



CITY OF SURPRISE
Regular City Council Work Session
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, November 16, 2021 @ 5:00 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

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

[Download the Call to the Public form](#) (PDF download requires Adobe Acrobat Reader)

[Fill out the Call to the Public form online](#) If submitting form electronically, please submit to City Clerk at least one hour before the meeting start time.

The Call to the Public form is also available at the front counter.

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

Approval of items on the Consent Agenda – all items with an asterisk (*) are considered to be routine matters and will be enacted by one motion and one roll call vote to the City Council. There will be no separate discussion on these items unless a Councilmember requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

Please be aware that Council Members may not discuss or respond to matters raised during call to the public that are not specifically identified on the agenda. Council Members may however, in their discretion, discuss or respond to relevant matters raised during a noticed public hearing or agenda item.

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 a Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinances (LDO) to improve clarity and remove conflicts (case FS21-413); Ordinance #2021-17. | None

Trevor Fleetham
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: November 10, 2021 at 11:55 AM

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: November 16, 2021 Contact Person: Trever Fleetham
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 a Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinances (LDO) to improve clarity and remove conflicts (case FS21-413); Ordinance #2021-17.

Motion:

Presentation and discussion only.

Background:

On December 15, 2020 the City Council approved Ordinance 2020-38, which repealed Chapters 101-122 of the Surprise Municipal Code and adopted “Part II – Land Development Ordinance, Chapters 101-111” under case FS18-296. This action, which became effective in January 2021, was a comprehensive update to the City of Surprise zoning code, replacing the Surprise Unified Development Code (SUDC), to help further implement the Surprise General Plan 2035. After several months of real-world application of the new code, staff has identified areas of conflict within the text and others in need of clarification. This text amendment (FS21-413) aims to address those areas to improve clarity and remove conflicts within the LDO.

Objective Analysis:

The proposed zoning text amendment includes several changes dispersed throughout the chapters of the Land Development Ordinance. While none of these are significant changes themselves, this text amendment will greatly improve the clarity of the LDO and remove conflicts within the text that staff has discovered while implementing this code since its adoption in December of 2020.

Policy Compliant:

This Zoning Text Amendment is consistent with, and will help implement, the Surprise General Plan 2035.

Financial Impact:

There is no direct financial impact.

Budget Impact:

There is no direct impact to the budget.

FTE Impact:

There will be no impact on FTE as a result of this Zoning Text Amendment.

ATTACHMENTS:

1. 00 - FS21-413 ZTA for LDO Clarification - Staff Report 111621 CCWS
 2. 01 - FS21-413 ZTA for LDO Clarification - Narrative
 3. 02a - FS21-413 ZTA for LDO Clarification - Legislative Edit w 106-10.40 Alternative 1
 4. 02b - FS21-413 ZTA for LDO Clarification - Legislative Edit w 106-10.40 Alternative 2
 5. 03 - FS21-413 ZTA for LDO Clarification - Citizen Participation Report
 6. 04 - FS21-413 ZTA for LDO Clarification - Ordinance w 106-10.40 Alternative 1
 7. 04 - FS21-413 ZTA for LDO Clarification - Ordinance w 106-10.40 Alternative 2
 8. FS21-413 LDO ZTA Presentation 111621 CC Work Session
-

ZONING TEXT AMENDMENT

REPORT TO THE CITY COUNCIL

Case: FS21-413

Project Name: Zoning Text Amendment for LDO Clarification

Council District: Citywide

Meeting Date: November 16, 2021 Work Session

Planner: Trever Fleetham, AICP

Applicant: City of Surprise

Request: Zoning Text Amendment to the Surprise Land Development Ordinances to improve clarity and remove conflicts

General Plan Conformance: The proposal is consistent with the Surprise General Plan 2035

Support/Opposition: None encountered

Commission

Recommendation: On September 16, 2021, the Planning & Zoning Commission recommended approval of the proposed Zoning Text Amendment, excluding from the motion Section 106-10.40 of the Surprise Land Development Ordinance. As of the writing of this staff report, Section 106-10.40 has not returned to the Planning & Zoning Commission for further consideration. The Planning & Zoning Commission is scheduled for another public hearing on this item on November 4, 2021.

PROJECT DESCRIPTION:

The City has initiated this Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinances (LDO) to correct scrivener errors, improve the readability, provide better interpretation, and remove internal conflicts with other sections of the LDO related to the same subject matter. Additionally, this ZTA includes an amendment to the LDO section regarding Conditional Use Permits, as well as an accompanying City Code amendment to provide for appeal of Conditional Use Permit decision to the City Council.

42 **BACKGROUND:**

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44 On December 15, 2020 the City Council approved Ordinance 2020-38, which repealed Chapters 101-
45 122 of the Surprise Municipal Code and adopted “Part II – Land Development Ordinance, Chapters
46 101-111” under case FS18-296. This action, which became effective in January 2021, was a
47 comprehensive update to the City of Surprise zoning code, replacing the Surprise Unified
48 Development Code (SUDC), to help further implement the Surprise General Plan 2035. After several
49 months of real-world application of the new code, staff has identified areas of conflict within the text
50 which are in need of clarification. This text amendment (FS21-413) aims to address those areas to
51 improve clarity and remove conflicts within the LDO.

52
53 **ANALYSIS AND DISCUSSION:**

54
55 The proposed zoning text amendment includes several changes dispersed throughout the chapters
56 of the Land Development Ordinance. While none of these are significant changes themselves, this
57 text amendment will greatly improve the clarity of the LDO and remove conflicts within the text that
58 staff has discovered while implementing this code since its adoption in December of 2020. The
59 following are descriptions of each proposed change, accompanied by information on the specific
60 section where it can be found within the LDO.

