

**CITY OF SURPRISE**  
**Regular City Council Work Session**  
**16000 N. Civic Center Plaza**  
**Surprise, AZ 85374**  
Tuesday, December 1, 2020 @ 4:30 PM  
COUNCIL CHAMBERS



NOTICE: In an effort to protect health and safety of city employees, residents, and visitors, the Council Chambers will be closed to the public during this meeting. 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](http://www.surpriseaz.gov/surprisetv), the Surprise City Gov Facebook page at [www.facebook.com/cityofsurprise](https://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/3asyowo>

- 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

Public comment will be taken through email or via phone. To submit email comments, including Call to the Public for non-agenda items, please email [publiccomments@surpriseaz.gov](mailto:publiccomments@surpriseaz.gov). Comments for Call to the Public must be submitted prior to the start of the meeting. To comment on agenda items, emails must be submitted prior to the time(s) designated for public comment by the Mayor during the meeting or before the agenda item has otherwise concluded.

To comment live by phone for Call to the Public for non-agenda items or for agenda items, please call 623-222-1250 prior to, or during, the meeting to have your name placed on a callback list. If you reach voicemail, please leave your name and phone number. The City Clerk will call those wishing to comment from the dais during the meeting, and the call will be streamed through the Council Chamber audio system. Only calls received before Call to the Public for non-agenda items or before or during the time(s) designated for public comment by the Mayor during the meeting on the subject agenda item will be accepted and streamed. No calls will be accepted after the time(s) designated by the Mayor for public comment or after an agenda item has otherwise concluded.

- 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 alternative language to the proposed Land Development Ordinances offered by stakeholders. | None<br><br>Joshua Mike<br>Community<br>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

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SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: November 25, 2020 at 12:05 PM

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



## CITY OF SURPRISE Regular City Council Work Session

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Council Meeting Date: December 1, 2020      Contact Person: Joshua Mike  
Submitting Department: Community Development      District: Citywide  
Staff Recommendations: None

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

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### **Agenda Wording:**

Presentation and discussion pertaining to alternative language to the proposed Land Development Ordinances offered by stakeholders.

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### **Motion:**

Presentation and discussion only.

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### **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; homebuilders, architects, engineers, landscape architects, planners, etc. 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 alternative language received from the stakeholders regarding various standards and regulations as it pertains to the recent public drafts published on [www.surpriseaz.gov/developnext](http://www.surpriseaz.gov/developnext).

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### **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, while clarifying the standards for site, open space and general development regulations.

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### **Policy Compliant:**

This development code update will implement the General Plan 2035.

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### **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. Any financial impact will be determined during the budget process.

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### **Budget Impact:**

There is no anticipated budget impact related to this item.

### **FTE Impact:**

There will be no impact on FTE.

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**ATTACHMENTS:**

1. 00 FS18-296 LDO Code Update Memo-12.1.2020
  2. 01 FS18-296 TaylorMorrison LDO Letter Executed
  3. 02 FS18-296 Gammage and Burnham Letter re Proposed Revisions to LDO
  4. 03 HBACA\_LDO PZ Comment Letter\_FINAL\_11.16.2020
  5. LDO Update Presentation 12.1.2020
-

# LDO Update Discussion

|                           |                                                                                                                                     |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| <b>Case:</b>              | <b>FS18-296</b>                                                                                                                     |
| <b>Project Name:</b>      | <b>Land Development Ordinances Update – Alternative Language</b>                                                                    |
| <b>Council Districts:</b> | <b>Citywide</b>                                                                                                                     |
| <b>Meeting Date:</b>      | <b>December 1, 2020</b>                                                                                                             |
| <b>Planner:</b>           | <b>Joshua Mike</b>                                                                                                                  |
| <b>Attachments:</b>       | <b>01 FS18-296 TaylorMorrison LDO Letter Executed</b><br><b>02 FS18-296 Gammage and Burnham Letter re Proposed Revisions to LDO</b> |

## **INTRODUCTION:**

Staff and stakeholders worked closely throughout this update process to understand the intent and impact of regulations within the LDO. The open and engaging discussions included how it will affect both the development community while also implementing high quality standards for future growth within the City. During this process, Staff and stakeholders discussed different opinions on regulations related to lot widths and the flexibility for master planned communities. This memo precedes the final draft of the Land Development Ordinances (LDO), which is being prepared for a future City Council Public Hearing. This discussion seeks direction from City Council on possible alternative language to finalize development standards.

## **ALTERNATIVE LANGUAGE:**

During the collaboration process, stakeholders offered alternative language and provisions to the draft language proposed in the LDO and PEDS. The Planning and Zoning Commission discussed the following revised language as an alternative within the public draft of the LDO. City Council may consider the alternative languages below and can include any/all revisions in the final draft of the LDO.

### **Alternative Language #1**

This section of alternative language means to reduce the minimum side setback standards for traditional single-family residential lots in R-1 and R-2 zoning. This change would reduce the minimum side setbacks to 5' and 5' on either side of a home.

### **Table 106-2c - Residential Low Density (R-1) Zoning district**

Lot Category A

Min Side Setback: 5' & 5' 8'

AND/OR

### **Table 106-2d - Residential Medium Density (R-2) Zoning district**

Lot Category A

Min Side Setback: 5' & 5' 7'

Lot Category B

Min Side Setback: 5' & 5' 8'

#### Alternative Language #2

This section of alternative language means to reduce the threshold of lot widths that the LDO considers a narrow lot and therefore requires different mitigating designs in a subdivision plat. This group of changes includes notes in the development standards tables for R-1 and R-2 zoning districts and the Lot Planning section of Chapter 108-Land Division.

#### **Table 106-2c - Residential Low Density (R-1) Zoning district**

Notes

3. Subdivisions shall contain no more than seventy-five percent (75%) of lots less than **forty-eight feet (48')** ~~fifty feet (50')~~ wide and will include mitigating designs outlined in Chapter 108 of this ordinance.

AND

#### **Table 106-2d - Residential Medium Density (R-2) Zoning district**

Notes

4. Subdivisions shall contain no more than seventy-five percent (75%) of lots less than **forty-eight feet (48')** ~~fifty feet (50')~~ wide and will include mitigating designs outlined in Chapter 108 of this ordinance.

AND

#### **108-2.5 Lot Planning**

- F. Narrow Lot Subdivisions. Subdivisions with a homogenous design of *lot widths* narrower than **forty-eight feet (48')** ~~fifty feet (50')~~ cause numerous long-term conflicts and constraints for city services, design standards, parking, and quality of pedestrian movement over the lifespan of the neighborhood. In order to mitigate these problems, the designs listed below may apply to residential subdivisions that permit a given percentage of lots to be narrower than **forty-eight feet (48')** ~~fifty feet (50')~~ wide according to **Section 108-2a**. Mitigating designs for plats are outlined below and home product designs are identified in the PEDS.

