of the right-of-way to provide an isolated, separate bike lane? Or, somewhere in between these two options?

City Comment: Because of the inconsistent understanding of the term 'complete streets', it has been removed in favor of the term multimodal that focuses on and permits any non-vehicle dominant method of travel.

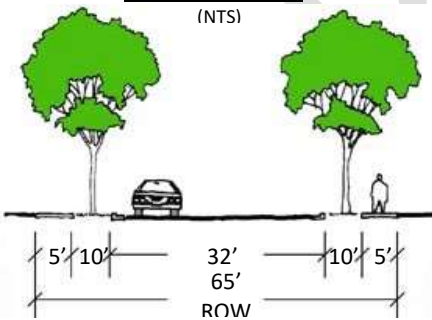
Commented [AB5]: In regards to Illustration 1A:

For local streets interior to a residential subdivision, the preference among builders, developers, and home owners is for a narrower street design which still allows for emergency and public works access. By increasing the curb to curb distance, the City will actually be encouraging higher rates of speed within subdivisions which is contrary to the stated goal of more multimodal traffic and safe pedestrian activity, particularly where children are playing. The City should revisit this requirement.

City Comment: The pavement width is the same (32'). The extra width is the landscape strip.

ILLUSTRATION 1A

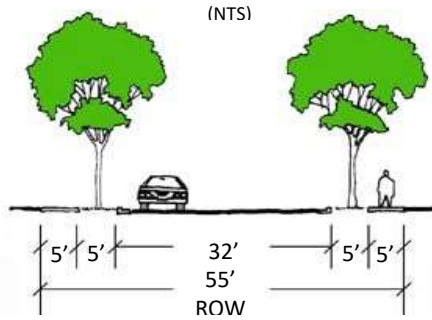
(NTS)



Alternative Local Street: Provides a 10 foot ~~boulevard strip~~ *landscape strip* rather than the standard 5 foot; the entire ~~boulevard strip~~ *landscape strip* (10 feet) may be calculated as open space.

ILLUSTRATION 1B

(NTS)



Standard Local Street: Provides a 5 foot ~~boulevard strip~~ *landscape strip*.

1.3 CIRCULATION DESIGN FOR COMPLETE STREETS

A. ROADWAY DESIGN.

PEDS Vol 1: Planning Design Standards

1. The road system shall be designed to permit the safe, efficient and orderly movement of vehicles, bicycles and pedestrians; meet the needs of present and future populations served; have a simple and logical pattern; respect natural features and topography, promotes street life and activity and; present an attractive streetscape.
2. There shall be no development of roadways built to freeway, highway, or parkway standards unless and until that roadway and roadway alignment is shown in the Roadway Systems Element of the Surprise General Plan 2035 as a proposed roadway; unless an amendment to the General Plan is approved.
3. All proposed public rights-of-way shall be developed utilizing the "complete streets" model with a high proportion of interconnected streets, sidewalks and pathways to accommodate multimodal travel a variety of travel modes and complying with ADA requirements. Travel modes— may including include but are not limited to, vehicles, Neighborhood Electric Vehicles (NEV), pedestrians, bicycles, public transit and, where appropriate equestrian uses shall be considered in the planning and design of a "complete street" system.
4. All parkway, arterial and collector streets shall be designed with on-street bicycle lanes, a minimum of six-five feet (6'5") in width.
 - a. Parkway and arterial streets shall provide "fully-protected bike lanes" through the use of an approved vertical element that creates a clear and distinctly separated bike lane that is non-traversable by vehicular traffic (see Illustration 2 below).
 - b. The collector streets may use striping to delineate the on-street bike lane.
5. All parkway, arterial and collector streets shall separate vehicular traffic from pedestrian uses by utilizing detached sidewalks that create a boulevard-striplandscape strip. The boulevard-striplandscape strip shall should be designed to allow landscape plantings, including but not limited to street trees, and in a manner that utilizes LID design for watering. Plant material shall should not impact either the drive lane or the sidewalk with low overhanging branches or root upheaveupheaval. For arterial and collector streets the sidewalk typically will run parallel to the street with the boulevard-striplandscape strip between curb and sidewalk being between eight (8)-feet to sixteen feet (8'-16-) feet in width for the specific type of street per the Engineering Design Standards outlined in Volume Two.
6. Collector streets shall be designed to the street widths necessary to serve the planned intensity and density of land uses, the number of average daily trips generated by those uses, at the appropriate service level acceptable to City, as demonstrated by the required Traffic Impact Analysis (TIA).
7. All existing and proposed street alignments and connections shall provide direct routes to local destinations such as neighborhood commercial centers, schools, parks and other common destinations in

Commented [AB6]: This section requires bike lanes on all arterial and collector streets. The City was also proposing to include separate bike lanes as open space. If a builder/developer provides on-street bicycle lanes does that still count as open space? Also, see comment below regarding on-street bicycle lane width.

City Comment: The min standard for on-street bike lanes will not count as open space. To be counted it must comply with Section 1.2(C)(4) above.

Commented [AB7]: Illustration 2 below shows bike lanes that are 5' to 6' wide. However, Section 1.3(A)(4) requires that the on-street bike lanes be a minimum of 6' wide. We believe that a 5' wide on-street bicycle lane is sufficient. The City should also provide examples of "approved vertical elements."

Generally, it is always best practice to begin a complete streets program with protected bike lanes in the densest areas of the municipality and then expand from there. Requiring new residential development to incorporate complete streets in areas of low traffic that do not connect to a larger complete street network defeats the purpose of a complete streets program while increasing the cost of new development.

City Comment: The bike lane width has been revised. Because of the inconsistent understanding of the term 'complete streets', it has been removed in favor of the term multimodal that focuses on and permits any non-vehicle dominant method of travel.

Commented [AB8]: We believe that the requirement to provide detached sidewalks, *boulevard strips*, protected bike lanes, etc. should be driven by the existing amenities that are provided on the adjacent streets. For example, it does not make much sense to have a protected bike lane or detached sidewalk for a quarter mile stretch and then nothing for the next two miles. The City should clarify that this requirement should be tied into existing infrastructure or, at least recognize that there may be some instances where this is not required and strike the word "All" and replace "shall" with "should."

City Comment: The bike lane width has been revised. Because of the inconsistent understanding of the term 'complete streets', it has been removed in favor of the term multimodal that focuses on and permits any non-vehicle dominant method of travel.

order to: encourage greater use of streets by pedestrians and cyclists; eliminate concentration of traffic on just a few roads; and avoid the use of overly circuitous street layouts and cul-de-sacs, unless physical site constraints require modifications to the connections and alignments.

8. The intersection of two (2) streets shall be at right angles with one another; except when constrained by topography and approved by the City Engineer.

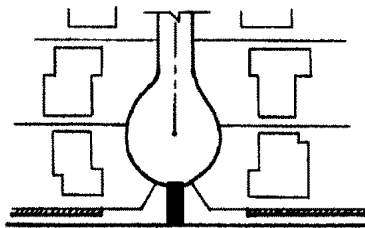
B. CUL-DE-SAC DESIGN.

1. Cul-de-sacs may be permitted only to accommodate specific site conditions, such as natural topographical constraints when all other design options have been exhausted.
2. When adjacent to a parkway, arterial, ~~or~~ collector road, community trail, or regional drainage corridor a cul-de-sac shall be designed so that the bulb end provides a minimum thirty foot (30') ~~feet~~-wide landscaped open space tract that directly connects the cul-de-sac to the parkway, arterial, ~~or~~ collector road, trail, or corridor. This open space area shall be designed with a paved walkway/trail to allow pedestrian and bicycle access to the larger community circulation and/or open space systems. (see **Illustration 3**).

Commented [AB9]: "Shall" should be replaced with "should" as there may be some instances where topographical or other limitations would not make the required landscaped open space or required connections possible.

City Comment: The term 'shall' will be maintained as the standard because the PEDS waiver permits alternative designs to address the intent being solved in various ways.

ILLUSTRATION 3



*Arterial &/or Collector Street
Community Trail, or
Regional Drainage Corridor*

- Provide landscaped open space and connectivity by opening the subdivision perimeter fence at the end of abutting interior cul-de-sac streets.

C. MULTIMODAL/MULTI-USE PATHWAY DESIGN.

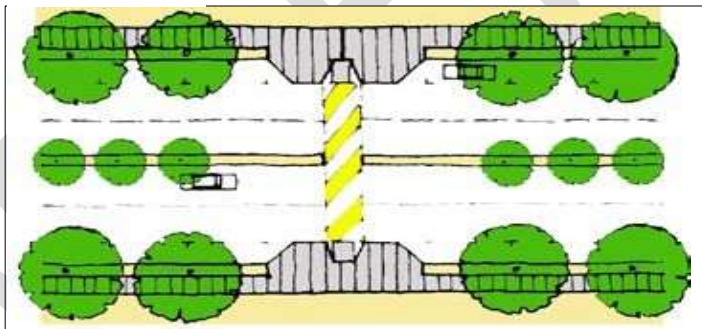
1. The pedestrian network in all new development shall consist of both:
 - a. Sidewalks (~~associated with the complete street system~~) that provide continuous direct routes and connections internally to neighborhood parks and externally to adjacent arterial and collector streets to provide safe routes to places where people want to go - including homes, schools, parks, recreation, *third places* and neighborhood shopping areas, public services, and transit.
 - b. Multi-use pathways (associated with the open space and greenways) designed to accommodate pedestrians and cyclists, and where necessary equestrians, that are an integral component of the open space system and that facilitates the interconnectivity

PEDS Vol 1: Planning Design Standards

to different neighborhoods, adjacent developments, and the larger community and regional pathways and open space systems.

2. Developments that either contain, are adjacent to, or can directly connect to a Community and/or Regional Trail/Path, as shown in the Surprise Parks and Recreation Master Plan, shall both design the pedestrian and bicycle trails/paths as outlined and provide the minimum easements as delineated in the said Master Plan. Equestrian trails shall also be considered; where appropriate and adjacent to the "Regional Path" as shown on the Surprise General Plan 2035 and the Surprise Parks and Recreation Master Plan.
3. Where multi-use pathways cross arterial streets, the pathway shall comply with ADA requirements and include safety measures; such as bicycle and pedestrian activated signals, median refuges, warning signs for both motor vehicles and pathway users, special street markings or striping, and barrier posts ("bollards") that are spaced widely enough to permit cyclists and wheelchair user's easy passage but prevent motor vehicle access (see **Illustration 4** below).

ILLUSTRATION 4



Special markings shall be required where pathways intersect major arterial streets.

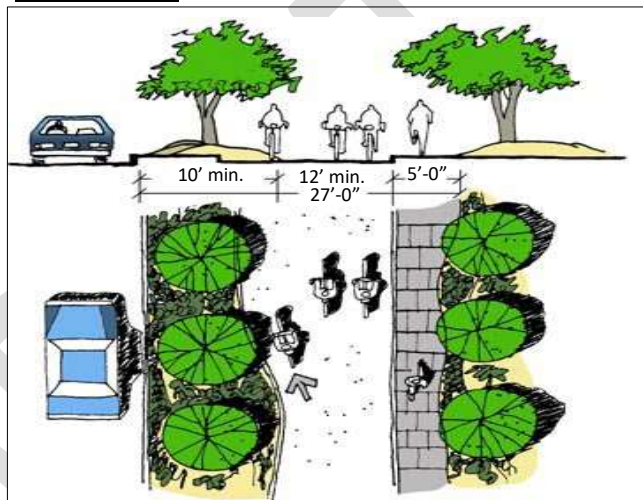
4. A multi-use pathway shall be designed to be, at a minimum, ~~tent~~^{twelve} feet (10'²) ~~feet~~ wide for two-way pedestrian and bicycle movements. The pathway may be either a single or split pathway provided there is a minimum hard-surface width of ~~six~~^{five} feet (5⁶') for pedestrians and ~~fivesix~~ feet (5⁶') for bicycles and skaters.
5. Multi-use pathways shall be placed within tracts or public use easements and located outside of the public right-of-way to provide pedestrians, cyclists and other users' alternate means of moving throughout the development via a complete and continuous separation from vehicular traffic. Where the pathway is adjacent and parallel to the roadway a minimum ten foot (10') wide landscaped ~~boulevard strip~~^{landscape strip} shall be provided to separate the street from the pathway (see **Illustration 5** below).
6. Where pathway corridors are also designed for use by equestrians, the minimum width of the total pathway right-of-way, including a minimum

Commented [AB10]: We believe that a minimum 10' wide or 5'/5' wide pathway would be sufficient to accommodate the anticipated traffic.

landscaped area of ten feet (10') shall be twenty-seven feet (27'), with the additional five foot (5') portion devoted to equestrians constructed of a softer surface consisting of stabilized decomposed granite, a ground gravel or other compatible dense, yet soft material (see **Illustration 5** below).

7. Under-crossings for multi-use pathways shall be well lit and designed to provide a minimum width of fourteen feet (14') and a minimum overhead clearance of ten feet (10').
8. When equestrian paths are designed they may require additional standards.

ILLUSTRATION 5



Illustrative Example: Multi-use pathway parallel to a roadway.

1.4 LANDSCAPE AND STREETScape DESIGN

A. GENERAL LANDSCAPE STANDARDS.

1. Xeriscape methods and low water use drought tolerant plants shall be utilized within all public rights-of-way, public spaces, and landscaped areas associated with all surface parking lots; the plant list for such public spaces is **Appendix B** in PEDS Volume 1 herein. The City's preferred plant list for homeowners associations/property associations for private development open spaces, buffer areas, and the individual homeowner's on-site use is **Appendix C** in PEDS Volume 1 herein.
2. All landscape areas shall be supplied with an efficient irrigation system. Introduced landscape materials shall consist primarily of durable species tolerant of soil compaction, and requiring minimal irrigation, fertilization and maintenance (see **Appendix B** and **Appendix C** herein).

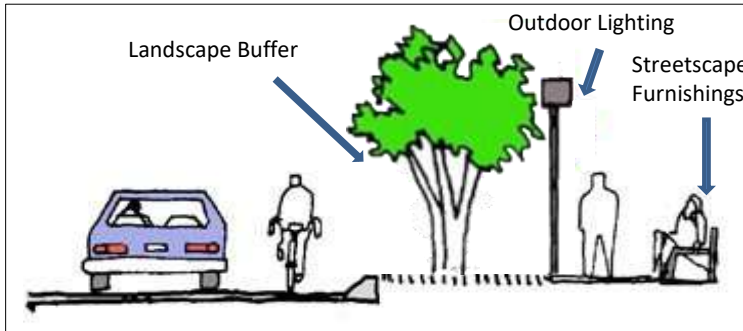
3. The landscape design should strive to visually create a larger massing of a single color groundcover and/or shrub with an accent color rather than being seen as a number of individual plants.
4. The use of turf shall not be allowed in any public rights-of-way. The use of natural turf outside of the public rights-of-ways shall be limited to twenty ~~(20%)~~ percent (20%) of the total landscaped area; excluding artificial turf and designated turf areas on a single family lot, when required in retention basin, within public parks, ~~and golf~~ and golf courses.
45. Retain native trees and cacti and incorporate it into the project unless determined to be unsalvageable by a licensed landscape professional (refer to **Chapter 107** of the LDO).
56. Any landscape design in the City of Surprise shall comply with the provisions of the city's Water Conservation regulations (**Chapter 58; Article VII**) and in particular the specific limitations regarding the use, design, location and installation of fountains or water features.
67. Landscaping maintenance of the center medians within those streets classified as Parkways and Arterial streets shall be the responsibility of the City of Surprise after acceptance.
78. ~~Landscaping maintenance of medians within those streets classified as Collector and Local streets and the adjacent public rights-of-way, including the landscaped boulevard strip, landscape strips between the curb and the detached sidewalk, shall be the responsibility of the adjacent property owner or the property association formed by the adjacent property.~~
8. Additional standards for Neighborhood Developments, Commerce, Office and Mixed-Use Developments, and Business Park and Industrial Developments may be found respectively in **Articles 2, 3 and 4** herein. Additionally, adherence to the landscape regulations in **Chapter 107** of the **LDO** shall be required.

Commented [AB11]: We are concerned that assigning the maintenance responsibilities to the HOA will result in dramatically increased HOA dues that home owners will not be willing to pay. This is particularly true where the landscaping in medians and the landscaped *boulevard strips* are to provide a public benefit beyond the adjacent development.

B. GENERAL STREETScape STANDARDS.

1. Landscape medians within the right-of-way shall utilize "Low Impact Development" methods to capture first flush stormwater, refer to **Section 1.6** herein and meet the requirements of Volume Two Engineering Design Standards; Chapter 8 of the PEDS.
2. To encourage high pedestrian usage and reinforce the community's *multimodal* circulation system the street rights-of-way shall incorporate landscaping, outdoor lighting and, when determined by the City, appropriate streetscape furnishings along arterial and collector roadways. (See **Illustration 6** below).

ILLUSTRATION 6



Landscaping between street and detached sidewalks create an intimate streetscape.

1.5 BUILDING FORM AND ARCHITECTURE

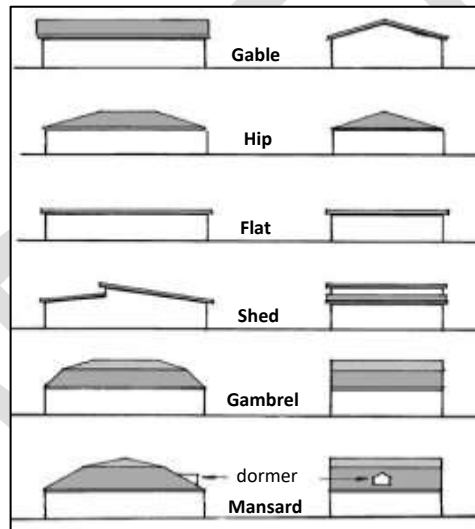
- A. High quality “stylized” or “theme” architecture is permitted, as long as it incorporates the architecture of the area and maintains continuity with the community as a whole.
- B. Buildings shall be designed and oriented to minimize heat gain and maximize pedestrian shade opportunities; including materials, elements, and details (i.e. extended or cantilevered roof eaves, thickened building walls, awnings).
- C. The City strongly encourages all new buildings to meet Leadership in Energy and Environment Design (LEED) certification standards; and building sites and development in general to utilize Low Impact Development (LID) technologies.
- D. All exterior elevations shall provide architectural detailing (360° architecture) by the consistent use of color, patterning, finish, type and application of materials, and the wrapping of materials around onto adjoining walls of the structure to provide design continuity and a finished appearance to the building.
- E. Flat monolithic facades and large unvaried rooflines are not permitted. The building façade shall utilize recessed entryways and windows, groupings of windows, horizontal and vertical offsets and reveals and three-dimensional detail between surface planes, to create shadow lines and break up long continuous flat wall areas.
- F. The use of architectural features such as three-dimensional cornice treatments, enclosed parapet wall forms and details, and overhanging eaves shall be utilized to enhance the architectural character of the roof.
- G. Solar panels located on rooftops shall be placed consistent with roof pitch, and sized to appear as an integral part of the overall roof design. The solar panels may be used as the roof structure itself (e.g. carports, shade structures, patio covers).

- H. When appropriate to the style of a building, a variety or combination of roof forms are preferred as a means of adding visual interest and diversity to the City's "roof horizon" and to avoid the "sameness" of roof styles. The more typical roof types are gable, hip, flat, shed, gambrel and mansard style roofs as shown in **Illustration 7**.

1.6 GRADING & DRAINAGE DESIGN AND FLOODWAYS

- A. Washes and drainage patterns shall be maintained in their historic location. Mass grading of parcels over five (5) acres (5 ac) in size shall require additional approval from the Community Development Director; phased grading of a development is the preferred method. The grading concept for any site shall be a balanced cut and fill on the site to limit damage to the natural topography; except in the case of

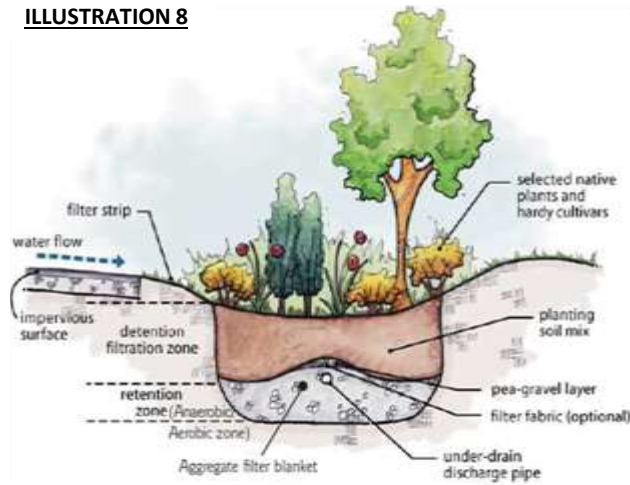
ILLUSTRATION 7



approved and permitted mining activities.

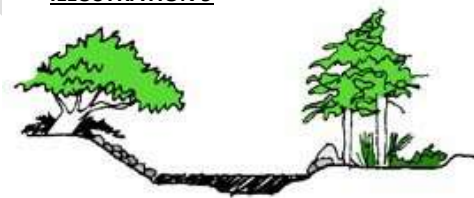
- B. Low Impact Development (LID) construction methods to meet the needs of Assess both on-site and off-site stormwater drainage aspects of stormwater to determine what type of Low Impact Development (LID) construction methods, such as but not limited to, bioswales, bioretention planters, and strategic use of water features shall be implemented to both improve stormwater management and enhance the built environment of the development (see **Illustration 8** below).

ILLUSTRATION 8



- C. In the event that retention basins are required, per the drainage analysis, they shall be designed as landscape features rather than large, plain depressions in the site. To the greatest extent possible, basins shall be located and oriented to connect with other open space areas of the development which in turn connect physically, functionally, and visually with open space in adjoining developments/sites.
- D. Design any water harvesting approaches to supplement landscape irrigation, reduce stormwater discharge, and downsize retention facilities.
- E. Where a floodway or wash traverses a development site, the floodway or wash shall be set aside as open space and improved using environmentally sensitive channel and bank stabilization techniques to provide a naturally appearing restored, enhanced and stabilized floodway or wash. Under no circumstance shall the channel or sides of a floodway or wash be paved over in concrete or similar material (see **Illustration 9**).

ILLUSTRATION 9



1.7 Utility Screening

- A. Above ground ancillary equipment appurtenant to underground utility facilities, such as surface-mounted transformers, electrical panel boxes, pull boxes, pedestal cabinets, service terminals, telephone splice enclosures, or other similar above-ground facilities normally associated with an underground utility system shall be located to the rear of the project site, not located along a street frontage or at the entrance to a development, and shall be decoratively screened from public view.
- B. All residential development site utility equipment including, but not limited to, HVAC equipment, electrical transformers, electrical and telephone panels and switch gear, generators, irrigation backflow prevention devices, natural gas pressure regulators, fire distribution valves, and cable and junction boxes shall be located so as not to be visible from any street, pedestrian way or other public right-of-way. Said utility equipment shall be screened from public view, located within the building structure, or placed underground.
- C. Utility equipment serving large commercial, office, industrial, and civic/institutional buildings shall be located in a utility room(s) within the building structure; or within a separate structure attached to the principal building on the site.
- D. When undergrounding utility support equipment is determined not to be feasible due to a pre-existing land condition such as a high water table or excessive bedrock, or a technical or space limitation problem within the building itself would preclude an indoor location; the utility support equipment shall be located away from abutting streets and screened by one or a combination of the following techniques:
 - 1. An architectural barrier such as a decorative, masonry wall enclosure consisting of sound absorbent and sound scattering wall materials; and/or
 - 2. Landscaped earthen berm having a minimum height of four feet that incorporates planting having a minimum height at maturity of six feet (6'), measured from the top of the berm. Berm landscaping shall consist of a combination of dense shrubbery and clusters of trees having a minimum three-inch caliper trunk measurement; and/or
 - 3. Incorporated/decorated as public art.
 - 4. Chain-link and/or slat fencing shall not be used to satisfy screening requirements for utility and service areas.

1.78 ART IN PUBLIC PLACES

- A. To encourage the creation of more attractive, unique, and aesthetically pleasing social spaces, artwork is encouraged to be integrated into public and private spaces within all types of development and accessible to the public via different multi-use pathway systems.
- B. Public art that invites participation and interaction, that adds local meaning, or and reinforces the unique character and "sense of place" when incorporated into a development's outdoor spaces, such as but not limited to plazas and park spaces.

subdivision entries, or public facilities. Public art that are-is designed for public use may be credited as open space if it can be demonstrated that the art meets one of the following options:

1. Building features and enhancements such as customized bike racks, gates, benches, water features, or pedestrian shade screens, which are unique to the development;
2. Landscape art enhancements such as walkways, bridges, formal plantings or art features within a community garden;
3. *Murals* or mosaics covering walls, floors, and walk ways. Non-signage *murals* may be painted or constructed with a variety of materials, including the use of imbedded and nontraditional materials;
4. Sculptures, which can be freestanding, wall-supported or suspended, kinetic, electronic, and made of durable materials;
5. Community art projects resulting in tangible artwork, such as community non-signage *murals*, sculptures, or kiosks;
6. Spaces for regular artistic expression of performance art as well as the creation of artwork which is experienced by an audience;
7. Community accents at intersections, at neighborhood gathering locations, or in neighborhood parks such as statues, animal feeders or baths, artistic variations on standard street furniture elements, water features, or place markers;
8. Temporary artistic installations in social settings or permanent location(s) in which artwork is regularly relocated or rotated to;
9. Artistic design on utility boxes or screening of the utility boxes.

C. Art work on or adjacent to roadways and public right-of-way shall not be in conflict with traffic safety, such as covering signs or reducing sight visibility.

Commented [AB12]: When would these types of amenities be credited as open space? Are there examples that are not provided in the 1 to 9 examples? If the public art were provided adjacent to a public right-of-way and integrated within a subdivision entry, would that be acceptable?

CHAPTER 2: NEIGHBORHOOD LAND USES

2.1 GENERAL LAND/SITE DESIGN & DEVELOPMENT

- A. The development as a whole shall be interconnected through the open space, landscaping, and its visual design characteristics.
- B. Large development projects proposed for phased development shall be planned and designed so that each phase is complete and can exist independently in terms of the functionality of its infrastructure and circulation systems as well as the drainage.
- C. When allowed, high-density residential and non-residential development shall be located within mixed-uses projects or adjacent to, and oriented toward, the arterial and/or collector roadways, transit/bus services, and the community's pedestrian circulation and trail system.
- D. ~~If any development chooses to impose enhanced architectural and streetscape aesthetics on itself, in order to create a specific textural character, they shall apply to the entire development and not just to a select parcel(s) within the development.~~
- E. New residential development shall be designed so that lots ~~that abut or front~~ adjacent to an arterial or collector roadway take access from an internal local residential street or a frontage local roadway ~~, or from an alley.~~
- EF. Subdivision and street layout, lot orientation, and home design and siting, shall utilize the most advantageous solar orientation, climatic, and environmental conditions of the development site.
- FG. Design of accessory elements such as group mailboxes and security huts and gates, transit/bus shelters, and streetscape shall be compatible with the architectural style and/or unique theme of the development or neighborhood in which it is located.
- GH. Group mailboxes for new residential development shall not be freestanding, but shall be placed into an architectural form that is strategically and conveniently located throughout the development as a part of the development's pedestrian open space and circulation system and providing amenities such as illumination, shade trees and benches for neighbor interaction. All group mailboxes shall be accessible to persons with disabilities.
- HI. ~~Trash and Refuse Collection:~~
 - 1. ~~Single family: Street, lot, and driveway design for any development shall accommodate placement of containers curbside at the street front for each dwelling unit and in a manner that does not impede pedestrian and bicycle circulation, landscape areas, or off street parking on collection days.~~
 - 2. Multi-family & Non-residential Buildings in the Neighborhood Land Use: Trash and refuse collection containers shall be screened from public view with a six foot (6') decorative masonry wall enclosure and located such that they are not the visual focal point of a driveway or cannot be viewed from a public street. Those sites that can only locate the refuse containers in a highly visible location shall provide

Commented [AB13]: Often residential subdivisions will offer a variety of products from entry level through luxury within a single development. This allows for greater diversity of housing products that appeal to a broader buyer base. Therefore, it would make sense that a builder may want to impose enhanced architectural or streetscape aesthetics to a specific parcel within the development but not to the entire development.

Similarly, a builder may want to impose different enhanced architectural and streetscape aesthetics to different parts of a development. The City should embrace any way a builder wants to impose enhanced architectural and streetscape aesthetics. This will ensure that builders are most likely to do these enhancements and will help to avoid the "sameness" these guidelines are attempting to prevent.

Finally, a "development" may include more than one builder offering different products for different buyers. In that instance, it would not be appropriate to hold all builders to a standard that one builder may chose for a particular product series.

City Comment: The provision has been removed

Commented [AB14]: Placing the containers in front of the curb on narrow streets does not impeded pedestrian and bicycle circulation. The narrow streets already slow vehicular speed, the placement of the containers further slows speeds to allow for safe bicycle and pedestrian passage. This requirement should be removed as unnecessary.

City Comment: The provision has been removed. Additional solid waste provisions have been added later in the chapter.

screening the containers with decorative latching gates at the opening to the enclosure.

- I.** To reduce the impact of the garage dominant architecture garage doors shall not comprise more than forty-five percent (45%) of the total linear frontage of the residential front elevation.

7. Up to ten percent (10%) of home products with additional options such as but not limited to front porch or patio that comprises of the remaining front elevation, or balconies within a subdivision may have garage doors up to sixty percent (60%) of the total linear frontage of the residential front elevation.

8. For 3-car garages, garage proportions may be up to fifty percent (50%) on homes greater than forty feet (40') in width. Stalls will be separated such that no more than two (2) stalls are in the same vertical plane or adjacent to each other (i.e., provide a two-foot (2') offset with architectural trim for at least one (1) stall or provide one (1) stall in a side-entry or tandem configuration).

- J.** To create a more diverse street character all residential lots shall incorporate a combination of the following designs methods for site layout (see **Illustration 10** below):

1. A ~~19~~five-foot (10') stagger in the building front setbacks between adjacent lots;
2. A five foot (5') recess for the garage;
3. A porte-cochere;
4. A detached garage located in the rear of the lot utilizing a single car drive adjacent to the home;
5. A side-entry garage product as part of a variety of floor plans; or
6. Decorative pavers or other driveway treatments to the menu of options.
7. Garage doors with windows, raised or recessed panels, architectural trim, and/or single garage doors
8. Architectural treatment above the garage such as windows or balconies

Commented [AB15]: Stakeholder Comment: This section states that it requires a "combination," so we are assuming that a builder would have to use at least 2 of these options. The City should clarify what is required. Further, a blanket prohibition on the garage door comprising more than 45% of the front elevation would effectively preclude three-car garages on smaller width products. There should be additional accommodation to allow for this popular product type.

It is also important to note that the City already has other requirements in place, which when applied with the garage proportion requirement softens the garage dominance of the streetscape.

Given this regulatory framework, the following are options supported by the HBACA for providing additional flexibility in the City's design standards for garage proportion:

Add decorative pavers or other driveway treatments to the menu of options.

Allow some lots to have a garage forward of the livable space. A requirement to have livable space in front of all garages achieves "sameness" through regulation.

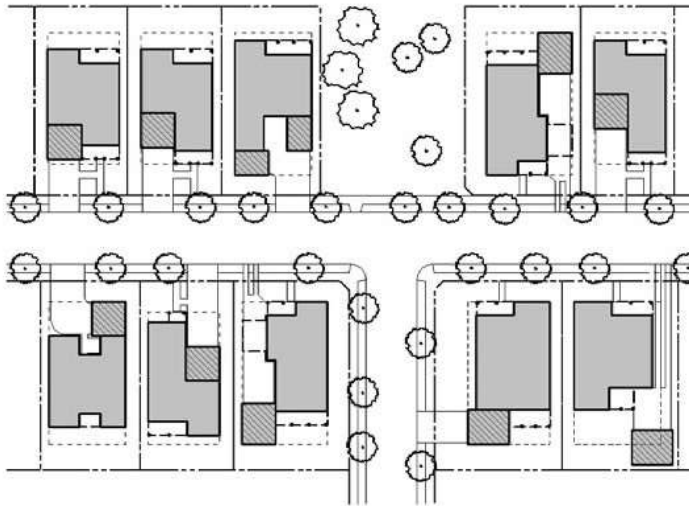
If the home is set back even further than the required maximum, then allow greater than 45% coverage because of the improved street scene.

Allow a greater garage proportion if the builder provides for one or two additional options such as alternative garage locations (e.g., rear or side entry) for 10% of houses; garage doors with windows, raised or recessed panels, architectural trim, and/or single garage doors; or architectural treatment above the garage such as windows or balconies, to create visual interest.³

For 3-car garages, allow garage proportion up to 50% on homes greater than 40' in width, if stalls are separated such that no more than 2 stalls are in the same vertical plane or adjacent to each other (i.e., provide a 2-foot offset with architectural trim for at least 1 stall or provide 1 stall in a side-entry or tandem configuration).

City Comment: The provision has been revised

ILLUSTRATION 10



- K. Traditional Neighborhood Developments (TND) shall provide blended density residential neighborhoods that provide for and encourage different housing types (i.e. detached single-family, attached-product, duplex, townhome, shared court, shared cluster, mansion apartment, and live-work) and varying lot sizes within the same residential development parcel(s) and preferably on the same street rather than separating housing types by whole neighborhoods.

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. They shall be located and oriented to connect with other open space areas of the development which in turn connect either physically, functionally, and/or visually with open space in adjoining developments.
3. Retention basins with a bottom area in excess of one-half acre (1/2ac), shall be designed, turfed in a manner to accommodate a play/sport field rather than being landscaped with decomposed granite. All structures and

Commented [JM16]: HBACA Comments: Section 2.2.A.3 requires turf in a retention basin. The concern expressed is that this is a very water intensive land use which is also expensive to maintain. Would the City be willing to provide additional flexibility on turfing? Does the City have a requirement that turfed areas be overseeded in the winter?

City Comment: The LDO only requires overseeding on 5+ acres of open space to accommodate organized winter activities.

play equipment are to be located above the ~~50-100-year-(100)~~, 2-hour ~~(2)~~ 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, such as open space lots used to break up block lengths. 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. In addition to those amenities and infrastructure designs outlined in See 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:~~

- ~~a. Playgrounds, tot lots, sports fields, parks; and~~
- ~~b. Golf courses; up to fifty (50%) percent may count towards open space.~~

89. Open space within and throughout any residential development shall be designed so that a playground, ball field, public gathering area, pedestrian multi-use pathway, bicycle trail, picnic ramada, or community garden is provided within one thousand three hundred and twenty feet (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 thirty feet (30') feet in width.

Commented [AB17]: Stakeholder Comment: Is the "backbone network" intended to be interior to a residential subdivision? Local streets are provided predominantly for access to the residential properties that front them. While they should be designed to discourage excessive speeds, they do not have the traffic levels needed to comply with complete streets programs, including on-street bike lanes, and should be exempt. Street elements that can discourage excessive speeds include narrow street widths, textured pavement, street parking, and trees.

City Comment: The bike lane width has been revised. Because of the inconsistent understanding of the term 'complete streets', it has been removed in favor of the term multimodal that focuses on and permits any non-vehicle dominant method of travel. The multimodal system includes trails between homes on the open space lots that are often used to break up block lengths and provide non-vehicular connectivity.

Commented [AB18]: Stakeholder Comment: "Shall" should be replaced with "should." There may be topographical or other limitations which make the quarter mile requirement impossible or impracticable to meet.

City Comment: The term 'shall' will be maintained as the standard because the PEDS waiver permits alternative designs to address the intent being solved in various ways.

Commented [JM19]: HBACA Comment: Section 2.2.A.8 requires open space to be designed so that it is located within 1,320 feet of every residential lot. The comment is a request to verify that this can be accomplished with a walking path connecting to other open space areas. Otherwise, it may be difficult to accomplish and would significant impact land plans.

City Comment: Yes, additional walking paths are encouraged to move people in more ways than street sidewalks.

- 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.

~~910. Neighborhood parks and playgrounds shall provide off street parking.~~

B. AMENITIES AND RECREATION SINGLE-, TWO, AND THREE-FAMILY DEVELOPMENTS

1. Public open space shall conform to the goals and standards of the parks and trails master plan.

~~2.8. In addition to those amenities and infrastructure designs outlined in Sec 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:~~

- a. ~~Playgrounds, tot lots, sports fields, parks; and~~
- b. ~~Golf courses; up to fifty percent (50%) percent may count towards open space.~~

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 a large community amenity listed below.

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 area.
- 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 court.

Commented [JM20]: HBACA Comment: Section 2.2.A.9 requires off-street parking at neighborhood parks and playgrounds. Neighborhood parks is not defined in the code and so there is a request to clarify where this applies. Depending on the size and location of what the City is requiring for parking, on-street parking may satisfy the demand for smaller areas. Perhaps some additional clarification is warranted.

City Comment: This provision has been removed as parking for "community facilities" is governed by the LDO.

Commented [JM21]: Staff has prepared an alternative requirement for a 'large community amenity' instead of the prescribed requirement for a community pool.

- f. Weight room.
 - g. Putting green.
 - h. Large amenities that may include but are not limited to a ~~community facility~~ for social, entertainment, athletic, or recreational uses or community pool as required is **Section 2.2.B.4** below
4. All new residential developments shall provide a **large amenity** 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. Any residential development that contains more than 10% the following lot categories.
 - (1) R-1 zoning districts: Lot Categories A
 - (2) R-2 zoning districts: Lot Categories A and B
 - (3) TND-R zoning districts: Lot Categories A and B
 - (4) Other zoning district: lots with a *required rear yard* that are less than fifty feet (50') wide and contain a *required rear yard area* of less than one thousand square feet (1,000 sf)
5. When provided, a large amenity shall meet the following criteria:
- a. Sited strategically such to place the greatest number of dwelling units possible within one-quarter (¼) mile radius of the facility.
 - b. The size of the large amenity shall be based on the number of occupants as determined by the following formula:

$$(\text{Number of dwelling units within the residential development}) \times (3.8 \text{ persons per dwelling unit}) \times (10\%)$$
 - c. A Community Pool Amenity included as a large 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 large 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 large 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.

Commented [JM22]: Defined in the LDO as "A noncommercial use established primarily for the benefit and service of the population of the community in which it is located (typically includes social, entertainment, athletic, or recreational uses and may also include *business office* associated with the community such but not limited to Homeowners Association or *apartment rental office*)."

Commented [JM23]: The revisions allows for alternate large amenities, but the community pool design requirements (for when it's built) are still listed Section 2.2.B.5.

- f. The large amenity shall include not less than one (1) shade structure.
- g. The large 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 ~~multimodal 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 ~~or sharrows~~, and strategic use of ~~turf~~, 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 greater City of Surprises 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.

2.3 CIRCULATION DESIGN FOR COMPLETE STREETS

A. GENERAL STANDARDS.

1. All proposed residential developments shall provide a Traffic Impact Analysis (TIA) for the proposed development. If as a result of the traffic analysis, it is determined that a new roadway(s) at the Arterial classification level is necessary to serve the development a General Plan Amendment may be required. The TIA shall be used to determine projected traffic volumes, desired operating speeds, projected traffic types, projected construction phasing, and determine the need for new traffic signals.
2. Local streets shall utilize either the alternative or standard cross section (see **Illustration #1A** and **#1B** herein).
3. Collector streets in new residential developments shall be located to minimize cut-through vehicular traffic on the local streets and through the neighborhoods, by utilizing a modified grid street pattern.
4. Streets classified as a Parkway, Arterial, and/or Collector shall utilize the City's most updated cross section with a detached sidewalk design with the resulting ~~landscape strip~~ being a minimum of eight five feet (58) feet in width or greater depending on the specific street classification.

Commented [AB24]: The HBACA agrees that the goal of subdivision design should be to minimize cut through traffic. Internal local street design is going to do more to minimize cut through vehicular traffic. By utilizing narrower streets for slower speeds, curvilinear design, and the use of cul-de- sacs, subdivisions will not be conducive to cut through traffic.

Commented [AB25]: We believe that a 5' wide *boulevard strip* is sufficient to safely accommodate the anticipated traffic.

City Comment: The measurement for the landscape strip is part of the Engineering standard details for street cross-sections.

B. ROADWAY DESIGN.

1. Within the hierarchy of existing and proposed two-way City streets, a minimum unobstructed pavement width of twenty feet (20'), with a minimum vertical clearance of fifteen feet (15') shall be provided for fire apparatus access. The unobstructed pavement width for fire apparatus may be reduced to a minimum of twelve feet (12') in developments where median divided streets exist.

2. New collector streets within a residential development ~~shall be designed to provide~~ may require a landscaped ~~bicycle multi-use~~ path in addition to the on-street bicycle lane to connect with a regional trail system.

3. The periodic and strategic placement of traffic calming devices, including roundabouts, chicanes, bulb-outs, and narrow landscaped medians on residential collector and residential local streets shall be encouraged throughout the City to help slow traffic, discourage through neighborhood traffic, and to create a unique sense of place. Traffic calming devices shall not narrow the travel way. Additional traffic calming measures may be approved by the City Engineer on a case-by-case basis.

4. To achieve the community's desire for developing pedestrian-friendly streets, all new residential development shall provide for the use of staggered or off-set parking bays, parking "one-side-only", or other alternative means of accommodating on-street parking of vehicles on local streets; required in any TND residential neighborhood where a shared court, shared cluster, or a 5-pack housing product is approved (see **Illustration 11**).

ILLUSTRATION 11



Chicane with parking alternating from side to side.

5. The layout and design of alleys, local streets, cul-de-sacs, and traffic calming devices shall accommodate the width and turning radius necessary for city sanitation and emergency vehicle use (refer to the Volume Two of the PEDS EDS for specifics).

6. Block lengths for "local streets" within the interior of a residential development may range from four hundred to eight hundred feet (400' – 800') in length, with the optimal length being closer to ~~shall not exceed~~ six hundred feet (600') in length in order to create a walkable scale and exterior access points at safe distances from the arterial/collector intersections.

C ADDITIONAL DESIGN REQUIREMENTS FOR TND DEVELOPMENTS.

1. If the area of the TND is traversed by or adjacent to a proposed collector or arterial street as shown on the Surprise General Plan, the TND shall be designed to continue the street(s) and dedicate the necessary right-of-way within the TND boundaries to accommodate said street unless otherwise approved through a General Plan Amendment approved by the City Council.
2. The collector streets and rights-of-way shall be shared between vehicles (moving and parked), bicycles, and pedestrians and shall be shaded by rows of trees to slow traffic and improve the environment for pedestrians and bicycles. Design conflict between vehicular and pedestrian movement shall be decided in favor of the pedestrian.

Commented [AB26]: Is this requiring that on a collector street within a residential development that the street cross-section would include, an on-street bicycle lane, a detached landscaped bicycle path, and a pedestrian *boulevard strip*? This is an excessive requirement for a collector street adjacent to a residential development with likely reduced traffic flows.

The City has not provided a Collector street cross-section. Collector streets are not typically located within a residential development, rather, they would be located adjacent to a residential development. The City should provide clarification as to where on-street bicycle lanes are required.

City Comment: Collectors are regularly included within residential developments as access points for from arterials. The requirements for an additional multimodal path was revised to only apply when part of a larger trail system.

Commented [AB27]: 600' is an arbitrary distance. This should be a more generalized requirement for shorter block lengths which will provide for walkability but are not so short to provide site constraints or encourage cut through traffic.

City Comment: This had been revised to accommodate site flexible design options

3. Different pavement surfaces may be considered, if found to be acceptable by the City Engineer, in order to enhance pedestrian and bicycle safety and comfort or to create an aesthetically pleasing or unique environment.
4. The creation of new dead-end streets shall not be permitted in a TND Development. All thoroughfares shall terminate at other thoroughfares, forming a network. Internal thoroughfares shall connect wherever possible to thoroughfares on adjacent sites or developments, except when constrained by topography.

D. ACCESS.

1. A subdivision development may be permitted "limited access" points to the surrounding collector and arterial streets at a quarter mile ($\frac{1}{4}$) spacing and "full access" points on the half mile ($\frac{1}{2}$) and full mile spacing; where supported by the Traffic Impact Analysis (TIA) and accepted by the City Traffic Engineer.
2. The use of alleyways with rear garage configurations and entry access points may be considered as an ~~alternative~~ means of vehicular and pedestrian access to a residential lot.
3. Alleys shall be paved, well-lit, ~~and designed for as addition as~~ pedestrian connectivity ~~with secondary vehicular access~~ and view-fencing rather than solid fencing along the rear property lines to further enhance the safety, appearance, and use of the alley.
4. All lots shall have frontage onto a fully improved publicly dedicated or approved private street developed to "local street" standards and may have access by either the public/private local street or an alley refer to the Volume Two of the PEDS for specifics classified as and built to "residential alley" standards.

E. CIRCULATION AUXILIARY AMENITIES.

1. The planning and design of public transit and school bus stops within a master planned development and individual neighborhoods shall be considered and should at a minimum include an improved hardscaped space of adequate size for adults and/or children to safely gather and sit.
2. Private "pedestrian-only" walking paths (excluding cyclists, skateboarders, wheelchair, and equestrian uses) are allowed, when approval by the Community Development Director. Where permitted these paths shall:
 - a. Be a minimum of five feet (5') in width; have a maximum grade of five percent (5%) ; be constructed of concrete, asphalt, permeable paving surface, or stabilized decomposed granite material.
 - b. Shall be lighted for pedestrian safety, in accordance with a City approved photometrics plan, and with pedestrian scaled (overhead or bollard style) light fixtures that are compatible with the character of the area, and spaced appropriately to provide an even, non-glare light level along the course of the walking path.