61
62 Chapter 102 – Review Process and Applications

63 *Article 2 – Procedure Types and Submittals (102-2.1: Procedure Types)*

64 This section summarizes in table format the application types and their respective procedures and
65 decision authority. The revision will correct the appeal authority for ‘Minor land division/ parcel
66 assemblage’ and ‘corrective plat’ from City Council to Board of Adjustment in order to be in
67 conformance with other sections of the City Code and applicable law.

68
69 *Article 3 - Public Outreach and Notification (102-3.2: Neighborhood Meetings)*

70 This section identifies the Procedure Types and Applications that require a Neighborhood
71 Meeting. The revision will delete ‘Preliminary Plats’ as an identified application because it
72 conflicts with Table 102-2a and Article 5 – Type 2 Applications and Requests.

73
74 *Article 6 - Type 3 Application and Requests (102-6.3: Conditional Use Permits)*

75 This section includes procedures for Conditional Use Permits. The revision adds language for the
76 process to appeal the decision of the Planning and Zoning Commission to the City Council.

77
78 Chapter 105 – Building and Building Regulations

79 *Article 2 – Technical Codes (105-19: Construction Codes)*

80 This section provides reference to the currently adopted construction codes for the City. The
81 revision updates the references to the currently adopted construction codes.

82
83 Chapter 106 – Zoning and Use Standards

84 *Article 1 – In General (106-1.7: Development Standards and Encroachments)*

85 This section provides details on typical development standards. The revision replaces the text for
86 ‘Lot Coverage’ with the verbiage used in the respective definition to provide consistency.

Article 1 – In General (Table No. 106-1c – Primary Land Use Matrix for All Zoning Districts)

This table provides the allowable uses for each zoning district. The revision ensures that ‘Places of Worship’ are allowed in the same zoning designations as ‘Places of Assembly’ to ensure compliance with applicable law.

Article 3 – Surprise Heritage District (SHD) Zoning District (106-3.2: Design and Development standards in the SHD Zoning district)

This section includes Table 106-3a, the Development Standards Table for the Residential Overlay (SHD-RO). The revision will remove the word ‘total’ from the minimum side setbacks for Single-, Two-, and Three-family residential uses. The intent of this setback is to maintain separation from the side lot lines of at least 5-feet on one side and 10-feet on the other side.

Article 10 – Use Specific Standards (106-10.3: Accessory Uses and Structures)

This section includes the standards specific to accessory uses and structures. The revision changes a label in Figure 106-10b from 20’ to 15’ in order to depict the correct maximum height of an accessory structure.

Article 10 – Use Specific Standards (106-10.23: Home Occupation)

This section lists the uses that are not permitted as home occupations. This revision removes ‘Sales of weapons or ammunition’ in order to ensure compliance with applicable law. This revision also removes ‘retail sales in general’ which was an unintended addition to this list.

Article 10 – Use Specific Standards (106-10.31: Outdoor Display and Sales Areas)

This section includes the standards specific to outdoor display and sales areas. This revision adds ‘I-1’ and ‘I-2’ to the allowed zoning districts in order to match Table No. 106-1c.

Article 10 – Use Specific Standards (106-10.40: Self-storage Facilities)

This section includes the use specific standards for self-storage facilities and creates 4 “types” or subcategories. This revision removes the “parking style” type in order to eliminate conflicts with the Recreational Vehicle (RV) Storage use. The verbiage for a parking style type self-storage would include an RV storage, but the two uses have differing allowances within the use table. This revision also contemplates a removal or change to the maximum size of 2 acres when adjacent to a residential zoning district or a residential use. The Planning & Zoning Commission will hear this item again on November 4, 2021 for further discussion and recommendation. The three (3) alternatives being presented to the Commission are as follows:

1. Regardless of the “type”, the minimum size of any storage facility site shall be one acre (1 ac). The site should be limited to a maximum of two acres (2 ac) when adjacent to a residential zoning district or a residential use.
2. Regardless of the “type” the minimum size of any storage facility site shall be one acre (1 ac). The site should be limited to a maximum of _____acres (___ac) when adjacent to an entitled or existing residential use.
 - a. For purposes of this section (106-10.40) “adjacent” shall mean two adjoining properties sharing a common property line or separated only by a local street or collector. Separation by an arterial, parkway, or freeway/highway shall not constitute “adjacent”.
3. Other alternative as determined by the Planning & Zoning Commission.

134 *Article 10 – Use Specific Standards (106-10.47: Vehicle fueling stations)*

135 This section outlines the standards specific to vehicle fueling stations (gas stations), which
136 includes a requirement that fuel canopies fronting on an arterial and/or parkway incorporate solar
137 panels. This revision removes the requirement altogether. While the City encourages the
138 inclusion of solar panels in developments, requiring them may force an increased cost of
139 development or other burdens on the owner/developer.

140
141 Chapter 107 – Design and Development Regulations

142 *Article 2 - Landscape and Screening Regulations (107-2.2: Maintenance)*

143 This section includes the requirements associated the landscape quantities and the various parties
144 responsible for maintenance. The revision includes adding and removing language to clarify the
145 landscaping areas, such as private property, multi-family developments, or landscape strips
146 within the ROW that will be maintained by either the City or private property owners.

147
148 *Article 2 – Landscape and Screening Regulations (107-2.4: Quantity, Size, and Spacing*
149 *Requirements)*

150 This section includes additional landscaping standards specific to certain areas. This revision
151 adds “multi-family” to the section header in order to match the text under that section.

152
153 *Article 3 – Outdoor Lighting Regulations (107-3.7: Outdoor Advertising Signs)*

154 This section provides the lighting requirements specific to outdoor advertising signs. This
155 revision deletes the provisions within this section in order to point back to the sign code (Chapter
156 109) for sign-specific regulations. This revision will reduce confusion and ensure that all sign-
157 specific requirements are in one place within the code.

158
159 *Article 4 – Parking and Loading Regulations (107-4.3: R-1 and R-2 Residential Provisions)*

160 This section includes the requirements associated the parking in front yards of homes. The
161 revision includes clarifying what constitutes off-street parking for R-1, R-2, and SHD-RO zoning
162 districts in the front yard. It also reestablishes a limit to the width of driveways to prevent over-
163 paving front yards while allowing typical widths on narrow lots.