#### Alternative Language #3

This section of alternative language means to add a new lot category intended for higher density single-family residential products platted on individual lots in R-2 zoning districts. This change suggests adding a new smaller lot category to the development standards tables for R-2 zoning districts.

#### **Table 106-2d - Residential Low Density (R-2) Zoning district**

**Lot Area (sf): 2,000-3,499**

Min. Lot Width (sf): 35

Min. Front Setback (ft): 5

Max Front Setback (ft): N/A

Min. Side Setback (ft): 5/5

Min. Rear Setback (ft): 5

Max. Bldg. Height (ft): 30

Lot Coverage: 70%

Footnote: Add footnote that this lot category can only be used for a residential development with access for each dwelling unit provided by a common shared drive or rear-loaded alley.

#### Alternative Language #4

This section of alternative language means to add flexibility in how Traditional Neighborhood Development (TND) zoning districts are entitled during a rezoning process. The current proposal has a rigid requirement to include a mixture of land dedicated to commercial, residential, mixed use, and open space. The language listed below intends to enforce the calculation as a target that can vary for a given project during its rezoning process. It means to allow constraints like unique topography or creative designs as factor when the City evaluates future master planned communities.

#### **106-4.2 Establishment of TND Zoning district**

##### **C. Required Mixture of Land Uses.**

1. All TND developments will be required to provide a mixture of land *uses* that include residential, commercial, *mixed use*, and *open space*. **Table 106-4a** below identifies the specific ratios for the **TARGET MIX OF** land *uses* based on the approved number of *dwelling units* in the overall TND project. **AN ALTERNATE MIX OF LAND USES MAY BE APPROVED BY THE CITY COUNCIL BASED ON THE INDIVIDUAL CHARACTERISTICS OF THE TND DEVELOPMENT, INCLUDING ITS TOPOGRAPHY, LOCATION, OVERALL DESIGN AND QUALITY, THE INTERFACE OF ITS VARIOUS COMPONENTS AND THE INTEGRATION OF THE PROJECT INTO THE OVERALL COMMUNITY.**
3. **TND DEVELOPMENTS SHALL PROVIDE** ~~Residential neighborhoods shall be laid out providing~~ different housing types and varying *lot sizes interspersed on the same street within the same subdivision*, to prevent creating homogenous subdivisions filled with repetitive housing types. Every **TND DEVELOPMENT** ~~residential development parcel~~ shall provide a minimum of three (3) distinctly different **LOT CATEGORIES (AS DEFINED PER TABLE 106-4b) THAT MEET THE FOLLOWING CRITERIA** ~~lot sizes; providing:~~
  - a. A minimum of ~~two~~ **ONE** thousand **FIVE HUNDRED** square foot ~~(2,000-sf)~~ **1,500** differential in *lot* area in combination with;
  - b. A *lot* width differential of at least ~~twenty (20)~~ **TEN (10)** feet; and
  - c. No one (1) **LOT CATEGORY** ~~lot size~~ shall comprise more than sixty percent (60%) of the total number of residential *lots* within a **TND DEVELOPMENT** ~~single development parcel~~ **AND EACH OF THE THREE (3) LOT CATEGORIES MUST INDIVIDUALLY COMPRISE A MINIMUM OF 20% OF THE TOTAL NUMBER OF RESIDENTIAL LOTS WITHIN A TND DEVELOPMENT.**
  - d. **ALTERNATIVES TO THESE CRITERIA MAY BE APPROVED AS PART OF THE TND PLAN OF DEVELOPMENT IF THE PROPOSED ALTERNATIVES MEET THE INTENT OF THESE DIVERSITY CRITERIA.**

#### Alternative Language #5

This section of alternative language means to add a new lot category intended for higher density single-family residential products platted on individual lots in TND-R zoning districts. This change suggests adding a new smaller lot category to the development standards tables for TND-R zoning districts.

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

Lot Area (sf): 2,000-3,499

Min. Lot Width (sf): 35

Min. Front Setback (ft): 5

Max Front Setback (ft): N/A

Min. Side Setback (ft): 5/5

Min. Rear Setback (ft): 5

Max. Bldg. Height (ft): 30

Lot Coverage: 70%

Footnote: Add footnote that this lot category can only be used for a residential development with access for each dwelling unit provided by a common shared drive or rear-loaded alley.

#### **DIRECTION NEEDED:**

Direction from the City Leaders on the language discussed in this memo will help prepare the final draft of the LDO and the PEDS.

- Should the City include any or all of the alternative language options?

#### **CONCLUSION:**

Feedback from this meeting will conclude the final draft of the LDO and PEDS to be considered by City Council. Updated drafts will be published prior to the City Council Public Hearing on December 15, 2020.

October 30, 2020

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Joshua Mike, AICP  
Planner II  
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16000 North Civic Center Plaza  
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TM HOMES OF ARIZONA, INC.  
ROC #179178 B

Re: City of Surprise LDO Code Updates

Dear Joshua:

City staff has done a great job creating a transparent and open dialog with stakeholders during discussions associated with the Land Development Ordinance ("LDO") Code Updates. Thank you for your time speaking with me individually this week and the follow-up with an email. We much appreciate the City of Surprise holding the stakeholder meetings this year and sincerely appreciate the extensive outreach that has transpired during this challenging and complex process.

There are still some concerns we have regarding this topic. The following is a summary:

- (1) Side Setbacks: we understand City and P&Z desire to retain the 5' & 7' and 5' & 8' setbacks. Contrastingly, we have consistently shared that price sensitive buyers trying to seek approval for a mortgage are not willing to pay for this additional side yard space. Therefore, 5' & 5' setbacks are necessary for providing a certain amount of affordable housing within a project. City staff has stated 5' & 5' setbacks are one of the development standards that can be amended through the PUD process. However, we understood the process of updating the LDO was to try and limit the number of PUD/PAD's submitted to the City. Therefore, we believe the City code should allow for 5' & 5' side setbacks for lot sizes 50' wide or less.
- (2) Narrow Lots: Currently, the draft LDO limits the number of narrow lots on a plat to 50%. Narrow lots are currently defined as less than 50' wide. The City will also require "mitigation measures" to address some of the City's issues with narrow lots such as solid waste pickup, on-street parking, and "garage dominance." We do not consider a 45' or 50' wide lot as a "narrow/small lot". We believe the City should reconsider a revised definition of "narrow lot" to be any lot that is 40' wide or smaller as we believe it is the 40' wide or less lots that are causing the issues with trash and concerns with garage dominance.