3. **Parking Lots:** Multi-family and non-residential buildings within the neighborhood land use shall be designed in an “up front” manner that locates buildings along the street frontage and the required off-street parking spaces located in the rear or to the side of the structures. Parking may also be designed beneath the structures to avoid interrupting the rhythm of the established streetscape and to make land on site available for gardens and courtyards rather than for surface parking. Parking lots shall be landscaped in accordance with **Chapter 107** of the LDO and utilizing the plant palette list in **Appendix C** herein.

2.4 LANDSCAPE AND STREETScape DESIGN

A. LANDSCAPE STANDARDS.

1. **Private Lots:**
 - a. Individual residential lots shall be designed to minimize the use of turf, ~~including artificial turf, per Chapter 107 of the LDO to no more than twenty (20%) percent of the frontage landscape area.~~ Low water use/drought tolerant landscaping materials, as listed in **Appendix C** of these PEDS, is preferred overall.
 - b. Drip irrigation systems or automatic sprinkler systems shall be required and rain sensors should be utilized.
2. **Common Area(s):**
 - a. Landscaping along sidewalks, multi-use pathways, and “pedestrian-only” walking paths shall include continuous clusters of low-maintenance, drought-resistant, plant materials that require minimum maintenance and can survive without extensive irrigation; and are deep-rooting species that do not extend into the walkway and cause root up-lift.
 - b. Trees shall be located along both the sidewalk system and the multi-use pathway system and clustered to form shade canopies when adjacent to seating and rest areas.
 - c. Where possible, seating areas should be integrated into the common area and open space landscaping in the form of retaining walls, planter walls and other such landscape architectural treatments; with limited use of freestanding benches.
 - d. Different tree species and amenities (i.e. seating, shade, lighting, and materials etc.) shall be used to enhance common area design and to define and identify the hierarchy of the open space areas within and throughout a development.
 - e. Irrigation, construction, and plan standards shall adhere to those outlined in **Chapter 107** of the LDO ~~and Appendix D herein.~~ The specific plant palette utilized shall adhere to City of Surprise Right-

of-Way Plant List included herein as **Appendix B** and to the “Low Water Use/Drought Tolerant Plant List” included herein as **Appendix C** of these PEDS.

B. STREETScape STANDARDS.

1. General Requirements for All Development:
 - a. Landscape within the public right-of-way, public areas, and common areas of a development shall adhere to the plant palette listed in **Appendix B** herein.
 - b. Landscaping within the street rights-of-way (medians and ~~boulevard-stripe~~landscape strip) shall include both street trees and shrubs and/or cacti. Local streets shall plant street trees within the ~~boulevard-stripe~~landscape strip to provide shade to both the street and sidewalk. Arterial and collector streets shall plant street trees and shrubs and/or cacti within the center medians and street trees and shrubs (not cacti) within the ~~boulevard-stripe~~landscape strip. Landscape planting shall not obscure traffic signs or the sight visibility.
 - c. If the City of Surprise has a designated arterial street “street tree” for the geographic area of the city in which the development is located then the development shall incorporate that street tree into their landscape palette.
 - d. Different tree species shall be used to enhance streetscape design and to define and identify the hierarchy of streets within and throughout a development.
 - e. Lighting at the sidewalk along “local streets” and in common areas shall maintain a pedestrian scale to aid in the walkability of the development with a total maximum height (pole and light fixture) of twelve feet (12’).
 - f. Lighting along all roadways shall comply with the Outdoor Lighting regulations in **Chapter 107** of the LDO per the specific Lighting Zone in which the development is located.
2. Additional Streetscape Requirements for TND Developments.
 - a. The TND Development Plan shall identify the specific species of tree(s) that will be planted as the collector and local “street trees” along with a key that identifies which species will be used for the main thoroughfares and the different development parcels throughout the TND development.
 - b. Within the “public frontages” the prescribed types of public planting shall be drought tolerant and shall be called out in the application and Development Plan for the TND as part of the uniqueness and texture of the TND. Likewise, public lighting shall conform to the outdoor light regulations in **Chapter 107** of the LDO but the specific

Commented [AB28]: The HBACA will provide comment once the additional chapters of the LDO have been published for comment.

design of the lighting standards and fixtures may be unique to the TND.

2.5 BUILDING FORM AND ARCHITECTURE

A. GENERAL STANDARDS.

1. All homes shall provide an architecturally integrated, open enhanced entryways designed to engage with the streetscape covered front porch of at least 60 square feet (60sf) and a covered rear patio of at least eighty square feet (80sf) as a standard feature. No dimension shall be less than 6 feet in depth as measured from the dwelling façade to the interior edge of the supporting post. Enhanced entryway designs include but are not limited to covered front porches, patios, and plazas.
2. Mechanical equipment and similar utility devices, whether ground level 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 and painted to match the building.
3. Ground mounted mechanical equipment and building projections (other than roof eaves) shall not be located within the required "unobstructed" side yard setback and shall be screened from public view (see **Chapter 106** of the LDO for setback information).
4. All exterior elevations of a residential structure shall provide architectural detailing (360° architecture); not just the front elevation. Window embellishments shall be provided on all homes by adding architectural features which enhance the elevations, e.g. greater variation of window design, different window styles, recesses, surrounds, shutters, lintels and sills, gabled roof features over the windows, etc. Such features must be added to all of the exterior elevations of the structure, including second story windows, to provide interest and relief. In the case of residential construction this material wrap/wainscot shall continue along the side elevations to the point where it meets the side lot perimeter fence return.
5. The City strongly encourages new residential neighborhoods to meet Leadership in Energy and Environmental Design (LEED-ND) certification standards and building sites to utilize Low Impact Development (LID) technologies.
6. Production homebuilders shall provide a minimum of four (4) floor plans, with a minimum of three (3) distinctly different elevations and three (3) distinctly different architectural styles for each floor plan, including a variety of products with front doors-entries facing the street. Additionally, a minimum of three (3) roof pitches/styles/materials/colors, three (3) styles of garage doors, three (3) window designs/embellishments, and three (3)

Commented [AB29]: Front porches are nice features, but the Arizona lifestyle is more oriented to the back yard. This is an expensive requirement that will have an adverse impact on the cost of new homes for features that consumers may not want to pay for. Increasing the cost of the home by government required features will reduce the choices available to consumers for features which are more in demand. Finally, an extended garage lends itself best to a front porch design, but those types of garages appear to be disfavored under these standards.

By requiring *all* homes to have an architecturally integrated covered front porch, the City will be mandating the very "sameness" these standards are seeking to avoid. Typically, a municipality will only require a covered front porch as an option on a single elevation. The City should follow this typical practice and remove the requirement for *all* homes.

In addition, we do not believe that a local government has a legitimate interest in regulating porches in the back yards of homes that are not usable by the public nor always visible to the public. Consumers have different preferences for features in the backyard and may not want a covered patio of this size to intrude into their private open space. The determination on the size and scope of a backyard patio must be left to the consumer based on an individualized cost-benefit analysis.

There must be flexibility in this guideline. These features should be offered as options on new homes. However, the decision to utilize one of these features should be made by the consumer based on an individualized cost-benefit analysis.

Finally, these features would occupy at least 140 square feet of lot coverage that could otherwise be used as interior livable space. The City should consider revising its lot coverage allowances to better account for the reduction in available interior livable space.

City Comment: This provision is at the direction to increase standards and front elevations to combat garage dominance but has been amended to allow design flexibility beyond just porches.

Commented [AB30]: The City should clarify "architectural styles." Four floor plans, with three elevations, with three different architectural styles seems overly restrictive, particularly for a smaller subdivision. Typically, municipalities will require three or four floor plans with three elevations without mention of architectural style. A builder may want to keep the architectural style similar for a harmonious community with a "sense of place" or a "signature look." Limiting this restriction to elevations should satisfy the City's concern with housing diversity.

City Comment: The provision has been revised

Commented [AB31]: This section should be revised so that the front "entry" faces the street, not the front "door." This would unnecessarily eliminate a lot of potential architectural designs which utilize courtyards and other "enhanced" entry ways.

City Comment: This comment prevents recessed doors facing small side yards. The provision has been revised.

exterior paint colors shall be required as a standard feature to further promote visual interest and architectural diversity. ~~The builder shall provide at least three (3) energy saving features for each home product.~~

7. The developer/production home builder shall be responsible for assuring that no two similar rear building elevations and rooflines are allowed on adjacent lots that back to a public right-of-way.
8. The developer/production home builder shall be responsible for assuring that ~~not more than two (2) of the same building elevations are similar front building elevations and/or architectural style are not allowed on adjacent lots and on lots directly across the street from one another.~~ For clarification, lots "directly across the street" are those where at least fifty one percent (51%) of the lot's street frontage is directly across from the street frontage of the lot on the opposite side of the street (measured by extending sided lot lines to the street centerline).
9. Corner lots shall be limited to a single story home and the side elevation fronting the side street shall be fully embellished and the roofline varied.

B. ATTACHED SINGLE-FAMILY DWELLINGS.

1. All buildings shall have their main entrance fronting onto either a street or oriented towards and arranged around a shared open space courtyard.
2. A variety of rooflines styles and heights shall be used as well as building projections and recesses. The structures shall have stylistic architectural design elements on all exposed building elevations. The architecture shall incorporate style-appropriate and varied door and window openings and architectural embellishments. A variety of front and rear porch configurations shall be used to provide functional yet varied architectural integrity to the buildings.
3. Brick, integral colored block, or slump block shall be used (not painted concrete masonry units) for buildings using masonry as the primary material.
4. Flat asphalt shingles shall not be permitted. Clay tile, concrete tile, architectural asphalt shingles, cementitious or fiberglass tiles, and standing-seam or corrugated metal shall be the permitted roofing material. Alternative roofing products shall require city approval.

C. MULTI-FAMILY DWELLINGS.

1. The residential development shall have a building frontage presence to the neighborhood street rather than a parking lot frontage. The front entry shall include a walkway to the street or surrounding neighborhood.
2. 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.

Commented [AB32]: Arizona, in particular the Phoenix market, has been extremely successful in energy efficient home design. By way of illustration in 2017, 59% of homes built in Arizona were certified Energy Star by the Environmental Protection Agency. Of those in Maricopa County, the market penetration was roughly 90% according to APS. In comparison, the next highest state was Maryland at 36%.⁵ Therefore, we do not believe the requirement to provide at least three energy saving features for each home product is necessary, because the builders are already doing this. Finally, it should be noted that this requirement should more properly be located in the building code rather than the design guidelines.

City Comment: The provision has been revised

Commented [AB33]: The City should define "similar." The City is proposing to require a number of different floor plans, elevations, color schemes, roof tiles, etc. This should provide enough combinations that would provide for a diverse street scape without having to prevent the same "elevations" from being adjacent to or across from the same or similar elevations. If the color schemes are different then similar elevation should be allowed otherwise this is overly restrictive and will severely limit consumer options. This restriction should be as narrowly tailored as possible to achieve the City's desire for a diverse streetscape.

City Comment: The provision has been revised

3. 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, at a minimum, be used to accent entryways and special architectural features of a building.
4. Reflective building materials are prohibited; except for the normal use of glass windows. Metallic surfaces, including roof materials, shall be treated to be non-reflective.
5. 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.
6. All buildings shall harmonize architecturally with the residential character of the neighborhood as determined by the Community Development Director or designee.

D. MODEL HOME COMPLEX

1. Guidelines:

- a. Seventy-five percent of plans constructed in a model home complex must be "non-garage dominant".
- b. If any approved product line consists of one plan that provides a significantly recessed garage, that plan must be modeled.
- c. If any approved product line consists of two or more plans that provide a significantly recessed garage, the number of those plans modeled will be determined by the city manager or designee.

2. Site standards:

- a. Site design shall comply Sec 106-10.29 of the LDO.
 - b. Landscapes for model home complexes shall comply with the PEDS and Chapter 107 of the LDO.
- 3. A "zero-step" entrance shall be required for all model homes within the City of Surprise.**
- a. "Zero-step" entry shall have a floor or landing on each side of the primary entrance door. Such floor or landing shall be at the same elevation on each side of the door. Landings shall be level, except for exterior landings, which are permitted to have a slope not to exceed 0.25 units vertical in 12 units horizontal (two percent). Thresholds for such doors shall not exceed one-half-inch in height, and thresholds with changes in level greater than one-quarter-inch shall be beveled with a slope not greater than one unit vertical in units horizontal.
 - b. The city manager or designee may waive the requirement "zero-step" entry if it is found that it would prove to be cost prohibitive.

Commented [JM34]: City Comment: Retained from the SUDC and revised

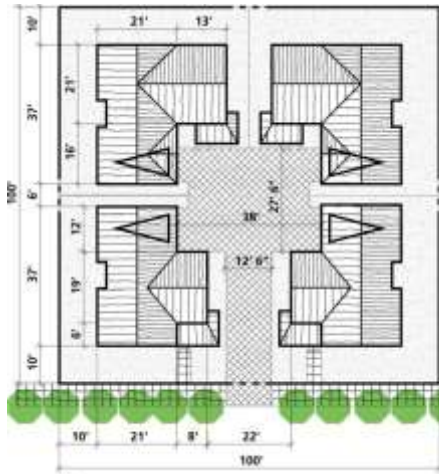
Such cases however, the builder must still provide a zero-step entry into at least one model home and an ADA compliant pathway to all models.

- c. Model signage. All new model homes and sales areas shall include signage that read - "Ask Us About Accessibility Options."
- d. Education. An educational DVD shall be available to sales staff and potential homebuyers regarding the benefits of visitability.

E. D. ADDITIONAL BUILDING TYPES in TND DEVELOPMENTS.

1. In order to create neighborhoods of blended densities; to provide a broad choice of housing types for lifelong livability and a diversity of needs; to promote walkability; and to enable appropriately-scaled and well-designed compatible land uses it is important for the TND to consider building types other than what might traditionally be expected.
2. The following four (4) types of housing products shall only be permitted in conjunction with the Traditional Neighborhood Development (TND) Zoning District (see **Chapter 106, Article 4** of the LDO):
 - a. Shared Court: This design consists of a 4-5 of detached dwellings arranged to a defined shared auto court that is typically perpendicular to the street; known as 4-packs and 5-packs (see **Illustration 12** below).
 - b. Shared Cluster: The shared cluster takes the place of a private rear or front yard and becomes an important community-enhancing element for this product type. This product type is appropriately scaled to fit four (4) units on an individual lot of ten thousand square feet (10,000 sf) or more. (See also **Illustration 13** below).
 - c. Mansion Apartment: This building type consists of a minimum of 4 side-by-side and/or stacked dwelling units with one shared entry. This product type has all the appearance of a medium-large sized single-family home and is appropriately scaled to fit on an individual lot size of ten thousand square feet (10,000 sf) or more (see **Illustration 14** below).
 - d. Rowhouse/Townhouse: This building type is a small to medium sized, typically attached structure that consists of 4–8 rowhouses placed side-by-side that front to a public street. This type may be appropriate in a location that transitions from a traditional detached single-family neighborhood into a higher density, mixed use, neighborhood core (TND), or a transit-oriented development (TOD) land use with the appropriate scale to fit on an individual lot of four thousand square feet (4,000 sf) or more. (See **Illustration 15** below).

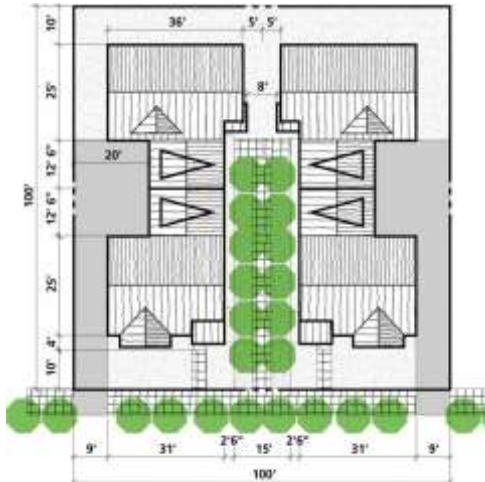
ILLUSTRATION 12 - Shared Court



Specifics: (minimum 10,000 SF lot)

- 4-5 attached or detached units
- (1,600–1,850 square foot each) possible.
- Two units face the public street, gives appearance of two single-family homes from street.
- As shown would require condominium ownership. With modifications, may also be possible with units on separate lots oriented toward the shared court as a private street tract.
- Arranged around a shared driveway with special paving that provides both vehicle and pedestrian access. Single access point allows up to 4 off-street parking spaces.

ILLUSTRATION 13 - Shared Cluster



Specifics: (minimum 10,000 SF lot)

- 4 units (1,500–1,950 square foot each)
- Arranged around a common green, either attached or detached.
- Intended to allow fee simple ownership, with common green held as a common tract.
- Massing of front units reflects neighborhood patterns of houses on 50' wide lots.

ILLUSTRATION 14 - Mansion Apartment



Specifics: (minimum 10,000 SF lot)

- Min of 4 units (1,000–1,400 sq. ft. each; not including garages)
- One shared main entrance area off front porch. Unit division from within structure.
- Street frontage designed to reflect appearance and scale of a single-dwelling house to blend with neighborhood context.

ILLUSTRATION 15 – Row House/Townhome



Specifics: (minimum 4,000 SF lot/DU)

- Consists of 4–8 rowhouses placed side-by-side that
- Front to a public street
- Transitions from a traditional detached single-family neighborhood into a higher

E. NON-RESIDENTIAL BUILDINGS IN THE NEIGHBORHOOD LAND USE.

1. Non-residential structures shall be designed to create transitions to the surrounding residential development with the size, massing and height of the structure relating to the prevailing scale of the adjacent residential neighborhood.
2. Taller buildings shall be made to appear less imposing by stair-stepping building heights and rooflines back from the property lines, breaking up the mass of the building, providing a broader open space/landscape area as foreground for the building, and providing a building frontage presence to the neighborhood street rather than a parking lot frontage.
3. Assembly Uses may be required to provide a traffic study, depending on the specific location.

2.6 EDGE TREATMENT AND TRANSITIONS

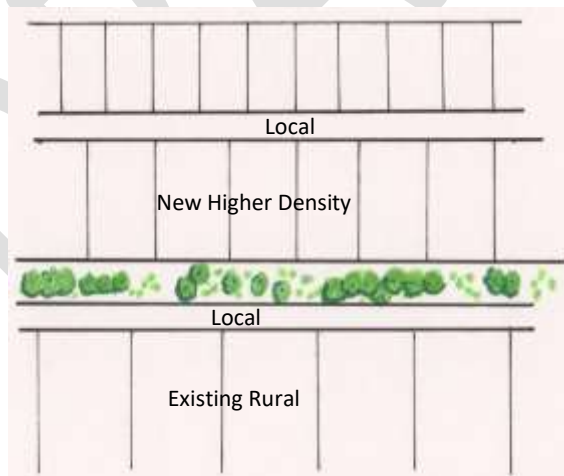
A. EDGE TREATMENT.

1. No transition or buffer area shall be required if a new development that directly adjoins/abuts an established residential neighborhood is of the same density and provides lot sizes that are approximately the same size as the existing neighborhood.
2. New residential development proposed for the edge of the urbanized area of the City shall buffer and transition from existing adjacent agricultural or rural developments. Any increased density shall be designed inward onto the new project and/or along the shared urbanized edge.
 - a. Buffer the existing established neighborhood using a landscaped open space tract that is a minimum of one-hundred feet (100') in width along the perimeter between the two neighborhoods (see **Illustration 17** below); and
 - b. The open space buffer area shall be designed in a manner to connect to the open space, pedestrian and trail systems within the new development and in a manner that will further accommodate future connections from other adjoining developments as urbanization occurs.
 - c. The buffer area shall be preserved for perpetuity as either a tract or easement, allows public use and access, and calculated as part of the development's open space requirement.



3. When a new development of higher density proposes to only be separated from an established lower density or rural residential neighborhood by a "residential local" street the new development shall provide a landscaped buffer, a minimum of fifty feet (50') in width, adjacent to the shared local street plus a single row of lots, which are no smaller than one-half the average lot size of the adjacent existing rural neighborhood lots (see **illustration 18** below).

ILLUSTRATION 18



4. New residential developments that directly adjoin /abut a planned or existing open space, trails and *greenways* area, as designated in the Surprise General Plan or Parks and Recreation Master Plan, shall utilize

an open style of perimeter fencing rather than a solid or view obscuring perimeter wall along that specific edge of the development.

5. New residential development proposed in those areas that abuts one of the three (3) Employment Character Areas of the City, as shown in the General Plan, shall be responsible for providing the buffer and transition area from the employment character area and not the other way around. The use of appropriate landscaped buffering, lot orientation, stepped building heights, and street design should be utilized in close proximity to these designated areas.

B. ADDITIONAL EDGE TREATMENT STANDARDS for TND DEVELOPMENTS.

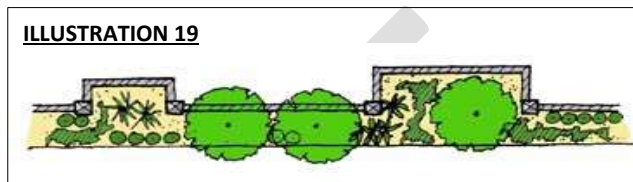
1. The exterior boundaries for a TND development shall be designed in a manner that provides fifty percent (50%) of the frontages to the greater community that are something other than typical privacy perimeter walls, including but not limited to, open space areas, civic space land uses, mixed-use and multi-family land uses.
2. Residential development parcels, within the TND development, that have home sites backing onto the exterior boundaries of the TND development along public rights-of-way shall provide both a decorative privacy wall and then a landscaped open space tract, a minimum of thirty feet (30') in width, outward towards the greater community along said exterior boundary.
3. If residential lots are platted directly adjacent to an existing residential neighborhood or a vested but undeveloped residential parcel (outside the TND) then those TND lots shall provide a lot size not less than one-half ($\frac{1}{2}$) the size of the existing or proposed adjacent lots as applied to the lot line that borders the existing or vested residential parcel(s) except if lots are separated by a street or open space buffer area that is at least one hundred feet (100') in depth.

C. TRANSITIONS.

1. Buildings located along the exterior edge of new master plan projects, adjacent to undeveloped land or existing rural development shall either maintain a low profile in terms of height, bulk and massing or increase the width of the buffer area between the two (2) different intensities of use by a distance equal to the proposed building height.
2. Grade changes from the off-site grades along the perimeter of a new subdivision shall be minimized and lots in the new subdivision shall not be more than eighteen inches (18") above or below the abutting lots in the existing subdivision. If a greater grade change is desired or necessary, there shall be a buffer or a gradual grade transition on the new subdivision in order to minimize the change at the property line.

D. SCREENING.

1. In order to promote a more “visually friendly” and open community, the construction of long, unbroken and monotonous expanses of six foot (6') high, solid fences and stucco walls around the perimeter of new single and/or multi-family residential developments is strongly discouraged. If perimeter walls are provided, they shall be designed to include: changes in the surface plane of the wall or fence; variable heights; articulated recesses and wall offsets sufficient in depth to permit landscaped pockets for the planting of significant clusters of mature trees and shrubbery. (See **Illustration 19** below)



2. Walls and fences shall be kept as low as possible and be designed to blend with the site's architecture through the use of similar materials and colors.

2.7 RESIDENTIAL SOLID WASTE GUIDELINES

A. GENERAL STANDARDS.

1. All solid waste collection routes shall meet engineering design criteria (street width and turning radii).
2. Residential refuse/recycle collection. Solid waste collection vehicles require free and clear access to street right of way and clear curbside access to residential solid waste containers placed out for service on designated day of collection. In addition, solid waste collection vehicles require collection routes shall be designed so that collection vehicles can safely access and lift containers without obstruction. (ground or aerial).
3. Solid waste vehicles require 44' – 0" outside turning radius and 28' – 6" inside turning radius. (see detail)
4. Solid waste collection vehicles are approximately 30'-0" long and can weigh up to 29 tons when fully loaded. Collection routes must be engineered to support collection vehicles.
5. To maintain the safety of the site, solid waste vehicles shall not be required to back up more than 50 feet when or after servicing a trash/recycle container.
6. The collection route must be designed such that, collection vehicles shall travel through a site without back tracking or making u-turns.

7. No building, awning, or fixed structure projections shall be allowed in the route of the solid waste collection vehicle. Residential collection requires a minimum overhead clearance of 16 feet from the right of way, and a minimum of 2 feet behind the collection container and/ or sidewalk, is required along the route curb line.
8. Routes shall be clear of all obstructions at the curb, to include walls, overhead wires, awnings, and other fixed objects.
9. Private streets must have an area for collection without obstruction.
10. Private streets must be designed to withstand the weight of 37 cubic yard collection vehicles (approx. 29 tons).
11. Gated subdivisions must supply the solid waste department with a gate code and three remotes at the time of installation. Exit only gates will be wired for automatic opening.
12. Street width requirements for on street parking:
 - a. Under 30' width shall have no parking either side
 - b. 30' width-no parking on one side as signed. Developers will coordinate with solid waste and engineering to determine which side may have parking.
 - d. 32'- no parking in front of barrel.
13. Developments with more than two (2) abutting lots of less than fifty-feet (50') wide shall be signed "no parking on trash days"

B. CLUSTER HOMES, SHARED DRIVEWAYS, AND DEADEND ALLEYS

1. Each unit must have a predetermined location for a minimum of two containers (trash and recycle) per unit (2/du). Containers shall have a designated location on the street with a permanent marking on the curbing identifying address or unit number. Show all container locations, with addresses on site plan, for visibility triangle, refer to latest version of engineering and design standards.
2. Designated container location shall be signed "no parking on trash days". There should be 15' of space from the start of the no parking area to the first container. Containers should have a minimum 78" spacing center to center of container. There should be 15' of space from the last container to the end of the no parking area.
3. Placement designations will not be located near cluster mailboxes.
4. The required use of identified locations should be included in the homeowners conditions covenants, and restrictions.
5. Designated container locations will also be used for bulk collection for each unit.

CHAPTER 3: COMMERCE, OFFICE, AND MIXED USE LAND USES

3.1 GENERAL LAND/SITE DESIGN & AND DEVELOPMENT

A. GENERAL BUILDING SITE DESIGN.

1. Limited residential land uses may be permitted in the Commerce and Office Character Areas as shown in the General Plan; in which case development patterns shall provide for higher street connectivity, smaller block lengths, and improved transit options. When developed, residential land uses must be zoned mixed-use (MU), high density residential (R-3), or be part of a TND development, and located along and oriented toward a proposed or existing collector or arterial corridor where direct access to transit is available or will be provided over time.
2. The project design, including the building location and orientation, shall incorporate and benefit from the desirable local elements (e.g. winter sun, mountain views, and even stormwater for irrigation) and to deflect unwanted elements (e.g. noise, summer sun) regardless if the development is a conventional single structure building, freestanding as "pad" sites and/or "in-line" buildings within a commercial center, outdoor recreational facilities, or parking structures.
3. Building(s) shall be designed in a manner to take advantage of the connection to the greater community open space system. Appropriate linkages (i.e. double building frontages, outdoor seating and dining spaces, walkways, common landscape areas, plazas, and unfenced property lines) shall be considered to further encourage a *multimodal* connection to the site and the use of the public open spaces as a transitional element.
4. Community/regional commercial development, office, institutional, mixed-use, and civic/cultural land uses shall be located adjacent to and oriented toward major arterials, public transportation routes, and the community's *multimodal* circulation system when applicable.
5. The building(s) shall be visually if not physically linked to both the on-site parking lot as well as to the public street by way of a designated walkway to safely and conveniently move pedestrians as they use the development. These pedestrian connections shall provide relief from the sun through the use of shade trees, arbors and other shade techniques that may prove acceptable to the City. These pedestrian connections may be constructed using a type of permeable pavement.



6. A corner building shall have a strong frontage “presence” at the setback lines for each street. This “presence” requirement may be accomplished through angled or sculpted building corners, providing an open plaza, outdoor patios, display (not storage) areas, and seating areas that further encourage and add to the pedestrian environment at the street (see photo examples below).



7. Undeveloped pad sites/phases of a development that have been disturbed in any manner shall be required to install dustproof ground cover ahead of the construction phase schedule to prevent the intrusion of unwanted dust or blowing debris from the site/lot.

B. MULTIPLE BUILDINGS SITE DESIGN.

1. When a development has multiple buildings (e.g. office complexes, commercial centers, mixed-use/residential etc.) the buildings shall be designed as groups or integrated clusters rather than designing them in-line, as stand-alone buildings, or pad sites. The way these buildings are grouped or clustered should further define and create an outdoor room of open space for either active or passive uses, including but not limited to, plazas, courtyards, gathering areas. The resulting open space area should allow for extended shop fronts, outdoor dining, and entertainment areas at the edges of this open space/plaza area.

2. All large scale retail centers and commercial office centers shall provide a pedestrian oriented design with sidewalks, seating, trees, lighting, and pedestrian scale signage. At least one outdoor gathering space/open space, that provides amenities, including but not limited to, seating, shade, lighting, and heating for year-round use, shall be provided for every one hundred and fifty thousand (150,000 sf) of developed floor space or fraction thereof.
3. As a center of pedestrian activity, plazas in multiple building commercial, office, and mixed-use developments shall provide adequate seating in the form of benches or low seating walls in addition to any seating areas that may be provided in association with dining areas.
4. Plazas, including their entrances and exits, shall be illuminated in a manner that facilitates natural surveillance opportunities and discourage unsafe activities. All lighting in plazas shall adhere to the lighting standards in **Chapter 107** of the LDO.



C. ADDITIONAL STANDARDS for TND DEVELOPMENTS

1. The commercial development within the TND shall be designed with interior oriented parcels for the development of a "neighborhood core" to first serve the TND and secondly serve the wider community. The neighborhood core is intended for smaller scale pedestrian oriented retail, service, mixed-use, and public facility/civic space uses that provide opportunities to create *third places* and serve the daily needs of the residents within the TND development.
2. The neighborhood core and other commercial parcels shall be integrated into the TND by providing:
 - a. prevalent pedestrian connections to the TND pathway system and adjacent residential parcels; and
 - b. gathering spaces and outdoor areas that connect the commercial spaces to the open space network and the TND pathway system (other than sidewalks along the street system) of the TND; and
 - c. compact design and spatial organization of the commercial buildings that are walkable and inviting by providing seating and shade; and
 - d. *multimodal* use of right-of-ways and incorporation of streetscape and amenities that enhance the pedestrian activity level of the street; and

- e. vehicular connection internal to the TND that does not require access via an arterial street outside of the TND development.

- 3. As part of a mixed use development, residential uses are encouraged as a vertically integrated use within commercial buildings both within the residential neighborhoods and in the neighborhood core setting.
- 4. The horizontal integration of different and mixed land uses, particularly within the neighborhood core, shall be compact and interconnected through the pedestrian space; utilizing the hardscape area between uses and buildings for extended shop fronts, outdoor dining, entertainment and outdoor gathering areas, information kiosks, mobile carts, and other street related activities.
- 5. Live/Work units (occupant owned business) are encouraged when allowed.



D. SCREENING.

- 1. Trash and refuse collection containers shall be screened with a six (6) foot decorative masonry wall. Trash and refuse containers shall be located such that they are not the visual focal point of a driveway or parking area, or cannot be viewed from a public street. Projects which provide on-site daily management and maintenance personnel (i.e. service stations and convenience markets), and those sites that can only locate the refuse containers in a highly visible location shall provide decorative latching gates, for screening the containers, at the opening to the enclosure.
- 2. Equipment such as, but not limited to, vending machines, collection bins, newsstands, and shopping cart corrals shall be placed in an area designed for their use. These uses shall be screened and situated in a manner so as not to block vehicular or pedestrian traffic, reduce any required parking, block the sidewalk, or become a focal point for the development.
- 3. Outside storage areas, work areas, and production areas shall be screened from the public street view and adjacent residences, mixed-use, office, and other commercial uses with a minimum six feet (6') high decorative masonry wall; except for the living plant materials areas associated with an outdoor landscape/garden center which may use non-masonry fencing. Non-plant materials shall not be stacked, piled, or stored in such a manner as to project above the screen wall.
- 4. Building site details related to utility boxes, transformers, generators, chiller farms, mailboxes, and air conditioning units shall be integrated into the overall design of the building and/or development and screened from public view, yet remain accessible for servicing.

5. Mechanical equipment and similar utility devices, whether ground level or roof mounted, shall be screened from public view and architecturally designed to appear as an integral part of the building; except for solar panels. The mechanical equipment screening shall be included in the overall building height. Mechanical equipment shall be treated to be non-reflective. Electrical meters, service components, and SES cabinets shall be screened from public view and designed to appear as an integral part of the building.
6. Electrical transformers, backflow prevention devices, large water standpipes, telephone panel boxes and any other obtrusively large electrical or mechanical device that is installed as a part of, or results from, a new development project shall be located to the rear of the project site; and screened from public view through the use of landscaping and/or screening walls. If new installations require locations at the front of a development site or where such devices currently exist at the front of a site, they shall be screened by substantial landscaping, an architectural barrier, or an artistic wrap to blend or match the existing environment.
7. No deliver or loading dock, mechanical trash compacting equipment, or service loading bay (automotive service, tire, etc.) shall be located in a manner that will cause them to front onto the development entry drive, or onto a major or minor arterial roadway. These items shall be located in the least obtrusive manner, preferably on a less prominent and visible side of the building and shall be adequately screened from public view.
8. Parking areas adjacent to the required ~~front yard setback from right-of-ways~~ shall be screened from public view and from adjacent residential properties by a solid three foot (3') high screen wall that is decoratively treated to match the architectural style and design of the development or a landscape berm or combination thereof.
9. Boundary line fencing along the common property line shall be required when the development is abutting a single family residentially zoned property. This wall shall be a solid decorative masonry wall limited to six feet (6') in height; unless otherwise indicated on the LDO. A *multimodal* pathway connection shall be required from the residential neighborhood into the commercial development whenever the adjacent residential development can accommodate such access point.
10. All masonry walls intended for screening functions shall have an architectural texture, color and finish compatible with the primary building.

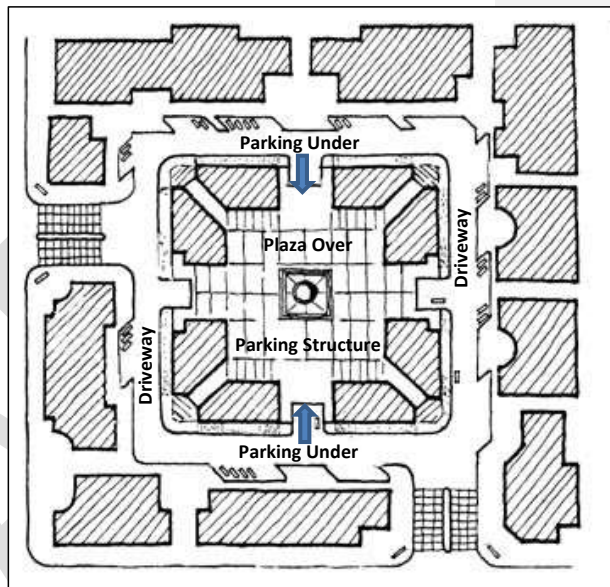
E. PARKING DESIGN.

1. Private parking lots for commercial and office uses that are adjacent to one another, but operate under separate property ownership, shall to the greatest extent possible, be designed and located contiguously to each other, provide for prominent drop-off points for ride sharing, and have shared and reciprocal access and an internal circulation system that

provides for the safe and efficient internal site movement of motor vehicles, pedestrians and cyclists from one property to another without having to re-enter the street serving the developments.

2. Off-street parking serving large multi-use commercial centers, mixed-use projects, and office complexes are encouraged to provide shared parking facilities in the form of underground structures whose roof tops can be developed as landscaped pedestrian plazas, as well as retail and dining uses or clustered *parking pods* that are heavily landscaped and integrated with the onsite circulation driveways and connected to the pedestrian and open space system (see **Illustration 18**).

ILLUSTRATION 18



Shared parking in submerged or underground garage

3. Above ground parking structures shall incorporate design features such as electric re-charging stations, autonomous vehicle (AV) staging areas, and solar panel shade structures. Rather than ramped floors, the structure itself should be designed with level floors and attached spiral/ramp access structure to facilitate reuse and conversion (i.e. warehousing, commercial office space, or affordable housing units) in the future if the demand and/or need for parking decreases.
4. To maximize the business visibility from public streets, provide definition and scale to the streetscape, and establish a pedestrian rhythm to the streetscape no more than fifty percent (50%) of the off-street parking for large commercial centers shall be directly visible from the primary abutting street. Rather, the off-street parking spaces shall be located in smaller *parking pods* and/or to the rear or side of the structures; with the structures moved closer to the street.
5. New office, commercial, and mixed- use developments that are over ten (10) acres in size and located adjacent to major arterials and transit stops designated to provide express service to the regional transit network, may

be required to provide a sheltered transit stop as determined by the City in partnership with the regional transit provider.

6. Parking lots that contain over one hundred (100) spaces should be designed with traffic calming devices installed (other than speed bumps/humps) to enhance safety and to clearly indicate the hierarchy of on-site vehicular circulation consisting of major access drives, major internal circulation drives, and parking aisles for direct access to parking spaces.
7. Provide landscaped bioretention planters at the end of parking aisles and in-between parking rows, in accordance with the provisions outlined in **Chapter 107** of the **LDO**, to provide shade for both cars and people.
8. Utilize the rainwater harvesting technique of sloping the parking lot surfaces to direct the stormwater runoff toward these landscaped bioretention planters. The bioretention landscaped planters may be designed as: raised flow-through planter boxes; flush in-ground planter boxes; or below grade planter boxes. Use curbstop sections, formed curb with curb openings, or flush curbs to stop car tires but allow water to flow into the planting areas.
9. All walkways that traverse vehicle drive aisles shall be differentiated from driving surfaces through a change of hardscape materials, textures, or color to emphasize the conflict points. Decorative materials such as specialty pavers, permeable pavers, stamped or colored concrete should be used to clearly delineate pedestrian travel areas from drive aisles. All paving material for walkways shall be developed in accordance with ADA requirements.
10. Minimize the use of driveways and parking aisles for walking routes by combining the landscaped islands with walkways.



3.2 OPEN SPACE DESIGN AND PUBLIC PLACES

- A. Open space areas shall be clustered into larger, more meaningful areas rather than equally distributing them into smaller individual areas of lesser significance.

- B. The required on-site parking area shall not be calculated as open space. Those portions of the required parking lot landscaping that are also designed in conjunction with a walking route may be calculated as open space. Building setbacks, street frontage, and on-site retention areas may be calculated as open space if those areas are landscaped.
- C. The pedestrian connections, plazas, courtyards, and gathering areas within and throughout the development may be calculated as open space if they are landscaped and/or shaded in some manner and provide seating, lighting, and other pedestrian amenities.
- D. The use of permeable paving (such as a structural grid system or permeable pavers), designed to accommodate stormwater and reduce the heat island effect, may be considered in areas of lower traffic volume limited only to private on-site sidewalks, pathways, and plazas where the soils are acceptably permeable and a maintenance plan and property owners association is in place to maintain the permeability of the surfaces.
- E. Public art is encouraged and should be in harmony with the character and scale of the open space area in which it is placed (see **Section 1.7** herein for more specific guidelines).



3.3 CIRCULATION DESIGN FOR COMPLETE STREETS

- A. When determined necessary by the City Engineer, a development project may be required to provide a Traffic Impact Analysis (TIA) prior to receiving approval. When required the TIA shall, at a minimum, discuss the ingress and egress points, the impact of commercial traffic on adjacent development, and the overall internal circulation system of the proposed development.
- B. Commercial retail and office center developments that include separately leased or owned lots/pad sites or outparcels fronting on major arterial and /or collector streets shall be treated as a single development unit, and access to the outparcels shall be from the internal circulation system of the principal commercial center rather than from separate driveways and entrances located along the adjoining arterial and/or collector street and meet the Engineering Design Standards (EDS) access management standards.
- C. Access from adjacent residential areas shall be provided by incorporating wall and landscape openings with physical connections to the commercial development's onsite pedestrian circulation system.
- D. Provide locations for bicycle racks and storage areas as well as facilities that are necessary to the use of public transportation (transit stops, benches, shade, and lighting) if suggested by the TIA. Bicycle racks shall be located off of the development's onsite pedestrian circulation system and/or near to building front entrances.

- E. Proposed new major centers of employment and governmental offices shall plan and design their pedestrian walkways and bicycle paths and open space system to link directly with public transit stops.
- F. New large scale commercial and civic and institutional uses shall incorporate decorative paving patterns, approved traffic "calming" devices, landscaping, streetscape furnishings, and lighting at onsite street intersections.
- G. The pedestrian circulation system may also be used for other uses and activities, including informational kiosks, public art installations, and outdoor dining; provided such uses and activities do not interfere with the safety of and accessibility by pedestrians and leave a five foot (5') clear path of travel.
- H. Sidewalks shall be designed primarily for pedestrians, conform to ADA guidelines, and be as free from obstacles as possible such as but not limited to, trash bins, fire hydrants, utility equipment and cabinets, signal poles, mail drops as well as excessive overhang from automobiles parked either diagonally or perpendicularly to the sidewalk.
- I. Within a Traditional Neighborhood Development (TND) the local streets and any arterial street within the "village core" shall be designed in a grid pattern to create a walkable street system that improves the overall pedestrian environment.

3.4 LANDSCAPE AND STREETScape DESIGN

A. GENERAL REQUIREMENTS.

- 1. Design landscapes to:
 - a. Utilize, to the greatest extent possible, harvested stormwater; and
 - b. Strategically locate appropriate plantings to cool buildings and shade parking lots, plazas and gathering areas; and
 - c. Provide visual screens; and
 - d. Improve both visual and physical aesthetics.
- 2. When a phased commercial development abuts residential uses the perimeter landscape and fencing shall be required to be installed and maintained along the shared property lines ahead of the construction phasing schedule.

B. ON-SITE LANDSCAPING.

- 1. All surface parking facilities shall provide a master landscape plan that delineates mature landscaping along the perimeter of the lot, as well as throughout the interior of the lot in accordance with **Chapter 107** of the **LDO** and with the plant palette listed in **Appendix B** herein.
- 2. Landscape should be fully integrated with the building mechanical systems such that air conditioning condensate collection may be used directly by

the landscape or directed into a cistern system; and building roof drains and downspouts whether exposed or integrated within the building walls shall be directed to landscape areas adjacent to the building where it can be stored and used to irrigate the plants or infiltrated into the ground. To accommodate pedestrian traffic the use of grated drains shall be used to direct the stormwater under sidewalks that may be adjacent to the building and into the landscape areas.

3. Initiatives utilizing short term landscape treatments should be considered for vacant building and/or pad sites within a phased development to improve the visual character as well as provide interim dust and weed control.
4. Any proposed water features should be located in plazas and gathering areas and not in auto-oriented entryways. Water features, while in use, shall continuously recirculate the water. Fountains and other water features shall be located and sized according to the scale and specific use of the open space area within a development as determined by the Community Development Director; with smaller water features utilized in smaller, more intimate open space/gathering areas.
5. Trees planted within the paved area of a sidewalk or pedestrian plaza in commercial and/or office areas having high pedestrian usage shall have tree grates that are flush with the level of the surrounding sidewalk surface, and shall be located so as not to impede through pedestrian movement. Sizing of the grates shall account for the expected growth of the trees.



C. STREETScape.

1. Landscaping, lighting, furnishings, and signage should be key components in the design, location, orientation and material treatment of pedestrian and bicycle paths, and their integration into the urban streetscape.
2. As part of the first phase of a multi-phased project the perimeter right-of-way improvements, such as but not limited to, landscaping and sidewalks shall be installed.

D. ADDITIONAL TND STANDARDS

1. In the civic space area and commercial areas of the TND the “public frontage” shall include trees of various species suitable to Surprise’s natural environment, planted in a regularly-spaced lineal pattern of single or alternated species with shade canopies of a height that at maturity clears at least one story.
2. At retail frontages the spacing of the trees may be irregular to avoid obscuring shopfronts.

3. Accommodate locations for street vendors such as mobile carts, information kiosks, public art, entertainment and other outdoor temporary uses.

3.5 BUILDING FORM AND ARCHITECTURE

A. GENERAL ARCHITECTURAL STANDARDS.

1. Where these standards call for using similar materials, forms and details, in the interest of conveying a coordinated design for a development, it does not mean that all buildings should look the same within the development. Rather, it actually seeks to balance continuity and consistency with similarity and diversity. Continuity is considered achieved when a sufficient number of design variables are similar in execution (but not necessarily identically) throughout a development.
2. All buildings on the same site shall be architecturally unified. This provision shall apply to new construction, additions and remodeling. Architectural unity means that buildings shall be related in unifying elements such as architectural style, color scheme, and building materials but that does not mean identical.
3. "Big Box" stores that have outdoor storage areas and garden centers shall incorporate the outdoor storage and/or garden center area into the initial architectural design of the primary building. Screening materials and colors shall be consistent with the overall theme of the building.
4. Monotonous look-a-like structures will be discouraged. Buildings shall be designed to create a visually interesting "building rhythm" by varying building form, volume, massing, heights, roof styles and site orientation.
5. Projects with more than one building or with a single building over 20,000 SF in size shall create different angles of buildings to the street to avoid monotony in site design unless other architectural treatments can achieve the desired result.
6. The development shall be designed to facilitate the efficient use of energy through building orientation, window and door placement, awnings, canopies, window treatments and other appropriate design solutions.
7. Buildings over thirty feet (30') in height shall be made to appear less imposing by a combination of stair-stepping the building height back from the street, breaking up the mass of the building, and/or providing a broader open space/pedestrian plaza areas as foreground for the building.
8. All buildings shall provide architectural detailing on all exterior elevations (360° architecture); not just the front elevation. Window embellishments shall be provided by adding architectural features that enhance the elevations (e.g. greater variation of window design, different window styles, tile inlays and recesses, structural pop-outs, gabled roof features over the windows, etc.).