164
165 *Article 4 – Parking and Loading Regulations (107-4.5: Dimensions)*

166 This section provides the dimensions for off-street loading spaces. The revision adds the word
167 “twenty” which was inadvertently left out.

168
169 Chapter 108 – Land Division and Subdivision Regulations

170 *Article 1 - General Process and Overview (108-1.8: Maintenance of Medians and Median*
171 *Landscaping)*

172 This article states the general process and an overview of the Land Division and Subdivision
173 Standards. The revision includes adding Section 1.8-Maintenance of Medians and Median
174 Landscaping. The language was included in the previous Surprise Unified Development Code
175 (SUDC) and mistakenly omitted from the Land Development Ordinances (LDO).

Chapter 109 – Signs

Article 1 – General Process and Overview (109-1.9: Sign classifications and types)

This section regulates building-mounted signs. The revision will add language in subparagraph B to include multi-tenant buildings as having the same regulations as single-story, single-tenant buildings.

Chapter 110 – Development Impact Fees

Article 1 – In General (110-1.1: Definitions)

This section provides definitions for terms used within Chapter 110. The revision adds a definition for Gross Floor Area that will provide clarity on how to assess fees based on square feet.

CONFORMANCE WITH ADOPTED PLANS:

Surprise General Plan 2035: The subject request is consistent with, and will help implement, the Surprise General Plan 2035.

REVIEWING AGENCIES:

The standard city reviewing agencies were included in the routing of this request. None of the reviewing agencies indicated any concerns over the request.

SUMMARY:

This Text Amendment to the Land Development Ordinances (LDO) will remove conflicts, provide clarification, and reintroduce language that was mistakenly omitted when replacing the Surprise Unified Development Code (SUDC). Additionally, this ZTA includes an amendment to the LDO section regarding Conditional Use Permits, as well as an accompanying City Code amendment to have appeals from Conditional Use Permit decisions be heard by the City Council.

FINDINGS:

- The proposed Zoning Text Amendment is consistent with the Surprise General Plan 2035.
- The proposed Zoning Text Amendment will advance the goals and policies of the General Plan.
- The reviewing agencies have indicated no objections.

COMMISSION RECOMMENDATION:

On September 16, 2021, the Planning & Zoning Commission recommended approval of the proposed Zoning Text Amendment, excluding from the motion Section 106-10.40 of the Surprise Land Development Ordinance. As of the writing of this staff report, Section 106-10.40 has not returned to the Planning & Zoning Commission for further consideration. The Planning & Zoning Commission is scheduled for another public hearing on this item on November 4, 2021.

225 **Attachments:**

226

227 01 Narrative

228 02a ZTA Legislative Edit – Alternative 1

229 02b ZTA Legislative Edit – Alternative 2

230 03 Citizen Participation Report

231 04 Ordinance

232 PPT

Land Development Ordinance Zoning Text Amendment

Narrative – FS21-413

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LDO SECTIONS

Chapter 102 – Review Process and Applications

Article 2 – Procedure Types and Submittals (102-2.1: Procedure Types)

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Article 2 – Technical Codes (105-19: Construction Codes)

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Article 1 – In General (106-1.7: Development Standards and Encroachments)

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Article 1 – In General (110-1.1: Definitions)

This section provides definitions for terms used within Chapter 110. The revision adds a definition for Gross Floor Area that will provide clarity on how to assess fees based on square feet.

SUMMARY

This Text Amendment to the Land Development Ordinances (LDO) will remove conflicts, provide clarification, and reintroduce language that was mistakenly omitted when replacing the Surprise Unified Development Code (SUDC). Additionally, this ZTA includes an amendment to the LDO section regarding Conditional Use Permits, as well as an accompanying City Code amendment to have appeals from Conditional Use Permit decisions be heard by the City Council.

Draft Zoning Text Amendment to the Land Development Ordinances (FS21-413)

Edits in red are deletions; edits highlighted are additions

CHAPTER 102 - REVIEW PROCESS AND APPLICATIONS

ARTICLE 2 – PROCEDURE TYPES AND SUBMITTALS

102-2.1 Procedure Types

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

Table 102-2a: Application Type, Procedure, and Decision Authority Summary								
	Public Outreach				Community Development Director	Planning and Zoning Commission	City Council	Board of Adjustment
	Agenda Posting	Notice Letter & Newspaper	Neighborhood Meeting	Site Posting				
Type 1 Applications								
Zoning Interpretation					D			A
Site Plan Amendment (minor)					D	A		
Minor land division / Parcel assemblage					D		A	A
Administrative Use Permits					D			A
Temporary Use Permits					D	A		
Home Product Review					D	A		
Corrective Plat					D		A	A
PEDS Deviation/Waiver					D	A		
Slope Category Analysis Waiver					D	A		
Administrative Waiver/Extension					D	A		
Type 2 Applications								
Site Plan Review	X				R	D	A	
Site Plan Amendment (major)	X				R	D	A	
Protected Development Rights Plans	X				R	R	D	
Preliminary plats	X				R	R	D	
Final plats	X				R		D	
Original Townsite Incentive	X				R		D	
Development Agreement	X				R		D	
Hillside Cut & Fill Waiver	X			X	R	D		
Type 3 Applications								
General Plan Amendments	X	X	X	X	R	R	D	

The City of Surprise Code Update

Specific Area Plan Requests	X	X	X	X	R	R	D	
Rezoning Requests	X	X	X	X	R	R	D	
LDO Text Amendments	X	X ⁽¹⁾	X		R	R	D	
Conditional Use Permits	X	X	X	X	R	D	A	
Comprehensive Sign Program	X	X	X	X	R	R	D	
Variances Requests	X	X		X	R			D
Annexation	X	X	X	X	R		D	
Key: X = Required (1) = 1st Class Letter not required								
R = Reviews and recommends action to decision-making body D = Decision-making body A = Appeal authority								