(3) Traditional Neighborhood Zoning Districts: This zoning district is intended to facilitate master planned communities. We understand the City is proposing three different lot sizes which requires a lot differential of at least 20% within a development parcel. If this requirement is within an individual subdivision or within the same street, this practice would make it difficult for production builders to create construction efficiencies. Additionally, the definition of a development parcel needs to be further defined since a strict interpretation of this code is problematic and should only be used as a means for builders themselves to differentiate based on their unique market demographic and not be mandated by the City. It is important to keep in mind that most development parcels are typically a single 20 to 40-acre parcel and comprised of a single product type. We would like to further ensure the City understands that builders conduct significant market research to ensure product fits the needs of specific consumer groups. This product research influences the required widths and depths for each series of lot types. For instance, a product we would put on a 45' wide lot has been designed to fit on a typical 115' deep lot. However, an 80' wide product is designed to sit on a deeper lot around 125' or 130' depending on required setbacks. Therefore, if forced to put varying products on the same street, the smaller product would cost more since it would have to be on a deeper lot. The practice currently proposed by the City directly impacts affordability of smaller product and the marketability of an entire subdivision; therefore, we do not advise P&Z or Council approve this into the LDO.

We understand the City's goal is to avoid homogenous neighborhoods and we are aligned with this vision. However, as land prices and development costs steadily climb, affordability is a real problem we face in the Phoenix MSA. When making code updates, we believe the City should keep in mind the marketability effects of implementing specific code regulations which complicate the development process. We believe the City may be trying to implement codes to satisfy all buyer groups and this is just not possible. Additionally, builders must consider many design elements such as, community pools and amenities that impact the financial viability of communities. We respectfully understand the City's desire for builders to create the best communities for the future residents and their families. Our suggestions are united with this mission and we appreciate your time considering our comments.

Thank you for the opportunity to work through these important matters. We look forward to continuing to work with City staff through this process.

Sincerely,



Angela Carmitchel  
Director of Planning and Development

# GAMMAGE & BURNHAM, PLC

ATTORNEYS AT LAW

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October 28, 2020

## **Via email**

Joshua J. Mike, AICP

Planner II

City of Surprise – Community Development

16000 N. Civic Center Plaza

Surprise, AZ 85374

Joshua:

Thank you for speaking with me earlier this week at the virtual stakeholder meeting regarding our ongoing comments with respect to certain provisions within the current draft of the City of Surprise Land Development Ordinance (“LDO”). As requested, we have prepared this written list of concerns, which includes our proposed revisions to the language of the LDO.

This list of suggestions has been prepared on behalf of our client, Harvard Investments (“Harvard”), a real estate investment and development company headquartered in Arizona. Harvard is the owner and developer of several master planned communities in the City of Surprise including Sunrise Ranch and Desert Oasis in the northwest area of the City. Harvard is also the co-owner and manager of the approximately 4,900-acre property, known as Lake Pleasant 5000, which is a future master planned community currently located in unincorporated Maricopa County but within the planning area of the City of Surprise. The Lake Pleasant 5000 property is located north of Highway 74. Harvard has significant long-term interests in the City’s current update to the LDO – particularly with regard to the impact it would have on future master planned communities.

The City’s planning staff has done a tremendous job navigating the challenging and complex process to update the LDO. We sincerely appreciate the extensive stakeholder outreach that has been conducted and the open door policy maintained by City staff. Through this process, we believe that a majority of stakeholder comments have been addressed. That said, up to this point, a majority of stakeholder comments from the homebuilding community have focused on the City’s traditional residential zoning districts. There has been limited stakeholder input on the LDO’s Traditional Neighborhood Development (TND) zoning district, which is the LDO’s zoning tool for large master planned communities – and the one that is of significant interest to Harvard. We have therefore prepared this short list of remaining concerns primarily related to the TND zoning district, which we believe need to be addressed in order for the TND district to be viable for developers of large master planned communities.

## **1. Diversity of Lot Sizes.**

Section 1206-4.2.C.3 of the LDO contains the requirement that all TND developments provide a mixture of three (3) distinctly different lot sizes and lot widths within each residential development

parcel, including that these varied lot sizes must be provided along the same street. The stated goal is to avoid homogeneous subdivisions with repetitive housing types. Our belief is that this provision, as written, is overly prescriptive and will discourage use of the TND zoning district because it creates an unworkable mandate that directly contradicts the patterns and practices of the homebuilding industry, and directly impacts housing affordability. The City's goal for diversity, however, can be achieved in other ways that also respect that established practices and practicalities of the homebuilding industry. Our concerns, and suggested revisions, are outlined below.

The City's LDO mandates that the TND district can only be used for a project that exceeds 320 acres and, as noted above, that "every residential development parcel shall provide a minimum of three (3) distinctly different lot sizes..." The LDO defines a "development parcel" as:

**Development Parcel:** A portion of land within an overall master site plan or master planned development that includes one (1) or more lots with a specific net residential density, characteristic, and/or zoning district; excluding a parcel or lot outside of a master planned development.

Per this definition, a "development parcel" seems intended to accommodate a specific product type at a specific density. This conforms to our common understanding as well. The TND district, however, provides that each "development parcel" needs to have three (3) distinctly different lot sizes, which is defined as meaning that lot widths must vary by at least 20 feet and lot sizes must vary by a minimum 2,000 sf. At the most basic level, the TND requirement seems to directly contradict the definition of a development parcel. However, when you turn to the larger issue of implementation of the TND diversity requirement, coupled with the additional mandate that each street must contain these varying lot sizes, the result is a very impractical provision.

The City's stated goal is to avoid homogenous neighborhoods. The impact of this provision, however, goes far beyond that. The mandated variation in lot sizes will result in individual neighborhoods, and streets, that must be designed to accommodate wide variations in character, density, product type, price points, and buyer demographics. As an example, a developer would need to provide a minimum of 40', 60' and 80' lots within the same development parcel and along the same street to meet the TND district requirement. This, in turn, would result in lot sizes ranging from 4,500 square feet (for a typical 40' x 115' lot) to 10,000 square feet (for a typical 80' x 125' lot) all within the same development parcel. These are lot sizes and product types with very different characteristics and densities all forced to live within the same space. There is no established precedent within the land planning practices for master planned communities for this type of forced micro-diversity. The homebuilding community is a market driven industry where significant resources are devoted to understanding and serving customers according to market demands and buyer preferences. The buyer for a home on a 40' wide lot is markedly different from the buyer for a home on an 80' lot. This includes different expectations with regard to architecture, materials, character of the neighborhood and types of amenities needed to serve those homes. Each of these elements also speaks to housing affordability. Is the City's goal to force social diversity within its communities, or is the goal to achieve architectural and character diversity within neighborhoods – to avoid what historically may have been viewed as the 'sameness' of suburban communities? We believe it is the latter.