B. MATERIALS and COLOR.

1. Subtler, less intense colors shall be used on larger, more plain-looking buildings, while the use of a greater variety and intensity of color may be appropriate for smaller structures. The use of accent colors is encouraged to provide a festive and lively streetscape. Color should be used to accent entryways and special architectural features of a building.

C. ROOF ARCHITECTURE.

1. Full roof architecture utilizing simple and varied roof forms shall be required for all new commercial, office and mixed-use development; while long, continuous mansard roofs, false mansard roofs, large expanses of flat roofs and veneer (false-front) parapets are discouraged. Parapet walls shall be designed and constructed in a manner to appear as a solid, three-dimensional form rather than a veneer.
2. Roof access shall be from within the interior of the building.
3. Green or living roofs may be considered; in efforts to absorb rainwater, provide building insulation from solar gain and heat loss, help mitigate the surrounding heat island effect, and create *wildlife habitat*.
4. Roof-top plumbing, vents, ducts, air conditioning and heating equipment, and any other mechanical or electrical equipment shall be concealed from public view; and screened in a manner so as not to be visible from any angle or any height outside a building. The height of a parapet wall for screening purposes must be equal to or greater than the height of any mechanical equipment. Roof top communication antennae shall be camouflaged and/or stealth in design in accordance with **Chapter 107** of the **LDO**.
5. All rooftop screening shall be part of the articulation of a building and not appear as an afterthought; shall be architecturally integrated and compatible with the architectural style.

D. BUILDING FACADES.

1. Commercial "storefronts" that reflect the architectural style of the building, balance window space to building wall space, and create display windows rather than floor to ceiling glass fronts is encouraged. Windows and doors shall be aligned and sized to bring order to the building façade and sufficiently recessed to contribute to the building's energy efficiency and create facade patterns that add variety and visual interest to the building design.
2. Some element(s) of display windows, awnings, entry areas, colonnades and arcades shall be designed along the street frontage, plaza areas and along the pedestrian sidewalks.
3. In the event an arcade or colonnade is to be used along the front of a building as a primary pedestrian way, the arcade or colonnade shall be designed as an integral part of the overall architecture of the building;

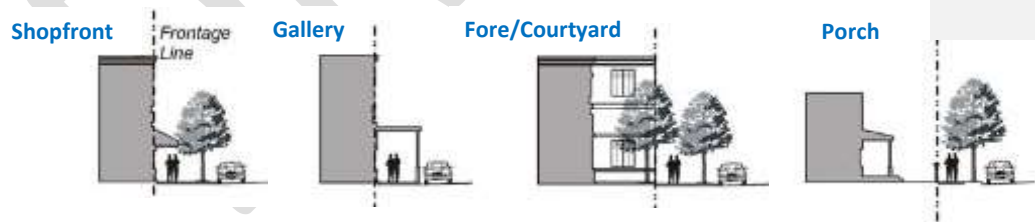
located and oriented to connect with adjacent open space areas of the development; and of sufficient height and width to accommodate the anticipated unobstructed pedestrian traffic generated by anticipated uses in the development.

4. All building facades must contain conspicuously placed street address numbers (refer to **Chapter 109** of the LDO).

E. ADDITIONAL STANDARDS FOR TND DEVELOPMENT

1. The edges of a commercial area should blend into adjacent neighborhoods and/or the civic space through building forms, massing and architectural styles and without buffers. Parking lots and garage doors rarely front the street.
2. All commercial activities shall be conducted entirely within the enclosed commercial buildings with limited outside storage which shall be screened from public view with an opaque fence or decorative wall not to exceed six(6') feet in height. Materials shall not be stacked, piled, or stored in such a manner as to project above the screen wall.
3. Outdoor patios and dining areas, seating areas, or small "vignette style" display areas are required to add to the pedestrian environment of the neighborhood.
4. The commercial buildings shall be designed in a manner that is more residential in scale and mass to be compatible with the residential neighborhood. Shopfront, Gallery, Fore/Courtyard and even Porch frontages are strongly encouraged and should provide a pedestrian connection to the sidewalk, street, or open space network (see **Illustration 20**).

ILLUSTRATION 20



5. Buildings in the "village core" shall be located close to the street, creating a well-defined outdoor room.
6. Consideration of Other Building Types in TND Developments
 - a. Vertically Integrated Mixed-Use: This building type is a small-to medium-sized structure, typically attached, intended to provide a vertical mix of uses with ground-floor retail, or service uses and upper-floor service, or residential uses. This type is an appropriate component of a TND neighborhood core but could be utilized within

the residential parcels if carefully located and designed, thereby being a key component for providing neighborhood appropriate retail and/or services.

- b. Live/Work: This building type is a small to medium-sized attached or detached structure that consists of one dwelling unit above and/or behind a flexible ground floor space that can be used for residential, service, or retail uses. Both the ground-floor flex space and the unit above are owned and/or occupied by one entity. This type is typically located within blended density neighborhoods or in a location that transitions from a residential neighborhood into higher intensity uses such as the neighborhood core. It is especially appropriate for incubating neighborhood-serving retail and service uses and allowing the TND neighborhood core to expand as the market demands.

3.6 EDGE TREATMENT AND TRANSITIONS

A. EDGE TREATMENTS

1. All major new commercial development should include a pedestrian circulation system of active and passive open space areas designed, located and oriented to provide: high pedestrian accessibility within and around the development; connections to adjacent developments to enhance a structure of continuous open space throughout the community; and a buffer between less developed, less densely developed lands and urban development patterns.
2. Buildings located on the exterior of new projects adjacent to the undeveloped edge of the City shall maintain a low profile in terms of single-story height, bulk and massing; except in an urban environment.

B. TRANSITIONS

1. Structures within a multi-building development should be designed to transition into either the surrounding development or natural landscape; with the size, massing and height of the proposed structures relating to the prevailing scale of adjacent development.

3.7 OTHER CONSIDERATIONS.

1. The signage needs (both building mounted signage and freestanding signage) should be carefully considered for all of the buildings/tenants when developing the site plan, landscape plans and elevations for commercial centers.
2. Outdoor lighting shall be consistent and comply with the standards outlined in **Chapter 107** of the **LDO** and Volume Two of this PED Manual when applicable.

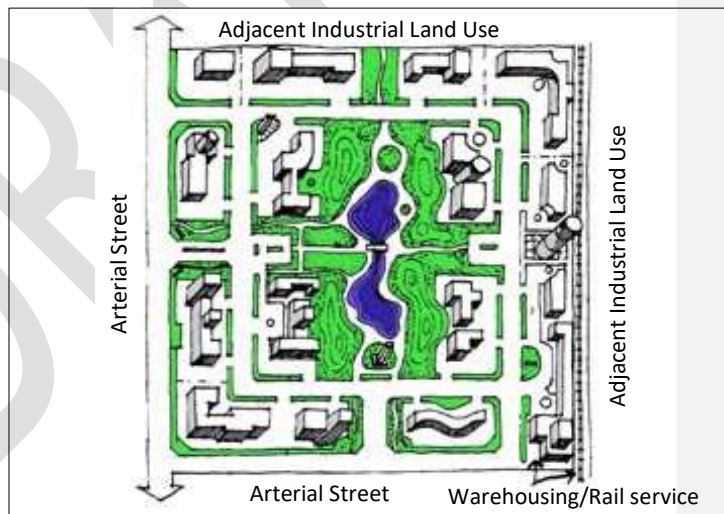
CHAPTER 4: BUSINESS PARK AND INDUSTRIAL LAND USES

4.1 GENERAL LAND/SITE DESIGN & AND DEVELOPMENT

A. GENERAL BUILDING SITE DESIGN.

1. Some limited Commercial land uses may be permitted in the Employment Character Areas as shown in the General Plan; in which case the development of such commercial land uses must be part of a business park development rather than a stand-alone commercial development.
2. Land uses permitted by the Business Park (BP) zoning, as delineated in **Chapter 106** of the **LDO**, shall be developed as part of or within an approved planned business park development rather than as a stand-alone project.
3. Business parks shall be designed with an interior street system that takes its access from the major arterials (see **Illustration 21** below). Proposed new major centers of employment and governmental offices shall plan and design their development to link directly with public transit stops when available or will be provided over time and when defined in the TIA for the development.

ILLUSTRATION 21



4. When industrially zoned parcels are developed with permitted industrial land uses, as delineated in **Chapter 106 - Table 106-3** of the **LDO**, and developed as a stand-alone use they shall take direct access only from an arterial street that is appropriately scaled to serve commercial and freight traffic.
5. Subdivision design, site plans, and building design must reflect sensitivity to natural features of the site; including topography; adjacent uses and

development; and views of surrounding mountains.

B. SCREENING.

1. Trash and refuse collection containers: Shall be screened with a six foot (6') solid masonry wall. Trash and refuse containers shall be located such that they are not the visual focal point of a driveway or parking area, or cannot be viewed from a public street. Those sites that can only locate the refuse containers in a highly visible location shall provide decorative latching gates, for screening the containers, at the opening to the enclosure.
2. Outside storage areas, work areas, and production areas: When permitted shall be limited to the rear or side yard (not front yard) and screened as outlined below. Materials shall not be stacked, piled, or stored in such a manner as to project above the screen wall.
 - a. When adjacent to any roadway the screen wall shall be a solid masonry wall, not to exceed eight feet (8') in height, located within the lot at the building setback line (not along the property line). Exceptions to this locational requirement may be made when the business park or industrial subdivision is platted with a landscape tract, not less than thirty-five feet (35') in width, adjacent to the roadway in which case the screen wall may be placed at the rear and/or side lot line.
 - b. When adjacent to residential, mixed-use, office, or commercial land uses the screen wall may be located along the shared property line with the required setback area behind the screen wall. The screen wall shall be a solid masonry wall at least six feet (6') but not to exceed eight feet (8') in height. The City may require the screen wall to be placed at the setback line, rather than on the property line, if it is determined that public access to an existing or planned public open space system would be prevented if the wall were placed at the property line.
 - c. When a business park parcel/lot is adjacent to other business park parcel/lot, a solid masonry wall, not to exceed eight feet (8') in height, may be located at the side and rear property line.
 - d. When an industrial land parcel/lot is adjacent to another industrial land parcel/lot, a fence, not to exceed eight feet (8') in height, may be located along the shared property line.
3. Parking areas: When in front of the building and/or adjacent to a street the parking area shall be screened from public view by a solid three foot (3') high screen wall that is decoratively treated to match the architectural style and design of the development or a three foot (3') high landscape berm or combination thereof. Parking areas shall not encroach into the required front yard and the screen wall shall be located at the front building setback line. The side yard screening wall may be located along the side property

line. The screen wall shall be a minimum three feet (3') back of the parking surface area to accommodate for vehicular overhang.

4. All solid masonry walls intended for screening functions shall be decorative having an architectural texture, color and finish compatible with the primary building; with the finished elevation exposed to the public view or adjacent property.

C. PARKING DESIGN

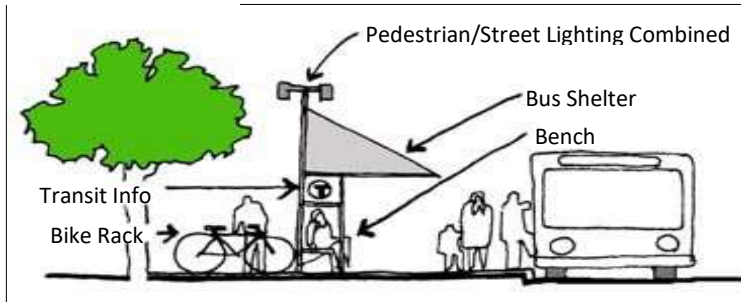
1. Parking lots for major employers, government offices, and businesses within a business park development that contain over one hundred and fifty (150) spaces should be designed with electric re-charging stations, and solar panel shade structures.
2. Parking lots shall be designed to utilize rainwater harvesting techniques by sloping the parking lot surfaces to direct the stormwater runoff into landscaped bioretention planters within and/or along the perimeter of the parking lot. The bioretention landscaped planters may be designed as: raised flow-through planter boxes; flush in-ground planter boxes; or below grade planter boxes. Use curbstop sections, formed curb with curb openings, or flush curbs to stop car tires but allow water to flow into the planting areas.



4.2 CIRCULATION DESIGN FOR COMPLETE STREETS

- A. Unless otherwise determined by the City's Traffic Engineer, all development projects are required to provide a Traffic Impact Analysis (TIA) prior to receiving approval; with specific emphasis on the impact of truck traffic on adjacent development, the internal circulation system of the proposed development, and the appropriate development of transit amenities.
- B. Proposed new business park developments and major industrial employment centers shall provide transit related site design features and amenities such as, but not limited to, shelters, benches and lighting (see **Illustration 22** below).
- C. *Multimodal* connections between workplace uses and abutting support uses such as retail and service commercial establishments is encouraged and should include drive, walkway, and trail connections.

ILLUSTRATION 22



4.3 LANDSCAPE AND STREETScape DESIGN

- A. Design the required landscaping to;
 1. Utilize, to the greatest extent possible, harvested stormwater; and
 2. Strategically locate appropriate plantings to cool buildings and shade parking lots; and
 3. Provide both visual screening and land use buffering; and
 4. Improve the aesthetics of the development as seen from public view.
- B. Landscape should be fully integrated with the building mechanical systems such that air conditioning condensate collection may be used directly by the landscape or directed into a cistern system; and building roof drains and downspouts whether exposed or integrated within the building walls shall be directed to landscape areas adjacent to the building where it can be stored and used to irrigate the plants or infiltrated into the ground. Foundation planting shall be required along all building elevations that are visible from the public street and may utilize the plant palette listed in **Appendix C** herein.
- C. All required on-site parking lots shall provide landscaping along the perimeter of the parking lot and within the parking lot utilizing the plant palette listed in **Appendix B** herein and in accordance with **Chapter 107** of the **LDO**.
- D. The ~~boulevard strip~~*landscape strip*, all required front building setbacks, and those setback areas in front of a screen wall shall utilize the plant palette listed in **Appendix B** herein. Street trees shall be planted in a regularly spaced lineal pattern of single or alternating species with shade canopies of a height that at maturity clears at least one story.
- E. All other required yards that are open areas (outside of screened storage areas, work areas, and production areas or boundary line walls) shall be landscaped utilizing the plant palette listed in **Appendix C** herein.

4.4 BUILDING FORM AND ARCHITECTURE

A. GENERAL ARCHITECTURAL STANDARDS.

1. All buildings shall provide architectural detailing on all exterior elevations (360° architecture); not just the front elevation. Window embellishments shall be provided by adding architectural features that enhance the elevations (e.g. greater variation of window design, different window styles, tile inlays and recesses, structural pop-outs, gabled roof features over the windows, etc.).
2. For all buildings the mechanical equipment and similar utility devices, whether ground level or roof mounted, shall be screened from public view and designed to appear as an integral part of the building; except for solar panels. The mechanical equipment screening shall be included in the overall building height. Mechanical equipment shall be treated to be non-reflective.
3. Service and loading bays shall be oriented away from adjacent residential and mixed-use zoning districts and to the greatest extent possible should not front onto or be visible from the public street. For those sites that can only locate said activities in a highly visible location screening be a method approved by the City may be required.
4. Buildings shall be designed to facilitate the efficient use of energy through building orientation, window and door placement, awnings, canopies, window treatments and other appropriate design solutions.
5. Building orientation and building design shall address and mitigate the negative impacts of noise, odor, or dust that may be generated from a building and/or land use of any Business Park or Industrial development.

B. BUILDING MATERIAL AND DETAILS

1. Reflective building materials are prohibited. Mirrored surfaces or any treatment that changes ordinary glass into a mirrored surface are prohibited. Metallic surfaces, including roof materials, shall be chemically treated to be non-reflective.
2. Color should be used to accent entryways and special architectural features of the building rather than color bands of corporate identity.

C. ROOF ARCHITECTURE.

1. Full roof architecture utilizing simple and varied roof forms shall be required for all new business park and industrial development; while long, continuous mansard roofs, false mansard roofs, large expanses of flat roofs and veneer (false-front) parapets are discouraged. Parapet walls shall be designed and constructed in a manner to appear as a solid, three-dimensional form rather than a veneer.

2. All rooftop screening shall be part of the articulation of a building and not appear as an afterthought; shall be architecturally integrated and compatible with the architectural style.
3. Roof access shall be from within the building.

D. BUILDING FACADES.

1. Windows and doors shall be aligned and sized to bring order to the building façade and sufficiently recessed to contribute to the building's energy efficiency and create facade patterns that add variety and visual interest to the building design.
2. All building facades must contain conspicuously placed street address numbers (refer to **Chapter 109** of the LDO).

4.5 EDGE TREATMENT AND TRANSITIONS

- A. Non-vehicular connections to adjacent developments through shared and/or aligned retention areas, *multimodal* trails, and open space areas are to be made by the Employment land uses whenever available and/or when designated for such future connectivity by the Surprise General Plan or the Parks and Recreation Master Plan.
- B. Development of subdivisions within the Business Park and Industrial zoning districts shall provide a landscape buffer strip, as outlined in **Chapter 106** and **Chapter 108** of the LDO, along the perimeter of the development on a subdivision basis rather than encumbering the individual lots within the subdivision with the buffer area requirement.
- C. When developed as a stand-alone industrial land use adjacent to the undeveloped edge of the City or to an existing residential development the industrial development shall be responsible for providing the required buffer area for the development.
- D. Buildings located on lots along the perimeter boundary of a business park and/or industrial subdivision that are adjacent to the undeveloped edge of the City or to an existing residential development shall maintain a low profile building in terms of single-story heights not to exceed twenty-five feet (25'). Building heights above twenty-five feet (25'), up to the maximum building height allowed per the zoning district, may be achieved by increasing the building setback adjacent to the perimeter boundary as outlined under the specific zoning sections of **Chapter 106** of the LDO.

CHAPTER 5: ENVIRONMENTALLY SENSITIVE LANDS STANDARDS

5.1 GENERAL LAND/SITE DESIGN &-AND DEVELOPMENT

- A. The City of Surprise requires responsible development, the preservation of natural habitats for flora and fauna, and the conservation of environmentally and culturally sensitive lands and resources. Sustainable and creative development is encouraged with the goal being to fit development into the natural site with minimal intrusion, and to be sensitive to adjacent uses. For this reason any property that possesses characteristics which would support their identification as *cultural resources* or having *environmentally sensitive features* shall utilize an *integrated conservation design* approach to development and assure compliance with the Environmentally Sensitive Lands and Cultural Resource Standards set forth in this section and those in **Chapter 104** of the **LDO** as a part of any development submittal.
- B. **INTEGRATED CONSERVATION DESIGN APPROACH.** An *integrated conservation design* is vital to reducing fragmentation of both *habitat* and *wildlife movement areas*, improving community character, and protecting both *environmentally sensitive features* and *cultural resources*. Regardless of the acreage or zoning, when any portion of a development site is determined to be in an area with *environmentally sensitive features* or *cultural resources* the entire development site shall be required to utilize an *integrated conservation design* approach and develop an Environmental Inventory Plan (as described in **Chapter 104** of the **LDO**). The development shall provide the City with a development plan rooted in this integrated design approach and based on the Environmental Inventory Plan. The following 4-steps are involved when developing any project using this *integrated conservation design* approach. For subdivisions theses design steps occur in an order opposite that of conventional subdivisions.

1. Identify Conservation or Preservation Areas. The first step is identifying areas of the property to conserve or preserve. This is done by completing an "Environmental Inventory Plan" (detailed in **Section 104-2.2** of the **LDO**) that delineates the location of all *environmentally sensitive features*, *cultural resources*, and the associated *buffer areas*. Also, identify the location of any additional *open space* required to satisfy the zoning requirements for the development; keeping in mind the potential to create areas and connections beyond the boundaries of the proposed development to maximize the benefit to wildlife and residents alike.

Example Site Before Development



Integrated Conservation Design identifies the environmentally sensitive features & cultural resources of the site *before* drawing lot lines & roads.

2. Select Building/Housing Locations. Select building/housing sites to complement the location of the *environmentally sensitive features, cultural resources, and open space*. Designing the lots around these conserved spaces ensures that each occupant/resident can take full advantage of these conserved common areas. Utilizing a *cluster development* design may make this simpler to achieve but it is not required.
3. Connect the Dots. Draw in a *multimodal* network of streets and trails that connect the development to existing roads and, if possible, regional trail networks or public greenways.
4. Draw in the Lot Lines. Finally, draw in the individual lot lines.

C. ESTABLISHMENT OF BUFFER AREAS. The *buffer areas* required by **Chapter**

Conventional Development vs. Cluster Development



The cluster subdivision (right) accommodates the same amount of development as its conventional counterpart (left); in this example 32 lots. The difference, however, is that the cluster design provides that more than half of the site is retained as preserved or open space, a permanent amenity shared by all property owners. Conventional development gives each owner a large lot surrounded on all four sides by neighbors whereas the cluster design provides each resident an uninterrupted view of the surrounding landscape and access to preserved communal open space within the development.

104 of the **LDO** shall be designed to achieve the following performance standards:

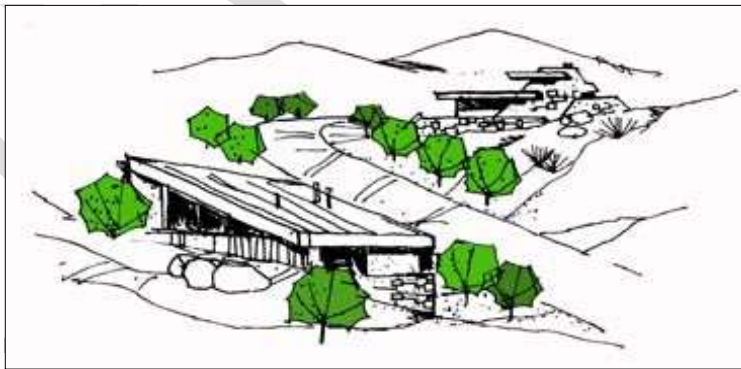
1. Protect the biological function and enhance wildlife use of any natural habitat identified by the Environmental Inventory Plan for the development site.
2. Minimize and, to the greatest extent possible, mitigate the anticipated impacts of development to *environmentally sensitive features* and *cultural resources*.

3. Enhance the integration of development with the site by preserving existing site topography, including but not limited to, such characteristics as: hillside areas, steep slopes, ridgelines, significant rock outcroppings, and existing drainage and water features.
4. Preservation of significant stands of vegetation and communities of *protected native plant(s)* within and/or adjacent to a development site.
5. Prevent unnecessary and adverse impact upon species utilizing special habitat features, including nest and/or den sites, night roosts, key feeding areas, wintering and/or production areas as identified by the Environmental Inventory Plan.
6. Preserve and enhance the existence of *wildlife corridors* and wildlife movement between natural features, through and adjacent to the development site.
7. Provide appropriate areas for passive human access to the site's natural habitats, *environmentally sensitive features* and *cultural resources*.

D. GENERAL SITE DESIGN.

1. Projects in the vicinity of large natural habitats and natural habitat corridors shall be designed to complement the visual context of the natural habitat. Techniques such as architectural design, site design, the use of native landscaping and choice of colors and building materials shall be utilized in such a manner that scenic views across or through the site are protected, and that manmade facilities are screened from off-site observers and blend with the natural visual character of the area (see **Illustration 23** below). These requirements shall apply to all elements of a project, including any aboveground utility installations.

ILLUSTRATION 23



2. Illustrative Example: Building siting respects the topography of the area. the site.

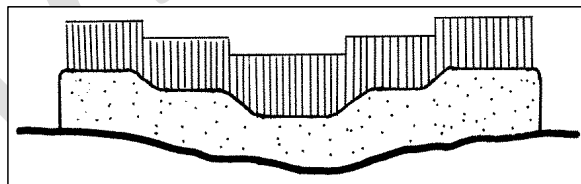
3. The greatest amount of development and the highest densities of housing should occur in the flat land (under five percent (5%) slopes). Irregular terrain with irregular slope conditions and hillside lands (over ten percent (10%) slopes) shall be larger lot residential with a *building envelope* delineated to insure building/site integration and to reduce the impact of development to the hillside.
4. Mass grading is prohibited in the *hillside development area*. Mass grading shall be limited or prohibited for other lands within the environmentally sensitive areas of the City where damage to existing vegetative cover, washes and drainage patterns might occur.
5. Wherever possible, but particularly in *hillside development areas*, site plans and designs should reflect a sensitive approach to development wherein roads, hiking and equestrian trails, access walkways, driveways and drainage areas conform as closely as possible to the natural contours of the site.

5.2 WALLS: PERIMETER, PRIVACY AND RETAINING

A. PERIMETER WALLS

1. Perimeter walls or fences shall follow the contour of the natural terrain and be "open" in design where a wall abuts an open space area, buffer area, or environmentally sensitive feature. Walls or fences shall be a maximum of six feet (6') in height with no more than three feet (3') being constructed of a solid or opaque material. That "open" portion of the wall or fence may not include chain-link or wood materials (see **Illustration 24** below). Notwithstanding the foregoing, walls exceeding six feet (6') in height and constructed of solid or opaque material may be approved by the Community Development Director if the wall is for the purpose of screening non-residential uses.

ILLUSTRATION 24



Perimeter walls shall follow the contour of the natural terrain.

2. Perimeter walls and fences surrounding a lot, tract, or subdivision within a *hillside development area* shall be prohibited; only privacy walls and retaining walls may be permitted as outlined below.

3. Within the ten to fifteen percent (10-15%) slope category of a *hillside development area*, exceptions to the above prohibition on perimeter fences or walls may be permitted. In those instances where an exception is desired, applicants shall submit a detailed Wall Plan to the Community Development Director for review and action. In conjunction with the submittal of the Wall Plan to the Community Development Director, the applicant shall submit a copy of the Wall Plan to the appropriate City department(s) for review and approval for conformance with all City grading and drainage requirements. Wall Plans shall indicate the proposed locations of walls or fences, the proposed materials, colors and design of any wall or fence, and fence construction and disturbance mitigation measures. Such plans shall be accompanied by a narrative explaining the reasons why such an exception should be made. Wall Plans may be approved by the Community Development Director upon a finding that the proposed location and design of the wall(s) will not be contrary to the intent and purpose of the Environmentally and Culturally Sensitive Land Developments Standards.

B. PRIVACY WALLS

1. Fences or walls on lots within a *hillside development area* shall be restricted to privacy walls attached to or directly screening a portion of the main residence. Privacy walls shall not exceed six feet (6') in height, shall be architecturally compatible with the main residence and shall be limited to the *building envelope* area only.
2. Privacy walls shall not be erected on a retaining wall and shall be offset a minimum of four feet (4') when utilized unless the combined height of the walls does not exceed six feet (6').

C. RETAINING WALLS

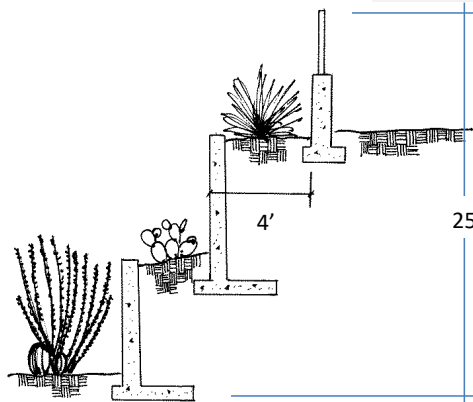
1. The design of all retaining walls shall be prepared by a registered engineer or architect and shall be designed to blend with the surrounding environment and/or development in color, materials and style.
2. No first-tier lots shall have a side or rear yard retaining wall exceeding six feet (6') in total vertical wall height in any residential district or ten feet (10') in a non-residential district.
3. A single retaining wall in any front yard shall not exceed four feet (4') in height in residential districts or six feet (6') in height in non-residential districts.

4. Retaining walls of over four feet (4') in height shall not be placed at the property line.

5. Additional retaining height may be achieved through the use of offset retaining walls and terraces: such walls shall be offset a minimum of four feet (4') and all terraces shall be landscaped appropriately for the width of the offset (see **Illustration 25**). Retaining walls shall incorporate weep holes for drainage and sleeves for irrigation.

6. The total vertical wall face (including view fencing) visible from any street, adjacent property line or publically-accessible open space for any single lot shall not exceed twenty-five feet (25') in height. Terraced walls shall be constructed with decorative products and terraces shall be landscaped to minimize their visual impact.

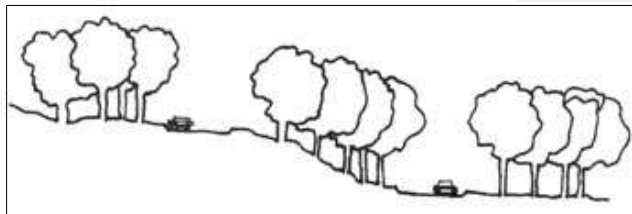
ILLUSTRATION 25



5.3 ROADWAYS

- A. Rather than transforming the area, the roadways shall follow the natural topography of the area with the roadways designed to minimize excavation and embankment scars and the overall amount of land disturbance. The City prefers the use of curvilinear horizontal alignments and gently rolling profiles consistent with the natural topography to minimize unnecessary disturbance to the existing environment (see **Illustration 26**).

ILLUSTRATION 26



Split roadway sections to accommodate grade change.

- B. Additional rights-of-way may be required for cut or fill slopes, bike paths, horse trails, traffic control devices, fire hydrants or other public facilities located adjacent to streets. Where cut or fill slopes extend beyond the rights-of-way, a permanent easement may be provided in lieu of increasing the width of the rights-of-way.

5.4 WATER FEATURES

A. NATURAL WASHES and FLOODWAYS.

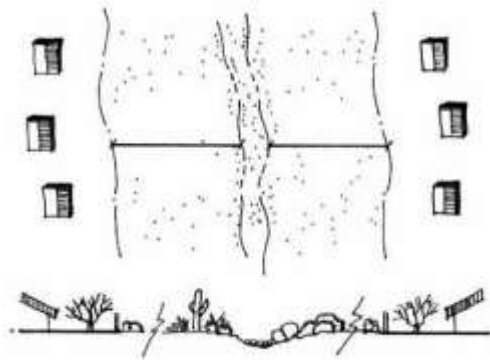
1. County *Floodways* and FEMA designated washes that traverse and/or are adjacent to a development site shall be assimilated into a linear open space system that is integrated into both the development's and the community's open space system. A seventy five foot (75') buffer area shall be required along the perimeter of these floodways and washes.

ILLUSTRATION 27



Within the required seventy-five foot (75') *buffer area*, associated with and adjacent to these types of floodways and washes, paths for both pedestrians and bicycles and if applicable equestrian trails are encouraged and may be required to be developed as an amenity by the developer (see **Illustration 27**).

2. Naturally occurring ephemeral desert washes identified by the Drainage Report shall, as much as possible, be retained in their natural condition with *buffer areas* established as natural area open space and with development setback the appropriate distances necessary to allow the *wildlife corridors* to remain uninterrupted (see **Illustrations 28**). Specific *buffer area* dimensions to be determined by the City in consultation with Arizona Game and Fish.

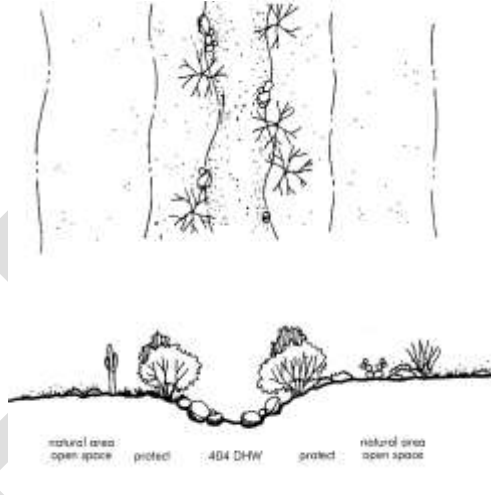


on View

3. Disturbance to larger ephemeral washes shall be limited to that required for road and utility crossings only. The uses of bridges and culverts should be considered for such crossings where their use would cause fewer disturbances to the washes. Disturbed areas shall be revegetated using indigenous vegetation.

4. The City may grant open space credit (at a 1: 1.25 ratio) for habitat restoration of and along those ephemeral washes that have been identified by Arizona Game and Fish as being missing links/sections in important *wildlife corridors*. (see **Illustrations 29**)

ILLUSTRATION 29



5. Drainage basins, retained washes, and new drainage channels shall be given a "natural" desert character. Native materials in the construction of all storm water features (ie. basins, channel bottoms, and headwalls) must be used. Terracing, berming and contouring is required to naturalize and enhance the aesthetics of all drainage basins, retained washes, and channels. Basin slopes shall comply with Engineering Design Standards.
6. Trails will be permitted within these corridors, but motorized vehicles would be prohibited.

5.5 TRANSITION STANDARDS AND EDGE TREATMENTS

- A. On sites where there is significant change in the grade levels from the site to adjacent properties, the site design should accommodate the grading transition through design techniques such as landscaped terraces, landscaped slopes of 4:1 (run-to-rise) or gentler, or some similar gradual technique.
- B. When the site has a non-residential use and the adjacent site is a residential use, required screening walls should either be placed along the edge of the parking/driveway areas if the developing site is higher than the adjacent residential site, or at the property line if the site is lower.
- C. Hillside development shall receive edge treatments that soften the appearance of an abrupt transition between the built and natural environments. Such treatments shall consist of alternative perimeter fencing (adobe, native stone or vegetation etc.), offset, or staggered rear lot lines, transitional landscaping or other similar elements intended to soften the transition.

5.6 HILLSIDE DEVELOPMENT AREA

- A. Those lands considered to be in a *hillside development area* (ten percent (10%) or greater) shall be limited in the density permitted based on the slope bands of the property as further delineated in **Chapter 104** of the **LDO**.
- B. Slopes that are fifteen percent (15%) and greater are considered to be *steep slopes* and development shall be highly restricted.
- C. The grading concept for any site shall seek to balance cut and fill on the site to avoid off-site stockpiling and further damage to the natural topography.
- D. Significant rock outcroppings, ridgelines and unstable slopes need to be identified and conserved. Incorporate such features as an inclusive element in the overall design of the development rather than isolated and inaccessible.
- E. All site plans and designs should utilize topographic maps that reflect the existing terrain, including: contour intervals (at a maximum of 10 feet), and variations in the site terrain; elevation of critical spots; rock outcrops and special characteristics of the site.
- F. All structures located within a *hillside development area* shall blend naturally into the landscape through the use of materials and colors compatible with the natural earth colors of the ridgeline area, rather than stand out as a prominent focal point.
- G. Multilevel buildings, as well as all rooflines of buildings, shall follow the general slope of the site in order to keep the building height and profile in scale with surrounding natural features (see **Illustration 30**).

10% Slope

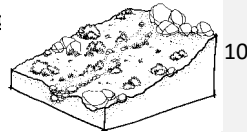


ILLUSTRATION 30



APPENDIX A – GLOSSARY OF TERMS

A. General Terms. For the purpose of carrying out the intent of these Planning and Engineering Design Standards (PEDS), certain terms or words used herein shall be interpreted or defined as follows:

1. Words used or defined in one tense or form shall include other tenses and derivative forms; words used in the singular include the plural; and words in the plural include the singular.
2. The words “shall”, “must”, and “will” are mandatory and not permissive.
3. The words “should”, “encourage”, and “may” are permissive.
4. The word “person” includes an individual, tenant, lessee, firm, co-partnership, joint venture, corporations, associations, estate, trust, receiver, or any other group or combination acting as a singular entity, including the federal government, another city, county, or school district, except as exempt by law.
5. The following words or terms when applied in these PEDS may be used interchangeably unless contrary to the circumstances: lot, plat, parcel or premise; and “building” applies to the word “structure”.

B. Abbreviations. The following abbreviations and/or acronyms shall have the following meaning:

A.R.S.	Arizona Revised Statutes
PEDs	Planning and Engineering Design Standards

C. Italicized. Words or phrases throughout the PEDS which are expressed using italics shall assume the meaning as ascribed in this Appendix. Words or phrases not expressed in italics shall assume the common meaning of the word or phrase unless such word or phrase is otherwise included herein this Appendix.

D. Specific Terms. The following specific terms, words and phrases shall, for the purposes of understanding these standards, have the following definitions and meanings:

A.

Adaptive Reuse: The conversion of historic or obsolescent building(s) from their original or most recent use to a new use representing compatible and appropriate change.

Apartment Complex:

Archeological Resource: Any material remains of past human life or activities that are of historic or pre-historic significance. Such material includes, but is not limited to, pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, cultural landscapes, rock paintings, rock carvings, intaglios, graves, skeletal remains, or any piece of any of the foregoing items (see *cultural resource* herein).

Architectural Feature: A decorative element intended to enhance the building or structure and lend to the overall exterior form, context and appearance of the building or structure. Architectural features may include, but are not limited to balconies, canopies, columns, doors, eaves, porches, wing walls, or similar three-dimensional exterior element of a building or structure.

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.

B.

Berm: A mound of earth that is used to shield, screen or buffer undesirable views, separate incompatible land uses, provide visual and landscape interest, decrease noise, or control the direction of water flow.

Bicycle Circulation System: Multi-use pathways and on-street bicycle lanes combine to provide a comprehensive means by which bicycles can travel within and through the City.

Bollard: A thick, low, architecturally, designed vertical post, or a series of vertical posts, that are placed to help define, or border, pedestrian and/or bicycle paths.

Buffer Area: An area of land retained in its natural state which protects and/or surrounds an environmentally sensitive feature or cultural resource with the purpose of mitigating any potentially negative impacts to the feature or resource.

Buffering: The technique of providing landscape or other improvements on land set aside or in a buffer area used to separate different intensities and types of land use.

Building Envelope: That area on a lot that encompasses all development including but not limited to excavation, cut, fill, grading, buildings, structures, access ways, parking and any area of disturbance.

Bus/Transit Shelter: A roofed structure that is located on or adjacent to the right-of-way of a street, and which is designed and used for the protection and convenience of waiting bus passengers.

Boulevard Strip: See Landscape Strip~~The landscaped area between sidewalk and curb along a public street (aka park strip).~~

C.

Community Circulation System: A network of transit, automobile, bicycle, pedestrian, and equestrian trails and/or rights-of-way that connect origins and destinations.

Complete Streets: A street system that is designed and operated to enable safe, attractive and comfortable access and travel for all users. Pedestrians, bicyclists, transit riders, and motorists

of all ages and abilities are able to safely and comfortably move along and across a complete street and are given equal space, consideration and safety issues. Complete streets also create a sense of place and improve social interaction as they encourage walking, biking and transit as viable transportation options.

Cluster Development/Subdivision: Concentration of development on only a portion of a site, allowing *environmentally sensitive features* and areas to be protected with no loss in the number of lots and maintaining the overall density of the site. It requires transferring density on the same site and the undeveloped land to be permanently retained for open space, habitat, or conservation of *environmentally sensitive features*.

Cultural Resources: An aspect of a cultural system that is valued by or significantly representative of a culture, or that contains significant information about a culture.

D.

Detached Sidewalk: A sidewalk that is separated from the street by a *boulevard-striplandscape strip* that is measured from the back of the street curb and runs continuously along the length of the street.

Disturbed Area: The area of natural ground that has been, or is proposed to be, altered through grading, cut and fill, removal of natural vegetation, placement of material and equipment, trenching, or by any means that causes a change in the undisturbed natural surface of the land or natural vegetation.

E.

Environmentally Sensitive Features: Elements in the landscape that play a particularly large role in sustaining the natural environment and ecosystem and supporting wildlife and plant diversity, but at the same time are especially sensitive to degradation such as: *hillside development areas; important habitat; protected native vegetation; significant rock outcroppings; significant stands of vegetation; ridgelines; steep slopes; water features; wildlife corridors* (as further specified in **Chapter 104** of the **LDO**).

F.

Floodplain: Any land area susceptible to being inundated by water from any source. It may or may not include a *floodway*.

Floodway, one hundred-year: The channel of a river or other watercourse and the adjacent land areas which must be kept free of encroachment in order to carry and discharge the 100 year flood without substantial increases in flood height.

Fore/Courtyard: a building frontage where the building facade is aligned close to the front property line with a portion of the facade set back. The resulting forecourt and/or interior courtyard are suitable for gardens, restaurant seating, or an entry plaza. A short wall may also be placed at the property line.

G.

Gallery: A private frontage typically used in retail applications where the façade is aligned close to the front property or street line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk.

Gateway: A major or minor thoroughfare entry to the City of Surprise, as designated by the Surprise General Plan, which has been especially designed using unique and/or special landscape, architectural, sign and lighting treatments to project the city's image and inform visitors that they have arrived in Surprise.

Green: A civic space type for unstructured recreation spatially defined by landscaping rather than building frontages.

Greenway: An enhanced open space corridor which may include amenities as well as pathways for bicycles and pedestrians; may also be left in largely natural conditions.

H.

Habitat: The physical and biological environment where an organism lives. Habitat includes such components as cover, food, shelter, water, and breeding sites.

Habitat Connectivity: Physical and biological conditions that join blocks of habitat so that animals can move between them.

Habitat Fragmentation: The division of contiguous tracts of *wildlife habitat* into progressively smaller patches which is typically a result of human encroachment such as roads and development.

Hardscape: Any hardened and/or paved surface, including but not limited to a street, sidewalk, plaza, pathway or other similar surface, where the surface materials often are used to create unique patterns of color, design and texture for purposes of creating visual interest.

Hillside Development Area: Those lands where the natural terrain has an average cross slope of ten percent (10%) or greater. However, a ten percent (10%) or greater slope, created by a natural wash on land that otherwise would not be classified as hillside land shall be exempt from the hillside regulations.

I.

Important Habitat: Habitat that supports federally endangered plant or animal species, Species of Greatest Conservation Need (SGCN) in Arizona, and sensitive plant species (as may be identified on federal and state lists).

Integrated Conservation Design: A development concept that considers site characteristics, natural features, and layout in the larger context of the site and its surrounding parcels. Integrated conservation design is intended to preserve important and unique natural features such as *hillside development areas* and *steep slopes*, *wildlife corridors*, natural habitat, and *cultural resources* that are known and those that may be discovered on the site as well as conservation of community viewsheds, and the required *open space* per the zoning district.

J.; K.; L.

Landscape strip: The landscaped area between sidewalk and curb along a public street (commonly known as boulevard or park strip).

Low-Impact Development (LID): A land planning and engineering design approach that uses natural and engineered infiltration and storage techniques to manage stormwater where it is generated; combining conservation practices with distributed storm water source controls and pollution prevention to maintain or restore watershed functions.

M.

Multimodal: Means of traveling within or through a community toby a combination that includes automobiles, buses, trolley, rail, bicycles, pedestrian friendly walkways and path and trail systems, and/or any other means in additional typical vehicular trafficOne or more means of traveling within or through a community to include automobiles, buses, trolley, rail, hyperloop, bicycles, pedestrian walkways and path systems, and any other means of moving persons and goods by a surface, overhead or underground means of transportation.

Mural: An artistic painting or mosaic typically found on a wall or building elevation.

N.

New Urbanism: A design-focused approach to urban planning that advocates integrating housing, workplace, recreation and leisure areas within walkable, town-core, environmentally-sensitive, and sustainable communities; emphasizing transit, human scale, building-forward architecture, with a mix of housing, civic, workplace and retail uses in close proximity and within the neighborhoods, while preserving open lands and achieving other environmental goals.

O.

Open Space: Land and/or water areas, improved or unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment as active and passive recreational areas or for environmental, scenic, or conservation purposes. Not to include parking or roadways.

Open Space, active: Land and water areas specifically designed as an activity-based recreational area that may include boating, water sports, sports fields, golf courses, local and community parks having picnic, playground, recreational and support components, and pedestrian, hiking, bicycle, and equestrian trails.

Open Space, natural: Land and water areas that are retained in their natural state, or restored natural state if previously disturbed, required for the preservation and conservation of plant and animal life, including habitat for wildlife species; and areas required for ecological, cultural and other scientific study purposes for long-term public benefit.

Open Space, passive: Land and water areas that are either partially improved, undeveloped, or in a natural state that are intended for scenic, environmental, conservation, and/or resource

protection; and include such resource-based activities as nature study, nature trails, and any other activities requiring a natural condition that cannot easily be duplicated by human actions.

P.

Parking Pods: The smallest parking increment of a larger off-street parking lot, designed as a heavily tree-shaded parking area to accommodate 50 or less cars and separated from other parking clusters by pedestrian walkways.

Paving Enhancement: A material and/or color used in the pavement design of a street, parking area, or pedestrian walkway to provide visual interest.

Pedestrian Friendly: An environment in which conflict between the automobile and pedestrian is minimized or eliminated through the provision of a comprehensive means of vehicular-separated pedestrian travel that is fast, attractive and comfortable for a wide range of age and abilities groups; and by the design of buildings and other uses in a manner that is sensitive to the needs of the pedestrian.

Plaza: A large, paved, pedestrian entry setting for a building that should contain a combination of seating areas, trees, and landscaping and may also include fountains, public art and sculpture works.

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. (commonly known as Community Pool)

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.