ARTICLE 3 – PUBLIC OUTREACH AND PUBLIC NOTIFICATION

102-3.2 Neighborhood Meetings

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

ARTICLE 6 – TYPE 3 APPLICATION AND REQUESTS

102-6.3 Conditional Use Permits

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

CHAPTER 105 – BUILDING AND BUILDING REGULATIONS

ARTICLE 2 – TECHNICAL CODES

DIVISION 1 GENERALLY

105-19 Construction codes. The following codes and appendices as published by the International Code Council, and the *amendments* to those codes, as adopted by ordinance, are hereby adopted as amended and declared to be public records. At

The City of Surprise Code Update

least three copies of each code and its corresponding *amendments*, if any, shall be filed in the city clerk's *office* and kept available for public use and inspection.

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

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

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

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

CHAPTER 106 - ZONING AND USE STANDARDS

ARTICLE 1 – IN GENERAL

106-1.7 Development Standards and Encroachments

- C. ~~Lot coverage. Measured by the total square footage of structures used for protection or shielding from the elements or weather divided by the square footage of the lot.~~ THE PERCENTAGE OF THE LOT AREA COVERED BY A BUILDING

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AND/OR OTHER ALLOWED ROOFED *STRUCTURE* USED FOR PROTECTION OR SHEILDING FROM THE ELEMENTS OR WEATHER.

Table No. 106-1c – Primary Land Use Matrix for All Zoning Districts

Table No. 106-1c - Primary Land Use Matrix for All Zoning Districts																									
"P" = Permitted; "AUP" = Administrative Use Permit; "CUP" = Council Use Permit; "[blank space]" = Prohibited																									
	Residential				Surprise Heritage District		Traditional Neighborhood Development				Mixed Use			Commercial			Employment				Open Space/Public Uses		Use Specific Standards		
Zoning Districts	RR	R-1	R-2	R-3	SHD-RO	SHD-CO	TND-R	TND-C	TND-MU	TND-OS	MU-1	MU-2	MU-3	CO	C-1	C-2	C-3	BP	I-1	I-2	I-3	OS-1	OS-2	PF	Specific regulations can be found in Sections listed below
Uses																									
Commercial																									
Places of Assembly					CUP	P		P	P	P	P	P	P		P	P	P	P	P	P					P
Places of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P					P

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

ARTICLE 3 – SURPRISE HERITAGE DISTRICT (SHD) ZONING DISTRICTS

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

B. Development Standards.

- Existing *mobile homes* and *manufactured homes* that are not in compliance with the use-specific standards of **Section 106-10.25** herein as

of the effective date of this Ordinance shall be considered as legal non-conforming *structures*. However, the existing *mobile home* or *manufactured home* may be replaced in its' entirety with a conventional site-built home or with a *manufactured home* that complies with the Use Specific Standards outlined in **Section 106-10.25** herein.

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

Table 106-3a – SHD - Residential Overlay Zoning (SHD-RO)			
	Commercial	Single-family, Two-family, Three-family	Multi-family Residential
Min. Lot Area (sf)	5,000		15,000
Min. Lot Area (sf/du)		5,000	5,000
Min. Front setback (ft)	15	12 ^{2,3}	15 ^{2,3}
Max. Front setback (ft)	30	30 ⁴	30 ⁴
Min. Side setback (ft)	10	5 & 10 total ^{1,3}	20 ³
Min. Rear setback (ft)	12	12 ³	20 ³
Max. Bldg. Height (ft)	30	30	35
Lot coverage %		65%	65%
Notes: 1. May be reduced to 0' setback for <i>Single-family dwellings</i> as attached to and separated by a <i>common wall</i> along the property line. End units shall maintain the larger setback. 2. A covered front porch may encroach into the <i>front setback</i> by up to five feet (5'). 3. <i>Garage</i> doors/embellishments shall be setback a minimum of twenty feet (20' <i>alley</i>) measured from the opposing property line, except rear, <i>alley</i> loaded <i>garages</i> , which shall be setback six feet (6') from the <i>alley</i> edge line. 4. Measured from the primary <i>dwelling</i> , excluding front porch.			

ARTICLE 10 – USE SPECIFIC STANDARDS

106-10.3 Accessory Uses and Structures.

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

Table 106-10b - Accessory Structures					
	Max Accessory Structure Size	Building Separation ²	Setback (Front yard)	Setback (Side and Rear)	Height

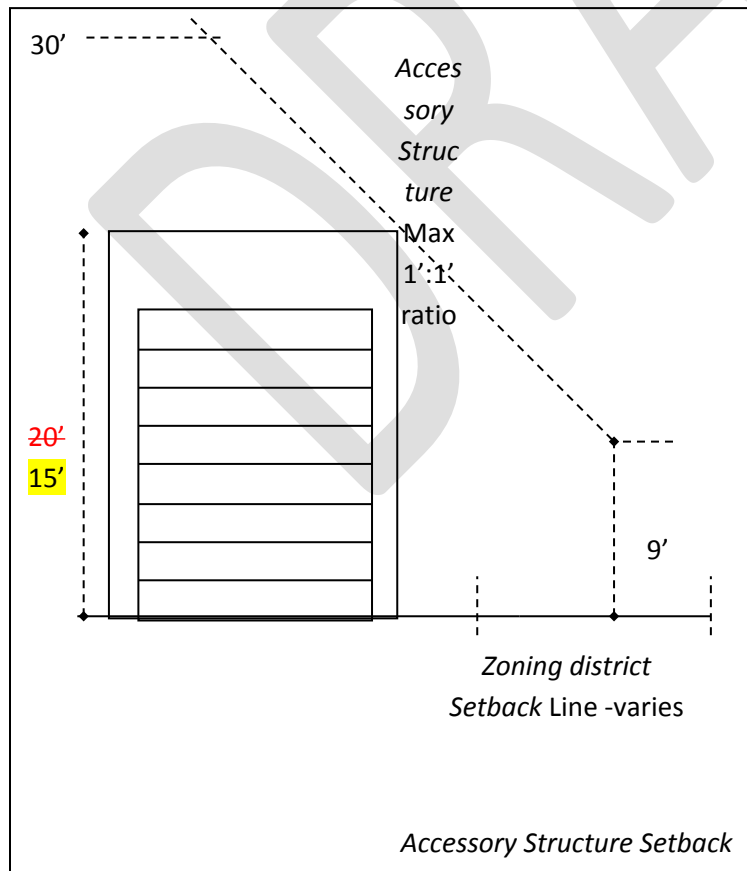
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				yard)	
Shade Structures	400 sf	5'	Same as Zoning min setbacks	5'	9' ³
Other accessory structures	Total lot coverage prescribed by the subject zoning district ^{1, 4}	5'	Not allowed ⁷	5' ⁵	9' ^{3, 6}