There are other, more technical, considerations as well. Different lot widths are also typically accompanied by different lot depths. While a 115' lot depth might be typical for 40 or 50' wide lots, a 125 or 130' depth will be more common for larger 75 or 80' lots. It is difficult to efficiently intermix these lot sizes within a single development parcel, and there is simply no way to intermix these lot sizes on a single street without "oversizing" the smaller lots. This will result in increased costs for the homebuyers of smaller lots since they will have no choice but to buy "up" into a deeper lot with more acreage. This cuts directly against housing affordability. Add to that the fact that mixing lot sizes at the micro level will have significant impacts on the practicalities of marketing, sales and construction of these neighborhoods. Homebuyer choices and sales opportunities are constrained. In a typical scenario, when a development parcel is designated for a specific product line, homebuyers have the ability to choose any lot within that development parcel along with choosing the floor plan, elevation and color scheme for their specific home. By forcing multiple product lines and buyer demographics within a single development parcel, the process of designing, planning and selling within the community, as well as construction sequencing, becomes infinitely more complicated and limited. The City's desire for housing diversity should not outweigh these practical limitations – particularly when diversity can be achieved in other ways. Ultimately, the challenges of this requirement in the TND district will cause homebuilders and master planned community developers to turn to the City's other zoning district options to create a viable zoning framework.

If the City's goal is to avoid homogenous and repetitive street scenes, then the TND provisions should be written to ensure that a variety of housing product lines (with different lot sizes, lot widths and densities) are developed within the overall master planned community to address macro level concerns. This should be coupled with architectural design guidelines that require diversity of floor plans, elevations, color schemes and orientation of homes to address the micro level. This combination of provisions will ensure diversity within the overall community as well as within individual development parcels and along streetscapes. The TND provisions should be structured to provide limitations on how much any one lot size can dominate the community. These strategic changes to the structure of the TND ordinance will foster the desired diversity, but in a manner that works within the patterns and practices, and practical limitations, of the homebuilding industry.

Our recommendation is that the TND district be revised to provide for the variation of lot sizes *as between* development parcels, coupled with requirements for a minimum level of variation of lot sizes within the overall community.

Below is our proposed change to the language of Section 106-4.2.C.3 of the LDO:

#### **106-4.2 Establishment of TND Zoning district**

##### **C. Required Mixture of Land Uses.**

3. **TND DEVELOPMENTS SHALL PROVIDE** ~~Residential neighborhoods shall be laid out providing~~ different housing types and varying lot sizes ~~interspersed on the same street within the same subdivision,~~ to prevent creating homogenous subdivisions filled with repetitive housing types. Every **TND DEVELOPMENT** ~~residential development parcel~~ shall provide a minimum of three (3) distinctly

different LOT CATEGORIES (AS DEFINED PER TABLE 106-4B) THAT MEET THE FOLLOWING CRITERIA ~~lot sizes; providing:~~

- a. A minimum of ~~two~~ ONE thousand FIVE HUNDRED square foot (~~2,000~~ sf1,500) differential in *lot* area in combination with;
- b. A *lot* width differential of at least ~~twenty (20)~~ TEN (10) feet; and
- c. No one (1) LOT CATEGORY ~~lot-size~~ shall comprise more than sixty percent (60%) of the total number of residential *lots* within a TND DEVELOPMENT ~~single-development parcel~~ AND EACH OF THE THREE (3) LOT CATEGORIES MUST INDIVIDUALLY COMPRISE A MINIMUM OF 20% OF THE TOTAL NUMBER OF RESIDENTIAL LOTS WITHIN A TND DEVELOPMENT.
- d. ALTERNATIVES TO THESE CRITERIA MAY BE APPROVED AS PART OF THE TND PLAN OF DEVELOPMENT IF THE PROPOSED ALTERNATIVES MEET THE INTENT OF THESE DIVERSITY CRITERIA.

## 2. Mixture of Land Uses.

Section 106-4.2.C.1 of the LDO includes the requirement that every TND development provide a mixture of land uses that include residential, commercial, mixed use, and open space based on the approved number of development units in the TND development.

The LDO currently requires TND developments to provide a minimum amount of land area designated for commercial, mixed-use and open space based on the number of approved development units in accordance with the specific ratios in Table 106-4a. In its current version, the minimum amount of acreage that the LDO requires for each land use is a firm requirement. While an overriding goal of most master-planned communities is to provide a mixture of land uses, a mandate such as the requirement noted above does not provide any flexibility for the unique circumstances of an individual master planned community. Individual characteristics of a master planned community, including its topography, design and location, are important considerations that need to be taken in to account when determining the amount of commercial, mixed-use and open space land areas that should be provided within a master planned community.

Our suggestion is to modify this requirement to change the required mix of land uses to “targets” rather than fixed requirements and to allow the specific ratio to be established through the zoning process. The specific ratios in the LDO would be presumed for every master planned community, but with flexibility such that a developer can suggest alternative ratios and provide a justification as to why those alternative ratios are appropriate for a specific project in lieu of the city’s presumptions. This modification would allow the City to approve an alternate mix of land uses on a case-by-case basis. Such a modification would provide important flexibility while establishing a presumption that must be overcome by the developer and justified through the rezoning process.

Specifically, below is our proposed change to the language Section 106-4.2.C.1 of the LDO:

## 106-4.2 Establishment of TND Zoning district

### C. Required Mixture of Land Uses.

1. All TND developments will be required to provide a mixture of land uses that include residential, commercial, *mixed use*, and *open space*. **Table 106-4a** below identifies the specific ratios for the TARGET MIX OF land uses based on the approved number of *dwelling units* in the overall TND project. AN ALTERNATE MIX OF LAND USES MAY BE APPROVED BY THE CITY COUNCIL BASED ON THE INDIVIDUAL CHARACTERISTICS OF THE TND DEVELOPMENT, INCLUDING ITS TOPOGRAPHY, LOCATION, OVERALL DESIGN AND QUALITY, THE INTERFACE OF ITS VARIOUS COMPONENTS AND THE INTEGRATION OF THE PROJECT INTO THE OVERALL COMMUNITY.

### 3. Development standards for lots in TND-R and R-2.

Under the current draft of the LDO, the minimum lot width that is permitted in any zoning district, including the TND-R and R-2 zoning districts, is 40 feet. A minimum lot width of 40 feet does not accommodate some of the more unique and innovative high density residential product types that are platted on individual lots – including townhomes or cluster developments that include four or more dwelling units on a single lot. Based on our experiences in other jurisdictions, these product types are often platted on lots that may have a width as narrow as 30 feet and a depth of 70 feet, and may include unique features such as shared access drives or access provided for each lot via a rear-loaded alley. The LDO's current minimum lot width does not accommodate these type of high density residential product types, which have become very desirable in today's market and an important element for housing diversity within a master planned community setting.