Protected Native Plants: Those species listed in Chapter 104; Table No. 104-X of the LDO.

Q.; R.

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.

Ridgelines: Prominent topographic features that are used by raptors to orient, nest and/or catch thermals while migrating.

S.

Sensitive Land Areas: Land that encompasses *wildlife habitats* and corridors, wash corridors that replenish local groundwater, archaeological sites, unique plant environments, and scenic vistas.

Significant Rock Outcroppings: Any surface rock formation having an area of five hundred square feet (500 sf) or larger or any surface rock formation having a height greater than ten feet (10) from the surrounding grade.

Significant Stand of Vegetation: A single native or protected tree or cactus (as listed in **Chapter 104** of the **LDO**) that is of a height greater than twenty-five feet (25') or three (3) or more trees or cacti, located within a radius of fifteen feet (15'), each having a height greater than eighteen feet (18').

Significant Vegetation Specimen: A native tree with an eight inch (8") or greater caliper trunk or multitrunked in good health, a saguaro over twenty feet (20') in height and/or multiple arms or crest or other unusual configuration in good health, or other mature federally endangered plant, or Species of Greatest Conservation Need (SGCN) in Arizona, or native plant species.

Sharrows: Specific road markings used to indicate a shared lane for bicycles and automobiles used to reinforce the legitimacy of bicycle traffic within the travel lane, encourage bicyclists to position themselves safely in narrow lanes to comfortably travel side by side within the same traffic lane, advertises the presence of bikeway routes to all user, and provides a wayfinding element along bike routes.

Square: An open space available for unstructured recreation and civic purposes.

Steep Slopes: Unimproved land, parcel, or tract of land, where the existing natural terrain has an average cross-slope of fifteen percent (15%) or greater and where the natural state of such should be left undeveloped and conserved as open space.

Streetscape: The general appearance of a block or group of blocks with respect to the structures, setbacks from public-rights-of-way, open space, landscaping, public art, lighting, signage, paving materials, street furnishings and other elements that contribute to the overall character and image of a City block.

Street Furnishings: All items that are placed within the public right-of-way for both an aesthetic and functional purpose, including, but not necessarily be limited to, benches, bus shelters, trash receptacles, plant containers, kiosk signs, lighting fixtures, tree grates and guards, bicycle racks, bollards, fountains and public art.

T.

Third Place: a private building that includes a space conducive to unstructured social gathering. Third places are usually bars, cafés, coffee shops, and corner stores.

Traffic Calming: A technique or method of reducing traffic speeds and/or neighborhood cut-through traffic volumes that utilizes changes in street alignment, installation of barriers, and other physical measures.

U.

Unsalvageable Plant: A protected native plant that cannot be successfully relocated due to: 1) deteriorated health from disease, infestation, or natural causes; or 2) physical constraints related to plant location, orientation, or general condition which obstruct and/or prevent the application of approved relocation techniques as determined by a landscape professional (ASLA or certified nurseryman).

Unstable Slopes: Land where the natural state of the slopes is unstable due to topography, drainage patterns, soil stability, soil compaction or geotechnical issues, boulders or rock outcroppings, and prior land disturbance.

V.

View Corridor: The area or areas along a street, pedestrian path, hiking trail or other such opening that allow for a clear and unobstructed view of, or one that frames, highlights, or accentuates a prominent object, site, scene, panorama, building, or structure.

W.

Water Features: Includes those features as listed and defined below:

- a. **Floodplains:** The area along a perennial or ephemeral stream or river that fills with water periodically. Floodplains can include riparian areas and sometimes have a distinct vegetative community that included water-loving plants. However, in Maricopa County, many floodplains are simply characterized by dry river or streambeds. (See the **LDO** for Floodplain Management Regulations.)
- b. **Riparian Areas:** The ecosystem located along a perennial or ephemeral wash or river. Usually characterized by water-intensive plants/trees, riparian areas run parallel to streams and rivers.
- c. **Rivers/Streams:** The lowest point within a watershed where water moves downstream. Streams and rivers in Maricopa County can be perennial or ephemeral.
- d. **Springs/Seeps:** Fixed locations where groundwater emerges from the earth perennially or ephemerally. These features usually have a distinct water-loving plant community associated with them which can include mesic grasses, reeds, rushes, sedges, cattails and a variety of shrubs and trees.
- e. **Wetlands:** An area that is saturated by water perennially or seasonally and have a distinct vegetation community associated with water. The term wetlands encompass both the aquatic environment associated with the pond or lake and

the distinct vegetative community around the periphery which can be characterized by mesic grasses, reeds, rushes, sedges and/or cattails.

Wildlife Corridor: Pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation, and other natural factors in combination with urbanization, and which 1) permit animals to move between remaining habitats allowing depleted populations to be replenished and promoting genetic exchange; 2) provide escape routes from fire, predators, and human disturbances, thus reducing the risk that catastrophic events, such as fire or disease, will result in population or species extinction; 3) serve as travel paths for individual animals as they wander throughout their home ranges in search of food, water, mates, and other needs, or for dispersing juveniles in search of new home ranges.

Wildlife Habitat: Locations where native wildlife has a tendency to congregate due to provision of food, shelter and/or water.

X.; Y.; Z.

APPENDIX B – PUBLIC RIGHT OF WAY & PUBLIC SPACES PLANT LIST

The City of Surprise desires to promote and preserve the Sonoran Desert environment. Therefore the below plant palette for the urban forest is more restrictive than the Arizona Department of Water Resources (DWR) list of low water use drought tolerant plants allowed under the Phoenix Active Management Area. Therefore, the two (2) tables below (**Table No. 1** and **No. 2**) list only those trees, shrubs and plants that the City of Surprise permits within the public rights-of-way and other public spaces unless modifications are approved by the City Manager or designee.

TABLE NO. 1 - MAJOR ARTERIAL STREETS: (STREET TREES)

Botanical/Common Name (Main Tree Type)	Botanical/Common Name (Secondary Tree Type)	For Specific Street
Ulmus parvifolia/Evergreen Elm (100%)	N/A	Dysart Road
Quercus heritage/Heritage Oak (100%)	N/A	Litchfield Road
Cercidium floridum/Blue Palo Verde (100%)	N/A	Bullard Avenue
Pistacia atlantica/Red Push Pistache (50%)	Acacia salicina/Willow Acacia (50%)	Reems Road
Prosopis velutina/Velvet Mesquite (75%)	Olneya tesota/Ironwood (25%)	163 rd Pkwy/Sarival Ave.
		Loop 303
Olea europaea/Swan Hill Olive (50%)	Pistacia atlantica/Red Push Pistache (50%)	Cotton Lane
		Sun Valley Parkway
Quercus heritage/Heritage Oak (50%)	Pistacia atlantica/Red Push Pistache (50%)	Bell Road
Prosopis velutina/Velvet Mesquite (75%)	Olneya tesota/Ironwood (25%)	Greenway Road
Ulmus parvifolia/Evergreen Elm (75%)	Quercus heritage/Heritage Oak (25%)	Waddell Road
Prosopis velutina/Velvet Mesquite (100%)	N/A	Cactus Road
		US 60/Grand Avenue
Cercidium microphyllum/Foothills Palo Verde (75%)	Olneya tesota/Ironwood (25%)	SR 74/Carefree Highway

TABLE NO. 2 - ALL OTHER PUBLIC RIGHT-of-WAY & PUBLIC SPACES

Botanical Name	Common Name	Medians	Boulevard StripLandscap e strip	Parking Lot	Buffer Areas
TREES: (▲) Denotes tree which are indigenous to the Phx metropolitan area & (*) trees which are native to Arizona					
(X) Denotes plants that are allowed & (O) trees which are limited to use in medians greater than 14 feet in width					
Acacia aneura	Mulga	X	X	X	X
Acacia farnesiana or smalli	* Sweet Acacia	O			X
Acacia salicina	Willow Acacia	X	X	X	X
Acacia saligna	Blue Leaf Wattle Tree	X	X	X	X
Acacia schaffneri	Twisted Acacia	O			X
Caesalpinia cacalaco	Casalote	X	X	X	X
Celtis reticulata	Western Hackberry	O			X
Cercidium floridum	▲ Blue Palo Verde	O			X
Cercidium microphyllum	▲ Foothills Palo Verde	X			X
Cercidium praecox	Palo Brea	O			X
Chilopsis linearis	* Desert Willow	X	X	X	X
Fraxinus velutina, spp	Arizona Ash & Fantex Ash	X	X	X	X
Lysiloma thornberi	* Desert Fern	O			X
Olneya tesota	▲ Ironwood	O			X
Pistacia atlantica	Red Push Pistache	O	X	X	X
Pistacia Chinensis	Chinese Pistache	O	X	X	X
Pithecellobium, flexicula	Texas Ebony	O			X
Pithecellobium, mexicana	Mexican Ebony	O			X
Prosopis glandulosa	▲ Honey Mesquite	O			X

TABLE NO. 2 - ALL OTHER PUBLIC RIGHT-of-WAY & PUBLIC SPACES

Botanical Name	Common Name	Medians	Boulevard StripLandscap e strip	Parking Lot	Buffer Areas
Prosopis velutina	▲ Velvet Mesquite	O			X
Quercus heritage	Heritage Oak	X	X	X	X
Quercus virginiana	Southern Live Oak	X	X	X	X
Schinus terebinthifolius	Brazilian Pepper Tree	O		X	X
Tipuana tipu	Tipu Tree	O		X	X
Ulmus parvifolia	Chinese Evergreen Elm	X	X	X	X
Vitex agnus-castus	Chaste/Monk's Pepper	X			X

SHRUBS: (▲) Denotes plants which are indigenous to the Phx metropolitan area & (*) plants which are native to Arizona

Abutilon palmeri	Superstition Mallow				X
Acacia constrict	* White Thorn Acacia	X			X
Acacia greggii	▲ Catclaw Acacia	X			X
Anisacanthus thurberi	Mexican Honeysuckle	X		X	X
Atriplex canescens	Fourwing Saltbush				X
Caesalpinia mexicana	Mexican Bird of Paradise	X			X
Caesalpinia pulcherrima	Red Bird of Paradise	X			X
Calliandra californica	Baja Fairy Duster	X		X	X
Calliandra eriophylla	* Fairy Duster	X	X	X	X
Cassia artemisioides	Feathery Cassia	X		X	X
Cassia covesii	* Desert Senna	X			X
Cassia phylodenia	Silver Cassia	X	X	X	X
Cassia wislizeni	* Shrubby Senna	X	X	X	X

TABLE NO. 2 - ALL OTHER PUBLIC RIGHT-of-WAY & PUBLIC SPACES

Botanical Name	Common Name	Medians	Boulevard Strip <u>Landscaped strip</u>	Parking Lot	Buffer Areas
Celtis pallida	▲ Desert Hackberry	X			X
Cordia parviflora	Little Leaf Cordia	X			X
Dalea pulchra	* Bush Dalea/Indigo Bush	X			X
Dodonaea viscosa	* Hop Bush	X			X
Encelia farinosa	▲ Brittle Bush	X	X	X	X
Ephedra trifurca	▲ Mormon Tea	X			X
Ericameria laricifolia	▲ Turpentine Bush	X			X
Hesperaloe parviflora	Pink Yucca	X	X	X	X
Hyptis emoryi	Desert Lavender	X			X
Justicia californica	▲ Chuperosa	X	X	X	X
Larrea tridentate	▲ Creosote Bush	X	X	X	X
Leucophyllum frutescens	Texas Ranger/Sage	X	X	X	X
Leucophyllum laevigatum	Chihuahuan Sage	X	X	X	X
Lycium andersonii	▲ Anderson Lycium				X
Lycium fremontii	▲ Wolfberry Lycium				X
Rhus ovata	* Sugar Bush	X			X
Ruellia peninsularis	Baja Ruellia	X	X	X	X
Salvia clevelandii	Chaparral Sage	X	X	X	X
Simmondsia chinensis	▲ Jojoba	X	X	X	X
Tecoma stans	* Yellow Bells	X		X	X
Zizyphus obtusifolia	▲ Greythorn	X			X

GROUNDCOVERS:

TABLE NO. 2 - ALL OTHER PUBLIC RIGHT-of-WAY & PUBLIC SPACES

Botanical Name	Common Name	Medians	Boulevard Strip <u>Landscap e strip</u>	Parking Lot	Buffer Areas
(▲) Denotes plants which are indigenous to the Phx metropolitan area & (*) plants which are native to Arizona					
Ambrosia deltoidea	▲ Triangleleaf Bursage	X	X	X	X
Baileya multiradiata	▲ Desert Marigold	X	X	X	X
Convolvulus cneorum	Bush Morning Glory	X	X	X	X
Dalea greggii	Trailing Indigo Bush	X	X	X	X
Dalea versicolor v. sessilis	* Weeping Dalea	X	X	X	X
Eriogonum fasciculatum	▲ Flattop Buckwheat	X	X	X	X
Eschscholtzia Mexicana	Mexican Gold Poppies	X	X	X	X
Gazania rigens	Trailing Gazania	X	X	X	X
Lupinus species	Lupine	X	X	X	X
Melampodium leucanthum	* Blackfoot Daisy	X	X	X	X
Oenothera berlandieri	Mexican Evening Primrose	X	X	X	X
Penstemon parryi	* Parry's Penstemon	X	X	X	X
Phacelia crenulata	Desert Bluebells	X	X	X	X
Psilostrophe cooperi	Paperflower	X			X
Salvia farinacea	Mealy Cup Sage	X	X	X	X
Salvia greggii	Texas Red Sage	X	X	X	X
Sphaeralcea ambigua	▲ Globe Mallow	X	X	X	X
Tetrandeum acaulis	Angelita Daisy	X	X	X	X
Teucrium chamaedrys "Prostratum"	Creeping Germander	X	X	X	X

TABLE NO. 2 - ALL OTHER PUBLIC RIGHT-OF-WAY & PUBLIC SPACES

Botanical Name	Common Name	Medians	Boulevard StripLandscap e strip	Parking Lot	Buffer Areas
Verbena pulchella	Rock Verbena	X	X	X	X
Wedelia trilobata	Yellow Dot	X	X	X	X
Zauschneria californica	* Hummingbird Trumpet	X	X	X	X
Zinnia grandiflora	* Prairie Zinnia	X	X	X	X

CACTI & SUCCULENTS:

(▲) Denotes plants which are indigenous to the Phx metropolitan area & (*) plants which are native to Arizona

Agave parryi	* Parry's Agave	X	X		X
Aloe, species	Aloe species	X	X	X	X
Asclepias subulata	* Desert Milkweed	X	X	X	X
Carnegiea gigantea	▲ Saguaro	X			X
Dasylium wheeleri	* Desert Spoon	X			X
Echinocactus grusonii	Golden Barrel	X			X
Ferocactus cylindraceus	* Compass Barrel	X			X
Fouquieria splendens	Ocotillo	X			X
Hesperaloe parviflora	Red Yucca	X	X	X	X
Holocantha emoei	▲ Crucifixion Thorn	X			X
Opuntia basilaris	* Beavertail Prickly Pear	X			X
Opuntia engelmannii	* Engelmann's Prickley Pear	X			X
Opuntia santa-rita	* Purple Prickly Pear	X			X
Yucca baccata	▲ Banana Yucca	X			X
Yucca elata	* Soaptree Yucca	X			X

APPENDIX C – LOW WATER USE DROUGHT TOLERANT PLANT LIST

This list does not include all of the possible low water use drought tolerate plants approved for the Phoenix Active Management Area; rather it lists those plants that the City of Surprise would prefer a homeowner/property association to use within areas they maintain and for private homeowners to use on-site. The use of other indigenous low water use drought tolerant plants may be permitted. However, the use of plants which are known to be invasive to indigenous vegetation shall be prohibited.

It is strongly recommended that homeowners check with their neighborhood's landscape covenants before designing their private landscaping.

TABLE NO. 1 –PREFERRED LOW WATER USE PLANT LIST FOR PRIVATE PROPERTY

Botanical Name	Common Name	Height X Spread	Function	Litter	Thorns
TREES					
Acacia constrict	White Thorn Acacia	10' X 15'	habitat & stabilization	moderate	medium
Acacia farnesiana	Sweet Acacia	20' X 20'	habitat & screen	moderate	small
Acacia smallii	Desert Sweet Acacia	20' X 20'	habitat & screen	moderate	small
Acacia salicina	Willow Acacia	30' X 15'	habitat & stabilization	low	none
Acacia saligna	Blue Leaf Wattle	20' X 20'	screening & revegetation	seasonal	none
Acacia schaffneri	Twisted Acacia	18' X 20'	specimen/character	seasonal	small
Acacia stenophylla	Shoestring Acacia	30' X 20'	screening	low	none
Brachychiton populneus	Bottle Tree	40' X 30'	specimen & screening	low	none
Caesalpinia cacalaco	Cascalote	15' X 15'	specimen	low	medium
Celtis reticulata	Western Hackberry	25' X 25'	specimen/character	low	none
Cercidium floridia	Blue Palo Verde	30' X 30'	habitat	seasonal	small
C. microphyllum	Foothills Palo Verde	15' X 15'	habitat	seasonal	medium
Cercidium praecox	Palo Brea	25' X 25'	habitat	low	small

TABLE NO. 1 –PREFERRED LOW WATER USE PLANT LIST FOR PRIVATE PROPERTY

Botanical Name	Common Name	Height X Spread	Function	Litter	Thorns
<i>Chilopsis linearis</i>	Desert Willow	25' X 20'	habitat	seasonal	none
<i>Dalbergia sissoo</i>	Rosewood/Sissoo	40' X 30'	shade & stabilization	low	none
<i>Fraxinus v. Rio Grande</i>	Fan-Tex Ash	40' X 25'	shade	low	none
<i>Jacaranda mimosifolia</i>	Jacaranda	40' X 30'	specimen	seasonal	none
<i>Lysiloma thornberi</i>	Desert Fern	15' X 15'	habitat	high	none
<i>Olneya tesota</i>	Ironwood	25' X 25'	habitat	seasonal	small
<i>Parkinsonia x (hybrid)</i>	Desert Museum Palo Verde	25' X 25'	habitat	seasonal	none
<i>Pistacia Chinensis</i>	Chinese Pistache	40' X 35'	shade	seasonal	none
<i>Pistacia atlantica X integerrima</i>	Red Push Pistache	40' X 40'	shade	seasonal	none
<i>Pithecellobium flexicaule</i>	Texas Ebony	20' X 15'	specimen/character	moderate	sharp
<i>Pithecellobium mexicana</i>	Mexican Ebony	30' X 20'	specimen/character	seasonal	sharp
<i>Prosopis glandulosa</i>	Honey Mesquite	25' X 30'	habitat	seasonal	large
<i>Prosopis pubescens</i>	Screwbean Mesquite	20' X 20'	habitat	seasonal	
<i>Prosopis velutina</i>	Velvet Mesquite	25' X 25'	habitat	seasonal	small
<i>Quercus virginiana</i>	Southern Live Oak	40' X 50'	shade	seasonal	none
<i>Schinus molle</i>	California Pepper	30' X 30'	screening & shade	moderate	none
<i>Schinus terebinthifolius</i>	Brazilian Pepper	20' X 25'	shade	low	none
<i>Tipuana tipu</i>	Tipu Tree	30' X 35'	shade	seasonal	none
<i>Ulmus parvifolia</i>	Evergreen Elm	35' X 35'	shade	seasonal	none
<i>Vitex agnus-castus</i>	Monk's Pepper	20' X 20'	habitat	moderate	none

SHRUBS

TABLE NO. 1 –PREFERRED LOW WATER USE PLANT LIST FOR PRIVATE PROPERTY

Botanical Name	Common Name	Height X Spread	Function	Litter	Thorns
Abutilon palmeri	Superstition Mallow	4' X 3'	accent	low	none
Acacia greggii	Catclaw Acacia	6' X 6'	habitat & revegetate	moderate	sharp
Anisacanthus thurberi	Mexican Honeysuckle	3' X 4'	hummingbirds	low	none
Anisacanthus quadrifidus	Flame Honeysuckle	3' X 4'	hummingbirds & butterflies	low	none
Atriplex canescens	Fourwing Saltbush	5' X 8'	habitat & revegetate	low	none
Caesalpinia gilliesii	Yellow Bird of Paradise	6' X 5'	hummingbirds & butterflies	Low	none
Caesalpinia mexicana	Mex. Bird of Paradise	8' X 8'	hummingbirds	moderate	none
Caesalpinia pulcherrima	Red Bird of Paradise	6' X 6'	hummingbirds & butterflies	low	prickly stems
Calliandra californica	Red Baja Fairy Duster	5' X 5'	hummingbirds & butterflies	Low	none
Calliandra eriophylla	Pink Fairy Duster	3' X 4'	hummingbirds	Low	none
Callistemon citrinus	Lemon Bottlebrush	6' X 8'	specimen	low	none
Cassia artemisioides	Feathery Cassia	4' X 4'	fragrance & screening	seasonal	none
Cassia covesi	Desert Senna	4' X 4'	revegetate	moderate	none
Cassia wislizeni	Shrubby Senna	3' X 4'	specimen	low	none
Celtis pallida	Desert Hackberry	5' X 8'	screening & habitat	low	thorny/sharp
Cordia parviflora	Little Leaf Cordia	6' X 6'	screening	Low	none
Dalea pulchra	Bush Dalea/Indigo Bush	4' X 5'	winter color & butterflies	moderate	none
Dodonaea viscosa	Hop Bush	10' X 8'	screening	low	none
Encelia farinosa	Brittle Bush	3' X 4'	habitat & revegetate	low	none
Ephedra trifurca	Morman Tea	3' X 3'	accent	low	none
Ericameria laricifolia	Turpentine Bush	2' X 3'	revegetate & habitat	low	none

TABLE NO. 1 –PREFERRED LOW WATER USE PLANT LIST FOR PRIVATE PROPERTY

Botanical Name	Common Name	Height X Spread	Function	Litter	Thorns
Gossypium harknessii	San Marcos Hibiscus	3' X 4'	specimen	low	none
Hyptis emoryi	Desert Lavender	6' X 4'	fragrance & habitat	low	none
Justicia californica	Chuperosa	4' X 4'	hummingbirds	low	none
Larrea tridentate	Creosote Bush	6' X 6'	screening & revegetate	low	none
Leucophyllum frutescens	Texas Ranger/Sage	6' X 6'	hedge/screening	low	none
Leucophyllum laevigatum	Chihuahuan Sage	4' X 5'	fragrant & screening	low	none
Leucophyllum langmaniae	Langman's Sage	5' X 5'	fragrant & screening	low	none
Lycium fremontii	Wolfberry	8' X 8'	habitat & hummingbirds	low	thorny
Nerium oleander	Oleander	6' X 4'	screening	moderate	none
Plumbago scandens	White Plumbago	3' X 3'	screening	low	none
Rhus ovata	Sugar Bush	6' X 6'	screening	low	none
Ruellia peninsularis	Baja Ruellia	3' X 4'	hummingbirds	low	none
Simmondsia chinensis	Joboba	6' X 6'	screening & revegetate	low	none
Sophora secundiflora	Texas Mountain Laurel	8' X 6'	fragrant & screening	low	none
Tecoma stans v. angustata	Arizona Yellow Bells	6' X 6'	hummingbirds	moderate	none
Viguiera deltoidea	Golden Eye	3' X 3'	revegetate	low	none
GROUNDCOVERS, VINES & PERENNIALS					
Acacia redolens	Trailing Acacia	1' X 10'	bank & erosion control	low	none
Ambrosia deltoidea	Triangleleaf Bursage	1' X 2'	natural landscape	low	none
Antigonon leptopus	Queen's Wreath	15' X 15'	vine	seasonal	none
Baileya multiradiata	Desert Marigold	1' X 1'	year round blooms	low	none

TABLE NO. 1 –PREFERRED LOW WATER USE PLANT LIST FOR PRIVATE PROPERTY

Botanical Name	Common Name	Height X Spread	Function	Litter	Thorns
Bougainvillea spectabilis	Bougainvillea	spreading	accent	high	large
Chrysactinia mexicana	Damianita	2' X 2'	Fragrant & accent	low	none
Convolvulus cneorum	Bush Morning Glory	2' X 3'	attracts pollinators	low	none
Dalea greggii	Trailing Dalea	2' X 8'	hardy cover & habitat	low	none
Gazania rigens	Trailing Gazania	8" X 18"		low	none
Glandularia species	Verbena species	1' X 3'	attracts butterflies	low	none
Hymenoxys acaulis	Angelita Daisy	1' X 1'	accent	low	none
Jasminum mesnyi	Primrose Jasmine	10' X 6'	vine & informal screen	low	none
Lantana spp.	Trailing Lantana	1' X 4'	attracts butterflies	low	none
Melampodium leucanthum	Blackfoot Daisy	1' X 2'	fragrant & habitat	low	none
Merremia aurea	Yuca Vine	10' X 10'	vine	seasonal	none
Myoporum parvifolium	Myoporum	8" X 6'	slope & erosion control	Low	none
Oenothera berlandieri	Mex. Evening Primrose		fragrant & habitat	low	none
Oenothera stubbei	Saltillo Primrose	18" X 4'	erosion control & habitat	low	none
Penstemon spp.	Penstemon varieties	2' X 2'	attracts hummingbirds	low	none
Phacelia crenulata	Desert Bluebells	1' X 1'	revegetate & habitat	low	none
Phacelia campanulana	California Bluebells	1' X 1'	revegetate & habitat	low	none
Podranea ricasoliana	Pink Trumpet Vine	spreading	vine	seasonal	none
Psilostrophe cooperi	Paperflower	1' X 2'	habitat	low	none
Ratibida columnaris	Mexican Hat	2' X 1'	cut flower	low	none

TABLE NO. 1 –PREFERRED LOW WATER USE PLANT LIST FOR PRIVATE PROPERTY

Botanical Name	Common Name	Height X Spread	Function	Litter	Thorns
Rosmarinus officinalis	Trailing Rosemary	2' X 4'	attracts pollinators	low	none
Ruellia peninsularis	Ruellia	3' X 3'	attracts butterflies	low	nonne
Salvia clevelandii	Chaparral Sage	4' X 4'	attracts hummingbirds	low	none
Salvia farinacea	Mealy Cup Sage	2' X 2'	attracts hummingbirds	low	none
Senna covesii	Desert Senna	18" X 18"	summer blooms	low	none
Sphaeralcea ambigua	Globe Mallow	3' X 3'	flowers & seeds	low	none
Teucrium chamaedrys	Creeping Germander	6" X 3'	fragrance	low	none
Wedelia trilobata	Yellow Dot	18" X 6'	accent	low	none
Zauschneria californica	Hummingbird Trumpet	1' X 2'	attracts hummingbirds	low	none
Zinnia acerosa	Desert Zinnia	6" X 12"		low	none
Zinna grandiflora	Prairie Zinnia	1' X 1'	attracts butterflies	low	none

FLOWERS and GRASSES (TURF)

All turfs are considered high water use and therefore should be restricted in their use. Prefer limiting use to sport fields, small play areas and private backyards.

Bouteloua curtipendula	Sideoats Grama	2' X 2'	ornamental grass & habitat	Low	none
Eschscholzia mexicana	Mexican Gold Poppy	1' X 1'	wildflower (reseeds)	low	none
Gaillardia pulchella	Blanket Flower	18" X 18"	summer blooms	low	none
Linum spp.	Red Flax & Blue Flax	2' X 2'	wildflower	low	none
Lupinus arizonicus	Lupine	3' X 3'	habitat & wildflowers	low	none
Muhlenbergia rigens	Deer Grass	4' X 4'	ornamental grass	low	none
Orthocarpus purpurascens	Owl's Clover	6" X 6"	wildflower	low	none

TABLE NO. 1 –PREFERRED LOW WATER USE PLANT LIST FOR PRIVATE PROPERTY

Botanical Name	Common Name	Height X Spread	Function	Litter	Thorns
CACTUS and SUCCULENTS and ACCENT PLANTS					
Agave, various species				low	varies
Aloe, various species				low	varies
Asclepias subulata	Desert Milkweed	3' X 3'	attracts butterflies	low	none
Brahea armta	Mexican Blue Palm	25' X 10'	specimen/containers	low	small
Carnegiea gigantea	Saguaro	20' X 10'	habitat	low	long
Dasyllirion longissimum	Grass Tree	5' X 5'	accent plant	low	none
Dasyllirion wheeleri	Desert Spoon	4' X 4'	accent plant	low	sawtooth
Echinocactus grusonii	Golden Barrel	2' X 2'	accent plant	low	long
Echinocereus engelmannii	Hedgehog Cactus	1' X 2'		low	long
Ferocactus acanthodes	Compass Barrel	2' X 2'	naturalistic landscapes	low	long
Fouquieria splendens	Ocotillo	12' X 10'	attracts hummingbirds	low	medium
Hesperaloe funifera	Giant Hesperaloe	5' X 5'	attracts butterflies	low	none
Hesperaloe parviflora	Red Yucca	3' X 5'	attracts hummingbirds	low	none
Opuntia, various species	Prickly Pear		food source	low	spiny
O. ficus-indica	Indian Fig	12' X 18'	sculptural accent	low	none
O. basilaris	Beavertail Prickly Pear	1' X 3'	habitat	low	small
O. engelmannii	Desert Prickly Pear	5' X 8'	habitat	low	medium
O. santa-rita	Purple Prickly Pear	4' X 5'	habitat	low	small
Phoenix dactylifera	Date Palm	60' X 25'	accent & fruit	seasonal	sharp fronds
Washingtonia robusta	Mexican Fan Palm	75' X 10'	accent	seasonal	none

TABLE NO. 1 –PREFERRED LOW WATER USE PLANT LIST FOR PRIVATE PROPERTY

Botanical Name	Common Name	Height X Spread	Function	Litter	Thorns
Yucca, various species					
Y. baccata	Banana Yucca	3' X 5'	effective security plant	low	sharp tips
Y. brevifolia herbertii	Joshua Tree	15' 10'	accent	low	sharp tips
Y. elata	Soaptree Yucca	10' X 4'	accent	low	sharp tips

PLANNING AND ENGINEERING DESIGN STANDARDS (PEDS)



August 2020

VOLUME 1: PLANNING DESIGN STANDARDS

Table of Contents

<u>INTRODUCTION</u>	<u>1</u>
<u>CHAPTER 1 – STANDARD REQUIREMENTS FOR ALL LAND USES</u>	<u>2</u>
1.1 INTRODUCTION	
1.2 OPEN SPACE DESIGN	
1.3 CIRCULATION DESIGN FOR COMPLETE STREETS	
1.4 LANDSCAPE AND STREETScape DESIGN	
1.5 BUILDING FORM AND ARCHITECTURE	
1.6 GRADING & DRAINAGE DESIGN AND FLOODWAYS	
1.7 UTILITY SCREENING	
1.8 ART IN PUBLIC PLACES	
 <u>CHAPTER 2 – NEIGHBORHOOD LAND USES</u>	 <u>15</u>
2.1 GENERAL LAND/SITE DESIGN & DEVELOPMENT	
2.2 OPEN SPACE DESIGN AND PUBLIC PLACES	
2.3 CIRCULATION DESIGN	
2.4 LANDSCAPE AND STREETScape DESIGN	
2.5 BUILDING FORM AND ARCHITECTURE	
2.6 EDGE TREATMENT AND TRANSITIONS	
2.7 RESIDENTIAL SOLID WASTE GUIDELINES	
 <u>CHAPTER 3 – COMMERCE, OFFICE, AND MIXED USE LAND USES</u>	 <u>38</u>
3.1 GENERAL LAND/SITE DESIGN AND DEVELOPMENT	
3.2 OPEN SPACE DESIGN AND PUBLIC PLACES	
3.3 CIRCULATION DESIGN FOR COMPLETE STREETS	
3.4 LANDSCAPE AND STREETScape DESIGN	
3.5 BUILDING FORM AND ARCHITECTURE	
3.6 EDGE TREATMENT AND TRANSITIONS	
3.7 OTHER CONSIDERATIONS	
 <u>CHAPTER 4 – BUSINESS PARK AND INDUSTRIAL LAND USES</u>	 <u>53</u>
4.1 GENERAL LAND/SITE DESIGN AND DEVELOPMENT	
4.2 CIRCULATION DESIGN FOR COMPLETE STREETS	

- 4.3 LANDSCAPE AND STREETScape DESIGN
- 4.4 BUILDING FORM AND ARCHITECTURE
- 4.5 EDGE TREATMENT AND TRANSITIONS

CHAPTER 5 – ENVIRONMENTALLY SENSITIVE LANDS STANDARDS

59

- 5.1 GENERAL LAND/SITE DESIGN AND DEVELOPMENT
- 5.2 WALLS: PERIMETER, PRIVACY AND RETAINING
- 5.3 ROADWAYS
- 5.4 WATER FEATURES
- 5.5 TRANSITION STANDARDS AND EDGE TREATMENTS
- 5.6 HILLSIDE DEVELOPMENT AREA

Appendix A – Glossary of Terms

68

Appendix B – Public Right of Way & Public Spaces Plant List

77

Appendix C – Low Water Use Drought Tolerant Plant List

83

VOLUME 2: ENGINEERING DESIGN STANDARDS

TABLE OF CONTENTS

<u>CHAPTER 1 – POLICIES AND ENGINEERING DEVELOPMENT STANDARDS</u>	<u>1-1</u>
1.1 INTRODUCTION	1-1
1.2 OVERVIEW OF THE ENGINEERING DEVELOPMENT STANDARDS	1-1
1.3 APPLICABLE POLICIES, CODES AND STANDARDS	1-2
1.4 ENGINEERING STANDARDS MODIFICATION REQUESTS	1-3
1.5 INSURANCE REQUIREMENTS	1-3
1.5.1 PERMITTEE LIABILITY	1-3
1.5.2 INSURANCE LIMITS	1-3
1.5.3 EFFECTIVE TIMEFRAME OF INSURANCE	1-4
1.5.4 INSURANCE OF PERMITTEE’S AGENTS, CONTRACTORS AND SUBCONTRACTORS	1-4
APPENDIX 1-1 ENGINEERING STANDARDS MODIFICATION REQUEST SUMMARY FORM	1-1-1
<u>CHAPTER 2 – LAND DEVELOPMENT DESIGN AND CONSTRUCTION STANDARDS</u>	<u>2-1</u>
2.1 DEVELOPMENT PLANS AND SUPPORTING DOCUMENTS	2-1
2.2 ENGINEERING SERVICES DIVISION REVIEW TIME & FEES FOR DEVELOPMENT PLANS	2-2
2.3 DEVELOPMENT IN PHASES	2-2
2.4 PROJECT ABANDONMENT	2-2
2.5 RIGHT-OF-WAY ACQUISITION FOR A PROPOSED DEVELOPMENT	2-2
2.6 FIRE DEPARTMENT ACCESS REQUIREMENTS	2-3
2.7 PUBLIC STREET LIGHTS	2-4
2.7.1 STREET LIGHT PLAN	2-4
2.7.2 STREET LIGHT IMPROVEMENT DISTRIC (SLID)	2-4
2.8 SOLID WASTE VEHICLE ACCESS AND ROUTE DESIGN	2-4
2.9 CONSTRUCTION PERMITS	2-4
<u>CHAPTER 3 – STREET DESIGN STANDARDS</u>	<u>3-1</u>
3.1 GENERAL INFORMATION	3-1
3.2 VALLEY GUTTERS	3-2
TABLE 3-2 TECHNICAL DESIGN REQUIREMENTS BY STREET CLASSIFICATION	3-3
APPENDIX 3-1 DRIVEWAY PLAN FOR RESIDENTIAL LOT	3-1-1

<u>CHAPTER 4 – TRAFFIC ENGINEERING STANDARDS</u>	<u>4-1</u>
4.1 GENERAL INFORMATION	4-1
4.2 STREET AND LANE CLOSURE PERMITS	4-1
4.3 TRAFFIC IMPACT ANALYSIS PROCEDURES	4-1
4.4 TRAFFIC CONTROL POLICIES AND PROCEDURES	4-2
APPENDIX 4-1 TRAFFIC IMPACT ANALYSIS (TIA)	4-1-1
<u>CHAPTER 5 – STORM WATER STANDARDS</u>	<u>5-1</u>
5.1 GENERAL INFORMATION	5-1
5.2 DRAINAGE REPORT	5-1
5.3 STREET DRAINAGE	5-2
5.4 LOT GRADING	5-2
5.5 BOX CULVERTS	5-2
5.6 STORM DRAINS	5-3
5.7 OPEN CHANNELS	5-3
5.8 STORM INLETS	5-4
5.9 RETENTION/DETENTION FACILITIES	5-4
5.10 DETENTION FACILITIES	5-6
5.11 DRAINAGE EASEMENT	5-7
5.12 STORM WATER POLLUTION PREVENTION PLAN (SWPPP) CHECKLIST	5-7
APPENDIX 5-1 CHECKLIST FOR STORM WATER POLLUTION PREVENTION PLAN (SWPPP)	5-1-1
APPENDIX 5-2 CHECKLIST FOR CONSTRUCTION SITE SWPPP INSPECTION	5-2-1
APPENDIX 5-3 PRELIMINARY AND FINAL DRAINAGE REPORT GUIDELINES	5-3-1
APPENDIX 5-4 UNDERGROUND RETENTION/DETENTION SYSTEMS STANDARDS AND SPECIFICATIONS	5-4-1
<u>CHAPTER 6 – WATER AND RECLAIMED WATER STANDARDS</u>	<u>6-1</u>
6.1 GENERAL INFORMATION	6-1
6.2 POTABLE WATER SOURCE	6-2
6.3 POTABLE WATER QUALITY	6-2
6.4 FACILITIES	6-2
6.5 DESIGN CRITERIA	6-2
6.6 RECLAIMED WATER SYSTEM	6-3
6.7 PIPELINE MATERIALS	6-4
6.8 FIRE SERVICES	6-4
6.9 DEPTH AND SEPARATION OF POTABLE AND RECLAIMED LINES	6-6
6.10 AIR RELEASE	6-6

6.11	VALVES	6-6
6.12	SERVICE LINES AND METERS	6-7
6.13	PIPE BEDDING, BACKFILL AND MARKER BALL REQUIREMENTS	6-9
6.14	CONSTRUCTION WATER	6-9
6.15	BACKFLOW PREVENTION DEVICES	6-10
6.16	SITE WATER MODEL REQUIREMENTS	6-10
6.17	NEW OR REPAIRED WATER LINE/SYSTEM TESTING	6-10

APPENDIX 6-1	WATER MODEL REPORT FORMAT GUIDELINES	6-1-1
---------------------	---	--------------

<u>CHAPTER 7 – SEWER SYSTEM DESIGN STANDARDS</u>	<u>7-1</u>
---	-------------------

7.1	GENERAL INFORMATION AND REQUIREMENTS	7-1
7.2	TYPES OF SANITARY SEWER LINES	7-1
7.3	MATERIALS OF SANITARY SEWER LINES	7-2
7.4	DESIGN CRITERIA OF SEWER LINES	7-2
7.5	LOCATIONS OF SEWER LINES	7-3
7.6	DEPTH AND SEPARATION OF SEWER LINES	7-3
7.7	PIPE BEDDING AND MARKER BALL REQUIREMENTS	7-3
7.8	SEWER SERVICE TAPS	7-4
7.9	SEWER MANHOLES AND CLEANOUTS	7-4
7.9.1	MATERIALS OF MANHOLES	7-4
7.9.2	SPACING OF MANHOLES AND CLEANOUTS	7-5
7.9.3	MANHOLE LOCATIONS	7-5
7.9.4	MANHOLE DESIGN CRITERIA	7-5
7.10	WASTE CONTROL FROM COMMERCIAL DEVELOPMENTS AND MULTI-FAMILY RESIDENTIAL	7-6
7.11	WASTE CONTROL FROM INDUSTRIAL DEVELOPMENTS	7-7
7.11.1	PRELIMINARY TREATMENT FACILITIES	7-7
7.11.2	CONTROL VAULT/MONITORING MANHOLE REQUIREMENTS	7-7
7.11.3	INDUSTRIES REQUIRED TO INSTALL CONTROL VAULTS IN THE BUILDING SEWER	7-8
7.12	SEWER LINE CONSTRUCTION	7-9
7.13	SEWER LINE INSPECTION	7-9

APPENDIX 7-1	SEWER TAP PLAN PERMIT APPLICATION	7-1-1
---------------------	--	--------------

<u>CHAPTER 8 – LANDSCAPING AND IRRIGATION STANDARDS</u>	<u>8-1</u>
--	-------------------

8.1	GENERAL INFORMATION	8-1
8.2	IRRIGATION SYSTEMS	8-2
8.3	IRRIGATION SYSTEMS SUPPLIED BY RECLAIMED WATER	8-3
8.4	CROSS CONNECTION TESTING REQUIREMENTS	8-4

<u>CHAPTER 9 – CONSTRUCTION PLANS</u>	<u>9-1</u>
9.1 GENERAL REQUIREMENTS	9-1
9.2 FINAL RECORDED PLAT SUBMITTAL FORMAT	9-3
APPENDIX 9-1 CHECKLISTS FOR THE PREPARATION OF UNIFORM PLAN SETS	9-1-1
<u>CHAPTER 10 – CONSTRUCTION INSPECTION GUIDELINES</u>	<u>10-1</u>
10.1 GUIDELINES	10-1
10.2 GENERAL REQUIREMENTS FOR INSTALLATION OF UNDERGROUND UTILITIES	10-7
10.3 TRENCH SPECIFICATIONS AND ACCEPTANCE REQUIREMENTS	10-9
10.3.1 DOCUMENTS REQUIRED FOR TRENCHING IN THE CITY OF SURPRISE RIGHT-OF-WAY	10-9
10.3.2 SPECIFICATIONS FOR TRENCHING WITHIN THE CITY OF SURPRISE RIGHT-OF-WAY	10-10
10.3.3 TRENCH TESTING REQUIREMENTS	10-10
10.3.4 TRENCH WARRANTY	10-12
10.4 UTILITY PERMIT PROCEDURES AND REQUIREMENTS FOR UTILITIES WITH FRANCHISE AGREEMENTS	10-12
10.4.1 PAVEMENT CUT SURCHARGE FEE	10-12
10.4.2 MANDATORY BEGIN WORK NOTIFICATION	10-12
10.4.3 TRAFFIC RESTRICTION AND BARRICADING REQUIREMENTS	10-13
10.4.4 ARIZONA BLUESTAKE, INC. AND OVERHEAD HIGH VOLTAGE SAFETY	10-13
10.4.5 CONSTRUCTION STANDARDS FOR EXCAVATIONS (OSHA)	10-13
10.4.6 GENERAL INSPECTIONS	10-13
10.4.7 DRY UTILITY BLANKET PERMITS	10-14
10.4.8 WARRANTY OF WORK	10-14
10.4.9 PERMIT CLOSE OUT	10-15
10.4.10 DEFAULT NOTICE	10-15
10.5 INSPECTION PROCEDURES FOR SUBSTANTIAL COMPLETION AND FINAL APPROVAL OF PROJECTS	10-15
10.5.1 INSPECTION GUIDELINES	10-15
10.5.2 PRE-WALK REQUIREMENTS	10-15
10.5.3 SUBSTANTIAL COMPLETION WALK	10-16
10.5.4 REQUIRED DOCUMENTATION FOR CERTIFICATE OF OCCUPANCY	10-16
10.5.5 COUNCIL ACCEPTANCE	10-17
10.5.6 WARRANTY PERIOD	10-17
10.5.7 WARRANTY WALK	10-17
10.5.8 RELEASE OF WARRANTY FINANCIAL ASSURANCE	10-18
APPENDIX 10-1 CHECKLISTS FOR PROJECT WALKOUT	10-1-1
APPENDIX 10-2 CHECKLISTS FOR CONDITIONAL AND FINAL PROJECT APPROVAL	10-2-1

CITY OF SURPRISE SUPPLEMENTAL STANDARD DETAILS

List of Abbreviations

ADA	Americans with Disabilities Act
ADEQ	Arizona Department of Environmental Quality
ADOT	Arizona Department of Transportation
ADWR	Arizona Department of Water Resources
A.R.S.	Arizona Revised Statutes
C of O	Certificate of Occupancy
EDS	Engineering Development Standards
FCDMC	Flood Control District of Maricopa County
FEMA	Federal Emergency Management Agency
LDO	Land Development Ordinances
MAG	Maricopa Association of Governments
MCDES	Maricopa County Department of Environmental Services
MCDOT	Maricopa County Department of Transportation
PEDs	Planning and Engineering Design Standards
SUDC	Surprise Unified Development Code

Introduction

The purpose of Volume One of the “Planning & Engineering Design Standards (PEDS) Manual” is to communicate to developers, architects, engineers, and other design professionals, the City’s design standards and development expectations for the many and varied land uses in the City of Surprise. The Planning Design Standards are not intended to be viewed as the only solution, but as the baseline for the minimum design expectations necessary for development approval by the City. These design standards are preferred approaches, but alternative solutions that achieve expected protection of existing neighborhoods and the native desert setting may be proposed and considered. The intent is to ensure the creation of smartly designed, sustainable, compatible, quality development that enhances the livability and desirability of the City of Surprise.

The Standards identify key site design and architectural elements, streetscape, right-of-way and on-site landscaping, and connectivity and *multimodal* aspects that are important to the City while providing latitude for creative, innovative solutions to design proposals. The basic nature of these standards affords the necessary flexibility to permit creativity and innovation, which the City encourages, as new technologies, techniques, and products become available as well as to accommodate difficult or unusual site design situations. However, the following Planning Design Standards and all appendices herein are formally adopted in Chapter 107 of the Land Development Ordinance (LDO) and therefore have the full force and effect of law.