Notes:

1. Calculated by the finished floor area of the first floor of the principal *building* and all other accessory structures.
2. May be increased as required by the *building* and/or fire codes
3. The *height* of an *accessory structure* shall not exceed nine feet (9') as measured at the five-foot (5') *setback* line. The *height* of the *accessory structure* may increase at a ratio of one foot vertical for every one foot horizontal (1':1') as measured relative to the property line to a maximum *height* of fifteen feet (15') (See **Figures 106-10a 106-10b**)
4. Each *accessory structure* has a maximum area not to exceed 3,000 sf regardless of lot coverage limits.
5. *Fences* used to separate properties in a subdivision may straddle the common property line
6. On *lots* 30,000 sf or greater each *accessory structure* has a maximum *height* equal to the *zoning district* when constructed within the *building envelope*.
7. In RR *zoning districts*, *accessory structures* are permitted in the *front yard* when constructed within the *building envelope*.

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



106-10.23 Home Occupation.

- C. The following *uses* have a pronounced tendency, once started, to rapidly increase beyond the limits permitted for *home occupations* and thereby impair the *use* and value of a residentially zoned area for residential purposes. Therefore, the following *uses* shall not be permitted as *home occupations*: (this list is not all inclusive)
11. ~~Sales of weapons or ammunition, retail sales in general,~~ banks, credit unions or payday lending

106-10.31 Outdoor Display and Sales Areas.

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

1. The *outdoor display area* is only for merchandise sold on the property with the sale of the merchandise being conducted within the *business building*; no open *outdoor sales* shall be permitted.
2. The *display area* is located on private property (not within the public *right-of-way*), not displayed within the landscaping areas, and does not displace any required parking for the *permitted uses*.
3. The merchandise is displayed in a manner allowing for shopping with a clear walkway and displayed only during *business* hours with the merchandise being brought inside at the close of each *business* day, except for permanent *outdoor displays*.
4. The *outdoor display* shall be in a manner that presents a display vignette rather than lined-up and/or chained together, and has no *signage*, blinking lights, movable or audible aspects to the display.
5. The *display area* shall be limited to only twenty-five (25%) percent of the *business* store *frontage* and located within twenty-five feet (25') of the customer entrance.
6. Permanent *outdoor display areas* may be permitted as part of an approved *site plan* for C-3, I-1 AND I-2 Zoning districts.

106-10.40 Self-storage Facilities.

- A. *Self-storage facilities* may be appropriate in the Neighborhood, Commerce and Office, and Employment Character Areas of the *General Plan*, except ~~expect~~ may be considered incompatible in areas within the Transit-Oriented Development (TOD) Strategic Plan and Scenic Lands Sub Area.
- B. There are ~~four~~ THREE different “types” of *self-storage facilities*; each with different land *use* needs and varying degrees of regulations.
-

1. “Garage style” with single story *buildings* that allow customers to drive directly up to the front of each individual roll-up door storage unit/bay.
 2. “Multi-story/climate controlled” in a single *building* providing *access* to the individual units from an interior hallway within the *building*.
 - ~~3. “Parking style” allows outdoor storage of vehicles, boats, RV’s, and trailers. This type can be a standalone facility or combined with either the garage style or multi-story climate controlled facility.~~
 4. “Portable container” is the remote facility where small roll-off containers are stored after they have been delivered to and picked up from the customer’s location; with no public or customer *access* to the storage facility.
- C. *Self-storage facilities* are for storage purposes only. No on-site retail sales are permitted from a rented storage unit.
- D. Regardless of the “type” the minimum size of any storage facility site shall be one acre (1 ac). ~~The site should be limited to a maximum of two acres (2 ac) when adjacent to a residential zoning district or a residential use.~~
- E. The site shall be contiguous to an arterial or collector road, although *access* may or may not be directly onto such arterial or collector, as determined through the review process.
- F. All *buildings* that are visible from a *public street* shall exhibit architectural enhancements, including variation of rooflines, *uses* of multiple material types, and color variations compatible with surrounding *uses* as set forth in the PEDS (see **Chapter 107**) herein. Architectural plans, including material and color samples, shall be submitted for review at the time of application.
- G. A minimum eight-foot (8’) high masonry *wall* with architectural enhancements shall be provided around the perimeter of the property or storage area. When *adjacent* to a right-of way or public area, the perimeter wall or *building* wall will be designed in accordance with **item F** of this section.
- H. *Outdoor storage* shall be limited to boats, trailers, or *recreational vehicles*. The storage of these vehicles in conjunction with either the garage style or the “multi-story/climate controlled” storage facility shall be limited to a maximum fifteen percent (15%) of the net site area. All outdoor vehicle storage shall be located in the interior of the site and shall be *screened* from view from surrounding properties. ~~Parking style and~~ Garage style storage facilities shall provide an eight foot (8’) decorative view-obscuring *wall* to *screen* the entire storage area. There shall be no storage of *abandon*, damaged, or junked boats, trailers or *recreational vehicles* in any storage facility.
- I. Site Design for Garage style facilities:
-