Our suggestion is to modify the development standards in the R-2 and TND-R zoning districts to create a new lot category that accommodate these types of high-density residential product types.

Specifically, our proposed changes to the LDO are as follows:

#### **Table 106-2d – Residential Medium Density (R-2) Zoning District**

- Add a new lot category intended for higher density residential products platted on individual lots with the following development standards:
  - o Lot Area (sf): 2,000-3,499
  - o Min. Lot Width (sf): 35
  - o Min. Front Setback (ft) : 5
  - o Max Front Setback (ft): N/A
  - o Min. Side Setback (ft): 5/5
  - o Min. Rear Setback (ft): 5
  - o Max. Bldg. Height (ft): 30
  - o Lot Coverage: 70%

- o Footnote: Add footnote that this lot category can only be used for a residential development with access for each dwelling unit provided by a common shared drive or rear-loaded alley.

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

- Add a new lot category intended for higher density residential products platted on individual lots with the following development standards:
  - o Lot Area (sf): 2,000-3,499
  - o Min. Lot Width (sf): 35
  - o Min. Front Setback (ft) : 5
  - o Max Front Setback (ft): N/A
  - o Min. Side Setback (ft): 5/5
  - o Min. Rear Setback (ft): 5
  - o Max. Bldg. Height (ft): 30
  - o Lot Coverage: 70%
  - o Footnote: Add footnote that this lot category can only be used for a residential development with access for each dwelling unit provided by a common shared drive or rear-loaded alley.

As indicated above, we believe the development standards in both the R-2 and TND-R zoning districts should accommodate the high density residential product types that are platted on individual lots. That said, unlike the conventional residential zoning districts, the LDO does not permit a PUD to modify the development standards in TND-R — which, without a new lot category, is the tool we anticipate homebuilders will likely utilize to accommodate this type of higher density residential product in R-2. Therefore, it is especially important that a new lot category be added to the TND-R district in order for the TND to be a more market-relevant zoning district that can accommodate these innovative, higher density residential products.

Thank you for the opportunity to provide these comments and proposed revisions to the City's LDO update. We look forward to continuing to work with City staff on these revisions as this process draws to a close.

Sincerely,  
GAMMAGE & BURNHAM



By  
Michael Maerowitz



November 16, 2020

**Sent Via Email**

Chairman Bash and Commissioners  
Planning and Zoning Commission  
City of Surprise  
16000 N Civic Center Plaza  
Surprise AZ 85374

**RE: Land Development Ordinance – Agenda Item #2**

Dear Chairman Bash and Commissioners:

On behalf of the Home Builders Association of Central Arizona (“HBACA”), thank you very much for the opportunity to participate in the City’s Land Development Ordinance (“LDO”) and Planning and Engineering Design Standards (“PEDS”) update. Specifically, we thank Chris Boyd, Joshua Mike, and the Community Development team for an open, transparent, and collaborative process. The collaboration between City staff and the stakeholders resulted in significant improvements to the draft LDO and PEDS.

Throughout this process, our comments and suggested revisions were focused on achieving four goals.

- Provide builders and developers with flexibility to respond to rapidly changing market conditions, evolving consumer preferences, and unique land and development challenges.
- Ensure a transparent, predictable, and efficient approval process.
- Craft development standards and regulations that reflect the home building and residential development practices and business models in Arizona.
- Maintain housing affordability for working families in Surprise and the enhanced quality of life that comes with homeownership.

While significant progress was made in achieving these goals, the alternative language suggested by the HBACA and other stakeholders and reflected in the Staff report are still needed to ensure that the LDO meets these goals.

**Alternative Language #1 – Reduce side setbacks to 5' & 5'**

This reduced development standard is vital to maintaining housing affordability for working families in Surprise, such as our teachers, firefighters, police officers, and active-duty military. Home prices are quickly climbing in Surprise and may become unaffordable for families with median household incomes soon.<sup>1</sup>

According to the National Association of Home Builder's ("NAHB") Priced Out Study, a mere \$1,000 increase in the median home price makes that home unaffordable for 2,490 households in the Phoenix market.<sup>2</sup> To put this in perspective, in the United States, only six other markets price out more households with a \$1,000 increase in the median-price of a home.<sup>3</sup> This is because the Phoenix market currently has a relatively high number of households that qualify for the median priced home, but those households are very sensitive to even slight price increases. Increasing the side setbacks by two to three feet adds significantly more than \$1,000 to the cost of a home.<sup>4</sup> As described by NAHB economist Robert Dietz, "Reducing home buyers' spending on land, rather than housing, is one method to improve housing affordability."<sup>5</sup>

Builders build products that buyers want. If buyers demand larger side yards, these setback limitations would not force builders and developers to create lots that they would not otherwise produce.<sup>6</sup> The fact that this is a significant discussion topic, and the City's frequent requests for 5' & 5' setbacks illustrates the distortion to the market resulting from an increase in this development standard. Stakeholders have provided examples of subdivisions in Surprise where builders are offering 5' & 5' setbacks in addition to larger setbacks which provides for greater housing diversity. These narrow lots with narrow setbacks are popular among new home buyers because of the overall affordability, less need for landscaping maintenance and upkeep, and improvements in water conservation. This is why many municipalities throughout the Valley are increasing opportunities for builders to offer these types of products. The ability of builders to accommodate a variety of buyer profiles in Surprise is essential.

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<sup>1</sup> See, e.g., City of Phoenix Housing Department, *Housing Phoenix*, at 12 June 2020 (illustrating six hypothetical households and their max housing prices) (available at [https://www.phoenix.gov/housingsite/Documents/Final\\_Housing\\_PhX\\_Plan.pdf](https://www.phoenix.gov/housingsite/Documents/Final_Housing_PhX_Plan.pdf)) (attached as Exhibit A).

<sup>2</sup> Na Zhao, Ph.D, *NAHB Priced-Out Estimates for 2020*, January 2, 2020 (available at [https://www.nahbclassic.org/fileUpload\\_details.aspx?contentTypeID=3&contentID=271366&subContentID=737399&channelID=311](https://www.nahbclassic.org/fileUpload_details.aspx?contentTypeID=3&contentID=271366&subContentID=737399&channelID=311)).

<sup>3</sup> Id.

<sup>4</sup> Our members estimate the added three feet will add approximately \$10,000 to the cost of a home in Surprise.

<sup>5</sup> Robert Dietz, *Can Smaller Lots Help Affordability?*, Builder Magazine, May 8, 2019 (available at [https://www.builderonline.com/money/affordability/can-smaller-lots-help-affordability\\_o](https://www.builderonline.com/money/affordability/can-smaller-lots-help-affordability_o)).