Some land uses will be more auto-centric than others, but in all cases an objective is to balance vehicular access with those of alternative modes such as pedestrians, bicyclists, transit/bus, and the potential for commuter/light rail in the future.

In addition to ensuring quality development, these Planning Design Standards are intended to implement the Surprise General Plan 2035 by:

- Increasing pedestrian and *multimodal* connectivity;
- Promoting energy efficient and environmentally sensitive designs;
- Creating sustainably built environments;
- Providing quality development with compatibility between developments;
- Diversifying development in a manner that enhances the value of property;
- Encouraging distinctive development that reinforces Surprise’s “sense of place”.

The following Volume One Planning Design Standards work in conjunction with the Engineering Design Standards found in Volume Two to constitute the Surprise PEDS Manual. Words or phrases expressed using *italics* shall assume the meaning as ascribed in Appendix A herein.

CHAPTER 1: STANDARD REQUIREMENTS FOR ALL LAND USES

1.1 GENERAL LAND/SITE DESIGN & DEVELOPMENT

- A. Existing features of the site, including but not limited to, rock outcroppings, steep slopes, washes, and views of the surrounding mountains shall be incorporated in the planning and design of the development to shape the identity and character of both the development and the open space component to the greatest extent possible.
- B. Sustainable development practices shall be followed when planning the design of any proposed project regardless of its physical location within the City of Surprise. In addition, the provisions and standards found in **Chapter 5: Environmentally Sensitive Lands Standards** herein and the regulations in **Article 2, Chapter 104** of the LDO shall be followed for any proposed project on property that possesses *cultural resources and/or environmentally sensitive features*.
- C. If a development parcel is located adjacent to or encompasses areas identified as open space, trails and *greenways*, in either the Surprise General Plan or Parks and Recreation Master Plan, the development shall be required to provide for and incorporate those areas into the overall site design and the open space network of the development. Conservation of these identified community-wide open spaces, trails, and *greenways* and construction of the improvement within them shall be the responsibility of the developer. These larger community-wide trails shall be platted as a “multi-use trail easement” and stated to allow for public use and access, with maintenance responsibilities falling onto the Homeowners’ Association, unless those open spaces, trails and *greenways* have been dedicated to and accepted by the City of Surprise into the City park system for maintenance responsibilities.
- D. The open space component of a new development shall tie to the City’s broader *multimodal* system, open space system including washes and wildlife corridors, and ultimately to the hierarchy of parks planned throughout the City.
- E. The development’s pedestrian circulation and open space system shall provide for connections to adjacent developments to enhance continuous *multimodal* circulation and open space throughout the City of Surprise. These spaces shall be large enough to also serve as a buffer between incompatible land uses, different development densities, and different development patterns.
- F. All new dry utilities must be placed underground; with the exception of wireless facilities (WF) and 69 KV or larger electric lines.

1.2 OPEN SPACE DESIGN

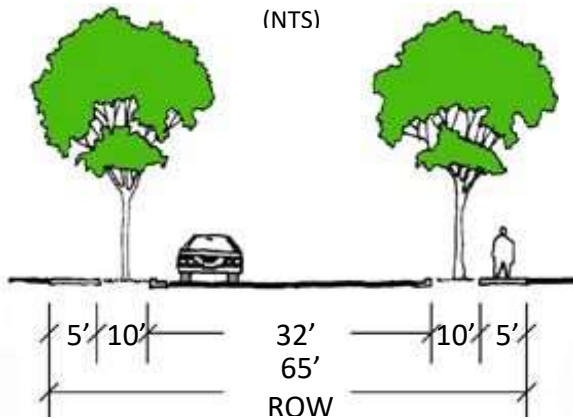
- A. The amount of required open space for any development is based on the zoning of the property and further outlined in Chapter 104 and **Chapter 106** in the LDO. Different kinds of open space serve different needs (for example, ecological, recreational, entertainment, and culture). While some open space may serve more than one need, there is a particular need to retain natural desert open space and corridors.

- B.** The required open space shall be designed, located, and oriented to provide:
1. Conservation of the Sonoran Desert vegetation and *wildlife habitats* that are important to native wildlife species and create a “sense of place” for the community.
 2. Individual development parcels that provide opportunities for hiking, cycling and equestrian trails that are safely and conveniently located and provide bicycle racks, benches and/or other amenities that promote their use.
 3. Physical connections to adjacent parcels that enhance a structure of continuous open space, streetscape, and a *multimodal* circulation system.
 4. Preservation and/or enhancement of watersheds, major drainage ways, *wildlife corridors*, *cultural resources*, and natural desert open space view corridors to the surrounding mountains.
 5. Include on-site storm water retention facilities as an integral component and useable amenity of the open space network. Plan the site’s drainage to lead runoff away from active use areas, pathways, and parking areas while utilizing a Low Impact Design.
 6. Wherever and whenever possible, orient open space for optimal solar access to extend its use throughout the year. Provide user-friendly gathering and rest areas that are shaded, landscaped, lighted, and furnished to invite and encourage use by the public.
 7. Maintain appropriate buffer areas and/or setbacks between wildlife corridors and developed areas to mitigate edge effects on wildlife corridors.
 8. Maintain connectivity to other community and regional parks, trails and greenspaces.
 9. Provide for wildlife permeability within open space corridors and across restrictive sections of major roadways and other potential barriers.
- C.** In addition to the undeveloped buffer areas, the preserved *environmentally sensitive features*, and/or *cultural resources* the following amenities and infrastructure designs are examples of areas/elements that can also be calculated as open space for the purpose of meeting the open space requirements for the specific property:
1. Existing desert washes and *wildlife corridors* if:
 - a. they are incorporated into the overall open space design of the development in their historical unaltered location; and
 - b. the buffer area adjacent to such wash/corridor is improved with a multi-use pathway for bicycles, pedestrians and if applicable equestrians.
 2. Landscaped or hardscaped plazas, landscaped tracts at ends of residential blocks, gathering and sitting areas designed to provide an open park like atmosphere;

3. Community gardens;
4. Protected bike lanes within the right-of-way and multi-use pathways outside of the right-of-way (not sidewalks associated with the street right-of-way);
5. Retention facilities if:
 - a. given a “natural” character (not ditch-like in design) by terracing, berming, and contouring to naturalize and enhance the aesthetics of the basin and constructed with/of natural materials (not concrete lined); and
 - b. landscaped and connected into the overall open space system in a manner that could accommodate recreational facilities such as tot lots, play fields, and other amenities provided all amenities are located above the 100-year, 2 hour storm event level.
6. If the developer chooses to utilize the Alternative Local Street cross section (see **Illustration 1A**) in lieu of the Standard Local Street cross section (see **Illustration 1B**) then the entire *landscape strip* may be calculated as open space even though the *landscape strip* is within the public right-of-way. The excess *landscape strip* must exceed standards by a minimum of five (5) foot for open space credit to apply.

ILLUSTRATION 1A

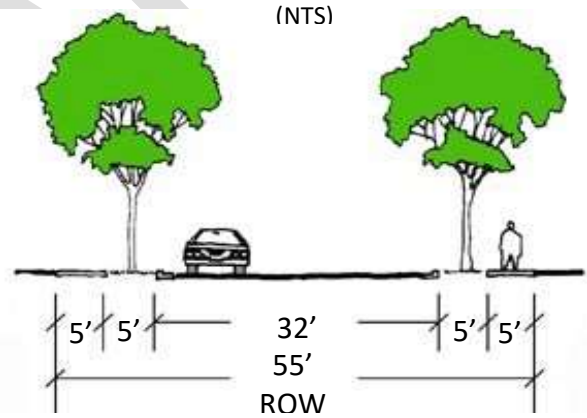
(NTS)



Alternative Local Street: Provides a 10 foot landscape strip rather than the standard 5 foot; the entire landscape strip (10 feet) may be calculated as open space.

ILLUSTRATION 1B

(NTS)



Standard Local Street: Provides a 5 foot landscape strip.

1.3 CIRCULATION DESIGN FOR COMPLETE STREETS

A. ROADWAY DESIGN.

1. The road system shall be designed to permit the safe, efficient and orderly movement of vehicles, bicycles and pedestrians; meet the needs of present and future populations served; have a simple and logical pattern; respect natural features and topography, promotes street life and activity and; present an attractive streetscape.

2. There shall be no development of roadways built to freeway, highway, or parkway standards unless and until that roadway and roadway alignment is shown in the Roadway Systems Element of the Surprise General Plan 2035 as a proposed roadway; unless an amendment to the General Plan is approved.
3. All proposed public rights-of-way shall be developed with interconnected streets, sidewalks and pathways to accommodate multimodal travel and comply with ADA requirements. Travel modes may include but are not limited to, vehicles, Neighborhood Electric Vehicles (NEV), pedestrians, bicycles, public transit and, where appropriate equestrian.
4. All parkway, arterial and collector streets shall be designed with on-street bicycle lanes, a minimum of five feet (5') in width.
 - a. Parkway and arterial streets shall provide protected bike lanes.
 - b. The collector streets may use striping to delineate the on-street bike lane.
5. All parkway, arterial and collector streets shall separate vehicular traffic from pedestrian uses by utilizing detached sidewalks that create a *landscape strip*. The *landscape strip* should be designed to allow landscape plantings, including but not limited to street trees, and in a manner that utilizes LID design for watering. Plant material should not impact either the drive lane or the sidewalk with low overhanging branches or root upheaval. For arterial and collector streets the sidewalk typically will run parallel to the street with the *landscape strip* between curb and sidewalk being between eight feet to sixteen feet (8'-16'-) in width for the specific type of street per the Engineering Design Standards outlined in Volume Two.
6. Collector streets shall be designed to the street widths necessary to serve the planned intensity and density of land uses, the number of average daily trips generated by those uses, at the appropriate service level acceptable to City, as demonstrated by the required Traffic Impact Analysis (TIA).
7. All existing and proposed street alignments and connections shall provide direct routes to local destinations such as neighborhood commercial centers, schools, parks and other common destinations in order to: encourage greater use of streets by pedestrians and cyclists; eliminate concentration of traffic on just a few roads; and avoid the use of overly circuitous street layouts and cul-de-sacs, unless physical site constraints require modifications to the connections and alignments.
8. The intersection of two (2) streets shall be at right angles with one another; except when constrained by topography and approved by the City Engineer.

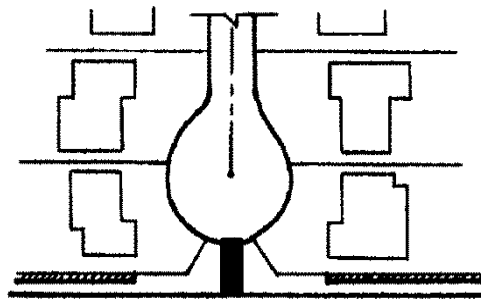
B. CUL-DE-SAC DESIGN.

1. Cul-de-sacs may be permitted only to accommodate specific site conditions, such as natural topographical constraints when all other design

options have been exhausted.

2. When adjacent to a parkway, arterial, collector road, community trail, or regional drainage corridor a cul-de-sac shall be designed so that the bulb end provides a minimum thirty foot (30') wide landscaped open space tract that directly connects the cul-de-sac to the parkway, arterial, collector road, trail, or corridor. This open space area shall be designed with a paved walkway/trail to allow pedestrian and bicycle access to the larger community circulation and/or open space systems. (see **Illustration 3**).

ILLUSTRATION 3



*Arterial &/or Collector Street
Community Trail, or
Regional Drainage Corridor*

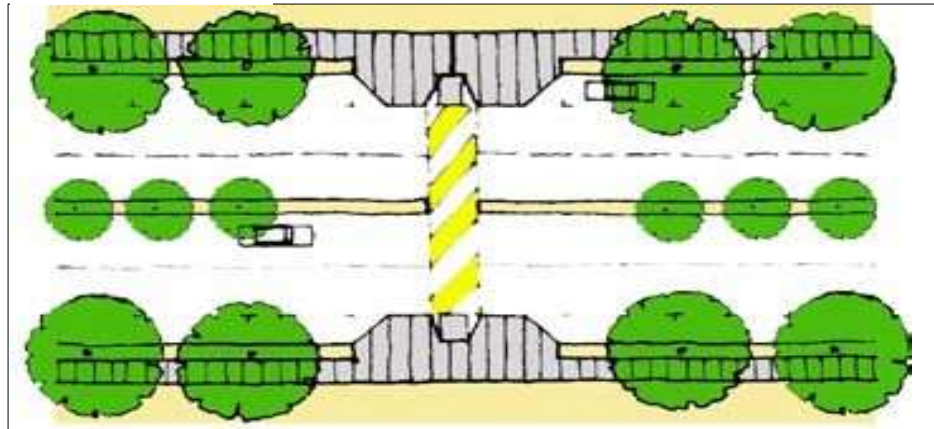
Provide landscaped open space and connectivity by opening the subdivision perimeter fence at the end of abutting interior cul-de-sac streets.

C. MULTIMODAL/MULTI-USE PATHWAY DESIGN.

1. The pedestrian network in all new development shall consist of both:
 - a. Sidewalks that provide continuous direct routes and connections internally to neighborhood parks and externally to adjacent arterial and collector streets to provide safe routes to places where people want to go - including homes, schools, parks, recreation, *third places* and neighborhood shopping areas, public services, and transit.
 - b. Multi-use pathways (associated with the open space and greenways) designed to accommodate pedestrians and cyclists, and where necessary equestrians, that are an integral component of the open space system and that facilitates the interconnectivity to different neighborhoods, adjacent developments, and the larger community and regional pathways and open space systems.
2. Developments that either contain, are adjacent to, or can directly connect to a Community and/or Regional Trail/Path, as shown in the Surprise Parks and Recreation Master Plan, shall both design the pedestrian and bicycle trails/paths as outlined and provide the minimum easements as delineated in the said Master Plan. Equestrian trails shall also be considered; where appropriate and adjacent to the "Regional Path" as shown on the Surprise General Plan 2035 and the Surprise Parks and Recreation Master Plan.

3. Where multi-use pathways cross arterial streets, the pathway shall comply with ADA requirements and include safety measures; such as bicycle and pedestrian activated signals, median refuges, warning signs for both motor vehicles and pathway users, special street markings or striping, and barrier posts ("bollards") that are spaced widely enough to permit cyclists and wheelchair user's easy passage but prevent motor vehicle access (see **Illustration 4** below).

ILLUSTRATION 4

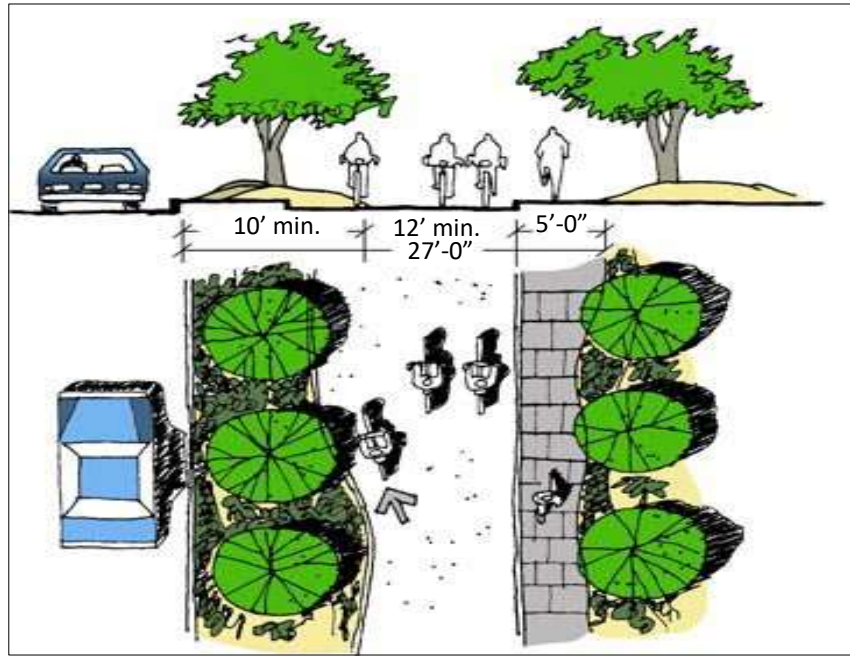


Special markings shall be required where pathways intersect major arterial streets.

4. A multi-use pathway shall be designed to be, at a minimum, ten feet (10') wide for two-way pedestrian and bicycle movements. The pathway may be either a single or split pathway provided there is a minimum hard-surface width of five feet (5') for pedestrians and five feet (5') for bicycles and skaters.
5. Multi-use pathways shall be placed within tracts or public use easements and located outside of the public right-of-way to provide pedestrians, cyclists and other users' alternate means of moving throughout the development via a complete and continuous separation from vehicular traffic. Where the pathway is adjacent and parallel to the roadway a minimum ten foot (10') wide landscaped *landscape strip* shall be provided to separate the street from the pathway (see **Illustration 5** below).
6. Where pathway corridors are also designed for use by equestrians, the minimum width of the total pathway right-of-way, including a minimum landscaped area of ten feet (10') shall be twenty-seven feet (27'), with the additional five foot (5') portion devoted to equestrians constructed of a softer surface consisting of stabilized decomposed granite, a ground gravel or other compatible dense, yet soft material (see **Illustration 5** below).
7. Under-crossings for multi-use pathways shall be well lit and designed to provide a minimum width of fourteen feet (14') and a minimum overhead clearance of ten feet (10').

8. When equestrian paths are designed they may require additional standards.

ILLUSTRATION 5



Illustrative Example: Multi-use pathway parallel to a roadway.

1.4 LANDSCAPE AND STREETScape DESIGN

A. GENERAL LANDSCAPE STANDARDS.

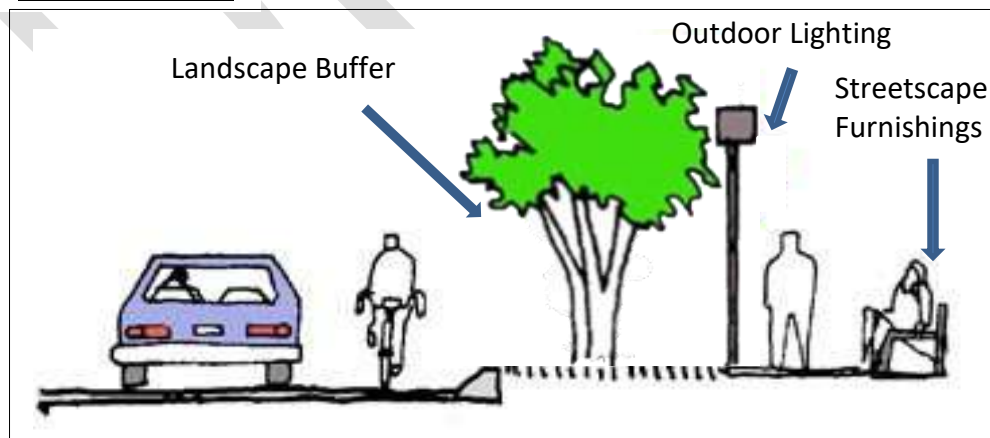
1. Xeriscape methods and low water use drought tolerant plants shall be utilized within all public rights-of-way, public spaces, and landscaped areas associated with all surface parking lots; the plant list for such public spaces is **Appendix B** in PEDS Volume 1 herein. The City's preferred plant list for homeowners associations/property associations for private development open spaces, buffer areas, and the individual homeowner's on-site use is **Appendix C** in PEDS Volume 1 herein.
2. All landscape areas shall be supplied with an efficient irrigation system. Introduced landscape materials shall consist primarily of durable species tolerant of soil compaction, and requiring minimal irrigation, fertilization and maintenance (see **Appendix B** and **Appendix C** herein).
3. The landscape design should strive to visually create a larger massing of a single color groundcover and/or shrub with an accent color rather than being seen as a number of individual plants.
4. The use of turf shall not be allowed in any public rights-of-way. The use of natural turf outside of the public rights-of-ways shall be limited to twenty percent (20%) of the total landscaped area; excluding artificial turf and designated turf areas on a single family lot, when required in retention basin, within public parks, and golf courses.

5. Retain native trees and cacti and incorporate it into the project unless determined to be unsalvageable by a licensed landscape professional (refer to **Chapter 107** of the LDO).
6. Any landscape design in the City of Surprise shall comply with the provisions of the city's Water Conservation regulations (**Chapter 58; Article VII**) and in particular the specific limitations regarding the use, design, location and installation of fountains or water features.
7. Landscaping maintenance of the center medians within those streets classified as Parkways and Arterial streets shall be the responsibility of the City of Surprise after acceptance.
8. Additional standards for Neighborhood Developments, Commerce, Office and Mixed-Use Developments, and Business Park and Industrial Developments may be found respectively in **Articles 2, 3 and 4** herein. Additionally, adherence to the landscape regulations in **Chapter 107** of the **LDO** shall be required.

B. GENERAL STREETSCAPE STANDARDS.

1. Landscape medians within the right-of-way shall utilize "Low Impact Development" methods to capture first flush stormwater, refer to **Section 1.6** herein and meet the requirements of Volume Two Engineering Design Standards; Chapter 8 of the PEDS.
2. To encourage high pedestrian usage and reinforce the community's *multimodal* circulation system the street rights-of-way shall incorporate landscaping, outdoor lighting and, when determined by the City, appropriate streetscape furnishings along arterial and collector roadways. (See **Illustration 6** below).

ILLUSTRATION 6

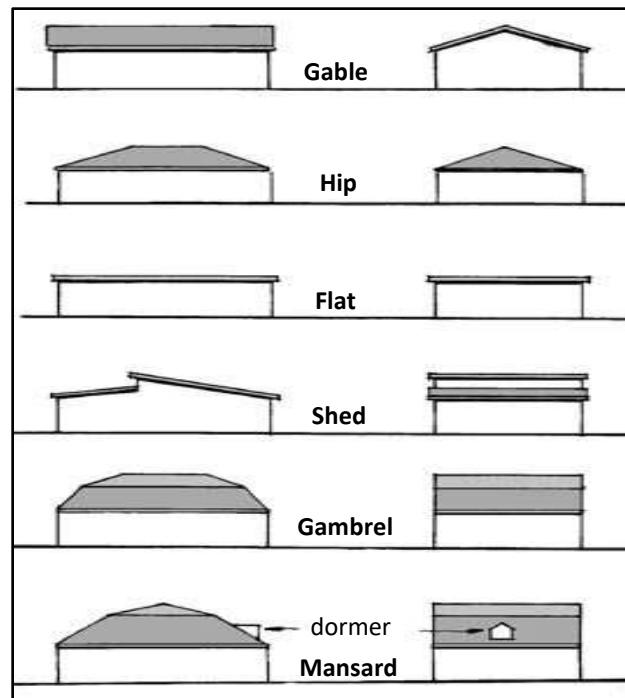


Landscaping between street and detached sidewalks create an intimate streetscape.

1.5 BUILDING FORM AND ARCHITECTURE

- A. High quality “stylized” or “theme” architecture is permitted, as long as it incorporates the architecture of the area and maintains continuity with the community as a whole.
- B. Buildings shall be designed and oriented to minimize heat gain and maximize pedestrian shade opportunities; including materials, elements, and details (i.e. extended or cantilevered roof eaves, thickened building walls, awnings).
- C. The City strongly encourages all new buildings to meet Leadership in Energy and Environment Design (LEED) certification standards; and building sites and development in general to utilize Low Impact Development (LID) technologies.
- D. All exterior elevations shall provide architectural detailing (360° architecture) by the consistent use of color, patterning, finish, type and application of materials, and the wrapping of materials around onto adjoining walls of the structure to provide design continuity and a finished appearance to the building.
- E. Flat monolithic facades and large unvaried rooflines are not permitted. The building façade shall utilize recessed entryways and windows, groupings of windows, horizontal and vertical offsets and reveals and three-dimensional detail between surface planes, to create shadow lines and break up long continuous flat wall areas.
- F. The use of architectural features such as three-dimensional cornice treatments, enclosed parapet wall forms and details, and overhanging eaves shall be utilized to enhance the architectural character of the roof.
- G. Solar panels located on rooftops shall be placed consistent with roof pitch, and sized to appear as an integral part of the overall roof design. The solar panels may be used as the roof structure itself (e.g. carports, shade structures, patio covers).
- H. When appropriate to the style of a building, a variety or combination of roof forms are preferred as a means of adding visual interest and diversity to the City’s “roof horizon” and to avoid the “sameness” of roof styles. The more typical roof types are gable, hip, flat, shed, gambrel and mansard style roofs as shown in **Illustration 7**.

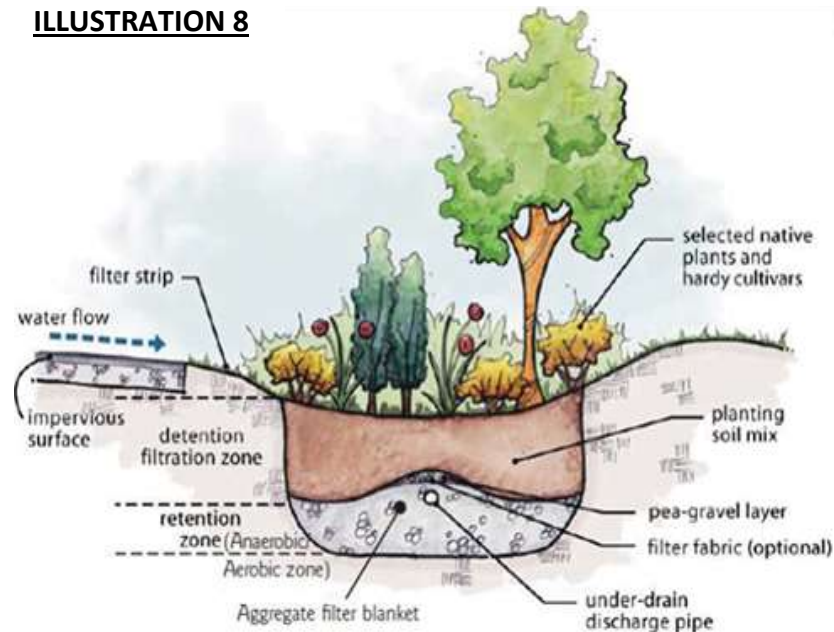
ILLUSTRATION 7



1.6 GRADING & DRAINAGE DESIGN AND FLOODWAYS

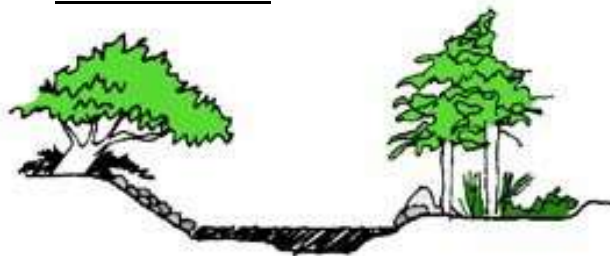
- A. Washes and drainage patterns shall be maintained in their historic location. Mass grading of parcels over five acres (5 ac) in size shall require additional approval from the Community Development Director; phased grading of a development is the preferred method. The grading concept for any site shall be a balanced cut and fill on the site to limit damage to the natural topography; except in the case of approved and permitted mining activities.
- B. Low Impact Development (LID) construction methods to meet the needs of both on-site and off-site stormwater drainage , such as but not limited to, bioswales, bioretention planters, and strategic use of water features shall be implemented to both improve stormwater management and enhance the built environment of the development (see **Illustration 8** below).

ILLUSTRATION 8



- C. In the event that retention basins are required, per the drainage analysis, they shall be designed as landscape features rather than large, plain depressions in the site. To the greatest extent possible, basins shall be located and oriented to connect with other open space areas of the development which in turn connect physically, functionally, and visually with open space in adjoining developments/sites.
- D. Design any water harvesting approaches to supplement landscape irrigation, reduce stormwater discharge, and downsize retention facilities.
- E. Where a floodway or wash traverses a development site, the floodway or wash shall be set aside as open space and improved using environmentally sensitive channel and bank stabilization techniques to provide a naturally appearing restored, enhanced and stabilized floodway or wash. Under no circumstance shall the channel or sides of a floodway or wash be paved over in concrete or similar material (see **Illustration 9**).

ILLUSTRATION 9



1.7 UTILITY SCREENING

- A. Above ground ancillary equipment appurtenant to underground utility facilities, such as surface-mounted transformers, electrical panel boxes, pull boxes, pedestal cabinets, service terminals, telephone splice enclosures, or other similar above-ground facilities normally associated with an underground utility system shall be located to the rear of the project site, not located along a street frontage or at the entrance to a development, and shall be decoratively screened from public view.
- B. All residential development site utility equipment including, but not limited to, HVAC equipment, electrical transformers, electrical and telephone panels and switch gear, generators, irrigation backflow prevention devices, natural gas pressure regulators, fire distribution valves, and cable and junction boxes shall be located so as not to be visible from any street, pedestrian way or other public right-of-way. Said utility equipment shall be screened from public view, located within the building structure, or placed underground.
- C. Utility equipment serving large commercial, office, industrial, and civic/institutional buildings shall be located in a utility room(s) within the building structure; or within a separate structure attached to the principal building on the site.
- D. When undergrounding utility support equipment is determined not to be feasible due to a pre-existing land condition such as a high water table or excessive bedrock, or a technical or space limitation problem within the building itself would preclude an indoor location; the utility support equipment shall be located away from abutting streets and screened by one or a combination of the following techniques:
 - 1. An architectural barrier such as a decorative, masonry wall enclosure consisting of sound absorbent and sound scattering wall materials; and/or
 - 2. Landscaped earthen berm having a minimum height of four feet that incorporates planting having a minimum height at maturity of six feet (6'), measured from the top of the berm. Berm landscaping shall consist of a combination of dense shrubbery and clusters of trees having a minimum three-inch caliper trunk measurement; and/or
 - 3. Incorporated/decorated as public art.
 - 4. Chain-link and/or slat fencing shall not be used to satisfy screening requirements for utility and service areas.

1.8 ART IN PUBLIC PLACES

- A. To encourage the creation of more attractive, unique, and aesthetically pleasing social spaces, artwork is encouraged to be integrated into public and private spaces within all types of development and accessible to the public via different multi-use pathway systems.

- B.** Public art invites participation and interaction, adds local meaning, and reinforces the unique character and “sense of place” when incorporated into a development’s outdoor spaces, such as but not limited to plazas and park spaces, subdivision entries, or public facilities. Public art that is designed for public use may be credited as open space if it can be demonstrated that the art meets one of the following options:
1. Building features and enhancements such as customized bike racks, gates, benches, water features, or pedestrian shade screens, which are unique to the development;
 2. Landscape art enhancements such as walkways, bridges, formal plantings or art features within a community garden;
 3. *Murals* or mosaics covering walls, floors, and walk ways. Non-signage *murals* may be painted or constructed with a variety of materials, including the use of imbedded and nontraditional materials;
 4. Sculptures, which can be freestanding, wall-supported or suspended, kinetic, electronic, and made of durable materials;
 5. Community art projects resulting in tangible artwork, such as community non-signage *murals*, sculptures, or kiosks;
 6. Spaces for regular artistic expression of performance art as well as the creation of artwork which is experienced by an audience;
 7. Community accents at intersections, at neighborhood gathering locations, or in neighborhood parks such as statues, animal feeders or baths, artistic variations on standard street furniture elements, water features, or place markers;
 8. Temporary artistic installations in social settings or permanent location(s) in which artwork is regularly relocated or rotated to;
 9. Artistic design on utility boxes or screening of the utility boxes.
- C.** Art work on or adjacent to roadways and public right-of-way shall not be in conflict with traffic safety, such as covering signs or reducing sight visibility.

CHAPTER 2: NEIGHBORHOOD LAND USES

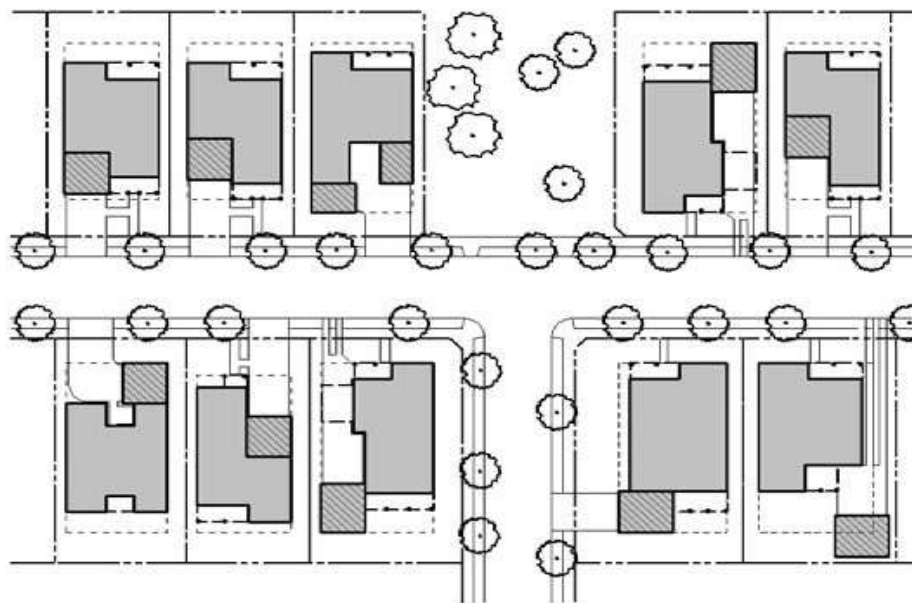
2.1 GENERAL LAND/SITE DESIGN & DEVELOPMENT

- A. The development as a whole shall be interconnected through the open space, landscaping, and its visual design characteristics.
- B. Large development projects proposed for phased development shall be planned and designed so that each phase is complete and can exist independently in terms of the functionality of its infrastructure and circulation systems as well as the drainage.
- C. When allowed, high-density residential and non-residential development shall be located within mixed-uses projects or adjacent to, and oriented toward, the arterial and/or collector roadways, transit/bus services, and the community's pedestrian circulation and trail system.
- D. New residential development shall be designed so that lots that abut or front adjacent to an arterial or collector roadway take access from an internal local residential street or a frontage local roadway, or from an alley.
- E. Subdivision and street layout, lot orientation, and home design and siting, shall utilize the most advantageous solar orientation, climatic, and environmental conditions of the development site.
- F. Design of accessory elements such as group mailboxes and security huts and gates, transit/bus shelters, and streetscape shall be compatible with the architectural style and/or unique theme of the development or neighborhood in which it is located.
- G. Group mailboxes for new residential development shall not be freestanding, but shall be placed into an architectural form that is strategically and conveniently located throughout the development as a part of the development's pedestrian open space and circulation system and providing amenities such as illumination, shade trees and benches for neighbor interaction. All group mailboxes shall be accessible to persons with disabilities.
- H. Multi-family & Non-residential Buildings in the Neighborhood Land Use: Trash and refuse collection containers shall be screened from public view with a six foot (6') decorative masonry wall enclosure and located such that they are not the visual focal point of a driveway or cannot be viewed from a public street. Those sites that can only locate the refuse containers in a highly visible location shall provide screening the containers with decorative latching gates at the opening to the enclosure.
- I. To reduce the impact of the garage dominant architecture garage doors shall not comprise more than forty-five percent (45%) of the total linear frontage of the residential front elevation.
 - 7. Up to ten percent (10%) of home products with additional options such as but not limited to front porch or patio that comprises of the remaining front elevation, or balconies within a subdivision may have garage doors up to

sixty percent (60%) of the total linear frontage of the residential front elevation.

8. For 3-car garages, garage proportions may be up to fifty percent (50%) on homes greater than forty feet (40') in width. Stalls will be separated such that no more than two (2) stalls are in the same vertical plane or adjacent to each other (i.e., provide a two-foot (2') offset with architectural trim for at least one (1) stall or provide one (1) stall in a side-entry or tandem configuration).
- J.** To create a more diverse street character all residential lots shall incorporate a combination of the following designs methods for site layout (see **Illustration 10** below):
1. A five-foot (10') stagger in the building front setbacks between adjacent lots;
 2. A five foot (5') recess for the garage;
 3. A porte-cochere;
 4. A detached garage located in the rear of the lot utilizing a single car drive adjacent to the home;
 5. A side-entry garage product as part of a variety of floor plans; or
 6. Decorative pavers or other driveway treatments to the menu of options.
 7. Garage doors with windows, raised or recessed panels, architectural trim, and/or single garage doors
 8. Architectural treatment above the garage such as windows or balconies

ILLUSTRATION 10



- K. Traditional Neighborhood Developments (TND) shall provide blended density residential neighborhoods that provide for and encourage different housing types (i.e. detached single-family, attached-product, duplex, townhome, shared court, shared cluster, mansion apartment, and live-work) and varying lot sizes within the same residential development parcel(s) and preferably on the same street rather than separating housing types by whole neighborhoods.

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. They shall be located and oriented to connect with other open space areas of the development which in turn connect either physically, functionally, and/or visually with open space in adjoining developments.
3. Retention basins with a bottom area in excess of one-half acre (1/2ac), shall be designed, turfed in a manner to accommodate a play/sport field rather than being landscaped with decomposed granite. All structures and play equipment are to be located above the 100-year, 2hour 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, such as open space lots used to break up block lengths. 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, bicycle trail, picnic ramada, or community garden is provided within one thousand three hundred and twenty feet (1,320') 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 thirty feet (30') 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.

B. AMENITIES AND RECREATION SINGLE-, TWO, AND THREE-FAMILY DEVELOPMENTS

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 **Sec 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**:

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 a large community amenity listed below.

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 area.
 - 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 court.
 - f. Weight room.
 - g. Putting green.
 - h. Large amenities that may include but are not limited to a *community facility* for social, entertainment, athletic, or recreational uses or community pool as required is **Section 2.2.B.4** below
4. All new residential developments shall provide a large amenity 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. Any residential development that contains more than 10% the following lot categories.
 - (1) R-1 zoning districts: Lot Categories A
 - (2) R-2 zoning districts: Lot Categories A and B
 - (3) TND-R zoning districts: Lot Categories A and B
 - (4) Other zoning district: lots with a *required rear yard* that are less than fifty feet (50') wide and contain a required rear yard area of less than one thousand square feet (1,000 sf)
5. When provided, a large amenity shall meet the following criteria:
- a. Sited strategically such to place the greatest number of dwelling units possible within one-quarter ($\frac{1}{4}$) mile radius of the facility.
 - b. The size of the large amenity shall be 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. A Community Pool Amenity included as a large 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 large 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 large 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 large amenity shall include not less than one (1) shade structure.
- g. The large 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 multimodal 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 greater City of Surprises 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.

2.3 CIRCULATION DESIGN

A. GENERAL STANDARDS.

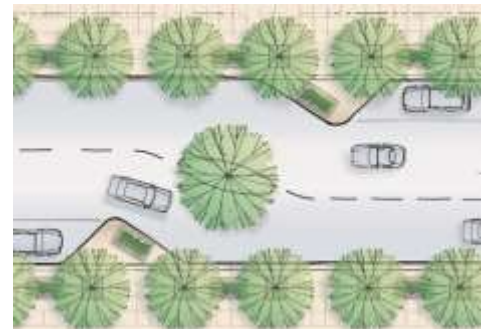
1. All proposed residential developments shall provide a Traffic Impact Analysis (TIA) for the proposed development. If as a result of the traffic analysis, it is determined that a new roadway(s) at the Arterial classification level is necessary to serve the development a General Plan Amendment may be required. The TIA shall be used to determine projected traffic volumes, desired operating speeds, projected traffic types, projected construction phasing, and determine the need for new traffic signals.
2. Local streets shall utilize either the alternative or standard cross section (see **Illustration #1A** and **#1B** herein).

3. Collector streets in new residential developments shall be located to minimize cut-through vehicular traffic on the local streets and through the neighborhoods, by utilizing a modified grid street pattern.
4. Streets classified as a Parkway, Arterial, and/or Collector shall utilize the City's most updated cross section with a detached sidewalk design with the resulting *landscape strip*.

B. ROADWAY DESIGN.

1. Within the hierarchy of existing and proposed two-way City streets, a minimum unobstructed pavement width of twenty feet (20'), with a minimum vertical clearance of fifteen feet (15') shall be provided for fire apparatus access. The unobstructed pavement width for fire apparatus may be reduced to a minimum of twelve feet (12') in developments where median divided streets exist.
2. New collector streets within a residential development may require a landscaped multi-use path in addition to the on-street bicycle lane to connect with a regional trail system.
3. The periodic and strategic placement of traffic calming devices, including roundabouts, chicanes, bulb-outs, and narrow landscaped medians on residential collector and residential local streets shall be encouraged throughout the City to help slow traffic, discourage through neighborhood traffic, and to create a unique sense of place. Traffic calming devices shall not narrow the travel way. Additional traffic calming measures may be approved by the City Engineer on a case-by-case basis.
4. To achieve the community's desire for developing pedestrian-friendly streets, all new residential development shall provide for the use of staggered or off-set parking bays, parking "one-side-only", or other alternative means of accommodating on-street parking of vehicles on local streets; required in any TND residential neighborhood where a shared court, shared cluster, or a 5-pack housing product is approved (see **Illustration 11**).
5. The layout and design of alleys, local streets, cul-de-sacs, and traffic calming devices shall accommodate the width and turning radius necessary for city sanitation and emergency vehicle use (refer to the Volume Two of the PEDS for specifics).
6. Block lengths for "local streets" within the interior of a residential development may range from four hundred to eight hundred feet (400' – 800') in length, with the optimal length being closer to six hundred feet (600') in length in order to create a walkable scale and exterior access points at safe distances from the arterial/collector intersections.

ILLUSTRATION 11



Chicane with parking alternating from side to side.

C ADDITIONAL DESIGN REQUIREMENTS FOR TND DEVELOPMENTS.

1. If the area of the TND is traversed by or adjacent to a proposed collector or arterial street as shown on the Surprise General Plan, the TND shall be designed to continue the street(s) and dedicate the necessary right-of-way within the TND boundaries to accommodate said street unless otherwise approved through a General Plan Amendment approved by the City Council.
2. The collector streets and rights-of-way shall be shared between vehicles (moving and parked), bicycles, and pedestrians and shall be shaded by rows of trees to slow traffic and improve the environment for pedestrians and bicycles. Design conflict between vehicular and pedestrian movement shall be decided in favor of the pedestrian.
3. Different pavement surfaces may be considered, if found to be acceptable by the City Engineer, in order to enhance pedestrian and bicycle safety and comfort or to create an aesthetically pleasing or unique environment.
4. The creation of new dead-end streets shall not be permitted in a TND Development. All thoroughfares shall terminate at other thoroughfares, forming a network. Internal thoroughfares shall connect wherever possible to thoroughfares on adjacent sites or developments, except when constrained by topography.

D. ACCESS.

1. A subdivision development may be permitted “limited access” points to the surrounding collector and arterial streets at a quarter mile ($\frac{1}{4}$) spacing and “full access” points on the half mile ($\frac{1}{2}$) and full mile spacing; where supported by the Traffic Impact Analysis (TIA) and accepted by the City Traffic Engineer.
2. The use of alleys with rear garage configurations and entry access points may be considered as a means of vehicular and pedestrian access to a residential lot.
3. Alleys shall be paved, well-lit and designed for pedestrian connectivity and view-fencing rather than solid fencing along the rear property lines to further enhance the safety, appearance, and use of the alley.
4. All lots shall have frontage onto a fully improved publicly dedicated or approved private street developed to “local street” standards and may have access by either the public/private local street or an alley refer to the Volume Two of the PEDS for specifics.

E. CIRCULATION AUXILIARY AMENITIES.

1. The planning and design of public transit and school bus stops within a master planned development and individual neighborhoods shall be considered and should at a minimum include an improved hardscaped space of adequate size for adults and/or children to safely gather and sit.

2. Private “pedestrian-only” walking paths (excluding cyclists, skateboarders, wheelchair, and equestrian uses) are allowed, when approval by the Community Development Director. Where permitted these paths shall:
 - a. Be a minimum of five feet (5’) in width; have a maximum grade of five percent (5%) ; be constructed of concrete, asphalt, permeable paving surface, or stabilized decomposed granite material.
 - b. Shall be lighted for pedestrian safety, in accordance with a City approved photometrics plan, and with pedestrian scaled (overhead or bollard style) light fixtures that are compatible with the character of the area, and spaced appropriately to provide an even, non-glare light level along the course of the walking path.
3. Parking Lots: Multi-family and non-residential buildings within the neighborhood land use shall be designed in an “up front” manner that locates buildings along the street frontage and the required off-street parking spaces located in the rear or to the side of the structures. Parking may also be designed beneath the structures to avoid interrupting the rhythm of the established streetscape and to make land on site available for gardens and courtyards rather than for surface parking. Parking lots shall be landscaped in accordance with **Chapter 107** of the LDO and utilizing the plant palette list in **Appendix C** herein.

2.4 LANDSCAPE AND STREETScape DESIGN

A. LANDSCAPE STANDARDS.

1. Private Lots:
 - a. Individual residential lots shall be designed to minimize the use of turf, including artificial turf, per Chapter 107 of the LDO. Low water use/drought tolerant landscaping materials, as listed in **Appendix C** of these PEDS, is preferred overall.
 - b. Drip irrigation systems or automatic sprinkler systems shall be required and rain sensors should be utilized.
2. Common Area(s):
 - a. Landscaping along sidewalks, multi-use pathways, and “pedestrian-only” walking paths shall include continuous clusters of low-maintenance, drought-resistant, plant materials that require minimum maintenance and can survive without extensive irrigation; and are deep-rooting species that do not extend into the walkway and cause root up-lift.
 - b. Trees shall be located along both the sidewalk system and the multi-use pathway system and clustered to form shade canopies when adjacent to seating and rest areas.