1. Each site shall provide a minimum of two (2) exits, one (1) of which may be for emergency vehicle *use* only.
 2. All driveways, parking, loading, and circulation areas shall be paved with concrete, asphalt, or similar material.
 3. All one-way driveways shall provide a fifteen-foot (15') travel lane. Signing and painting shall be *used* to designate traffic direction and parking.
 4. All two-way driveways shall meet the Surprise Standard Details in the PEDS.
 5. When the main driveway directly serves storage areas or cubicles, a ten-foot (10') wide parking lane shall be provided in addition to the travel lane(s).
 6. No garage style *self-storage building* shall be more than two hundred feet (200') long.
- J.** The maximum *building height adjacent* to a residential *zoning district* or within fifty feet (50') of a residential *dwelling* shall be fourteen feet (14') in *height*. *Building height* may be increased one foot in *height* for every two feet of additional *setback* (1':2') to a maximum twenty-four feet (24') in *height* from finished *grade*. The maximum *building height adjacent* to a non-residential *zoning district* shall be a maximum of thirty-five feet (35') in *height* from finished *grade*.
- K.** The required landscape areas shall be provided along all *street frontages* between the *street* and sidewalk, and within areas of the site visible from public view, including areas *adjacent* to all perimeter *fences/walls*.
- L.** No hazardous or flammable materials shall be stored in a mini-storage development.
- M.** No auctions, commercial sales/rentals, garage sales, or other activities not consistent with the approved storage *use* shall be conducted on the premises.
- 106-10.47 Vehicle fueling stations**
- ~~**O.** If fuel canopies are fronting on an arterial and/or parkway, a minimum of 3.5 kW photovoltaic shall be required to be placed on the top of the canopy.~~

CHAPTER 107 DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE 2 – LANDSCAPE AND SCREENING REGULATIONS

107-2.2 REPAIR AND Maintenance RESPONSIBILITIES

- A. The **REPAIR AND** maintenance of all landscaping on the property or abutting *right-of-way, landscape strip, open space, buffer areas, setbacks, parks, retention basins, or pathways* shall be the responsibility of the property owner. **THE CITY OF SURPRISE SHALL NOT HAVE ANY REPAIR OR MAINTENANCE RESPONSIBILITIES ON PRIVATELY OWNED LANDSCAPING, UNLESS BY SEPARATE AGREEMENT.** ~~unless otherwise accepted by the City for maintenance purpose. Maintenance of medians and median landscaping on arterial roads, or on parkways, shall be the responsibility of the city after acceptance.~~
- B. The *developer* must put in place an improvement district, or other City approved mechanism, that shall fund the maintenance of landscape, *open space*, recreation, and/or *retention areas*; unless otherwise accepted by the City.
- C. All projects required to be landscaped shall pass a landscape inspection prior to the issuance of a final inspection or a certificate of occupancy by the city. Landscaping installation shall be in substantial conformance with the approved plan. Significant *alteration* in the design or installation without appropriate plan *amendment* approval is subject to the withholding of final inspection approval.
1. The city shall have the right to deny any project not meeting the provisions of this section.
 2. The city shall also have the right to reject landscape materials as being substandard as to size and/or condition prior to installation.
 3. The *owner* shall, prior to *building permit* approval, provide evidence that all plant materials are guaranteed for a minimum period of 120 days from the date of final approval by the city. Trees, shrubs, vines, ground cover, and turf which have to be replaced under terms of the guarantee shall be guaranteed for an additional 120 days from the date of replacement.
- D. No *setback* and/or landscaped area required by this Ordinance shall be *used* for the parking of vehicles or the storage or display of materials, supplies or merchandise.
- E. Landscaping shall be maintained in accordance with the approved site and landscape plan. Required landscaped areas shall be kept free of trash, debris, weeds, and dead plant material, and shall in all respects be maintained in a neat, clean, and healthful condition. This includes proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of dead plants, and the regular watering of all plantings.
- F. The removal or destruction of plants and landscape material, previously approved by the city as part of the landscape plan, shall constitute a violation of this

Ordinance. All dead or removed plants shall be replaced with plants of the same variety, and size in accordance with the approved final landscape plan.

- G. Any plant material, that does not survive, shall be replaced within 30 days of its demise or damage.
- H. Plant material shall not be severely pruned but rather maintained based on the specific plant species such that the natural growth pattern, flowering cycle, and characteristic form are not significantly *altered*. Refer to the Arizona Landscape Contractors Association (ALCA) for best practices.
- I. Palm trees shall be pruned once each year to remove dried fronds to eliminate fire hazard and insect infestation.
- J. The property *owner* is responsible for the pruning of any tree overhanging any sidewalk, path or trail, *street*, or *right-of-way* within the city to the degree that maintains visibility of intersections, clearance for large vehicles, and prevent interference with pedestrians and other *multimodal* means of travel.
 - 1. Refer to the PEDS in reference to landscape, fences, and other *structures* regarding potential impacts on sight *visibility triangles* on all *streets*.
 - 2. A minimum vertical clearance of fifteen feet (15') from the top of road pavement shall be required for tree limbs extending over roads and above fire *access* lanes.
 - 3. All dead, diseased or dangerous trees with broken or decaying limbs which the Community Development Director or designee constitutes a hazard to the public shall be removed. A *street* tree that interferes with the proper spread of light along the *street* from a *street* light, or interferes with the visibility of any traffic control device shall be correctively pruned.
 - 4. The City shall have the right, at the expense of the property *owner*, to prune or remove landscaping that the *owner* fails to remove within the time period provided in a notice by the City Code Enforcement. The costs of pruning or removing such hazardous tree or limbs from the public property or *right-of-way* shall be assessed against the property *owner* and shall constitute a lien on the property until paid.
- K. All landscaped areas shall be supported by an automatic irrigation system which may be a spray, soaker, or drip type system.
 - 1. The irrigation system shall terminate in an appropriate number of sprinklers or bibs to ensure a sufficient amount of water to sustain plants within the landscape areas.
 - 2. A reduced pressure-type vacuum breaker shall be required with the installation of all sprinkler systems.