<sup>6</sup> See, e.g., M. Nolan Gray & Salim Furth, *Do Minimum-Lot-Size Regulations Limit Housing Supply in Texas?*, Mercatus Research, Mercatus Center at George Mason University, May 2019. (Concluding that clustering lot sizes evidences that builders are limited by lot size regulations and would otherwise build smaller lots to meet market conditions.).

**Alternative Language #2 – Reducing Narrow Lots from 50' to 48'**

This revision will help facilitate a transparent, predictable, and efficient approval process. It also reflects the practical reality that the most common home product is a 35' wide product. By putting a 35' wide product on a lot with a 5' & 8' side setback, the resulting lot width is 48'. This change will allow builders to utilize their 35' wide products without having to seek a deviation from the development standards throughout an entire subdivision. Importantly, we have demonstrated to the City that this can be done in a manner that does not restrict or inhibit on-street parking and trash collection any more than with 50' wide lots.<sup>7</sup>

**Alternative Language #3 – Additional R-2 Zoning District for Lots 2,000 to 3,499 sq.ft.**

This amendment provides yet another avenue for builders and developers to respond to rapidly changing market conditions, evolving consumer preferences, and unique land and development challenges. Therefore, we support its inclusion in the proposed LDO.

**Alternative Language #4 – TND Zoning District: Mixture of Land Uses**

Table 106-4a identifies a very prescriptive ratio for the target mix of land uses within a TND Zoning District. This revised language simply allows for the City Council to approve an alternative land use mix. This is key to a successful TND project because it will provide builders and developers the opportunity to tailor a project to rapidly changing market conditions. As drafted, the alternative language allows the City Council to modify these ratios where the modification is supported by the individual circumstances of a specific project. This is a reasonable request.

**Alternative Language #5 – TND Zoning District: Residential Lot Diversity**

This alternative language presents revisions to achieving residential lot diversity within a TND Zoning District. These revisions are critical because the current draft does not reflect the practical realities of residential development and the orderly disposition of land from developer to home builder. For example, varying lot sizes that are “interspersed on the same *street* within the same subdivision” is unworkable for builders because lots with varying lot widths and varying home products also have varying lot depths.

Even requiring this diversity within the same parcel creates significant challenges and renders this requirement infeasible for builders. In addition, the variation in lot sizes needed to achieve diversity will not facilitate the orderly sale of land from developer to builder. Therefore, we support the suggestion to measure lot diversity across the entire community rather than per parcel.

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<sup>7</sup> See, HilgartWilson, *City of Surprise Parking Comparison* (attached as Exhibit B).

Finally, the City Council's ability to approve deviations from these standards is needed to ensure that builders and developers can continue to evolve their designs and projects to ever changing market conditions and unique land constraints.

**Alternative Language #6 – TND Zoning District: Additional Zoning District for Lots 2,000 to 3,499 sq.ft.**

The residential districts in the TND Zoning District should match the residential districts in other parts of the LDO. Therefore, if the City adopts Alternative Language #3, it should adopt this language as well.

Similarly, builders and developers should have the ability to deviate from the TND development standards in the same fashion they can in the residential districts. The TND section should additionally be amended to allow for this deviation.

**Additional Considerations – Section 108-2.12 Gated Communities**

In addition to the alternative language provided, there are needed revisions to Section 108-2.12. This section limits the use of gated communities to less than 40 acres unless a minimum of thirty (30%) percent of the gross land area is set aside as improved open space. This is a significant requirement. Gated communities are an important component to a diverse housing stock. There is a segment of buyers that value a gated community and are willing to pay for the additional cost. Our understanding is that the current Surprise Unified Development Code ("SUDC") allows for deviations or alternative approaches to this requirement, but the LDO does not. We request that the LDO be modified to allow for alternative approaches to providing gated communities in both the residential zoning districts and the TND zoning districts.

The connectivity requirements also need to be clarified. Section 108-2.12(B) requires that the community not "impeded connectivity of *streets*, improved *open space*, multi-use pathways or other *public improvements*" and these connections "shall remain open and accessible at all times." Does this require the gates to remain open at all times? Does this require the pedestrian gates to sidewalks remain open at all times? Keeping connections to a trail system open is a reasonable expectation, but the explicit purpose of gates is to limit access to other types of connections.

**Additional Considerations – Clarify the Use of Terms**

Throughout the proposed LDO and during the duration of the stakeholder process, there is confusion about the use of the terms: "subdivision", "plats", and "parcels." Since these are the evaluation tools for lot sizes and lot diversity, their use should be clarified to ensure a consistent set of expectations. Where the term "plat" is used, is that intended to cover a pre-plat, a master plat, or a final subdivision plat?

**Additional Considerations – Using the PUD to Modify Narrow Lot Limitations**

At previous stakeholder meetings, some stakeholders expressed concern that, as currently drafted, the footnotes in Tables 106-2c and 106-2d (Residential Development Standards) would not permit the PUD to modify the types and number of mitigation measures needed to plat narrow lots. Our understanding is that City Staff is willing to work with builders and developers to meet those mitigation measures. However, if there are concerns that the language does not match the intent, the City should make clarifying revisions to ensure that the intended flexibility is granted.

**Additional Considerations – PEDS Amenities**

Through the collaboration between the City and stakeholders, there were significant improvements made to the amenity requirements in the PEDS. There is one additional revision that is necessary. In section 2.2.B, there is an equation that is used to calculate the size of land used for a large amenity. That equation is dwelling units x 3.8 persons per dwelling unit x 100 square feet.

Aside from the LDO update, the City is also in the process of developing a transportation impact fee. In preparation for determining the land use assumptions and infrastructure improvements plan that will become the basis of a transportation impact fee, the City and its consultant prepared a table of Residential Factors.<sup>8</sup> This table includes the City's persons per housing unit. In that table, the Single-Family persons per housing unit is 2.51 not the 3.8 that is used in the PEDS.

This number is calculated using data from the United States Census Bureau for the City's population, households, and housing units. If the City is going to use persons per housing unit as a factor in calculating land for amenities, the City should use the 2.51 from the transportation impact fee study. This is a more accurate and current reflection of Surprise and is the basis for other land use regulations such as impact fees.

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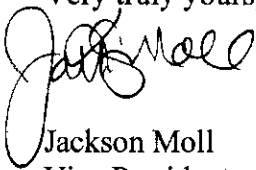
<sup>8</sup> Attached as Exhibit C.

Chairman Bash and Commissioners  
November 16, 2020  
Page 6

### **Conclusion**

On behalf of all our members, thank you very much for the opportunity to provide additional feedback on the updated LDO. Thank you again to staff for all its work and willingness to engage with the industry. We look forward to continuing to work with the City to resolve these remaining issues.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jackson Moll", written over the typed name.