- c. Where possible, seating areas should be integrated into the common area and open space landscaping in the form of retaining walls, planter walls and other such landscape architectural treatments; with limited use of freestanding benches.
- d. Different tree species and amenities (i.e. seating, shade, lighting, and materials etc.) shall be used to enhance common area design and to define and identify the hierarchy of the open space areas within and throughout a development.
- e. Irrigation, construction, and plan standards shall adhere to those outlined in **Chapter 107** of the **LDO** and **Appendix D** herein. The specific plant palette utilized shall adhere to City of Surprise Right-of-Way Plant List included herein as **Appendix B** and to the “Low Water Use/Drought Tolerant Plant List” included herein as **Appendix C** of these PEDS.

B. STREETSCAPE STANDARDS.

- 1. General Requirements for All Development:
 - a. Landscape within the public right-of-way, public areas, and common areas of a development shall adhere to the plant palette listed in **Appendix B** herein.
 - b. Landscaping within the street rights-of-way (medians and *landscape strip*) shall include both street trees and shrubs and/or cacti. Local streets shall plant street trees within the *landscape strip* to provide shade to both the street and sidewalk. Arterial and collector streets shall plant street trees and shrubs and/or cacti within the center medians and street trees and shrubs (not cacti) within the *landscape strip*. Landscape planting shall not obscure traffic signs or the sight visibility.
 - c. If the City of Surprise has a designated arterial street “street tree” for the geographic area of the city in which the development is located then the development shall incorporate that street tree into their landscape palette.
 - d. Different tree species shall be used to enhance streetscape design and to define and identify the hierarchy of streets within and throughout a development.
 - e. Lighting at the sidewalk along “local streets” and in common areas shall maintain a pedestrian scale to aid in the walkability of the development with a total maximum height (pole and light fixture) of twelve feet (12’).
 - f. Lighting along all roadways shall comply with the Outdoor Lighting regulations in **Chapter 107** of the LDO per the specific Lighting Zone in which the development is located.
- 2. Additional Streetscape Requirements for TND Developments.

- a. The TND Development Plan shall identify the specific species of tree(s) that will be planted as the collector and local “street trees” along with a key that identifies which species will be used for the main thoroughfares and the different development parcels throughout the TND development.
- b. Within the “public frontages” the prescribed types of public planting shall be drought tolerant and shall be called out in the application and Development Plan for the TND as part of the uniqueness and texture of the TND. Likewise, public lighting shall conform to the outdoor light regulations in **Chapter 107** of the **LDO** but the specific design of the lighting standards and fixtures may be unique to the TND.

2.5 BUILDING FORM AND ARCHITECTURE

A. GENERAL STANDARDS.

1. All homes shall provide an architecturally integrated, open enhanced entryways designed to engage with the streetscape of at least 60 square feet (60sf). No dimension shall be less than 6 feet in depth as measured from the dwelling façade to the interior edge of the supporting post. Enhanced entryway designs include but are not limited to covered front porches, patios, and plazas.
2. Mechanical equipment and similar utility devices, whether ground level 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 and painted to match the building.
3. Ground mounted mechanical equipment and building projections (other than roof eaves) shall not be located within the required “unobstructed” side yard setback and shall be screened from public view (see **Chapter 106** of the **LDO** for setback information).
4. All exterior elevations of a residential structure shall provide architectural detailing (360° architecture); not just the front elevation. Window embellishments shall be provided on all homes by adding architectural features which enhance the elevations, e.g. greater variation of window design, different window styles, recesses, surrounds, shutters, lintels and sills, gabled roof features over the windows, etc. Such features must be added to all of the exterior elevations of the structure, including second story windows, to provide interest and relief. In the case of residential construction this material wrap/wainscot shall continue along the side elevations to the point where it meets the side lot perimeter fence return.

5. The City strongly encourages new residential neighborhoods to meet Leadership in Energy and Environmental Design (LEED-ND) certification standards and building sites to utilize Low Impact Development (LID) technologies.
6. Production homebuilders shall provide a minimum of four (4) floor plans, with a minimum of three (3) distinctly different elevations for each floor plan; including a variety of products with front entries facing the street. Additionally, a minimum of three (3) roof pitches/styles/materials/colors, three (3) styles of garage doors, three (3) window designs/embellishments, and three (3) exterior paint colors shall be required as a standard feature to further promote visual interest and architectural diversity.
7. The developer/production home builder shall be responsible for assuring that no two similar rear building elevations and rooflines are allowed on adjacent lots that back to a public right-of-way.
8. The developer/production home builder shall be responsible for assuring that not more than two (2) of the same building elevations are on adjacent lots and on lots directly across the street from one another. For clarification, lots "directly across the street" are those where at least fifty one percent (51%) of the lot's street frontage is directly across from the street frontage of the lot on the opposite side of the street (measured by extending sided lot lines to the street centerline).
9. Corner lots shall be limited to a single story home and the side elevation fronting the side street shall be fully embellished and the roofline varied.

B. ATTACHED SINGLE-FAMILY DWELLINGS.

1. All buildings shall have their main entrance fronting onto either a street or oriented towards and arranged around a shared open space courtyard.
2. A variety of rooflines styles and heights shall be used as well as building projections and recesses. The structures shall have stylistic architectural design elements on all exposed building elevations. The architecture shall incorporate style-appropriate and varied door and window openings and architectural embellishments. A variety of front and rear porch configurations shall be used to provide functional yet varied architectural integrity to the buildings.
3. Brick, integral colored block, or slump block shall be used (not painted concrete masonry units) for buildings using masonry as the primary material.
4. Flat asphalt shingles shall not be permitted. Clay tile, concrete tile, architectural asphalt shingles, cementitious or fiberglass tiles, and standing-seam or corrugated metal shall be the permitted roofing material. Alternative roofing products shall require city approval.

C. MULTI-FAMILY DWELLINGS.

1. The residential development shall have a building frontage presence to the neighborhood street rather than a parking lot frontage. The front entry shall include a walkway to the street or surrounding neighborhood.
2. 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.
3. 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, at a minimum, be used to accent entryways and special architectural features of a building.
4. Reflective building materials are prohibited; except for the normal use of glass windows. Metallic surfaces, including roof materials, shall be treated to be non-reflective.
5. 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.
6. All buildings shall harmonize architecturally with the residential character of the neighborhood as determined by the Community Development Director or designee.

D. MODEL HOME COMPLEX

1. Guidelines:
 - a. Seventy-five percent of plans constructed in a model home complex must be "non-garage dominant".
 - b. If any approved product line consists of one plan that provides a significantly recessed garage, that plan must be modeled.
 - c. If any approved product line consists of two or more plans that provide a significantly recessed garage, the number of those plans modeled will be determined by the city manager or designee.
2. Site standards:
 - a. Site design shall comply Sec 106-10.29 of the LDO.
 - b. Landscapes for model home complexes shall comply with the PEDS and Chapter 107 of the LDO.
3. A "zero-step" entrance shall be required for all model homes within the City of Surprise.

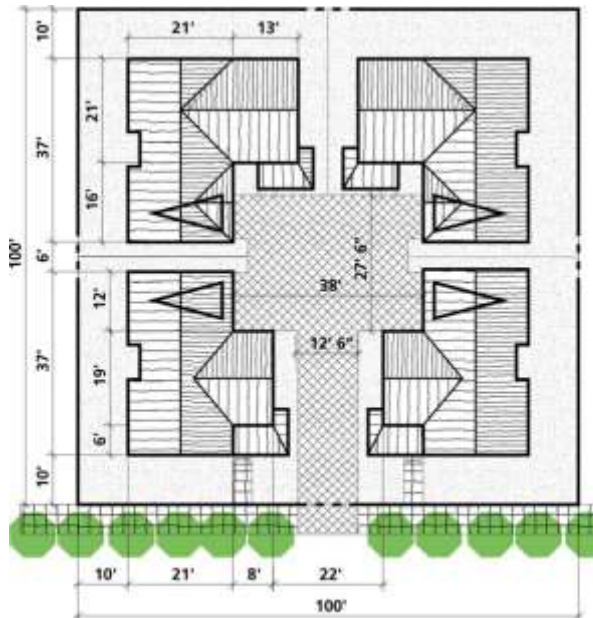
- a. "Zero-step" entry shall have a floor or landing on each side of the primary entrance door. Such floor or landing shall be at the same elevation on each side of the door. Landings shall be level, except for exterior landings, which are permitted to have a slope not to exceed 0.25 units vertical in 12 units horizontal (two percent). Thresholds for such doors shall not exceed one-half-inch in height, and thresholds with changes in level greater than one-quarter-inch shall be beveled with a slope not greater than one unit vertical in units horizontal.
- b. The city manager or designee may waive the requirement "zero-step" entry if it is found that it would prove to be cost prohibitive. Such cases however, the builder must still provide a zero-step entry into at least one model home and an ADA compliant pathway to all models.
- c. Model signage. All new model homes and sales areas shall include signage that read - "Ask Us About Accessibility Options."
- d. Education. An educational DVD shall be available to sales staff and potential homebuyers regarding the benefits of visitability.

E. ADDITIONAL BUILDING TYPES in TND DEVELOPMENTS.

1. In order to create neighborhoods of blended densities; to provide a broad choice of housing types for lifelong livability and a diversity of needs; to promote walkability; and to enable appropriately-scaled and well-designed compatible land uses it is important for the TND to consider building types other than what might traditionally be expected.
2. The following four (4) types of housing products shall only be permitted in conjunction with the Traditional Neighborhood Development (TND) Zoning District (see **Chapter 106, Article 4** of the LDO):
 - a. Shared Court: This design consists of a 4-5 of detached dwellings arranged to a defined shared auto court that is typically perpendicular to the street; known as 4-packs and 5-packs (see **Illustration 12** below).
 - b. Shared Cluster: The shared cluster takes the place of a private rear or front yard and becomes an important community-enhancing element for this product type. This product type is appropriately scaled to fit four (4) units on an individual lot of ten thousand square feet (10,000 sf) or more. (See also **Illustration 13** below).
 - c. Mansion Apartment: This building type consists of a minimum of 4 side-by-side and/or stacked dwelling units with one shared entry. This product type has all the appearance of a medium-large sized single-family home and is appropriately scaled to fit on an individual lot size of ten thousand square feet (10,000 sf) or more (see **Illustration 14** below).

- d. Rowhouse/Townhouse: This building type is a small to medium sized, typically attached structure that consists of 4–8 rowhouses placed side-by-side that front to a public street. This type may be appropriate in a location that transitions from a traditional detached single-family neighborhood into a higher density, mixed use, neighborhood core (TND), or a transit-oriented development (TOD) land use with the appropriate scale to fit on an individual lot of four thousand square feet (4,000 sf) or more. (See **Illustration 15** below).

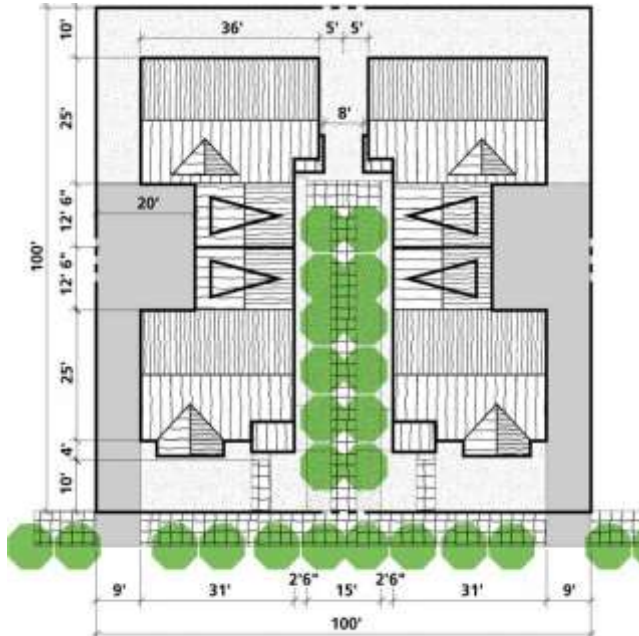
ILLUSTRATION 12 - Shared Court



Specifics: (minimum 10,000 SF lot)

- 4-5 attached or detached units
- (1,600–1,850 square foot each) possible.
- Two units face the public street, gives appearance of two single-family homes from street.
- As shown would require condominium ownership. With modifications, may also be possible with units on separate lots oriented toward the shared court as a private street tract.
- Arranged around a shared driveway with special paving that provides both vehicle and pedestrian access. Single access point allows up to 4 off-street parking spaces.

ILLUSTRATION 13 - Shared Cluster



Specifics: (minimum 10,000 SF lot)

- 4 units (1,500–1,950 square foot each)
- Arranged around a common green, either attached or detached.
- Intended to allow fee simple ownership, with common green held as a common tract.
- Massing of front units reflects neighborhood patterns of houses on 50' wide lots.

ILLUSTRATION 14 - Mansion Apartment



Specifics: (minimum 10,000 SF lot)

- Min of 4 units (1,000–1,400 sq. ft. each; not including garages)
- One shared main entrance area off front porch. Unit division from within structure.
- Street frontage designed to reflect appearance and scale of a single-dwelling house to blend with neighborhood context.

ILLUSTRATION 15 – Row House/Townhome



Specifics: (minimum 4,000 SF lot/DU)

- Consists of 4–8 rowhouses placed side-by-side that
- Front to a public street
- Transitions from a traditional detached single-family neighborhood into a higher

E. NON-RESIDENTIAL BUILDINGS IN THE NEIGHBORHOOD LAND USE.

1. Non-residential structures shall be designed to create transitions to the surrounding residential development with the size, massing and height of the structure relating to the prevailing scale of the adjacent residential neighborhood.
2. Taller buildings shall be made to appear less imposing by stair-stepping building heights and rooflines back from the property lines, breaking up the mass of the building, providing a broader open space/landscape area as foreground for the building, and providing a building frontage presence to the neighborhood street rather than a parking lot frontage.
3. Assembly Uses may be required to provide a traffic study, depending on the specific location.

2.6 EDGE TREATMENT AND TRANSITIONS

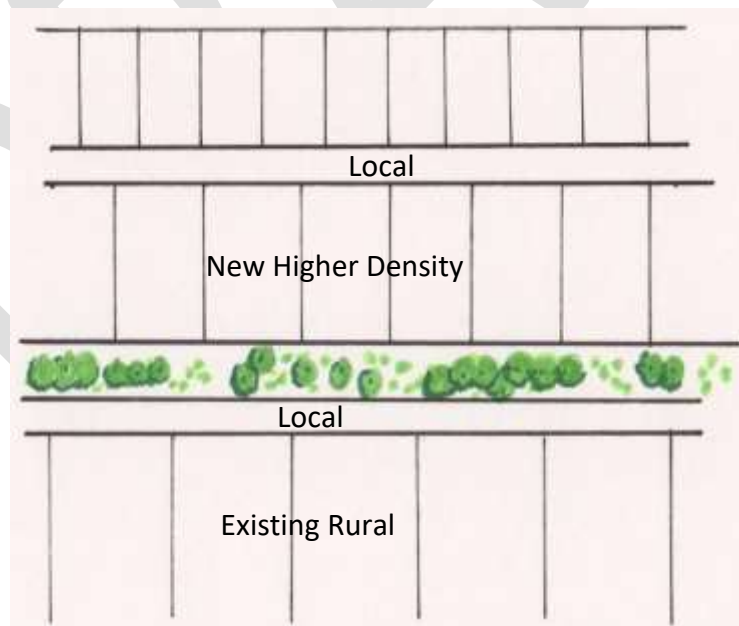
A. EDGE TREATMENT.

1. No transition or buffer area shall be required if a new development that directly adjoins/abuts an established residential neighborhood is of the same density and provides lot sizes that are approximately the same size as the existing neighborhood.
2. New residential development proposed for the edge of the urbanized area of the City shall buffer and transition from existing adjacent agricultural or rural developments. Any increased density shall be designed inward onto the new project and/or along the shared urbanized edge.
 - a. Buffer the existing established neighborhood using a landscaped open space tract that is a minimum of one-hundred feet (100') in width along the perimeter between the two neighborhoods (see **Illustration 17** below); and
 - b. The open space buffer area shall be designed in a manner to connect to the open space, pedestrian and trail systems within the new development and in a manner that will further accommodate future connections from other adjoining developments as urbanization occurs.
 - c. The buffer area shall be preserved for perpetuity as either a tract or easement, allows public use and access, and calculated as part of the development's open space requirement.



3. When a new development of higher density proposes to only be separated from an established lower density or rural residential neighborhood by a “residential local” street the new development shall provide a landscaped buffer, a minimum of fifty feet (50') in width, adjacent to the shared local street plus a single row of lots, which are no smaller than one-half the average lot size of the adjacent existing rural neighborhood lots (see **illustration 18** below).

ILLUSTRATION 18



4. New residential developments that directly adjoin /abut a planned or existing open space, trails and *greenways* area, as designated in the Surprise General Plan or Parks and Recreation Master Plan, shall utilize

an open style of perimeter fencing rather than a solid or view obscuring perimeter wall along that specific edge of the development.

5. New residential development proposed in those areas that abuts one of the three (3) Employment Character Areas of the City, as shown in the General Plan, shall be responsible for providing the buffer and transition area from the employment character area and not the other way around. The use of appropriate landscaped buffering, lot orientation, stepped building heights, and street design should be utilized in close proximity to these designated areas.

B. ADDITIONAL EDGE TREATMENT STANDARDS for TND DEVELOPMENTS.

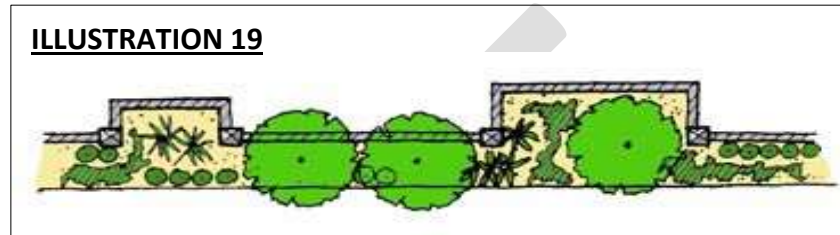
1. The exterior boundaries for a TND development shall be designed in a manner that provides fifty percent (50%) of the frontages to the greater community that are something other than typical privacy perimeter walls, including but not limited to, open space areas, civic space land uses, mixed-use and multi-family land uses.
2. Residential development parcels, within the TND development, that have home sites backing onto the exterior boundaries of the TND development along public rights-of-way shall provide both a decorative privacy wall and then a landscaped open space tract, a minimum of thirty feet (30') in width, outward towards the greater community along said exterior boundary.
3. If residential lots are platted directly adjacent to an existing residential neighborhood or a vested but undeveloped residential parcel (outside the TND) then those TND lots shall provide a lot size not less than one-half ($\frac{1}{2}$) the size of the existing or proposed adjacent lots as applied to the lot line that borders the existing or vested residential parcel(s) except if lots are separated by a street or open space buffer area that is at least one hundred feet (100') in depth.

C. TRANSITIONS.

1. Buildings located along the exterior edge of new master plan projects, adjacent to undeveloped land or existing rural development shall either maintain a low profile in terms of height, bulk and massing or increase the width of the buffer area between the two (2) different intensities of use by a distance equal to the proposed building height.
2. Grade changes from the off-site grades along the perimeter of a new subdivision shall be minimized and lots in the new subdivision shall not be more than eighteen inches (18") above or below the abutting lots in the existing subdivision. If a greater grade change is desired or necessary, there shall be a buffer or a gradual grade transition on the new subdivision in order to minimize the change at the property line.

D. SCREENING.

1. In order to promote a more “visually friendly” and open community, the construction of long, unbroken and monotonous expanses of six foot (6”) high, solid fences and stucco walls around the perimeter of new single and/or multi-family residential developments is strongly discouraged. If perimeter walls are provided, they shall be designed to include: changes in the surface plane of the wall or fence; variable heights; articulated recesses and wall offsets sufficient in depth to permit landscaped pockets for the planting of significant clusters of mature trees and shrubbery. (See **Illustration 19** below)



2. Walls and fences shall be kept as low as possible and be designed to blend with the site's architecture through the use of similar materials and colors.

2.7 RESIDENTIAL SOLID WASTE GUIDELINES

A. GENERAL STANDARDS.

1. All solid waste collection routes shall meet engineering design criteria (street width and turning radii).
2. Residential refuse/recycle collection. Solid waste collection vehicles require free and clear access to street right of way and clear curbside access to residential solid waste containers placed out for service on designated day of collection. In addition, solid waste collection vehicles require collection routes shall be designed so that collection vehicles can safely access and lift containers without obstruction. (ground or aerial).
3. Solid waste vehicles require 44' – 0" outside turning radius and 28' – 6" inside turning radius. (see detail)
4. Solid waste collection vehicles are approximately 30'-0" long and can weigh up to 29 tons when fully loaded. Collection routes must be engineered to support collection vehicles.
5. To maintain the safety of the site, solid waste vehicles shall not be required to back up more than 50 feet when or after servicing a trash/recycle container.
6. The collection route must be designed such that, collection vehicles shall travel through a site without back tracking or making u-turns.

7. No building, awning, or fixed structure projections shall be allowed in the route of the solid waste collection vehicle. Residential collection requires a minimum overhead clearance of 16 feet from the right of way, and a minimum of 2 feet behind the collection container and/ or sidewalk, is required along the route curb line.
8. Routes shall be clear of all obstructions at the curb, to include walls, overhead wires, awnings, and other fixed objects.
9. Private streets must have an area for collection without obstruction.
10. Private streets must be designed to withstand the weight of 37 cubic yard collection vehicles (approx. 29 tons).
11. Gated subdivisions must supply the solid waste department with a gate code and three remotes at the time of installation. Exit only gates will be wired for automatic opening.
12. Street width requirements for on street parking:
 - a. Under 30' width shall have no parking either side
 - b. 30' width-no parking on one side as signed. Developers will coordinate with solid waste and engineering to determine which side may have parking.
 - d. 32'- no parking in front of barrel.
13. Developments with more than two (2) abutting lots of less than fifty-feet (50') wide shall be signed "no parking on trash days"

B. CLUSTER HOMES, SHARED DRIVEWAYS, AND DEADEND ALLEYS

1. Each unit must have a predetermined location for a minimum of two containers (trash and recycle) per unit (2/du). Containers shall have a designated location on the street with a permanent marking on the curbing identifying address or unit number. Show all container locations, with addresses on site plan, for visibility triangle, refer to latest version of engineering and design standards.
2. Designated container location shall be signed "no parking on trash days". There should be 15' of space from the start of the no parking area to the first container. Containers should have a minimum 78" spacing center to center of container. There should be 15' of space from the last container to the end of the no parking area.
3. Placement designations will not be located near cluster mailboxes.
4. The required use of identified locations should be included in the homeowners conditions covenants, and restrictions.
5. Designated container locations will also be used for bulk collection for each unit.

CHAPTER 3: COMMERCE, OFFICE, AND MIXED USE LAND USES

3.1 GENERAL LAND/SITE DESIGN AND DEVELOPMENT

A. GENERAL BUILDING SITE DESIGN.

1. Limited residential land uses may be permitted in the Commerce and Office Character Areas as shown in the General Plan; in which case development patterns shall provide for higher street connectivity, smaller block lengths, and improved transit options. When developed, residential land uses must be zoned mixed-use (MU), high density residential (R-3), or be part of a TND development, and located along and oriented toward a proposed or existing collector or arterial corridor where direct access to transit is available or will be provided over time.
2. The project design, including the building location and orientation, shall incorporate and benefit from the desirable local elements (e.g. winter sun, mountain views, and even stormwater for irrigation) and to deflect unwanted elements (e.g. noise, summer sun) regardless if the development is a conventional single structure building, freestanding as “pad” sites and/or “in-line” buildings within a commercial center, outdoor recreational facilities, or parking structures.
3. Building(s) shall be designed in a manner to take advantage of the connection to the greater community open space system. Appropriate linkages (i.e. double building frontages, outdoor seating and dining spaces, walkways, common landscape areas, plazas, and unfenced property lines) shall be considered to further encourage a *multimodal* connection to the site and the use of the public open spaces as a transitional element.
4. Community/regional commercial development, office, institutional, mixed-use, and civic/cultural land uses shall be located adjacent to and oriented toward major arterials, public transportation routes, and the community’s *multimodal* circulation system when applicable.
5. The building(s) shall be visually if not physically linked to both the on-site parking lot as well as to the public street by way of a designated walkway to safely and conveniently move pedestrians as they use the development. These pedestrian connections shall provide relief from the sun through the use of shade trees, arbors and other shade techniques that may prove acceptable to the City. These pedestrian connections may be constructed using a type of permeable pavement.



6. A corner building shall have a strong frontage “presence” at the setback lines for each street. This “presence” requirement may be accomplished through angled or sculpted building corners, providing an open plaza, outdoor patios, display (not storage) areas, and seating areas that further encourage and add to the pedestrian environment at the street (see photo examples below).



7. Undeveloped pad sites/phases of a development that have been disturbed in any manner shall be required to install dustproof ground cover ahead of the construction phase schedule to prevent the intrusion of unwanted dust or blowing debris from the site/lot.

B. MULTIPLE BUILDINGS SITE DESIGN.

1. When a development has multiple buildings (e.g. office complexes, commercial centers, mixed-use/residential etc.) the buildings shall be designed as groups or integrated clusters rather than designing them in-line, as stand-alone buildings, or pad sites. The way these buildings are grouped or clustered should further define and create an outdoor room of open space for either active or passive uses, including but not limited to, plazas, courtyards, gathering areas. The resulting open space area should allow for extended shop fronts, outdoor dining, and entertainment areas at the edges of this open space/plaza area.

2. All large scale retail centers and commercial office centers shall provide a pedestrian oriented design with sidewalks, seating, trees, lighting, and pedestrian scale signage. At least one outdoor gathering space/open space, that provides amenities, including but not limited to, seating, shade, lighting, and heating for year-round use, shall be provided for every one hundred and fifty thousand (150,000 sf) of developed floor space or fraction thereof.
3. As a center of pedestrian activity, plazas in multiple building commercial, office, and mixed-use developments shall provide adequate seating in the form of benches or low seating walls in addition to any seating areas that may be provided in association with dining areas.
4. Plazas, including their entrances and exits, shall be illuminated in a manner that facilitates natural surveillance opportunities and discourage unsafe activities. All lighting in plazas shall adhere to the lighting standards in **Chapter 107** of the LDO.



C. ADDITIONAL STANDARDS for TND DEVELOPMENTS

1. The commercial development within the TND shall be designed with interior oriented parcels for the development of a “neighborhood core” to first serve the TND and secondly serve the wider community. The neighborhood core is intended for smaller scale pedestrian oriented retail, service, mixed-use, and public facility/civic space uses that provide opportunities to create *third places* and serve the daily needs of the residents within the TND development.
2. The neighborhood core and other commercial parcels shall be integrated into the TND by providing:
 - a. prevalent pedestrian connections to the TND pathway system and adjacent residential parcels; and
 - b. gathering spaces and outdoor areas that connect the commercial spaces to the open space network and the TND pathway system (other than sidewalks along the street system) of the TND; and
 - c. compact design and spatial organization of the commercial buildings that are walkable and inviting by providing seating and shade; and
 - d. *multimodal* use of right-of-ways and incorporation of streetscape and amenities that enhance the pedestrian activity level of the street; and

- e. vehicular connection internal to the TND that does not require access via an arterial street outside of the TND development.
- 3. As part of a mixed use development, residential uses are encouraged as a vertically integrated use within commercial buildings both within the residential neighborhoods and in the neighborhood core setting.
- 4. The horizontal integration of different and mixed land uses, particularly within the neighborhood core, shall be compact and interconnected through the pedestrian space; utilizing the hardscape area between uses and buildings for extended shop fronts, outdoor dining, entertainment and outdoor gathering areas, information kiosks, mobile carts, and other street related activities.
- 5. Live/Work units (occupant owned business) are encouraged when allowed.



D. SCREENING.

- 1. Trash and refuse collection containers shall be screened with a six (6) foot decorative masonry wall. Trash and refuse containers shall be located such that they are not the visual focal point of a driveway or parking area, or cannot be viewed from a public street. Projects which provide on-site daily management and maintenance personnel (i.e. service stations and convenience markets), and those sites that can only locate the refuse containers in a highly visible location shall provide decorative latching gates, for screening the containers, at the opening to the enclosure.
- 2. Equipment such as, but not limited to, vending machines, collection bins, newsstands, and shopping cart corrals shall be placed in an area designed for their use. These uses shall be screened and situated in a manner so as not to block vehicular or pedestrian traffic, reduce any required parking, block the sidewalk, or become a focal point for the development.
- 3. Outside storage areas, work areas, and production areas shall be screened from the public street view and adjacent residences, mixed-use, office, and other commercial uses with a minimum six feet (6') high decorative masonry wall; except for the living plant materials areas associated with an outdoor landscape/garden center which may use non-masonry fencing. Non-plant materials shall not be stacked, piled, or stored in such a manner as to project above the screen wall.
- 4. Building site details related to utility boxes, transformers, generators, chiller farms, mailboxes, and air conditioning units shall be integrated into the overall design of the building and/or development and screened from public view, yet remain accessible for servicing.

5. Mechanical equipment and similar utility devices, whether ground level or roof mounted, shall be screened from public view and architecturally designed to appear as an integral part of the building; except for solar panels. The mechanical equipment screening shall be included in the overall building height. Mechanical equipment shall be treated to be non-reflective. Electrical meters, service components, and SES cabinets shall be screened from public view and designed to appear as an integral part of the building.
6. Electrical transformers, backflow prevention devices, large water standpipes, telephone panel boxes and any other obtrusively large electrical or mechanical device that is installed as a part of, or results from, a new development project shall be located to the rear of the project site; and screened from public view through the use of landscaping and/or screening walls. If new installations require locations at the front of a development site or where such devices currently exist at the front of a site, they shall be screened by substantial landscaping, an architectural barrier, or an artistic wrap to blend or match the existing environment.
7. No deliver or loading dock, mechanical trash compacting equipment, **or** service loading bay (automotive service, tire, etc.) shall be located in a manner that will cause them to front onto the development entry drive, or onto a major or minor arterial roadway. These items shall be located in the least obtrusive manner, preferably on a less prominent and visible side of the building and shall be adequately screened from public view.
8. Parking areas adjacent to the required setback from right-of-ways shall be screened from public view and from adjacent residential properties by a solid three foot (3') high screen wall that is decoratively treated to match the architectural style and design of the development or a landscape berm or combination thereof.
9. Boundary line fencing along the common property line shall be required when the development is abutting a single family residentially zoned property. This wall shall be a solid decorative masonry wall limited to six feet (6') in height; unless otherwise indicated on the LDO. A *multimodal* pathway connection shall be required from the residential neighborhood into the commercial development whenever the adjacent residential development can accommodate such access point.
10. All masonry walls intended for screening functions shall have an architectural texture, color and finish compatible with the primary building.

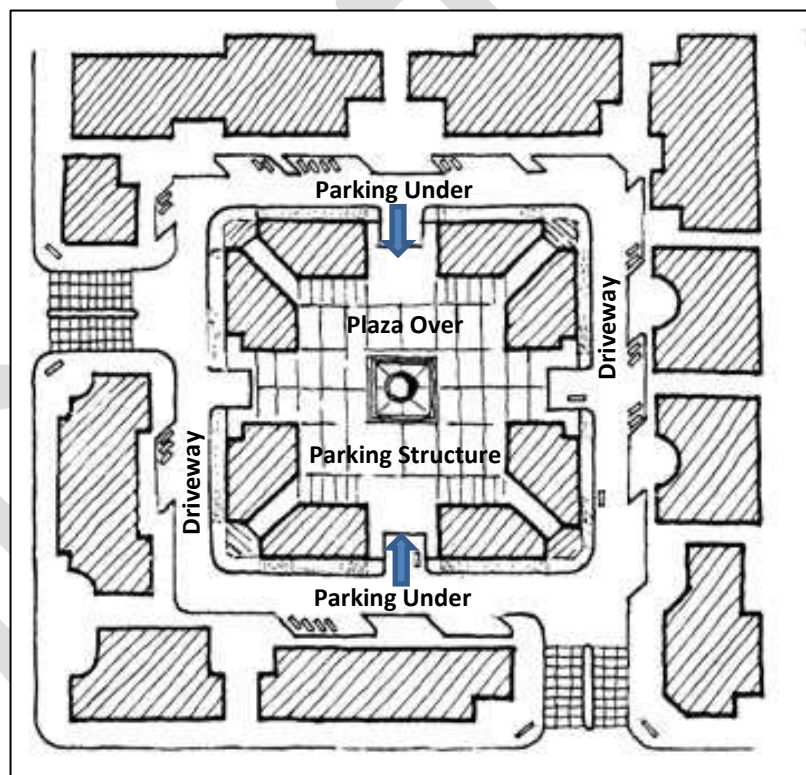
E. PARKING DESIGN.

1. Private parking lots for commercial and office uses that are adjacent to one another, but operate under separate property ownership, shall to the greatest extent possible, be designed and located contiguously to each other, provide for prominent drop-off points for ride sharing, and have shared and reciprocal access and an internal circulation system that

provides for the safe and efficient internal site movement of motor vehicles, pedestrians and cyclists from one property to another without having to re-enter the street serving the developments.

2. Off-street parking serving large multi-use commerce centers, mixed-use projects, and office complexes are encouraged to provide shared parking facilities in the form of underground structures whose roof tops can be developed as landscaped pedestrian plazas, as well as retail and dining uses or clustered *parking pods* that are heavily landscaped and integrated with the onsite circulation driveways and connected to the pedestrian and open space system (see **Illustration 18**).

ILLUSTRATION 18



Shared parking in submerged or underground garage

3. Above ground parking structures shall incorporate design features such as electric re-charging stations, autonomous vehicle (AV) staging areas, and solar panel shade structures. Rather than ramped floors, the structure itself should be designed with level floors and attached spiral/ramp access structure to facilitate reuse and conversion (i.e. warehousing, commercial office space, or affordable housing units) in the future if the demand and/or need for parking decreases.
4. To maximize the business visibility from public streets, provide definition and scale to the streetscape, and establish a pedestrian rhythm to the

streetscape no more than fifty percent (50%) of the off-street parking for large commercial centers shall be directly visible from the primary abutting street. Rather, the off-street parking spaces shall be located in smaller *parking pods* and/or to the rear or side of the structures; with the structures moved closer to the street.

5. New office, commercial, and mixed- use developments that are over ten (10) acres in size and located adjacent to major arterials and transit stops designated to provide express service to the regional transit network, may be required to provide a sheltered transit stop as determined by the City in partnership with the regional transit provider.
6. Parking lots that contain over one hundred (100) spaces should be designed with traffic calming devices installed (other than speed bumps/humps) to enhance safety and to clearly indicate the hierarchy of on-site vehicular circulation consisting of major access drives, major internal circulation drives, and parking aisles for direct access to parking spaces.
7. Provide landscaped bioretention planters at the end of parking aisles and in-between parking rows, in accordance with the provisions outlined in **Chapter 107** of the **LDO**, to provide shade for both cars and people.
8. Utilize the rainwater harvesting technique of sloping the parking lot surfaces to direct the stormwater runoff toward these landscaped bioretention planters. The bioretention landscaped planters may be designed as: raised flow-through planter boxes; flush in-ground planter boxes; or below grade planter boxes. Use curbstop sections, formed curb with curb openings, or flush curbs to stop car tires but allow water to flow into the planting areas.
9. All walkways that traverse vehicle drive aisles shall be differentiated from driving surfaces through a change of hardscape materials, textures, or color to emphasize the conflict points. Decorative materials such as specialty pavers, permeable pavers, stamped or colored concrete should be used to clearly delineate pedestrian travel areas from drive aisles. All paving material for walkways shall be developed in accordance with ADA requirements.
10. Minimize the use of driveways and parking aisles for walking routes by combining the landscaped islands with walkways.



3.2 OPEN SPACE DESIGN AND PUBLIC PLACES

- A. Open space areas shall be clustered into larger, more meaningful areas rather than equally distributing them into smaller individual areas of lesser significance.
- B. The required on-site parking area shall not be calculated as open space. Those portions of the required parking lot landscaping that are also designed in conjunction with a walking route may be calculated as open space. Building setbacks, street frontage, and on-site retention areas may be calculated as open space if those areas are landscaped.
- C. The pedestrian connections, plazas, courtyards, and gathering areas within and throughout the development may be calculated as open space if they are landscaped and/or shaded in some manner and provide seating, lighting, and other pedestrian amenities.
- D. The use of permeable paving (such as a structural grid system or permeable pavers), designed to accommodate stormwater and reduce the heat island effect, may be considered in areas of lower traffic volume limited only to private on-site sidewalks, pathways, and plazas where the soils are acceptably permeable and a maintenance plan and property owners association is in place to maintain the permeability of the surfaces.
- E. Public art is encouraged and should be in harmony with the character and scale of the open space area in which it is placed (see **Section 1.7** herein for more specific guidelines).



3.3 CIRCULATION DESIGN FOR COMPLETE STREETS

- A. When determined necessary by the City Engineer, a development project may be required to provide a Traffic Impact Analysis (TIA) prior to receiving approval. When required the TIA shall, at a minimum, discuss the ingress and egress points, the impact of commercial traffic on adjacent development, and the overall internal circulation system of the proposed development.
- B. Commercial retail and office center developments that include separately leased or owned lots/pad sites or outparcels fronting on major arterial and /or collector streets shall be treated as a single development unit, and access to the outparcels shall be from the internal circulation system of the principal commercial center rather than from separate driveways and entrances located along the adjoining arterial and/or collector street and meet the Engineering Design Standards (EDS) access management standards.
- C. Access from adjacent residential areas shall be provided by incorporating wall and landscape openings with physical connections to the commercial development's onsite pedestrian circulation system.

- D.** Provide locations for bicycle racks and storage areas as well as facilities that are necessary to the use of public transportation (transit stops, benches, shade, and lighting) if suggested by the TIA. Bicycle racks shall be located off of the development's onsite pedestrian circulation system and/or near to building front entrances.
- E.** Proposed new major centers of employment and governmental offices shall plan and design their pedestrian walkways and bicycle paths and open space system to link directly with public transit stops.
- F.** New large scale commercial and civic and institutional uses shall incorporate decorative paving patterns, approved traffic "calming" devices, landscaping, streetscape furnishings, and lighting at onsite street intersections.
- G.** The pedestrian circulation system may also be used for other uses and activities, including informational kiosks, public art installations, and outdoor dining; provided such uses and activities do not interfere with the safety of and accessibility by pedestrians and leave a five foot (5') clear path of travel.
- H.** Sidewalks shall be designed primarily for pedestrians, conform to ADA guidelines, and be as free from obstacles as possible such as but not limited to, trash bins, fire hydrants, utility equipment and cabinets, signal poles, mail drops as well as excessive overhang from automobiles parked either diagonally or perpendicularly to the sidewalk.
- I.** Within a Traditional Neighborhood Development (TND) the local streets and any arterial street within the "village core" shall be designed in a grid pattern to create a walkable street system that improves the overall pedestrian environment.

3.4 LANDSCAPE AND STREETScape DESIGN

A. GENERAL REQUIREMENTS.

- 1.** Design landscapes to:
 - a.** Utilize, to the greatest extent possible, harvested stormwater; and
 - b.** Strategically locate appropriate plantings to cool buildings and shade parking lots, plazas and gathering areas; and
 - c.** Provide visual screens; and
 - d.** Improve both visual and physical aesthetics.
- 2.** When a phased commercial development abuts residential uses the perimeter landscape and fencing shall be required to be installed and maintained along the shared property lines ahead of the construction phasing schedule.

B. ON-SITE LANDSCAPING.

1. All surface parking facilities shall provide a master landscape plan that delineates mature landscaping along the perimeter of the lot, as well as throughout the interior of the lot in accordance with **Chapter 107** of the **LDO** and with the plant palette listed in **Appendix B** herein.
2. Landscape should be fully integrated with the building mechanical systems such that air conditioning condensate collection may be used directly by the landscape or directed into a cistern system; and building roof drains and downspouts whether exposed or integrated within the building walls shall be directed to landscape areas adjacent to the building where it can be stored and used to irrigate the plants or infiltrated into the ground. To accommodate pedestrian traffic the use of grated drains shall be used to direct the stormwater under sidewalks that may be adjacent to the building and into the landscape areas.
3. Initiatives utilizing short term landscape treatments should be considered for vacant building and/or pad sites within a phased development to improve the visual character as well as provide interim dust and weed control.
4. Any proposed water features should be located in plazas and gathering areas and not in auto-oriented entryways. Water features, while in use, shall continuously recirculate the water. Fountains and other water features shall be located and sized according to the scale and specific use of the open space area within a development as determined by the Community Development Director; with smaller water features utilized in smaller, more intimate open space/gathering areas.
5. Trees planted within the paved area of a sidewalk or pedestrian plaza in commercial and/or office areas having high pedestrian usage shall have tree grates that are flush with the level of the surrounding sidewalk surface, and shall be located so as not to impede through pedestrian movement. Sizing of the grates shall account for the expected growth of the trees.



C. STREETSCAPE.

1. Landscaping, lighting, furnishings, and signage should be key components in the design, location, orientation and material treatment of pedestrian and bicycle paths, and their integration into the urban streetscape.
2. As part of the first phase of a multi-phased project the perimeter right-of-way improvements, such as but not limited to, landscaping and sidewalks shall be installed.

D. ADDITIONAL TND STANDARDS

1. In the civic space area and commercial areas of the TND the “public frontage” shall include trees of various species suitable to Surprise’s natural environment, planted in a regularly-spaced lineal pattern of single

or alternated species with shade canopies of a height that at maturity clears at least one story.

2. At retail frontages the spacing of the trees may be irregular to avoid obscuring shopfronts.
3. Accommodate locations for street vendors such as mobile carts, information kiosks, public art, entertainment and other outdoor temporary uses.

3.5 BUILDING FORM AND ARCHITECTURE

A. GENERAL ARCHITECTURAL STANDARDS.

1. Where these standards call for using similar materials, forms and details, in the interest of conveying a coordinated design for a development, it does not mean that all buildings should look the same within the development. Rather, it actually seeks to balance continuity and consistency with similarity and diversity. Continuity is considered achieved when a sufficient number of design variables are similar in execution (but not necessarily identically) throughout a development.
2. All buildings on the same site shall be architecturally unified. This provision shall apply to new construction, additions and remodeling. Architectural unity means that buildings shall be related in unifying elements such as architectural style, color scheme, and building materials but that does not mean identical.
3. “Big Box” stores that have outdoor storage areas and garden centers shall incorporate the outdoor storage and/or garden center area into the initial architectural design of the primary building. Screening materials and colors shall be consistent with the overall theme of the building.
4. Monotonous look-a-like structures will be discouraged. Buildings shall be designed to create a visually interesting “building rhythm” by varying building form, volume, massing, heights, roof styles and site orientation.
5. Projects with more than one building or with a single building over 20,000 SF in size shall create different angles of buildings to the street to avoid monotony in site design unless other architectural treatments can achieve the desired result.
6. The development shall be designed to facilitate the efficient use of energy through building orientation, window and door placement, awnings, canopies, window treatments and other appropriate design solutions.
7. Buildings over thirty feet (30') in height shall be made to appear less imposing by a combination of stair-stepping the building height back from the street, breaking up the mass of the building, and/or providing a broader open space/pedestrian plaza areas as foreground for the building.

8. All buildings shall provide architectural detailing on all exterior elevations (360° architecture); not just the front elevation. Window embellishments shall be provided by adding architectural features that enhance the elevations (e.g. greater variation of window design, different window styles, tile inlays and recesses, structural pop-outs, gabled roof features over the windows, etc.).

B. MATERIALS and COLOR.

1. Subtler, less intense colors shall be used on larger, more plain-looking buildings, while the use of a greater variety and intensity of color may be appropriate for smaller structures. The use of accent colors is encouraged to provide a festive and lively streetscape. Color should be used to accent entryways and special architectural features of a building.

C. ROOF ARCHITECTURE.

1. Full roof architecture utilizing simple and varied roof forms shall be required for all new commercial, office and mixed-use development; while long, continuous mansard roofs, false mansard roofs, large expanses of flat roofs and veneer (false-front) parapets are discouraged. Parapet walls shall be designed and constructed in a manner to appear as a solid, three-dimensional form rather than a veneer.
2. Roof access shall be from within the interior of the building.
3. Green or living roofs may be considered; in efforts to absorb rainwater, provide building insulation from solar gain and heat loss, help mitigate the surrounding heat island effect, and create *wildlife habitat*.
4. Roof-top plumbing, vents, ducts, air conditioning and heating equipment, and any other mechanical or electrical equipment shall be concealed from public view; and screened in a manner so as not to be visible from any angle or any height outside a building. The height of a parapet wall for screening purposes must be equal to or greater than the height of any mechanical equipment. Roof top communication antennae shall be camouflaged and/or stealth in design in accordance with **Chapter 107** of the **LDO**.
5. All rooftop screening shall be part of the articulation of a building and not appear as an afterthought; shall be architecturally integrated and compatible with the architectural style.