3. All irrigation systems and landscaped areas shall be designed, constructed, and maintained so as to promote water conservation and prevent water overflow or seepage into the *street*, sidewalk, or *parking areas*.

L. Landscaping provided in utility easements

1. If a power line utility easement is included as part of the *open space* of a project, the corridor must be fully landscaped with native and drought tolerant shrubs and tree, which will not exceed a height of twenty-five feet (25'), per Appendices B and C of Vol 1, PEDS. Decomposed granite application shall not be required.
2. The destruction or removal of plant and landscape material, or *fences*, located in a public utility easement (PUE), water easement or *sewer* easement resulting from installation or maintenance of utility infrastructure by a service provider shall be replaced in accordance with the approved landscape plan by the property *owner*.

M. Sidewalks, medians, and *landscape strip* construction and the landscaping within these areas shall adhere to the Property Maintenance regulations as referred to in Chapter 105 of the LDO AND THE NEIGHBORHOOD PRESERVATION ORDINANCE. THE OWNER OF A PARCEL OF REAL PROPERTY OR RESPONSIBLE PARTY IN CONTROL OF ANY LAND ABUTTING A COLLECTOR OR LOCAL STREET RIGHTS-OF-WAY, MEDIANS, SIDEWALKS, OR ALLEYS SHALL BE RESPONSIBLE FOR THE LANDSCAPING AND MAINTENANCE IN THESE AREAS. THE AREAS REQUIRED TO BE MAINTAINED PURSUANT TO THIS SUBSECTION ARE AS FOLLOWS:

1. ANY PORTION OF A STREET, WHICH HAS BEEN OPENED FOR PUBLIC USE, BETWEEN THE CURB LINE, OR IF THERE IS NO CURB LINE THE EDGE OF PAVEMENT, AND THE ABUTTING PROPERTY LINE INCLUDING LANDSCAPING STRIPS AND SIDEWALKS.
 - a. THE CITY SHALL NOTIFY THE OWNER WHEN LANDSCAPING IS FOUND IN VIOLATION OR A SIDEWALK IS FOUND TO BE DEFECTIVE, UNSAFE OR HAZARDOUS, AS DETERMINED BY THE CODE ENFORCEMENT DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT.
 - b. WHENEVER ANY OWNER HAS BEEN NOTIFIED TO CORRECT A LANDSCAPE VIOLATION OR RECONSTRUCT OR REPAIR ANY SIDEWALK, THE CITY MAY PROCEED TO MAINTAIN, RECONSTRUCT, OR REPAIR THE ISSUE THREE (3) DAYS AFTER SUCH NOTICE EXPIRATION, AND THE COST OF SUCH MAINTENANCE, RECONSTRUCTION OR REPLACEMENT SHALL BE PAID BY THE OWNER OF SUCH ABUTTING PROPERTY.

c. THE CITY SHALL NOTIFY THE OWNER OF SUCH ABUTTING PROPERTY OF THE AMOUNT DUE FOR THE MAINTENANCE, RECONSTRUCTION, OR REPLACEMENT OF SUCH LANDSCAPING OR SIDEWALK AND THE OWNER SHALL THEREAFTER PAY TO THE CITY.

2. ONE-HALF (½) OF THE WIDTH OF ABUTTING ALLEYS FROM THE PROPERTY LINE TO THE CENTERLINE OF THE ALLEY.

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

107-2.4 Quantity, Size, and Spacing Requirements.

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

ARTICLE 3 – OUTDOOR LIGHTING REGULATIONS

107-3.7 Outdoor Advertising Signs.

~~A. General Requirements.~~ ALL OUTDOOR ADVERTISING SIGNS SHALL BE IN CONFORMANCE WITH **CHAPTER 109** OF THIS ORDINANCE.

~~1. External fixtures shall be fully shielded, mounted on top or above the sign, and directed downward onto the sign face.~~

~~2. Lamps used for internal and external illumination of signs shall be counted toward the total lumen cap described in Section **107-3.2 C.** above.~~

~~3. Illumination for all advertising signs both externally illuminated and internally illuminated shall be either reduced or turned off as noted in **Table 107-3a** as further described below.~~

~~B. Within the LZ2 and LZ1 Lighting Zones:~~

~~1. Electronic Message Signs (EMS) where permitted per **Chapter 109** of this Ordinance shall adhere to the following:~~

~~a. The maximum lumen level for all land uses shall not exceed 200 nits.~~

- ~~b. Signs shall be required to be equipped with photo cell sensors that are factory locked to dim the sign at night (2 hours after dusk) to 100 nits. An affidavit from the manufacturer attesting to the brightness level shall be submitted with the sign permit application.~~
 - ~~c. The electronic message center portion of the sign shall be turned off when the business activities cease (or 11 pm whichever occurs last). Signs shall include timers that will automatically turn off the digital display.~~
- ~~2. All signage within a non-residential development shall be reduced by thirty (30%) percent by 11:00 p.m. or when the business closes whichever is later.~~
- ~~C. Within the LZ0 Lighting Zone.~~
 - ~~1. The maximum lumen level for any type of sign shall not exceed 100 nits.~~
 - ~~2. All free-standing signs, EMC or otherwise, shall not have white backgrounds.~~
 - ~~3. Electronic Message Signs (EMS) where permitted per Chapter 109 of this Ordinance shall adhere to the following:~~
 - ~~a. The sign was to be factory locked at 100 nits with an affidavit from the manufacturer attesting to this brightness level.~~
 - ~~b. The electronic message center portion of the sign shall be turned off when the business activities cease or 11 pm whichever occurs last. Signs shall include timers that will automatically turn off the digital display.~~
 - ~~c. The sign shall be equipped with photo cell sensors, reducing the surrounding sign brightness to reflect the surrounding ambient light when the EMS portion is turned off.~~
 - ~~4. All signage within both residential and non-residential development shall be shut off by 11:00 p.m. or when the business closes whichever is later.~~

ARTICLE 4 – PARKING AND LOADING REGULATIONS

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

- A. ~~Required Off-street parking~~ **SPACES WITHIN THE FRONT YARD** shall be utilized solely for the parking of licensed and operable passenger vehicles and in addition to Chapter 54, Article IV of the Municipal Code the regulations below shall apply:
 - 1. The *recreational vehicle* or utility trailer stored in the rear or *side yard* shall

be behind the front line of the primary *structure*.