Jackson Moll  
Vice President of Municipal Affairs  
Home Builders Association of Central Arizona  
Registered Lobbyist with the City of Surprise

CC: Joshua Mike, Planner II, City of Surprise Community Development  
Chris Boyd, Director, City of Surprise Community Development

**EXHIBIT A – *HOUSING*  
*PHOENIX* EXCERPT**



## Housing Needs Assessment and Gap Analysis

### AFFORDABILITY AND INCOME

Phoenix's residents have made our city what it is today! As we work to ensure that prosperity is enjoyed by all Phoenicians, we need to ensure there are affordable housing opportunities for residents at all income levels, at all stages of life, in all our communities.

This means providing affordable housing opportunities for our firefighters, police officers, teachers, sanitation workers, construction workers, young professionals, small business owners and other working families - those who rescue us in times of need, keep our streets clean and safe, educate our children, and stock our grocery stores, among other critical functions. It means providing housing opportunities for our service industry and healthcare workers who fuel our economy and care for us and our loved ones. It means providing housing opportunities for our veterans who have served our country and fought for our freedom. It means providing housing opportunities for young adults and young families, who are our future, as well as existing residents who have fueled our economic growth. It also means enabling our seniors and legacy residents to remain in the city that they helped build.

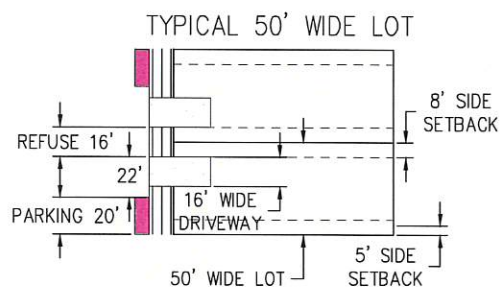
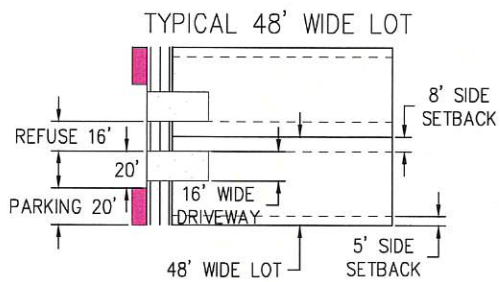
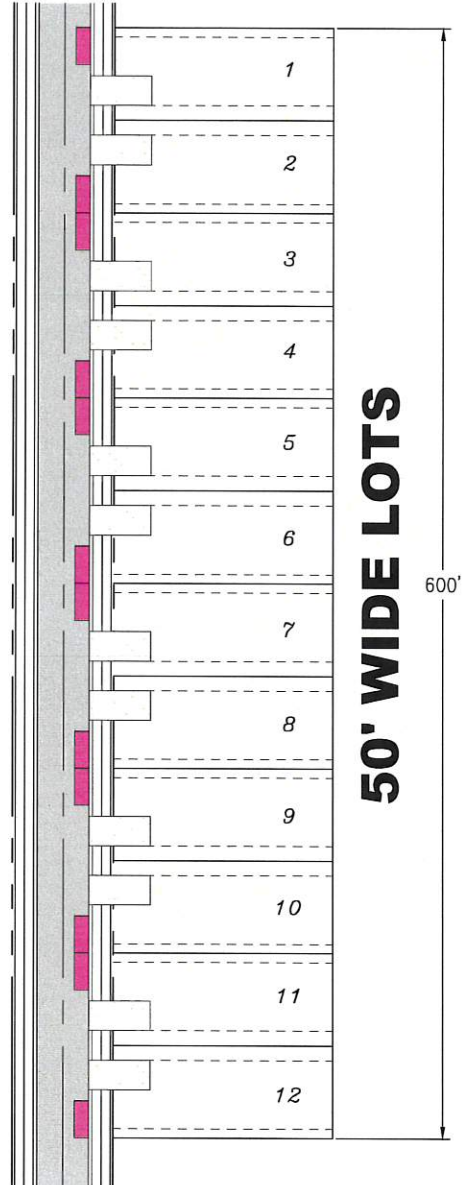
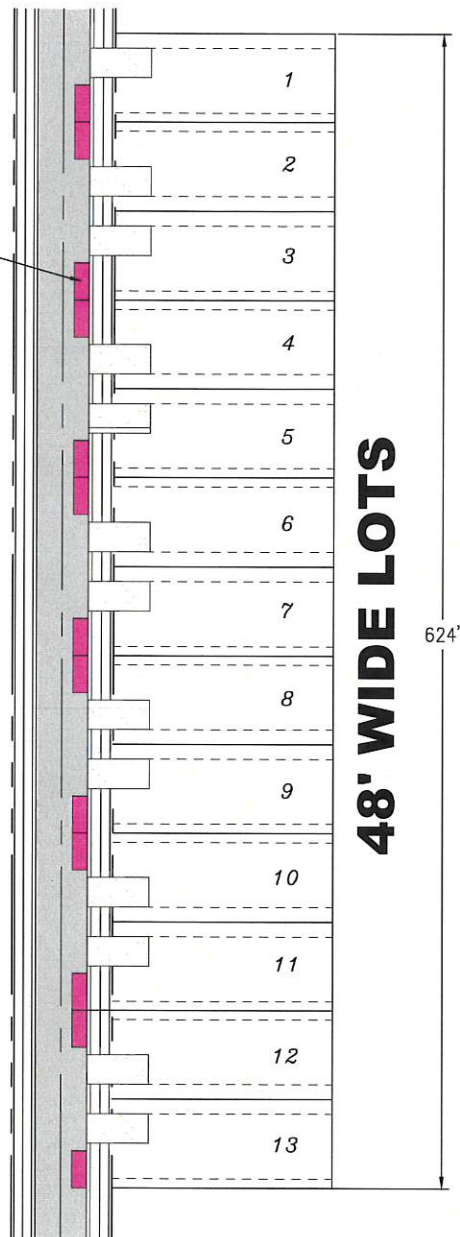
Affordable housing is about providing meaningful access to opportunities for our residents who are vital to our city. But affordability means different things to different people. Our goal is to provide a variety of housing options for a full spectrum of residents so that all who desire to call Phoenix home can afford to live here. The image below provides a visual of households that fall within extremely low, very low, low income, median income, and moderate-income categories. This visual presents household situations and the maximum affordable rent and maximum affordable mortgage for each household.