D. BUILDING FACADES.

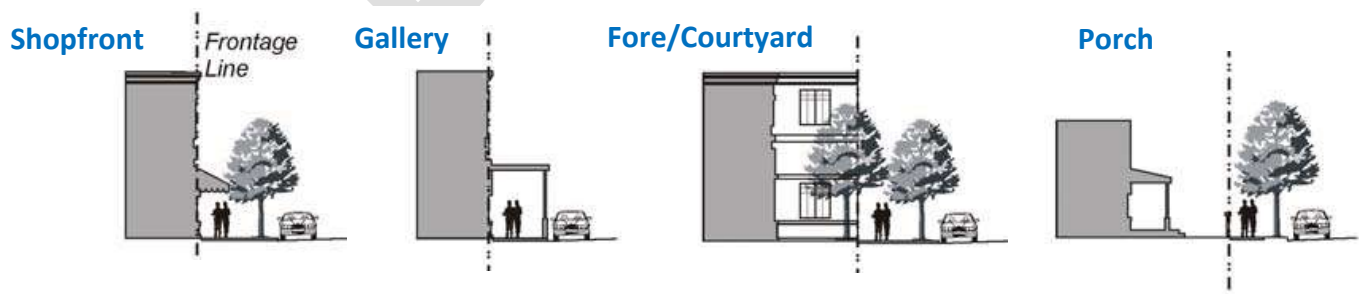
1. Commercial “storefronts” that reflect the architectural style of the building, balance window space to building wall space, and create display windows rather than floor to ceiling glass fronts is encouraged. Windows and doors shall be aligned and sized to bring order to the building façade and sufficiently recessed to contribute to the building’s energy efficiency and create facade patterns that add variety and visual interest to the building design.

2. Some element(s) of display windows, awnings, entry areas, colonnades and arcades shall be designed along the street frontage, plaza areas and along the pedestrian sidewalks.
3. In the event an arcade or colonnade is to be used along the front of a building as a primary pedestrian way, the arcade or colonnade shall be designed as an integral part of the overall architecture of the building; located and oriented to connect with adjacent open space areas of the development; and of sufficient height and width to accommodate the anticipated unobstructed pedestrian traffic generated by anticipated uses in the development.
4. All building facades must contain conspicuously placed street address numbers (refer to **Chapter 109** of the LDO).

E. ADDITIONAL STANDARDS FOR TND DEVELOPMENT

1. The edges of a commercial area should blend into adjacent neighborhoods and/or the civic space through building forms, massing and architectural styles and without buffers. Parking lots and garage doors rarely front the street.
2. All commercial activities shall be conducted entirely within the enclosed commercial buildings with limited outside storage which shall be screened from public view with an opaque fence or decorative wall not to exceed six(6') feet in height. Materials shall not be stacked, piled, or stored in such a manner as to project above the screen wall.
3. Outdoor patios and dining areas, seating areas, or small “vignette style” display areas are required to add to the pedestrian environment of the neighborhood.
4. The commercial buildings shall be designed in a manner that is more residential in scale and mass to be compatible with the residential neighborhood. Shopfront, Gallery, Fore/Courtyard and even Porch frontages are strongly encouraged and should provide a pedestrian connection to the sidewalk, street, or open space network (see **Illustration 20**).

ILLUSTRATION 20



5. Buildings in the “village core” shall be located close to the street, creating a well-defined outdoor room.

6. Consideration of Other Building Types in TND Developments
 - a. Vertically Integrated Mixed-Use: This building type is a small-to medium-sized structure, typically attached, intended to provide a vertical mix of uses with ground-floor retail, or service uses and upper-floor service, or residential uses. This type is an appropriate component of a TND neighborhood core but could be utilized within the residential parcels if carefully located and designed, thereby being a key component for providing neighborhood appropriate retail and/or services.
 - b. Live/Work: This building type is a small to medium-sized attached or detached structure that consists of one dwelling unit above and/or behind a flexible ground floor space that can be used for residential, service, or retail uses. Both the ground-floor flex space and the unit above are owned and/or occupied by one entity. This type is typically located within blended density neighborhoods or in a location that transitions from a residential neighborhood into higher intensity uses such as the neighborhood core. It is especially appropriate for incubating neighborhood-serving retail and service uses and allowing the TND neighborhood core to expand as the market demands.

3.6 EDGE TREATMENT AND TRANSITIONS

A. EDGE TREATMENTS

1. All major new commercial development should include a pedestrian circulation system of active and passive open space areas designed, located and oriented to provide: high pedestrian accessibility within and around the development; connections to adjacent developments to enhance a structure of continuous open space throughout the community; and a buffer between less developed, less densely developed lands and urban development patterns.
2. Buildings located on the exterior of new projects adjacent to the undeveloped edge of the City shall maintain a low profile in terms of single-story height, bulk and massing; except in an urban environment.

B. TRANSITIONS

1. Structures within a multi-building development should be designed to transition into either the surrounding development or natural landscape; with the size, massing and height of the proposed structures relating to the prevailing scale of adjacent development.

3.7 OTHER CONSIDERATIONS.

1. The signage needs (both building mounted signage and freestanding signage) should be carefully considered for all of the buildings/tenants when developing the site plan, landscape plans and elevations for commercial centers.
2. Outdoor lighting shall be consistent and comply with the standards outlined in **Chapter 107** of the **LDO** and Volume Two of this PED Manual when applicable.

DRAFT

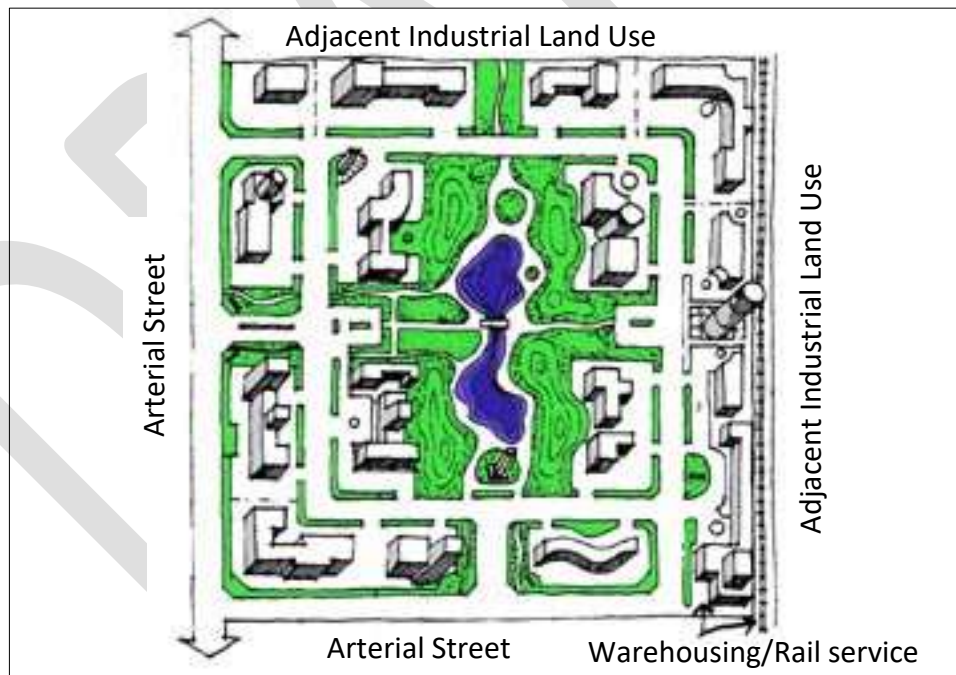
CHAPTER 4: BUSINESS PARK AND INDUSTRIAL LAND USES

4.1 GENERAL LAND/SITE DESIGN AND DEVELOPMENT

A. GENERAL BUILDING SITE DESIGN.

1. Some limited Commercial land uses may be permitted in the Employment Character Areas as shown in the General Plan; in which case the development of such commercial land uses must be part of a business park development rather than a stand-alone commercial development.
2. Land uses permitted by the Business Park (BP) zoning, as delineated in **Chapter 106** of the **LDO**, shall be developed as part of or within an approved planned business park development rather than as a stand-alone project.
3. Business parks shall be designed with an interior street system that takes its access from the major arterials (see **Illustration 21** below). Proposed new major centers of employment and governmental offices shall plan and design their development to link directly with public transit stops when available or will be provided over time and when defined in the TIA for the development.

ILLUSTRATION 21



4. When industrially zoned parcels are developed with permitted industrial land uses, as delineated in **Chapter 106 - Table 106-3** of the **LDO**, and developed as a stand-alone use they shall take direct access only from an arterial street that is appropriately scaled to serve commercial and freight traffic.
5. Subdivision design, site plans, and building design must reflect sensitivity to natural features of the site; including topography; adjacent uses and

development; and views of surrounding mountains.

B. SCREENING.

1. Trash and refuse collection containers: Shall be screened with a six foot (6') solid masonry wall. Trash and refuse containers shall be located such that they are not the visual focal point of a driveway or parking area, or cannot be viewed from a public street. Those sites that can only locate the refuse containers in a highly visible location shall provide decorative latching gates, for screening the containers, at the opening to the enclosure.
2. Outside storage areas, work areas, and production areas: When permitted shall be limited to the rear or side yard (not front yard) and screened as outlined below. Materials shall not be stacked, piled, or stored in such a manner as to project above the screen wall.
 - a. When adjacent to any roadway the screen wall shall be a solid masonry wall, not to exceed eight feet (8') in height, located within the lot at the building setback line (not along the property line). Exceptions to this locational requirement may be made when the business park or industrial subdivision is platted with a landscape tract, not less than thirty-five feet (35') in width, adjacent to the roadway in which case the screen wall may be placed at the rear and/or side lot line.
 - b. When adjacent to residential, mixed-use, office, or commercial land uses the screen wall may be located along the shared property line with the required setback area behind the screen wall. The screen wall shall be a solid masonry wall at least six feet (6') but not to exceed eight feet (8') in height. The City may require the screen wall to be placed at the setback line, rather than on the property line, if it is determined that public access to an existing or planned public open space system would be prevented if the wall were placed at the property line.
 - c. When a business park parcel/lot is adjacent to other business park parcel/lot, a solid masonry wall, not to exceed eight feet (8') in height, may be located at the side and rear property line.
 - d. When an industrial land parcel/lot is adjacent to another industrial land parcel/lot, a fence, not to exceed eight feet (8') in height, may be located along the shared property line.
3. Parking areas: When in front of the building and/or adjacent to a street the parking area shall be screened from public view by a solid three foot (3') high screen wall that is decoratively treated to match the architectural style and design of the development or a three foot (3') high landscape berm or combination thereof. Parking areas shall not encroach into the required front yard and the screen wall shall be located at the front building setback line. The side yard screening wall may be located along the side property

line. The screen wall shall be a minimum three feet (3') back of the parking surface area to accommodate for vehicular overhang.

4. All solid masonry walls intended for screening functions shall be decorative having an architectural texture, color and finish compatible with the primary building; with the finished elevation exposed to the public view or adjacent property.

C. PARKING DESIGN

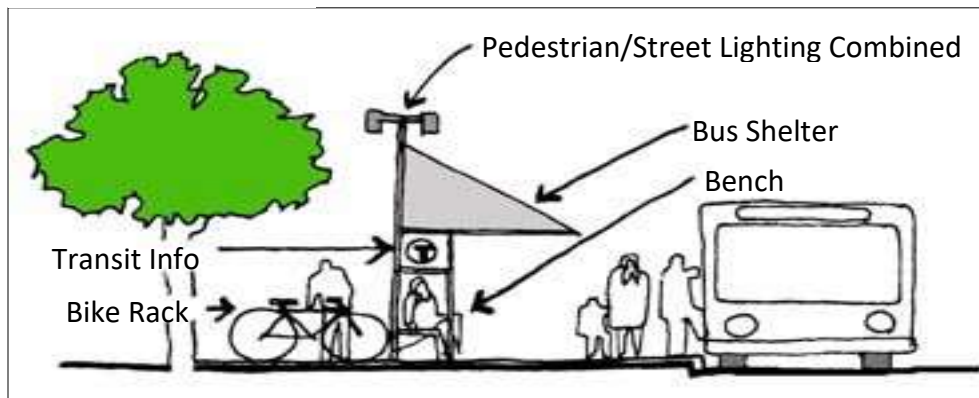
1. Parking lots for major employers, government offices, and businesses within a business park development that contain over one hundred and fifty (150) spaces should be designed with electric re-charging stations, and solar panel shade structures.
2. Parking lots shall be designed to utilize rainwater harvesting techniques by sloping the parking lot surfaces to direct the stormwater runoff into landscaped bioretention planters within and/or along the perimeter of the parking lot. The bioretention landscaped planters may be designed as: raised flow-through planter boxes; flush in-ground planter boxes; or below grade planter boxes. Use curbstop sections, formed curb with curb openings, or flush curbs to stop car tires but allow water to flow into the planting areas.



4.2 CIRCULATION DESIGN FOR COMPLETE STREETS

- A. Unless otherwise determined by the City's Traffic Engineer, all development projects are required to provide a Traffic Impact Analysis (TIA) prior to receiving approval; with specific emphasis on the impact of truck traffic on adjacent development, the internal circulation system of the proposed development, and the appropriate development of transit amenities.
- B. Proposed new business park developments and major industrial employment centers shall provide transit related site design features and amenities such as, but not limited to, shelters, benches and lighting (see **Illustration 22** below).
- C. *Multimodal* connections between workplace uses and abutting support uses such as retail and service commercial establishments is encouraged and should include drive, walkway, and trail connections.

ILLUSTRATION 22



4.3 LANDSCAPE AND STREETScape DESIGN

- A. Design the required landscaping to;
 1. Utilize, to the greatest extent possible, harvested stormwater; and
 2. Strategically locate appropriate plantings to cool buildings and shade parking lots; and
 3. Provide both visual screening and land use buffering; and
 4. Improve the aesthetics of the development as seen from public view.
- B. Landscape should be fully integrated with the building mechanical systems such that air conditioning condensate collection may be used directly by the landscape or directed into a cistern system; and building roof drains and downspouts whether exposed or integrated within the building walls shall be directed to landscape areas adjacent to the building where it can be stored and used to irrigate the plants or infiltrated into the ground. Foundation planting shall be required along all building elevations that are visible from the public street and may utilize the plant palette listed in **Appendix C** herein.
- C. All required on-site parking lots shall provide landscaping along the perimeter of the parking lot and within the parking lot utilizing the plant palette listed in **Appendix B** herein and in accordance with **Chapter 107** of the **LDO**.
- D. The *landscape strip*, all required front building setbacks, and those setback areas in front of a screen wall shall utilize the plant palette listed in **Appendix B** herein. Street trees shall be planted in a regularly spaced lineal pattern of single or alternating species with shade canopies of a height that at maturity clears at least one story.
- E. All other required yards that are open areas (outside of screened storage areas, work areas, and production areas or boundary line walls) shall be landscaped utilizing the plant palette listed in **Appendix C** herein.

4.4 BUILDING FORM AND ARCHITECTURE

A. GENERAL ARCHITECTURAL STANDARDS.

1. All buildings shall provide architectural detailing on all exterior elevations (360° architecture); not just the front elevation. Window embellishments shall be provided by adding architectural features that enhance the elevations (e.g. greater variation of window design, different window styles, tile inlays and recesses, structural pop-outs, gabled roof features over the windows, etc.).
2. For all buildings the mechanical equipment and similar utility devices, whether ground level or roof mounted, shall be screened from public view and designed to appear as an integral part of the building; except for solar panels. The mechanical equipment screening shall be included in the overall building height. Mechanical equipment shall be treated to be non-reflective.
3. Service and loading bays shall be oriented away from adjacent residential and mixed-use zoning districts and to the greatest extent possible should not front onto or be visible from the public street. For those sites that can only locate said activities in a highly visible location screening be a method approved by the City may be required.
4. Buildings shall be designed to facilitate the efficient use of energy through building orientation, window and door placement, awnings, canopies, window treatments and other appropriate design solutions.
5. Building orientation and building design shall address and mitigate the negative impacts of noise, odor, or dust that may be generated from a building and/or land use of any Business Park or Industrial development.

B. BUILDING MATERIAL AND DETAILS

1. Reflective building materials are prohibited. Mirrored surfaces or any treatment that changes ordinary glass into a mirrored surface are prohibited. Metallic surfaces, including roof materials, shall be chemically treated to be non-reflective.
2. Color should be used to accent entryways and special architectural features of the building rather than color bands of corporate identity.

C. ROOF ARCHITECTURE.

1. Full roof architecture utilizing simple and varied roof forms shall be required for all new business park and industrial development; while long, continuous mansard roofs, false mansard roofs, large expanses of flat roofs and veneer (false-front) parapets are discouraged. Parapet walls shall be designed and constructed in a manner to appear as a solid, three-dimensional form rather than a veneer.

2. All rooftop screening shall be part of the articulation of a building and not appear as an afterthought; shall be architecturally integrated and compatible with the architectural style.
3. Roof access shall be from within the building.

D. BUILDING FACADES.

1. Windows and doors shall be aligned and sized to bring order to the building façade and sufficiently recessed to contribute to the building's energy efficiency and create facade patterns that add variety and visual interest to the building design.
2. All building facades must contain conspicuously placed street address numbers (refer to **Chapter 109** of the LDO).

4.5 EDGE TREATMENT AND TRANSITIONS

- A. Non-vehicular connections to adjacent developments through shared and/or aligned retention areas, *multimodal* trails, and open space areas are to be made by the Employment land uses whenever available and/or when designated for such future connectivity by the Surprise General Plan or the Parks and Recreation Master Plan.
- B. Development of subdivisions within the Business Park and Industrial zoning districts shall provide a landscape buffer strip, as outlined in **Chapter 106** and **Chapter 108** of the **LDO**, along the perimeter of the development on a subdivision basis rather than encumbering the individual lots within the subdivision with the buffer area requirement.
- C. When developed as a stand-alone industrial land use adjacent to the undeveloped edge of the City or to an existing residential development the industrial development shall be responsible for providing the required buffer area for the development.
- D. Buildings located on lots along the perimeter boundary of a business park and/or industrial subdivision that are adjacent to the undeveloped edge of the City or to an existing residential development shall maintain a low profile building in terms of single-story heights not to exceed twenty-five feet (25'). Building heights above twenty-five feet (25'), up to the maximum building height allowed per the zoning district, may be achieved by increasing the building setback adjacent to the perimeter boundary as outlined under the specific zoning sections of **Chapter 106** of the **LDO**.

CHAPTER 5: ENVIRONMENTALLY SENSITIVE LANDS STANDARDS

5.1 GENERAL LAND/SITE DESIGN AND DEVELOPMENT

- A.** The City of Surprise requires responsible development, the preservation of natural habitats for flora and fauna, and the conservation of environmentally and culturally sensitive lands and resources. Sustainable and creative development is encouraged with the goal being to fit development into the natural site with minimal intrusion, and to be sensitive to adjacent uses. For this reason any property that possesses characteristics which would support their identification as *cultural resources* or having *environmentally sensitive features* shall utilize an *integrated conservation design* approach to development and assure compliance with the Environmentally Sensitive Lands and Cultural Resource Standards set forth in this section and those in **Chapter 104** of the **LDO** as a part of any development submittal.
- B. INTEGRATED CONSERVATION DESIGN APPROACH.** An *integrated conservation design* is vital to reducing fragmentation of both *habitat* and *wildlife movement areas*, improving community character, and protecting both *environmentally sensitive features* and *cultural resources*. Regardless of the acreage or zoning, when any portion of a development site is determined to be in an area with *environmentally sensitive features* or *cultural resources* the entire development site shall be required to utilize an *integrated conservation design* approach and develop an Environmental Inventory Plan (as described in **Chapter 104** of the **LDO**). The development shall provide the City with a development plan rooted in this integrated design approach and based on the Environmental Inventory Plan. The following 4-steps are involved when developing any project using this *integrated conservation design* approach. For subdivisions these design steps occur in an order opposite that of conventional subdivisions.

1. Identify Conservation or Preservation Areas. The first step is identifying areas of the property to conserve or preserve. This is done by completing an "Environmental Inventory Plan" (detailed in **Section 104-2.2** of the **LDO**) that delineates the location of all *environmentally sensitive features*, *cultural resources*, and the associated *buffer areas*. Also, identify the location of any additional *open space* required to satisfy the zoning requirements for the development; keeping in mind the potential to create areas and connections beyond the boundaries of the proposed development to maximize the benefit to wildlife and residents alike.

Example Site Before Development



Integrated Conservation Design identifies the environmentally sensitive features & cultural resources of the site *before* drawing lot lines & roads.

2. Select Building/Housing Locations. Select building/housing sites to complement the location of the *environmentally sensitive features, cultural resources, and open space*. Designing the lots around these conserved spaces ensures that each occupant/resident can take full advantage of these conserved common areas. Utilizing a *cluster development* design may make this simpler to achieve but it is not required.
3. Connect the Dots. Draw in a *multimodal* network of streets and trails that connect the development to existing roads and, if possible, regional trail networks or public greenways.
4. Draw in the Lot Lines. Finally, draw in the individual lot lines.

C. ESTABLISHMENT OF BUFFER AREAS. The *buffer areas* required by **Chapter**

Conventional Development vs. Cluster Development



The cluster subdivision (right) accommodates the same amount of development as its conventional counterpart (left); in this example 32 lots. The difference, however, is that the cluster design provides that more than half of the site is retained as preserved or open space, a permanent amenity shared by all property owners. Conventional development gives each owner a large lot surrounded on all four sides by neighbors whereas the cluster design provides each resident an uninterrupted view of the surrounding landscape and access to preserved communal open space within the development.

104 of the **LDO** shall be designed to achieve the following performance standards:

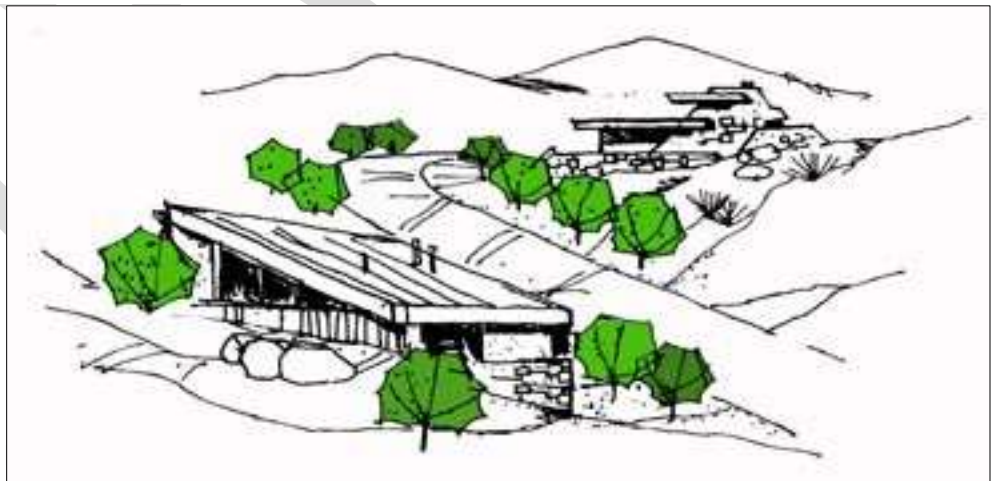
1. Protect the biological function and enhance wildlife use of any natural habitat identified by the Environmental Inventory Plan for the development site.
2. Minimize and, to the greatest extent possible, mitigate the anticipated impacts of development to *environmentally sensitive features and cultural resources*.

3. Enhance the integration of development with the site by preserving existing site topography, including but not limited to, such characteristics as: hillside areas, steep slopes, ridgelines, significant rock outcroppings, and existing drainage and water features.
4. Preservation of significant stands of vegetation and communities of *protected native plant(s)* within and/or adjacent to a development site.
5. Prevent unnecessary and adverse impact upon species utilizing special habitat features, including nest and/or den sites, night roosts, key feeding areas, wintering and/or production areas as identified by the Environmental Inventory Plan.
6. Preserve and enhance the existence of *wildlife corridors* and wildlife movement between natural features, through and adjacent to the development site.
7. Provide appropriate areas for passive human access to the site's natural habitats, *environmentally sensitive features* and *cultural resources*.

D. GENERAL SITE DESIGN.

1. Projects in the vicinity of large natural habitats and natural habitat corridors shall be designed to complement the visual context of the natural habitat. Techniques such as architectural design, site design, the use of native landscaping and choice of colors and building materials shall be utilized in such a manner that scenic views across or through the site are protected, and that manmade facilities are screened from off-site observers and blend with the natural visual character of the area (see **Illustration 23** below). These requirements shall apply to all elements of a project, including any aboveground utility installations.

ILLUSTRATION 23



2.

Illustrative Example: Building siting respects the topography of the area. the site.

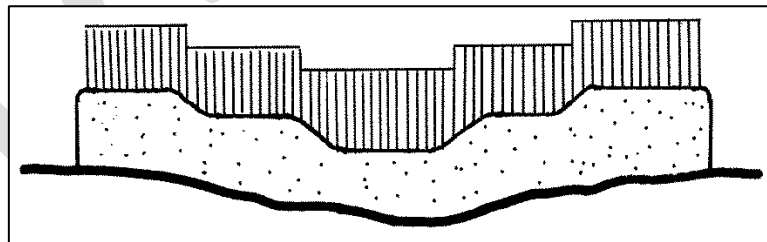
3. The greatest amount of development and the highest densities of housing should occur in the flat land (under five percent (5%) slopes). Irregular terrain with irregular slope conditions and hillside lands (over ten percent (10%) slopes) shall be larger lot residential with a *building envelope* delineated to insure building/site integration and to reduce the impact of development to the hillside.
4. Mass grading is prohibited in the *hillside development area*. Mass grading shall be limited or prohibited for other lands within the environmentally sensitive areas of the City where damage to existing vegetative cover, washes and drainage patterns might occur.
5. Wherever possible, but particularly in *hillside development areas*, site plans and designs should reflect a sensitive approach to development wherein roads, hiking and equestrian trails, access walkways, driveways and drainage areas conform as closely as possible to the natural contours of the site.

5.2 WALLS: PERIMETER, PRIVACY AND RETAINING

A. PERIMETER WALLS

1. Perimeter walls or fences shall follow the contour of the natural terrain and be “open” in design where a wall abuts an open space area, buffer area, or environmentally sensitive feature. Walls or fences shall be a maximum of six feet (6') in height with no more than three feet (3') being constructed of a solid or opaque material. That “open” portion of the wall or fence may not include chain-link or wood materials (see **Illustration 24** below). Notwithstanding the foregoing, walls exceeding six feet (6') in height and constructed of solid or opaque material may be approved by the Community Development Director if the wall is for the purpose of screening non-residential uses.

ILLUSTRATION 24



Perimeter walls shall follow the contour of the natural terrain.

2.

Perimeter walls and fences surrounding a lot, tract, or subdivision within a *hillside development area* shall be prohibited; only privacy walls and retaining walls may be permitted as outlined below.

3. Within the ten to fifteen percent (10-15%) slope category of a *hillside development area*, exceptions to the above prohibition on perimeter fences or walls may be permitted. In those instances where an exception is desired, applicants shall submit a detailed Wall Plan to the Community Development Director for review and action. In conjunction with the submittal of the Wall Plan to the Community Development Director, the applicant shall submit a copy of the Wall Plan to the appropriate City department(s) for review and approval for conformance with all City grading and drainage requirements. Wall Plans shall indicate the proposed locations of walls or fences, the proposed materials, colors and design of any wall or fence, and fence construction and disturbance mitigation measures. Such plans shall be accompanied by a narrative explaining the reasons why such an exception should be made. Wall Plans may be approved by the Community Development Director upon a finding that the proposed location and design of the wall(s) will not be contrary to the intent and purpose of the Environmentally and Culturally Sensitive Land Developments Standards.

B. PRIVACY WALLS

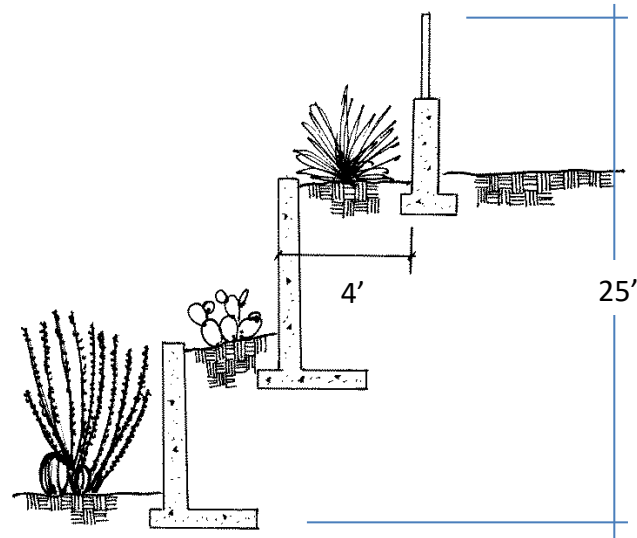
1. Fences or walls on lots within a *hillside development area* shall be restricted to privacy walls attached to or directly screening a portion of the main residence. Privacy walls shall not exceed six feet (6') in height, shall be architecturally compatible with the main residence and shall be limited to the *building envelope* area only.
2. Privacy walls shall not be erected on a retaining wall and shall be offset a minimum of four feet (4') when utilized unless the combined height of the walls does not exceed six feet (6').

C. RETAINING WALLS

1. The design of all retaining walls shall be prepared by a registered engineer or architect and shall be designed to blend with the surrounding environment and/or development in color, materials and style.
2. No first-tier lots shall have a side or rear yard retaining wall exceeding six feet (6') in total vertical wall height in any residential district or ten feet (10') in a non-residential district.
3. A single retaining wall in any front yard shall not exceed four feet (4') in height in residential districts or six feet (6') in height in non-residential districts.

4. Retaining walls of over four feet (4') in height shall not be placed at the property line.
5. Additional retaining height may be achieved through the use of offset retaining walls and terraces: such walls shall be offset a minimum of four feet (4') and all terraces shall be landscaped appropriately for the width of the offset (see **Illustration 25**). Retaining walls shall incorporate weep holes for drainage and sleeves for irrigation.
6. The total vertical wall face (including view fencing) visible from any street, adjacent property line or publically-accessible open space for any single lot shall not exceed twenty-five feet (25') in height. Terraced walls shall be constructed with decorative products and terraces shall be landscaped to minimize their visual impact.

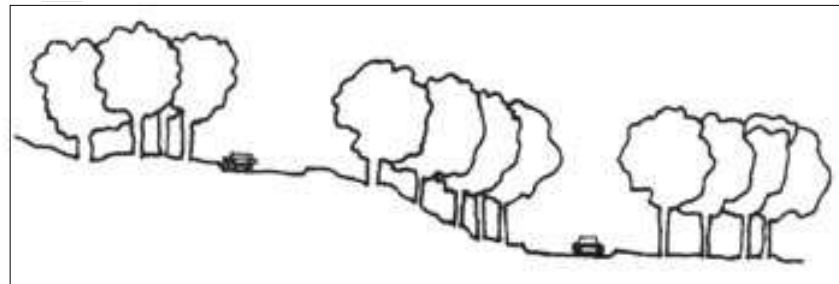
ILLUSTRATION 25



5.3 ROADWAYS

- A. Rather than transforming the area, the roadways shall follow the natural topography of the area with the roadways designed to minimize excavation and embankment scars and the overall amount of land disturbance. The City prefers the use of curvilinear horizontal alignments and gently rolling profiles consistent with the natural topography to minimize unnecessary disturbance to the existing environment (see **Illustration 26**).

ILLUSTRATION 26



Split roadway sections to accommodate grade change.

- B. Additional rights-of-way may be required for cut or fill slopes, bike paths, horse trails, traffic control devices, fire hydrants or other public facilities located adjacent to streets. Where cut or fill slopes extend beyond the rights-of-way, a permanent easement may be provided in lieu of increasing the width of the rights-of-way.

5.4 WATER FEATURES

A. NATURAL WASHES and FLOODWAYS.

1. County *Floodways* and FEMA designated washes that traverse and/or are adjacent to a development site shall be assimilated into a linear open space system that is integrated into both the development's and the community's open space system. A seventy five foot (75') buffer area shall be required along the perimeter of these floodways and washes.

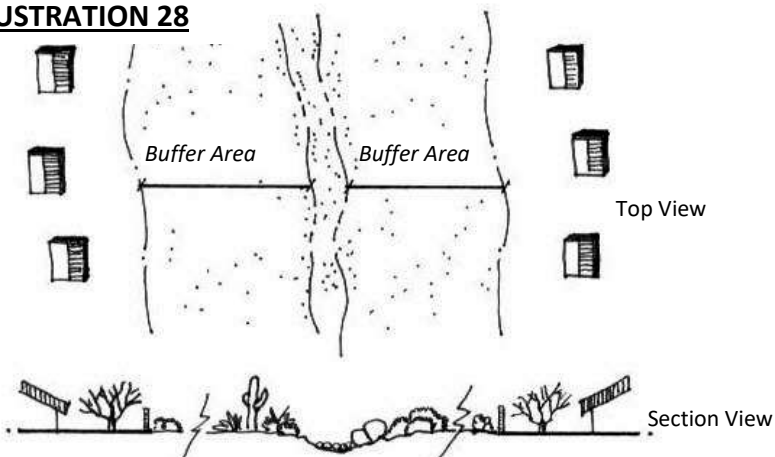
ILLUSTRATION 27



Within the required seventy-five foot (75') *buffer area*, associated with and adjacent to these types of floodways and washes, paths for both pedestrians and bicycles and if applicable equestrian trails are encouraged and may be required to be developed as an amenity by the developer (see **Illustration 27**).

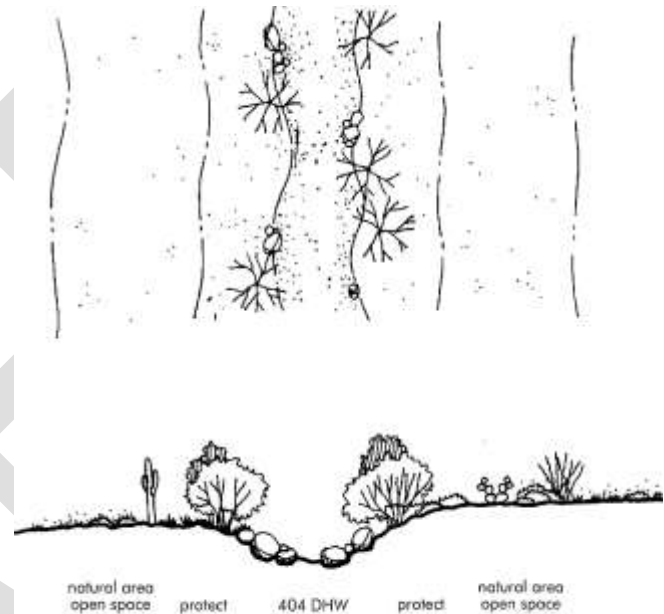
2. Naturally occurring ephemeral desert washes identified by the Drainage Report shall, as much as possible, be retained in their natural condition with *buffer areas* established as natural area open space and with development setback the appropriate distances necessary to allow the *wildlife corridors* to remain uninterrupted (see **Illustrations 28**). Specific *buffer area* dimensions to be determined by the City in consultation with Arizona Game and Fish.

ILLUSTRATION 28



3. Disturbance to larger ephemeral washes shall be limited to that required for road and utility crossings only. The uses of bridges and culverts should be considered for such crossings where their use would cause fewer disturbances to the washes. Disturbed areas shall be revegetated using indigenous vegetation.
4. The City may grant open space credit (at a 1: 1.25 ratio) for habitat restoration of and along those ephemeral washes that have been identified by Arizona Game and Fish as being missing links/sections in important *wildlife corridors*. (see **Illustrations 29**)
5. Drainage basins, retained washes, and new drainage channels shall be given a “natural” desert character. Native materials in the construction of all storm water features (ie. basins, channel bottoms, and headwalls) must be used. Terracing, berming and contouring is required to naturalize and enhance the aesthetics of all drainage basins, retained washes, and channels. Basin slopes shall comply with Engineering Design Standards.
6. Trails will be permitted within these corridors, but motorized vehicles would be prohibited.

ILLUSTRATION 29



5.5 TRANSITION STANDARDS AND EDGE TREATMENTS

- A. On sites where there is significant change in the grade levels from the site to adjacent properties, the site design should accommodate the grading transition through design techniques such as landscaped terraces, landscaped slopes of 4:1 (run-to-rise) or gentler, or some similar gradual technique.
- B. When the site has a non-residential use and the adjacent site is a residential use, required screening walls should either be placed along the edge of the parking/driveway areas if the developing site is higher than the adjacent residential site, or at the property line if the site is lower.
- C. Hillside development shall receive edge treatments that soften the appearance of an abrupt transition between the built and natural environments. Such treatments shall consist of alternative perimeter fencing (adobe, native stone or vegetation etc.), offset, or staggered rear lot lines, transitional landscaping or other similar elements intended to soften the transition.

5.6 HILLSIDE DEVELOPMENT AREA

- A. Those lands considered to be in a *hillside development area* (ten percent (10%) or greater) shall be limited in the density permitted based on the slope bands of the property as further delineated in **Chapter 104** of the **LDO**. 10% Slope:
- B. Slopes that are fifteen percent (15%) and greater are considered to be *steep slopes* and development shall be highly restricted.
- C. The grading concept for any site shall seek to balance cut and fill on the site to avoid off-site stockpiling and further damage to the natural topography.
- D. Significant rock outcroppings, ridgelines and unstable slopes need to be identified and conserved. Incorporate such features as an inclusive element in the overall design of the development rather than isolated and inaccessible.
- E. All site plans and designs should utilize topographic maps that reflect the existing terrain, including: contour intervals (at a maximum of 10 feet), and variations in, the site terrain; elevation of critical spots; rock outcrops and special characteristics of the site.
- F. All structures located within a *hillside development area* shall blend naturally into the landscape through the use of materials and colors compatible with the natural earth colors of the ridgeline area, rather than stand out as a prominent focal point.
- G. Multilevel buildings, as well as all rooflines of buildings, shall follow the general slope of the site in order to keep the building height and profile in scale with surrounding natural features (see **Illustration 30**).

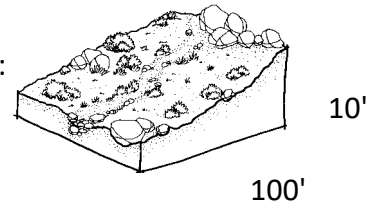
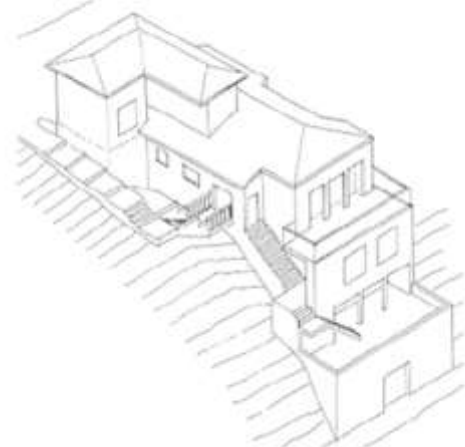


ILLUSTRATION 30



APPENDIX A – GLOSSARY OF TERMS

A. General Terms. For the purpose of carrying out the intent of these Planning and Engineering Design Standards (PEDS), certain terms or words used herein shall be interpreted or defined as follows:

1. Words used or defined in one tense or form shall include other tenses and derivative forms; words used in the singular include the plural; and words in the plural include the singular.
2. The words “shall”, “must”, and “will” are mandatory and not permissive.
3. The words “should”, “encourage”, and “may” are permissive.
4. The word “person” includes an individual, tenant, lessee, firm, co-partnership, joint venture, corporations, associations, estate, trust, receiver, or and any other group or combination acting as a singular entity, including the federal government, another city, county, or school district, except as exempt by law.
5. The following words or terms when applied in these PEDS may be used interchangeably unless contrary to the circumstances: lot, plat, parcel or premise; and “building” applies to the word “structure”.

B. Abbreviations. The following abbreviations and/or acronyms shall have the following meaning:

A.R.S. Arizona Revised Statutes

PEDs Planning and Engineering Design Standards

C. Italicized. Words or phrases throughout the PEDS which are expressed using italics shall assume the meaning as ascribed in this Appendix. Words or phrases not expressed in italics shall assume the common meaning of the word or phrase unless such word or phrase is otherwise included herein this Appendix.

D. Specific Terms. The following specific terms, words and phrases shall, for the purposes of understanding these standards, have the following definitions and meanings:

A.

Adaptive Reuse: The conversion of historic or obsolescent building(s) from their original or most recent use to a new use representing compatible and appropriate change.

Apartment Complex:

Archeological Resource: Any material remains of past human life or activities that are of historic or pre-historic significance. Such material includes, but is not limited to, pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, cultural landscapes, rock paintings, rock carvings, intaglios, graves, skeletal remains, or any piece of any of the foregoing items (see *cultural resource* herein).

Architectural Feature: A decorative element intended to enhance the building or structure and lend to the overall exterior form, context and appearance of the building or structure. Architectural features may include, but are not limited to balconies, canopies, columns, doors, eaves, porches, wing walls, or similar three-dimensional exterior element of a building or structure.

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.

B.

Berm: A mound of earth that is used to shield, screen or buffer undesirable views, separate incompatible land uses, provide visual and landscape interest, decrease noise, or control the direction of water flow.

Bicycle Circulation System: Multi-use pathways and on-street bicycle lanes combine to provide a comprehensive means by which bicycles can travel within and through the City.

Bollard: A thick, low, architecturally, designed vertical post, or a series of vertical posts, that are placed to help define, or border, pedestrian and/or bicycle paths.

Buffer Area: An area of land retained in its natural state which protects and/or surrounds an *environmentally sensitive feature* or *cultural resource* with the purpose of mitigating any potentially negative impacts to the feature or resource.

Buffering: The technique of providing landscape or other improvements on land set aside or in a *buffer area* used to separate different intensities and types of land use.

Building Envelope: That area on a lot that encompasses all development including but not limited to excavation, cut, fill, grading, buildings, structures, access ways, parking and any area of disturbance.

Bus/Transit Shelter: A roofed structure that is located on or adjacent to the right-of-way of a street, and which is designed and used for the protection and convenience of waiting bus passengers.

Boulevard Strip: See *Landscape Strip*.

C.

Community Circulation System: A network of transit, automobile, bicycle, pedestrian, and equestrian trails and/or rights-of-way that connect origins and destinations.

Complete Streets: A street system that is designed and operated to enable safe, attractive and comfortable access and travel for all users. Pedestrians, bicyclists, transit riders, and motorists of all ages and abilities are able to safely and comfortably move along and across a complete

street and are given equal space, consideration and safety issues. Complete streets also create a sense of place and improve social interaction as they encourage walking, biking and transit as viable transportation options.

Cluster Development/Subdivision: Concentration of development on only a portion of a site, allowing *environmentally sensitive features* and areas to be protected with no loss in the number of lots and maintaining the overall density of the site. It requires transferring density on the same site and the undeveloped land to be permanently retained for open space, habitat, or conservation of *environmentally sensitive features*.

Cultural Resources: An aspect of a cultural system that is valued by or significantly representative of a culture, or that contains significant information about a culture.

D.

Detached Sidewalk: A sidewalk that is separated from the street by a *landscape strip* that is measured from the back of the street curb and runs continuously along the length of the street.

Disturbed Area: The area of natural ground that has been, or is proposed to be, altered through grading, cut and fill, removal of natural vegetation, placement of material and equipment, trenching, or by any means that causes a change in the undisturbed natural surface of the land or natural vegetation.

E.

Environmentally Sensitive Features: Elements in the landscape that play a particularly large role in sustaining the natural environment and ecosystem and supporting wildlife and plant diversity, but at the same time are especially sensitive to degradation such as: *hillside development areas; important habitat; protected native vegetation; significant rock outcroppings; significant stands of vegetation; ridgelines; steep slopes; water features; wildlife corridors* (as further specified in **Chapter 104** of the LDO).

F.

Floodplain: Any land area susceptible to being inundated by water from any source. It may or may not include a *floodway*.

Floodway, one hundred-year: The channel of a river or other watercourse and the adjacent land areas which must be kept free of encroachment in order to carry and discharge the 100 year flood without substantial increases in flood height.

Fore/Courtyard: a building frontage where the building facade is aligned close to the front property line with a portion of the facade set back. The resulting forecourt and/or interior courtyard are suitable for gardens, restaurant seating, or an entry plaza. A short wall may also be placed at the property line.

G.

Gallery: A private frontage typically used in retail applications where the façade is aligned close to the front property or street line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk.

Gateway: A major or minor thoroughfare entry to the City of Surprise, as designated by the Surprise General Plan, which has been especially designed using unique and/or special landscape, architectural, sign and lighting treatments to project the city's image and inform visitors that they have arrived in Surprise.

Green: A civic space type for unstructured recreation spatially defined by landscaping rather than building frontages.

Greenway: An enhanced open space corridor which may include amenities as well as pathways for bicycles and pedestrians; may also be left in largely natural conditions.

H.

Habitat: The physical and biological environment where an organism lives. Habitat includes such components as cover, food, shelter, water, and breeding sites.

Habitat Connectivity: Physical and biological conditions that join blocks of habitat so that animals can move between them.

Habitat Fragmentation: The division of contiguous tracts of *wildlife habitat* into progressively smaller patches which is typically a result of human encroachment such as roads and development.

Hardscape: Any hardened and/or paved surface, including but not limited to a street, sidewalk, plaza, pathway or other similar surface, where the surface materials often are used to create unique patterns of color, design and texture for purposes of creating visual interest.

Hillside Development Area: Those lands where the natural terrain has an average cross slope of ten percent (10%) or greater. However, a ten percent (10%) or greater slope, created by a natural wash on land that otherwise would not be classified as hillside land shall be exempt from the hillside regulations.

I.

Important Habitat: Habitat that supports federally endangered plant or animal species, Species of Greatest Conservation Need (SGCN) in Arizona, and sensitive plant species (as may be identified on federal and state lists).