Currently, the average rent for a one-bedroom apartment in our community is approximately \$1,100 per month, which is affordable to households earning at or above \$53,000 annually. Our community's average rent is not affordable to residents earning minimum wage, service industry workers and many other essential workers. As a whole, 45% of households earn less than \$53,000 and cannot afford this average rent amount. According to Zillow, the current median home price in phoenix is \$248,000. The only income level that can afford to purchase a median price home, are families that make 100% of Area Median Income, which is \$73,000 for a family of 4.

| Household Type                        |  |  |  |  |  |  |
|---------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
|                                       | Retiree on Fixed Income                                                             | Service Industry Worker                                                             | Sanitation Worker                                                                   | Single Parent with Two Children                                                      | Family of 4 People                                                                    | Young Married Couple                                                                  |
| Number in Household                   | 1                                                                                   | 1                                                                                   | 1                                                                                   | 3                                                                                    | 4                                                                                     | 2                                                                                     |
| Estimated Household Income            | \$15,000                                                                            | \$26,000                                                                            | \$31,000                                                                            | \$53,000                                                                             | \$73,000                                                                              | \$70,000                                                                              |
| % of Area Median Income (At or Below) | 30%                                                                                 | 50%                                                                                 | 60%                                                                                 | 80%                                                                                  | 100%                                                                                  | 120%                                                                                  |
| Max Rent They Can Afford              | \$375                                                                               | \$650                                                                               | \$775                                                                               | \$1,325                                                                              | \$1,825                                                                               | \$1,750                                                                               |
| Max Home Price                        | \$49,000                                                                            | \$65,000                                                                            | \$95,000                                                                            | \$171,000                                                                            | \$250,000                                                                             | \$220,000                                                                             |

**EXHIBIT B –  
HILGARTWILSON  
PARKING COMPARISON**

TYPICAL 20'  
ON-STREET  
PARKING



PROJ.NO.:

DATE: NOV 2020

SCALE: 1"=100'

DRAWN BY: HW

CHECKED BY: HW

CITY OF SURPRISE

PARKING COMPARISON

**HILGARTWILSON**  
2141 E. HIGHLAND AVE., STE. 250  
PHOENIX, AZ 85016  
P: 602.490.0535 / F: 602.368.2436

**EXHIBIT C – SURPRISE  
TRANSPORTATION  
IMPACT FEE  
PRESENTATION**

# Transportation Development Impact Fee – Stakeholder Kickoff Meeting

Surprise, Arizona

September 24, 2020

Bethesda, MD | 301.320.6900

[TischlerBise.com](http://TischlerBise.com)

# Residential Factors

The analysis will use persons per housing unit to convert housing units to population.

| Housing Type               | Persons | Households | Persons per Household | Housing Units | Persons per Housing Unit | Housing Mix | Vacancy Rate |
|----------------------------|---------|------------|-----------------------|---------------|--------------------------|-------------|--------------|
| Single-Family <sup>1</sup> | 121,890 | 42,542     | 2.87                  | 48,483        | 2.51                     | 86.5%       | 12.25%       |
| Multi-Family <sup>2</sup>  | 7,061   | 3,620      | 1.95                  | 4,376         | 1.61                     | 7.8%        | 17.28%       |
| Mobile Home                | 3,583   | 1,933      | 1.85                  | 3,162         | 1.13                     | 5.6%        | 38.87%       |
| Total                      | 132,534 | 48,095     | 2.76                  | 56,021        | 2.37                     | 100.0%      | 14.15%       |

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates, Tables B25024, B25032, B25033.

1. Includes detached and attached (i.e. townhouses) units.

2. Includes dwellings in structures with two or more units.



# **Presentation: Updating the Development Code**

**City Council Work Session**  
December 1, 2020

# Alternative Language

## **Alternative Language #1**

This section of alternative language means to reduce the minimum side setback standards for traditional single-family residential lots in R-1 and R-2 zoning. This change would reduce the minimum side setbacks to 5' and 5' on either side of a home.

### **Table 106-2c - Residential Low Density (R-1) Zoning district**

Lot Category A

Min Side Setback: 5' & 5' 8'

### **Table 106-2d - Residential Medium Density (R-2) Zoning district**

Lot Category A

Min Side Setback: 5' & 5' 7'

Lot Category B

Min Side Setback: 5' & 5' 8'

# Alternative Language

## Alternative Language #2

This section of alternative language means to reduce the threshold of lot widths that the LDO considers a narrow lot and therefore requires different mitigating designs in a subdivision plat. This group of changes includes notes in the development standards tables for R-1 and R-2 zoning districts and the Lot Planning section of Chapter 108-Land Division.

### **Table 106-2c & Table 106-2d - R-1 & R-2 Zoning districts**

Subdivisions shall contain no more than seventy-five percent (75%) of lots less than **forty-eight feet** **(48')** ~~fifty-feet (50')~~ wide and will include mitigating designs outlined in Chapter 108 of this ordinance.

# Alternative Language

## **Alternative Language #3**

This section of alternative language means to add a new lot category intended for higher density single-family residential products platted on individual lots in R-2 zoning districts. This change suggests adding a new smaller lot category to the development standards tables for R-2 zoning districts.

### **Table 106-2d - Residential Low Density (R-2) Zoning districts**

Lot Area (sf): 2,000-3,499

Min. Lot Width (sf): 35

Min. Front Setback (ft): 5

Min. Side Setback (ft): 5/5

Min. Rear Setback (ft): 5

Max. Bldg. Height (ft): 30

Lot Coverage: 70%

Footnote: Add footnote that this lot category can only be used for a residential development with access for each dwelling unit provided by a common shared drive or rear-loaded alley.

# Alternative Language

## **Alternative Language #4**

This section of alternative language means to add flexibility in how Traditional Neighborhood Development (TND) zoning districts are entitled during a rezoning process. The current proposal has a rigid requirement to include a mixture of land dedicated to commercial, residential, mixed use, and open space. The language listed below intends to enforce the calculation as a target that can vary for a given project during its rezoning process. It means to allow constraints like unique topography or creative designs as factor when the City evaluates future master planned communities.

- 106-4.2      Establishment of TND Zoning district**  
**C.              Required Mixture of Land Uses.**

# Alternative Language

## **Alternative Language #5**

This section of alternative language means to add a new lot category intended for higher density single-family residential products platted on individual lots in TND-R zoning districts. This change suggests adding a new smaller lot category to the development standards tables for TND-R zoning districts.

### **Table 106-4b - Development Standards for TND-R Parcels**

Lot Area (sf): 2,000-3,499

Min. Lot Width (sf): 35

Min. Front Setback (ft): 5

Min. Side Setback (ft): 5/5

Min. Rear Setback (ft): 5

Max. Bldg. Height (ft): 30

Lot Coverage: 70%

Footnote: Add footnote that this lot category can only be used for a residential development with access for each dwelling unit provided by a common shared drive or rear-loaded alley.

# Direction Needed

Direction on this language help prepare the final draft of the LDO.

- Should the City include any or all of the alternative language options?

# Public Hearings

## Planning and Zoning Commission

- November 19, 2020
- Provided Recommendation

## City Council

- December 15, 2020
- Consideration and Action



# QUESTIONS OR COMMENTS?

Thank You