Integrated Conservation Design: A development concept that considers site characteristics, natural features, and layout in the larger context of the site and its surrounding parcels. Integrated conservation design is intended to preserve important and unique natural features such as *hillside development areas* and *steep slopes*, *wildlife corridors*, natural habitat, and *cultural resources* that are known and those that may be discovered on the site as well as conservation of community viewsheds, and the required *open space* per the zoning district.

J.; K.; L.

Landscape strip: The landscaped area between sidewalk and curb along a public street (commonly known as boulevard or *park strip*).

Low-Impact Development (LID): A land planning and engineering design approach that uses natural and engineered infiltration and storage techniques to manage stormwater where it is generated; combining conservation practices with distributed storm water source controls and pollution prevention to maintain or restore watershed functions.

M.

Multimodal: Means of traveling within or through a community by a combination that includes automobiles, buses, trolley, rail, bicycles, pedestrian friendly walkways and path and trail systems, and/or any other means in additional typical vehicular traffic.

Mural: An artistic painting or mosaic typically found on a wall or building elevation.

N.

New Urbanism: A design-focused approach to urban planning that advocates integrating housing, workplace, recreation and leisure areas within walkable, town-core, environmentally-sensitive, and sustainable communities; emphasizing transit, human scale, building-forward architecture, with a mix of housing, civic, workplace and retail uses in close proximity and within the neighborhoods, while preserving open lands and achieving other environmental goals.

O.

Open Space: Land and/or water areas, improved or unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment as active and passive recreational areas or for environmental, scenic, or conservation purposes. Not to include parking or roadways.

Open Space, active: Land and water areas specifically designed as an activity-based recreational area that may include boating, water sports, sports fields, golf courses, local and community parks having picnic, playground, recreational and support components, and pedestrian, hiking, bicycle, and equestrian trails.

Open Space, natural: Land and water areas that are retained in their natural state, or restored natural state if previously disturbed, required for the preservation and conservation of plant and animal life, including habitat for wildlife species; and areas required for ecological, cultural and other scientific study purposes for long-term public benefit.

Open Space, passive: Land and water areas that are either partially improved, undeveloped, or in a natural state that are intended for scenic, environmental, conservation, and/or resource protection; and include such resource-based activities as nature study, nature trails, and any other activities requiring a natural condition that cannot easily be duplicated by human actions.

P.

Parking Pods: The smallest parking increment of a larger off-street parking lot, designed as a heavily tree-shaded parking area to accommodate 50 or less cars and separated from other parking clusters by pedestrian walkways.

Paving Enhancement: A material and/or color used in the pavement design of a street, parking area, or pedestrian walkway to provide visual interest.

Pedestrian Friendly: An environment in which conflict between the automobile and pedestrian is minimized or eliminated through the provision of a comprehensive means of vehicular-separated pedestrian travel that is fast, attractive and comfortable for a wide range of age and abilities groups; and by the design of buildings and other uses in a manner that is sensitive to the needs of the pedestrian.

Plaza: A large, paved, pedestrian entry setting for a building that should contain a combination of seating areas, trees, and landscaping and may also include fountains, public art and sculpture works.

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. (commonly known as Community Pool)

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.

Protected Native Plants: Those species listed in Chapter 104; Table No. 104-X of the LDO.

Q.; R.

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.

Ridgelines: Prominent topographic features that are used by raptors to orient, nest and/or catch thermals while migrating.

S.

Sensitive Land Areas: Land that encompasses *wildlife habitats* and corridors, wash corridors that replenish local groundwater, archaeological sites, unique plant environments, and scenic vistas.

Significant Rock Outcroppings: Any surface rock formation having an area of five hundred square feet (500 sf) or larger or any surface rock formation having a height greater than ten feet (10) from the surrounding grade.

Significant Stand of Vegetation: A single native or protected tree or cactus (as listed in **Chapter 104** of the **LDO**) that is of a height greater than twenty-five feet (25') or three (3) or more trees or cacti, located within a radius of fifteen feet (15'), each having a height greater than eighteen feet (18').

Significant Vegetation Specimen: A native tree with an eight inch (8") or greater caliper trunk or multitrunked in good health, a saguaro over twenty feet (20') in height and/or multiple arms or crest or other unusual configuration in good health, or other mature federally endangered plant, or Species of Greatest Conservation Need (SGCN) in Arizona, or native plant species.

Sharrows: Specific road markings used to indicate a shared lane for bicycles and automobiles used to reinforce the legitimacy of bicycle traffic within the travel lane, encourage bicyclists to position themselves safely in narrow lanes to comfortably travel side by side within the same traffic lane, advertises the presence of bikeway routes to all user, and provides a wayfinding element along bike routes.

Square: An open space available for unstructured recreation and civic purposes.

Steep Slopes: Unimproved land, parcel, or tract of land, where the existing natural terrain has an average cross-slope of fifteen percent (15%) or greater and where the natural state of such should be left undeveloped and conserved as open space.

Streetscape: The general appearance of a block or group of blocks with respect to the structures, setbacks from public-rights-of-way, open space, landscaping, public art, lighting, signage, paving materials, street furnishings and other elements that contribute to the overall character and image of a City block.

Street Furnishings: All items that are placed within the public right-of-way for both an aesthetic and functional purpose, including, but not necessarily be limited to, benches, bus shelters, trash receptacles, plant containers, kiosk signs, lighting fixtures, tree grates and guards, bicycle racks, bollards, fountains and public art.

T.

Third Place: a private building that includes a space conducive to unstructured social gathering. Third places are usually bars, cafés, coffee shops, and corner stores.

Traffic Calming: A technique or method of reducing traffic speeds and/or neighborhood cut-through traffic volumes that utilizes changes in street alignment, installation of barriers, and other physical measures.

U.

Unsalvageable Plant: A protected native plant that cannot be successfully relocated due to: 1) deteriorated health from disease, infestation, or natural causes; or 2) physical constraints related to plant location, orientation, or general condition which obstruct and/or prevent the application of approved relocation techniques as determined by a landscape professional (ASLA or certified nurseryman).

Unstable Slopes: Land where the natural state of the slopes is unstable due to topography, drainage patterns, soil stability, soil compaction or geotechnical issues, boulders or rock outcroppings, and prior land disturbance.

V.

View Corridor: The area or areas along a street, pedestrian path, hiking trail or other such opening that allow for a clear and unobstructed view of, or one that frames, highlights, or accentuates a prominent object, site, scene, panorama, building, or structure.

W.

Water Features: Includes those features as listed and defined below:

- a. **Floodplains:** The area along a perennial or ephemeral stream or river that fills with water periodically. Floodplains can include riparian areas and sometimes have a distinct vegetative community that included water-loving plants. However, in Maricopa County, many floodplains are simply characterized by dry river or streambeds. (See the **LDO** for Floodplain Management Regulations.)
- b. **Riparian Areas:** The ecosystem located along a perennial or ephemeral wash or river. Usually characterized by water-intensive plants/trees, riparian areas run parallel to streams and rivers.
- c. **Rivers/Streams:** The lowest point within a watershed where water moves downstream. Streams and rivers in Maricopa County can be perennial or ephemeral.
- d. **Springs/Seeps:** Fixed locations where groundwater emerges from the earth perennially or ephemerally. These features usually have a distinct water-loving plant community associated with them which can include mesic grasses, reeds, rushes, sedges, cattails and a variety of shrubs and trees.
- e. **Wetlands:** An area that is saturated by water perennially or seasonally and have a distinct vegetation community associated with water. The term wetlands encompass both the aquatic environment associated with the pond or lake and the distinct vegetative community around the periphery which can be characterized by mesic grasses, reeds, rushes, sedges and/or cattails.

Wildlife Corridor: Pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation, and other natural factors in combination with urbanization, and which 1) permit animals to move between remaining habitats allowing depleted populations to be replenished and promoting genetic

exchange; 2) provide escape routes from fire, predators, and human disturbances, thus reducing the risk that catastrophic events, such as fire or disease, will result in population or species extinction; 3) serve as travel paths for individual animals as they wander throughout their home ranges in search of food, water, mates, and other needs, or for dispersing juveniles in search of new home ranges.

Wildlife Habitat: Locations where native wildlife has a tendency to congregate due to provision of food, shelter and/or water.

X.; Y.; Z.

DRAFT

APPENDIX B – PUBLIC RIGHT OF WAY & PUBLIC SPACES PLANT LIST

The City of Surprise desires to promote and preserve the Sonoran Desert environment. Therefore the below plant palette for the urban forest is more restrictive than the Arizona Department of Water Resources (DWR) list of low water use drought tolerant plants allowed under the Phoenix Active Management Area. Therefore, the two (2) tables below (**Table No. 1** and **No. 2**) list only those trees, shrubs and plants that the City of Surprise permits within the public rights-of-way and other public spaces unless modifications are approved by the City Manager or designee.

TABLE NO. 1 - MAJOR ARTERIAL STREETS: (STREET TREES)

Botanical/Common Name <i>(Main Tree Type)</i>	Botanical/Common Name <i>(Secondary Tree Type)</i>	For Specific Street
Ulmus parvifolia/Evergreen Elm (100%)	N/A	Dysart Road
Quercus heritage/Heritage Oak (100%)	N/A	Litchfield Road
Cercidium floridum/Blue Palo Verde (100%)	N/A	Bullard Avenue
Pistacia atlantica/Red Push Pistache (50%)	Acacia salicina/Willow Acacia (50%)	Reems Road
Prosopis velutina/Velvet Mesquite (75%)	Olneya tesota/Ironwood (25%)	163 rd Pkwy/Sarival Ave.
		Loop 303
Olea europaea/Swan Hill Olive (50%)	Pistacia atlantica/Red Push Pistache (50%)	Cotton Lane
		Sun Valley Parkway
Quercus heritage/Heritage Oak (50%)	Pistacia atlantica/Red Push Pistache (50%)	Bell Road
Prosopis velutina/Velvet Mesquite (75%)	Olneya tesota/Ironwood (25%)	Greenway Road
Ulmus parvifolia/Evergreen Elm (75%)	Quercus heritage/Heritage Oak (25%)	Waddell Road
Prosopis velutina/Velvet Mesquite (100%)	N/A	Cactus Road
		US 60/Grand Avenue
Cercidium microphyllum/Foothills Palo Verde (75%)	Olneya tesota/Ironwood (25%)	SR 74/Carefree Highway

TABLE NO. 2 - ALL OTHER PUBLIC RIGHT-of-WAY & PUBLIC SPACES

Botanical Name	Common Name	Medians	Landscape strip	Parking Lot	Buffer Areas
TREES: (▲) Denotes tree which are indigenous to the Phx metropolitan area & (*) trees which are native to Arizona (X) Denotes plants that are allowed & (O) trees which are limited to use in medians greater than 14 feet in width					
Acacia aneura	Mulga	X	X	X	X
Acacia farnesiana or smalli	* Sweet Acacia	O			X
Acacia salicina	Willow Acacia	X	X	X	X
Acacia saligna	Blue Leaf Wattle Tree	X	X	X	X
Acacia schaffneri	Twisted Acacia	O			X
Caesalpinia cacalaco	Casalote	X	X	X	X
Celtis reticulata	Western Hackberry	O			X
Cercidium floridum	▲ Blue Palo Verde	O			X
Cercidium microphyllum	▲ Foothills Palo Verde	X			X
Cercidium praecox	Palo Brea	O			X
Chilopsis linearis	* Desert Willow	X	X	X	X
Fraxinus velutina, spp	Arizona Ash & Fantex Ash	X	X	X	X
Lysiloma thornberi	* Desert Fern	O			X
Olneya tesota	▲ Ironwood	O			X
Pistacia atlantica	Red Push Pistache	O	X	X	X
Pistacia Chinensis	Chinese Pistache	O	X	X	X
Pithecellobium, flexicaule	Texas Ebony	O			X
Pithecellobium, mexicana	Mexican Ebony	O			X
Prosopis glandulosa	▲ Honey Mesquite	O			X

TABLE NO. 2 - ALL OTHER PUBLIC RIGHT-of-WAY & PUBLIC SPACES

Botanical Name	Common Name	Medians	Landscape strip	Parking Lot	Buffer Areas
Prosopis velutina	▲ Velvet Mesquite	O			X
Quercus heritage	Heritage Oak	X	X	X	X
Quercus virginiana	Southern Live Oak	X	X	X	X
Schinus terebinthifolius	Brazilian Pepper Tree	O		X	X
Tipuana tipu	Tipu Tree	O		X	X
Ulmus parvifolia	Chinese Evergreen Elm	X	X	X	X
Vitex agnus-castus	Chaste/Monk's Pepper	X			X
SHRUBS: (▲) Denotes plants which are indigenous to the Phx metropolitan area & (*) plants which are native to Arizona					
Abutilon palmeri	Superstition Mallow				X
Acacia constrict	* White Thorn Acacia	X			X
Acacia greggii	▲ Catclaw Acacia	X			X
Anisacanthus thurberi	Mexican Honeysuckle	X		X	X
Atriplex canescens	Fourwing Saltbush				X
Caesalpinia mexicana	Mexican Bird of Paradise	X			X
Caesalpinia pulcherrima	Red Bird of Paradise	X			X
Calliandra californica	Baja Fairy Duster	X		X	X
Calliandra eriophylla	* Fairy Duster	X	X	X	X
Cassia artemisioides	Feathery Cassia	X		X	X
Cassia covessii	* Desert Senna	X			X
Cassia phylodendria	Silver Cassia	X	X	X	X
Cassia wislizeni	* Shrubby Senna	X	X	X	X
Celtis pallida	▲ Desert Hackberry	X			X

TABLE NO. 2 - ALL OTHER PUBLIC RIGHT-of-WAY & PUBLIC SPACES

Botanical Name	Common Name	Medians	Landscape strip	Parking Lot	Buffer Areas
Cordia parviflora	Little Leaf Cordia	X			X
Dalea pulchra	* Bush Dalea/Indigo Bush	X			X
Dodonaea viscosa	* Hop Bush	X			X
Encelia farinosa	▲ Brittle Bush	X	X	X	X
Ephedra trifurca	▲ Mormon Tea	X			X
Ericameria laricifolia	▲ Turpentine Bush	X			X
Hesperaloe parviflora	Pink Yucca	X	X	X	X
Hyptis emoryi	Desert Lavender	X			X
Justicia californica	▲ Chuperosa	X	X	X	X
Larrea tridentate	▲ Creosote Bush	X	X	X	X
Leucophyllum frutescens	Texas Ranger/Sage	X	X	X	X
Leucophyllum laevigatum	Chihuahuan Sage	X	X	X	X
Lycium andersonii	▲ Anderson Lycium				X
Lycium fremontii	▲ Wolfberry Lycium				X
Rhus ovata	* Sugar Bush	X			X
Ruellia peninsularis	Baja Ruellia	X	X	X	X
Salvia clevelandii	Chaparral Sage	X	X	X	X
Simmindsia chinensis	▲ Jojoba	X	X	X	X
Tecoma stans	* Yellow Bells	X		X	X
Zizyphus obtusifolia	▲ Greythorn	X			X

GROUNDCOVERS:

(▲) Denotes plants which are indigenous to the Phx metropolitan area & (*) plants which are native to Arizona

TABLE NO. 2 - ALL OTHER PUBLIC RIGHT-OF-WAY & PUBLIC SPACES

Botanical Name	Common Name	Medians	Landscape strip	Parking Lot	Buffer Areas
Ambrosia deltoidea	▲ Triangleleaf Bursage	X	X	X	X
Baileya multiradiata	▲ Desert Marigold	X	X	X	X
Convolvulus cneorum	Bush Morning Glory	X	X	X	X
Dalea greggii	Trailing Indigo Bush	X	X	X	X
Dalea versicolor v. sessilis	* Weeping Dalea	X	X	X	X
Eriogonum fasciculatum	▲ Flattop Buckwheat	X	X	X	X
Eschscholtzia Mexicana	Mexican Gold Poppies	X	X	X	X
Gazania rigens	Trailing Gazania	X	X	X	X
Lupinus species	Lupine	X	X	X	X
Melampodium leucanthum	* Blackfoot Daisy	X	X	X	X
Oenothera berlandieri	Mexican Evening Primrose	X	X	X	X
Penstemon parryi	* Parry's Penstemon	X	X	X	X
Phacelia crenulata	Desert Bluebells	X	X	X	X
Psilostrophe cooperi	Paperflower	X			X
Salvia farinacea	Mealy Cup Sage	X	X	X	X
Salvia greggii	Texas Red Sage	X	X	X	X
Sphaeralcea ambigua	▲ Globe Mallow	X	X	X	X
Tetrandeum acaulis	Angelita Daisy	X	X	X	X
Teucrium chamaedrys "Prostratum"	Creeping Germander	X	X	X	X
Verbena pulchella	Rock Verbena	X	X	X	X
Wedelia trilobata	Yellow Dot	X	X	X	X

TABLE NO. 2 - ALL OTHER PUBLIC RIGHT-OF-WAY & PUBLIC SPACES

Botanical Name	Common Name	Medians	Landscape strip	Parking Lot	Buffer Areas
Zauschneria californica	* Hummingbird Trumpet	X	X	X	X
Zinnia grandiflora	* Prairie Zinnia	X	X	X	X
CACTI & SUCCULENTS:					
(▲) Denotes plants which are indigenous to the Phx metropolitan area & (*) plants which are native to Arizona					
Agave parryi	* Parry's Agave	X	X		X
Aloe, species	Aloe species	X	X	X	X
Asclepias subulata	* Desert Milkweed	X	X	X	X
Carnegiea gigantea	▲ Saguaro	X			X
Dasyliirion wheeleri	* Desert Spoon	X			X
Echinocactus grusonii	Golden Barrel	X			X
Ferocactus cylindraceus	* Compass Barrel	X			X
Fouquieria splendens	Ocotillo	X			X
Hesperaloe parviflora	Red Yucca	X	X	X	X
Holocantha emoei	▲ Crucifixion Thorn	X			X
Opuntia basilaris	* Beavertail Prickly Pear	X			X
Opuntia engelmannii	* Engelmann's Prickly Pear	X			X
Opuntia santa-rita	* Purple Prickly Pear	X			X
Yucca baccata	▲ Banana Yucca	X			X
Yucca elata	* Soaptree Yucca	X			X

APPENDIX C – LOW WATER USE DROUGHT TOLERANT PLANT LIST

This list does not include all of the possible low water use drought tolerate plants approved for the Phoenix Active Management Area; rather it lists those plants that the City of Surprise would prefer a homeowner/property association to use within areas they maintain and for private homeowners to use on-site. The use of other indigenous low water use drought tolerant plants may be permitted. However, the use of plants which are known to be invasive to indigenous vegetation shall be prohibited.

It is strongly recommended that homeowners check with their neighborhood's landscape covenants before designing their private landscaping.

TABLE NO. 1 –PREFERRED LOW WATER USE PLANT LIST FOR PRIVATE PROPERTY

Botanical Name	Common Name	Height X Spread	Function	Litter	Thorns
TREES					
Acacia constrict	White Thorn Acacia	10' X 15'	habitat & stabilization	moderate	medium
Acacia farnesiana	Sweet Acacia	20' X 20'	habitat & screen	moderate	small
Acacia smallii	Desert Sweet Acacia	20' X 20'	habitat & screen	moderate	small
Acacia salicina	Willow Acacia	30' X 15'	habitat & stabilization	low	none
Acacia saligna	Blue Leaf Wattle	20' X 20'	screening & revegetation	seasonal	none
Acacia schaffneri	Twisted Acacia	18' X 20'	specimen/character	seasonal	small
Acacia stenophylla	Shoestring Acacia	30' X 20'	screening	low	none
Brachychiton populneus	Bottle Tree	40' X 30'	specimen & screening	low	none
Caesalpinia cacalaco	Cascalote	15' X 15'	specimen	low	medium
Celtis reticulata	Western Hackberry	25' X 25'	specimen/character	low	none
Cercidium florida	Blue Palo Verde	30' X 30'	habitat	seasonal	small
C. microphyllum	Foothills Palo Verde	15'X 15'	habitat	seasonal	medium
Cercidium praecox	Palo Brea	25' X 25'	habitat	low	small

TABLE NO. 1 –PREFERRED LOW WATER USE PLANT LIST FOR PRIVATE PROPERTY

Botanical Name	Common Name	Height X Spread	Function	Litter	Thorns
Chilopsis linearis	Desert Willow	25' X 20'	habitat	seasonal	none
Dalbergia sissoo	Rosewood/Sissoo	40' X 30'	shade & stabilization	low	none
Fraxinus v. Rio Grande	Fan-Tex Ash	40' X 25'	shade	low	none
Jacaranda mimosifolia	Jacaranda	40' X 30'	specimen	seasonal	none
Lysiloma thornberi	Desert Fern	15' X 15'	habitat	high	none
Olneya tesota	Ironwood	25' X 25'	habitat	seasonal	small
Parkinsonia x (hybrid)	Desert Museum Palo Verde	25' X 25'	habitat	seasonal	none
Pistacia Chinensis	Chinese Pistache	40' X 35'	shade	seasonal	none
Pistacia atlantica X integerrima	Red Push Pistache	40' X 40'	shade	seasonal	none
Pithecellobium flexicaule	Texas Ebony	20' X 15'	specimen/character	moderate	sharp
Pithecellobium mexicana	Mexican Ebony	30' X 20'	specimen/character	seasonal	sharp
Prosopis glandulosa	Honey Mesquite	25' X 30'	habitat	seasonal	large
Prosopis pubescens	Screwbean Mesquite	20' X 20'	habitat	seasonal	
Prosopis velutina	Velvet Mesquite	25' X 25'	habitat	seasonal	small
Quercus virginiana	Southern Live Oak	40' X 50'	shade	seasonal	none
Schinus molle	California Pepper	30' X 30'	screening & shade	moderate	none
Schinus terebinthifolius	Brazilian Pepper	20' X 25'	shade	low	none
Tipuana tipu	Tipu Tree	30' X 35'	shade	seasonal	none
Ulmus parvifolia	Evergreen Elm	35' X 35'	shade	seasonal	none
Vitex agnus-castus	Monk's Pepper	20' X 20'	habitat	moderate	none

SHRUBS

TABLE NO. 1 –PREFERRED LOW WATER USE PLANT LIST FOR PRIVATE PROPERTY

Botanical Name	Common Name	Height X Spread	Function	Litter	Thorns
<i>Abutilon palmeri</i>	Superstition Mallow	4' X 3'	accent	low	none
<i>Acacia greggii</i>	Catclaw Acacia	6' X 6'	habitat & revegetate	moderate	sharp
<i>Anisacanthus thurberi</i>	Mexican Honeysuckle	3' X 4'	hummingbirds	low	none
<i>Anisacanthus quadrifidus</i>	Flame Honeysuckle	3' X 4'	hummingbirds & butterflies	low	none
<i>Atriplex canescens</i>	Fourwing Saltbush	5' X 8'	habitat & revegetate	low	none
<i>Caesalpinia gilliesii</i>	Yellow Bird of Paradise	6' X 5'	hummingbirds & butterflies	Low	none
<i>Caesalpinia mexicana</i>	Mex. Bird of Paradise	8' X 8'	hummingbirds	moderate	none
<i>Caesalpinia pulcherrima</i>	Red Bird of Paradise	6' X 6'	hummingbirds & butterflies	low	prickly stems
<i>Calliandra californica</i>	Red Baja Fairy Duster	5' X 5'	hummingbirds & butterflies	Low	none
<i>Calliandra eriophylla</i>	Pink Fairy Duster	3' X 4'	hummingbirds	Low	none
<i>Callistemon citrinus</i>	Lemon Bottlebrush	6' X 8'	specimen	low	none
<i>Cassia artemisioides</i>	Feathery Cassia	4' X 4'	fragrance & screening	seasonal	none
<i>Cassia covesii</i>	Desert Senna	4' X 4'	revegetate	moderate	none
<i>Cassia wislizeni</i>	Shrubby Senna	3' X 4'	specimen	low	none
<i>Celtis pallida</i>	Desert Hackberry	5' X 8'	screening & habitat	low	thorny/sharp
<i>Cordia parviflora</i>	Little Leaf Cordia	6' X 6'	screening	Low	none
<i>Dalea pulchra</i>	Bush Dalea/Indigo Bush	4' X 5'	winter color & butterflies	moderate	none
<i>Dodonaea viscosa</i>	Hop Bush	10' X 8'	screening	low	none
<i>Encelia farinosa</i>	Brittle Bush	3' X 4'	habitat & revegetate	low	none
<i>Ephedra trifurca</i>	Morman Tea	3' X 3'	accent	low	none
<i>Ericameria laricifolia</i>	Turpentine Bush	2' X 3'	revegetate & habitat	low	none

TABLE NO. 1 –PREFERRED LOW WATER USE PLANT LIST FOR PRIVATE PROPERTY

Botanical Name	Common Name	Height X Spread	Function	Litter	Thorns
Gossypium harknessii	San Marcos Hibiscus	3' X 4'	specimen	low	none
Hyptis emoryi	Desert Lavender	6' X 4'	fragrance & habitat	low	none
Justicia californica	Chuperosa	4' X 4'	hummingbirds	low	none
Larrea tridentate	Creosote Bush	6' X 6'	screening & revegetate	low	none
Leucophyllum frutescens	Texas Ranger/Sage	6' X 6'	hedge/screening	low	none
Leucophyllum laevigatum	Chihuahuan Sage	4' X 5'	fragrant & screening	low	none
Leucophyllum langmaniae	Langman's Sage	5' X 5'	fragrant & screening	low	none
Lycium fremontii	Wolfberry	8' X 8'	habitat & hummingbirds	low	thorny
Nerium oleander	Oleander	6' X 4'	screening	moderate	none
Plumbago scandens	White Plumbago	3' X 3'	screening	low	none
Rhus ovata	Sugar Bush	6' X 6'	screening	low	none
Ruellia peninsularis	Baja Ruellia	3' X 4'	hummingbirds	low	none
Simmondsia chinensis	Jobba	6' X 6'	screening & revegetate	low	none
Sophora secundiflora	Texas Mountain Laurel	8' X 6'	fragrant & screening	low	none
Tecoma stans v. angustata	Arizona Yellow Bells	6' X 6'	hummingbirds	moderate	none
Viguiera deltoidea	Golden Eye	3' X 3'	revegetate	low	none
GROUNDCOVERS, VINES & PERENNIALS					
Acacia redolens	Trailing Acacia	1' X 10'	bank & erosion control	low	none
Ambrosia deltoidea	Triangleleaf Bursage	1' X 2'	natural landscape	low	none
Antigonon leptopus	Queen's Wreath	15' X 15'	vine	seasonal	none
Baileya multiradiata	Desert Marigold	1' X 1'	year round blooms	low	none

TABLE NO. 1 –PREFERRED LOW WATER USE PLANT LIST FOR PRIVATE PROPERTY

Botanical Name	Common Name	Height X Spread	Function	Litter	Thorns
Bougainvillea spectabilis	Bougainvillea	spreading	accent	high	large
Chrysactinia mexicana	Damianita	2' X 2'	Fragrant & accent	low	none
Convolvulus cneorum	Bush Morning Glory	2' X 3'	attracts pollinators	low	none
Dalea greggii	Trailing Dalea	2' X 8'	hardy cover & habitat	low	none
Gazania rigens	Trailing Gazania	8" X 18"		low	none
Glandularia species	Verbena species	1' X 3'	attracts butterflies	low	none
Hymenoxys acaulis	Angelita Daisy	1' X 1'	accent	low	none
Jasminum mesnyi	Primrose Jasmine	10' X 6'	vine & informal screen	low	none
Lantana spp.	Trailing Lantana	1' X 4'	attracts butterflies	low	none
Melampodium leucanthum	Blackfoot Daisy	1' X 2'	fragrant & habitat	low	none
Merremia aurea	Yuca Vine	10' X 10'	vine	seasonal	none
Myoporum parvifolium	Myoporum	8" X 6'	slope & erosion control	Low	none
Oenothera berlandieri	Mex. Evening Primrose		fragrant & habitat	low	none
Oenothera stubbei	Saltillo Primrose	18" X 4'	erosion control & habitat	low	none
Penstemon spp.	Penstemon varieties	2' X 2'	attracts hummingbirds	low	none
Phacelia crenulata	Desert Bluebells	1' X 1'	revegetate & habitat	low	none
Phacelia campanulana	California Bluebells	1' X 1'	revegetate & habitat	low	none
Podranea ricasoliana	Pink Trumpet Vine	spreading	vine	seasonal	none
Psilostrophe cooperi	Paperflower	1' X 2'	habitat	low	none
Ratibida columnaris	Mexican Hat	2' X 1'	cut flower	low	none

TABLE NO. 1 –PREFERRED LOW WATER USE PLANT LIST FOR PRIVATE PROPERTY

Botanical Name	Common Name	Height X Spread	Function	Litter	Thorns
Rosmarinus officinalis	Trailing Rosemary	2' X 4'	attracts pollinators	low	none
Ruellia peninsularis	Ruellia	3' X 3'	attracts butterflies	low	none
Salvia clevelandii	Chaparral Sage	4' X 4'	attracts hummingbirds	low	none
Salvia farinacea	Mealy Cup Sage	2' X 2'	attracts hummingbirds	low	none
Senna covesii	Desert Senna	18" X 18"	summer blooms	low	none
Sphaeralcea ambigua	Globe Mallow	3' X 3'	flowers & seeds	low	none
Teucrium chamaedrys	Creeping Germander	6" X 3'	fragrance	low	none
Wedelia trilobata	Yellow Dot	18" X 6'	accent	low	none
Zauschneria californica	Hummingbird Trumpet	1' X 2'	attracts hummingbirds	low	none
Zinnia acerosa	Desert Zinnia	6" X 12"		low	none
Zinna grandiflora	Prairie Zinnia	1' X 1'	attracts butterflies	low	none

FLOWERS and GRASSES (TURF)

All turfs are considered high water use and therefore should be restricted in their use. Prefer limiting use to sport fields, small play areas and private backyards.

Bouteloua curtipendula	Sideoats Grama	2' X 2'	ornamental grass & habitat	Low	none
Eschscholzia mexicana	Mexican Gold Poppy	1' X 1'	wildflower (reseeds)	low	none
Gaillardia pulchella	Blanket Flower	18" X 18"	summer blooms	low	none
Linum spp.	Red Flax & Blue Flax	2' X 2'	wildflower	low	none
Lupinus arizonicus	Lupine	3' X 3'	habitat & wildflowers	low	none
Muhlenbergia rigens	Deer Grass	4' X 4'	ornamental grass	low	none
Orthocarpus purpurascens	Owl's Clover	6" X 6"	wildflower	low	none

TABLE NO. 1 –PREFERRED LOW WATER USE PLANT LIST FOR PRIVATE PROPERTY

Botanical Name	Common Name	Height X Spread	Function	Litter	Thorns
CACTUS and SUCCULENTS and ACCENT PLANTS					
Agave, various species				low	varies
Aloe, various species				low	varies
Asclepias subulata	Desert Milkweed	3' X 3'	attracts butterflies	low	none
Brahea armata	Mexican Blue Palm	25' X 10'	specimen/containers	low	small
Carnegiea gigantea	Saguaro	20' X 10'	habitat	low	long
Dasyliirion longissimum	Grass Tree	5' X 5'	accent plant	low	none
Dasyliirion wheeleri	Desert Spoon	4' X 4'	accent plant	low	sawtooth
Echinocactus grusonii	Golden Barrel	2' X 2'	accent plant	low	long
Echinocereus engelmannii	Hedgehog Cactus	1' X 2'		low	long
Ferocactus acanthodes	Compass Barrel	2' X 2'	naturalistic landscapes	low	long
Fouquieria splendens	Ocotillo	12' X 10'	attracts hummingbirds	low	medium
Hesperaloe funifera	Giant Hesperaloe	5' X 5'	attracts butterflies	low	none
Hesperaloe parviflora	Red Yucca	3' X 5'	attracts hummingbirds	low	none
Opuntia, various species	Prickly Pear		food source	low	spiny
O. ficus-indica	Indian Fig	12' X 18'	sculptural accent	low	none
O. basilaris	Beavertail Prickly Pear	1' X 3'	habitat	low	small
O. engelmannii	Desert Prickly Pear	5' X 8'	habitat	low	medium
O. santa-rita	Purple Prickly Pear	4' X 5'	habitat	low	small
Phoenix dactylifera	Date Palm	60' X 25'	accent & fruit	seasonal	sharp fronds
Washingtonia robusta	Mexican Fan Palm	75' X 10'	accent	seasonal	none

TABLE NO. 1 –PREFERRED LOW WATER USE PLANT LIST FOR PRIVATE PROPERTY

Botanical Name	Common Name	Height X Spread	Function	Litter	Thorns
Yucca, various species					
Y. baccata	Banana Yucca	3' X 5'	effective security plant	low	sharp tips
Y. brevifolia herbertii	Joshua Tree	15' 10'	accent	low	sharp tips
Y. elata	Soaptree Yucca	10' X 4'	accent	low	sharp tips



Presentation: Updating the Development Code

City Council Work Session
September 15, 2020

Tonight's Discussion

- Overview of the update
 - Newest drafts – www.surpriseaz.gov/developnext
- Stakeholder Meetings
 - New virtual format
 - Summary of discussions
- Community Pools (Facilities) Discussion
 - Purpose of community facilities
 - Thresholds

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

Stakeholder Meetings

- Early 2020, in-person meetings
- Discussed Pools, Residential Standards, TND Zoning, Land Division
- Paused during social distancing and gathering restrictions
- Input continued, staff revised the drafts
- Restarting with virtual stakeholder outreach meetings

Stakeholder Meetings

Community ~~Facilities~~ ~~Pools~~

Current Regulation – Required to construct a community pool

- Medium density projects that exceed 60 dwelling units

Leadership direction to Staff – Revise the current regulations with a practical approach

- Narrow/small lot subdivisions lack of individual recreational space
- Restricts homeowners from building a private pool.
- Provide for a desired amenity and serves as a common gathering space.

Stakeholder Meetings

Community ~~Facilities~~ ~~Pools~~

Stakeholder Comment

- Agree that the current 60-lot threshold is significantly too low
- Reiterated to staff that the market should be the driving force behind providing a community pool
- Difficult to amortize the cost of constructing and maintaining a community pool across the price point of the homes and HOA fees.
- Prefer not prescribed regulation, at least request more flexibility

Pools Costs - Stakeholder Comments

Estimated Pool Expenses

Based on small, medium and large pools for corresponding sized communities

Includes: restroom building, equipment room, wrought iron fencing/pedestrian gates, heated pool (no spa), reserves, etc.

Date of Last Revision: 3/5/20

of Units: 100 250
Monthly Assessment: \$63.52 \$25.41

200 500
\$37.36 \$14.95

500 1,000
\$19.70 \$9.85

	Small	Medium	Large
INCOME			
40005 Assessments	76,226	89,674	118,183
TOTAL INCOME	<u>76,226</u>	<u>89,674</u>	<u>118,183</u>
CONTRACT SERVICES			
55022 Janitorial Contract	3,600	5,000	8,000
55032 Pool Maintenance Contract	7,000	10,000	12,000
55035 Management Contract	1,200	2,400	3,600
TOTAL CONTRACTS	<u>11,800</u>	<u>17,400</u>	<u>23,600</u>
ADMINISTRATIVE EXPENSES			
51046 Gate/Key Expense	800	1,000	1,200
51065 Insurance	2,000	2,500	3,000
51170 Permits/Inspections	275	275	275
TOTAL ADMIN EXPENSES	<u>3,075</u>	<u>3,775</u>	<u>4,475</u>
MAINTENANCE & LABOR			
53027 Janitorial Supplies	1,400	1,600	1,800
53055 Pest Control	500	500	500
53105 Building Maintenance & Repair	800	800	800
53205 Pool Repairs & Maintenance	3,200	4,000	4,800
53215 Pool Supplies & Chemicals	4,000	6,000	8,000
TOTAL MAINTENANCE & LABOR	<u>9,900</u>	<u>12,900</u>	<u>15,900</u>
UTILITY EXPENSES			
52005 Electricity - Pool	3,800	4,200	4,800
52027 Water - Pool	3,800	4,800	6,000
52045 Gas	28,471	30,119	40,983
TOTAL UTILITY EXPENSES	<u>35,871</u>	<u>39,119</u>	<u>51,783</u>
TOTAL OPERATING EXPENSES	<u>60,646</u>	<u>73,194</u>	<u>95,758</u>
OPERATING INCOME	<u>15,579</u>	<u>16,481</u>	<u>22,425</u>
49001 Transfers to Reserve Fund	(15,579)	(16,481)	(22,425)
NET INCOME	<u>-</u>	<u>(0)</u>	<u>-</u>

Pools Costs - Stakeholder Comments

Monthly costs for a pool

(does not include other HOA fees/month)

- 100 unit subdivision with small pool:
\$63.52/month
- 250 unit subdivision with small pool:
\$25.41/month
- 200 unit subdivision with medium pool:
\$37.37/month
- 500 unit subdivision with medium pool:
\$14.95/month
- 500 unit subdivision with large pool:
\$19.70/month
- 1000 unit subdivision with large pool:
\$9.85/month

Initial Construction Costs

- Requested by P&Z and City Council
- Still to be provided by home builders

Pools Costs - Stakeholder Comments

- Survey of resale market for community pools
 - 22% YES vs 50 % NO
 - (27% MAYBE based on buyers ability to build private pool)
 - Do HOA fees with community pools deter buyers?
 - 33% split (yes vs no vs unanswered)
 - Buyer preference
 - Private backyard pool – 61%
 - Community pool – 5%
 - Both – 27%
 - Neither – 5%

Revised Standards

Community ~~Facilities~~ ~~Pools~~

Proposed Regulation – Located in the PEDS (basic idea, more dwelling units = more amenities)

- Sliding scale of amenities, calculated on the number of dwelling units provided
 - 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 a community pool~~
 - This provision is meant to support the threshold mentioned below, must be reworded

Revised Standards

Community ~~Facilities~~ Pools

Proposed Regulation – Located in the PEDS

- “...Single-, Two, and Three-family Developments shall provide a Community ~~Facility Pool~~ ~~Amenity~~...”
 - The residential development is **80 gross acres or more** with a gross density equal to or greater than **3.25 DU/ac**; or,
 - ~~The development contains any lot or lots that are less than 50 feet wide and contain a required rear yard area of less than 1,000sf.~~
 - Known as the ‘1-lot failure’ to preventing shorting, but nearly impossible to regulate
 - Find a threshold, beneath which, projects don’t need a facility

Revised Standards

Community ~~Facilities~~ ~~Pools~~

Proposed Regulation – Located in the PEDS

- PEDS also includes criteria for size and design of community ~~facility pool~~
 - Serve greatest number of dwelling units possible within $\frac{1}{4}$ mile radius of the facility
 - Restrooms, shade structure, water fountain, pool barrier, etc.
- Only require 1 community facility per new subdivision, not meant as a cumulative requirement

Community Facilities ~~Pools~~

New R-1 and R-2 Subdivisions must provide a Community **Facility** ~~Pool~~

Threshold: Size and Density

- 80 acres or greater, AND
- 3.25 du/ac or greater

(about 260 dwelling units)

~~Also a single Lot failure rule~~

- ~~• Lot less than 50' wide and~~
- ~~• Required rear yard area of less than 1,000sf (about 20-25 rear setback)~~

640 acres
(1 sq mi)

Community Facilities ~~Pools~~

New R-1 and R-2 Subdivisions must provide a Community **Facility Pool**

Threshold: Size and Density

- 80 acres or greater, AND
- 3.25 du/ac or greater

(about 260 dwelling units)

~~Also a single Lot failure rule~~

- ~~• Lot less than 50' wide and~~
- ~~• Required rear yard area of less than 1,000sf (about 20-25 rear setback)~~

320 acres
(0.5 sq mi)

Community Facilities ~~Pools~~

New R-1 and R-2 Subdivisions must provide a Community **Facility** ~~Pool~~

Threshold: Size and Density

- 80 acres or greater, AND
- 3.25 du/ac or greater

(about 260 dwelling units)

160 acres
(0.25 sq mi)

Community Facilities ~~Pools~~

New R-1 and R-2 Subdivisions must provide a Community **Facility** ~~Pool~~

Threshold: Size and Density

- 80 acres or greater, AND
- 3.25 du/ac or greater

(about 260 dwelling units)

~~Also a single Lot failure rule~~

- ~~• Lot less than 50' wide and~~
- ~~• Required rear yard area of less than 1,000sf (about 20-25 rear setback)~~

80 acres
(0.125 sq mi)

Size Rationale

- 1 square mile, area of 640 acres
- A 1/4 section, an area of 160 acres
- A 1/8 section, an area of 80 acres
- Places the amenity within walking distance

80 acres
(0.125 sq mi)

Stakeholder Response

- A large amenity or community pool requirement is too prescriptive
- '1-lot failure' rules: any threshold creates an opportunity to develop outside that scenario
- Not all large amenities necessitate bathrooms, water fountains, shade structure, etc.
- If a provision for a large amenity remains, the thresholds and sliding scale of amenities should be recalculated
- Provide a mechanism to accommodate infill projects or subdivisions phased within a larger development

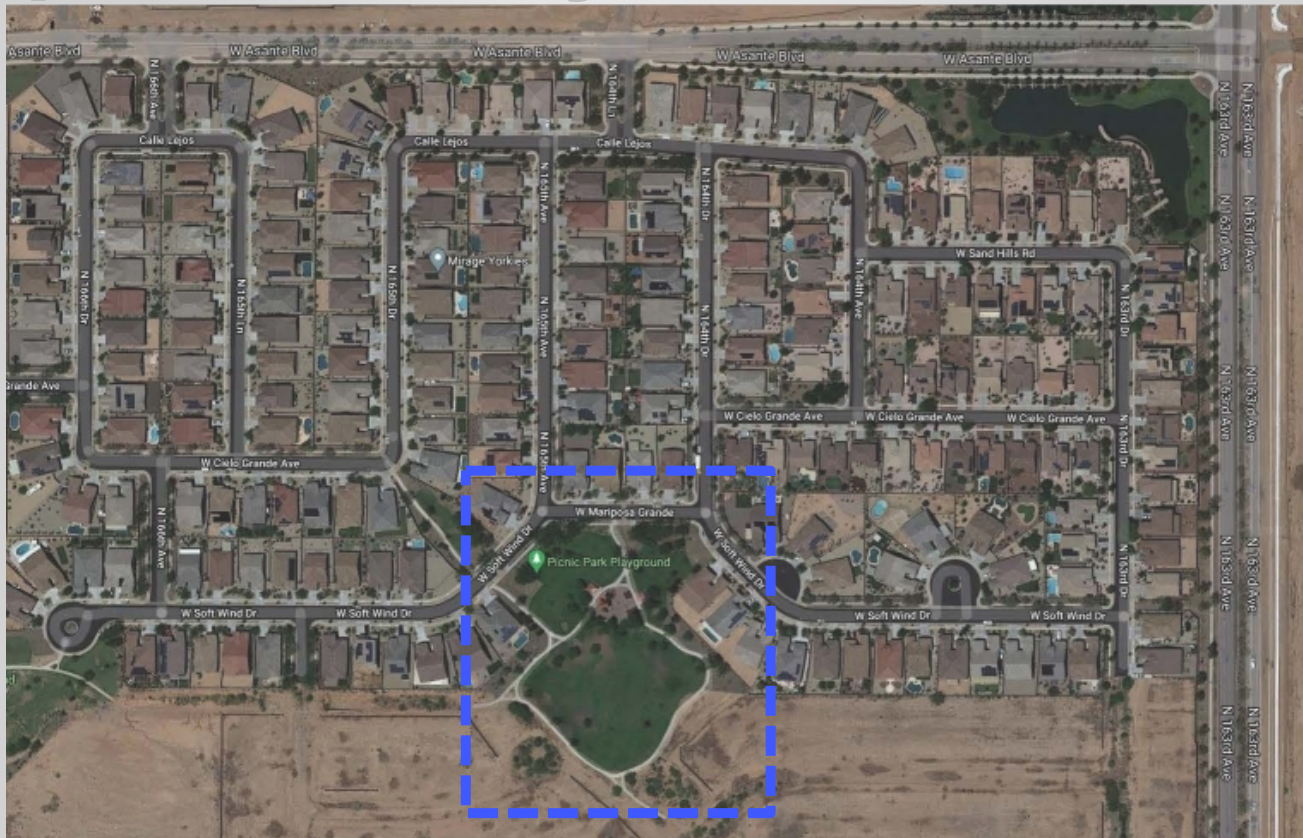
Direction Needed

- Should the PEDS include a requirement for a community pool or a large amenity?
- Should this requirement be removed to allow market forces to determine amenities?
- Can the extra provisions that account for unique, '1-lot failure' rule situations be removed from the PEDS?
- Can features like bathrooms, showers, water fountains, shade structure, etc be regulated by other regulations, like building codes?

Direction Needed

- Is the threshold for the large amenity sufficient or should it be changed (and to what)?
 - 80 gross acres or more, and 3.25 DU/ac or more gross density
- Is the size calculation for the size of the large amenity sufficient?
 - Number of dwelling units within the residential subdivision X 3.8 persons per dwelling unit X 100 sf per persons served
 - For example:
 $260 \text{ DU} \times 3.8 \text{ persons/DU} \times 100 \text{ sf/persons} = \mathbf{98,800 \text{ sf}}$
- Or should this be a single minimum measurement, such as 100,000 sf?

Approximately 100,000sf of OS





QUESTIONS OR COMMENTS?

Thank You