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

107-4.5 Dimensions

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

CHAPTER 108 - LAND DIVISION AND SUBDIVISION REGULATIONS

ARTICLE 1 – GENERAL PROCESS AND OVERVIEW

108-1.8 MAINTENANCE OF MEDIANS AND MEDIAN LANDSCAPING.

- A. **THE REPAIR AND MAINTENANCE OF ALL MEDIANS AND MEDIAN LANDSCAPING WITHIN ALL ARTERIAL AND PARKWAY RIGHTS-OF-WAY CLASSIFICATIONS WILL NOT BE THE RESPONSIBILITY OF THE CITY OF SURPRISE UNTIL ALL REQUIREMENTS ARE MET AS DESCRIBED HEREIN.**
 1. **PRIOR TO ACCEPTANCE OF THE MEDIAN AND/OR MEDIAN LANDSCAPING, IF A MEDIAN AND/OR MEDIAN LANDSCAPING IS FOUND TO BE DEFECTIVE, OVERGROWN, UNSAFE OR HAZARDOUS, THE CITY SHALL NOTIFY THE**

APPLICANT AND/OR ASSOCIATION FORMED BY THE APPLICANT OF THE ABUTTING PROPERTY TO RECONSTRUCT AND/OR REPAIR AND/OR REPLACE THE MEDIAN AND/OR MEDIAN LANDSCAPING WITHIN A TIME FRAME NOT TO EXCEED 45 DAYS FROM WRITTEN NOTICE.

2. FAILURE TO REPAIR WITHIN THE TIME ALLOTTED WILL RESULT IN THE WITHHOLDING ON THE COMPANY'S BOND WHEN APPLICABLE. SECTION 42-44 II AND III SHALL APPLY AS DESCRIBED IN THE SURPRISE MUNICIPAL CODE.

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

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

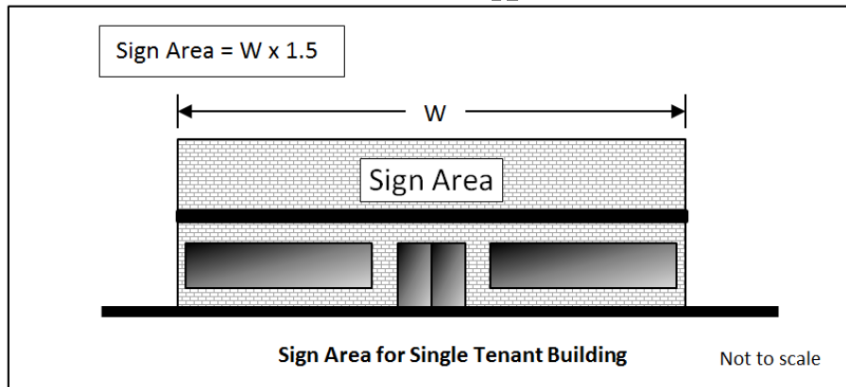
CHAPTER 109 - SIGNS

ARTICLE 1 – IN GENERAL PROCESS AND OVERVIEW

109-1.9 Sign classifications and types. The following sign classifications and types as defined in **section 109-1.6** are permitted in the city as outlined in table 109-1a subject to the following "time, place and manner" restrictions.

- B.** *Building-mounted signs.* Building-mounted signs may only be placed on building elevations which face a street or primary parking lot. For purposes of this section, parking areas adjacent to service bays, access drives located behind a building, or alley ways are not considered primary parking areas.

1. *Building wall signs.* In other than residential zoning, building wall signs are permitted on any building elevation of any primary use building, subject to the following:
 - a. For single story, single-tenant **AND MULTI-TENANT** buildings, any number of building wall signs may be affixed to any building elevation, provided the aggregate sign area does not exceed one and one-half square foot per one linear foot of building elevation **OF THE TENANT WIDTH** on which the sign is mounted.



CHAPTER 110 - DEVELOPMENT IMPACT FEES

ARTICLE 1 – IN GENERAL

110-1.1 Definitions.

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

G

Grandfathered facilities: Capital facilities included in an infrastructure improvement plan or other city planning document, and impact fee study prepared pursuant to applicable law prior to June 1, 2011, and constructed through financing or debt for which development impact fee(s) were Pledged for repayment prior to June 1, 2011.

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

PARKING, DRIVE THROUGH, ETC. WILL BE COUNTED IN GROSS FLOOR AREA SQUARE FOOTAGE CALCULATION.

Draft revision to the City Code (in conjunction with the LDO amendment regarding CUP's)

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

- (a) *Mission.* To promote the health, safety, and beauty of the community, and secure growth and development within the city in conformance with the General Plan. Where necessary for the efficient and cost effective operation of the city, the city council may direct that the planning and zoning commission may also sit as the board of adjustment and/or the board of construction review.
- (b) *Bylaws.* Unless otherwise delineated within this section, the bylaws contained in section 2-295 apply.
- (c) *Composition.* Members will represent a cross section of stakeholders in the community, including different professions or occupations, so as to constitute as much as possible equal representation for all areas within the city.
- (d) *Powers, duties and responsibilities.* The commission will:
 - (1) Recommend to city council a General Plan, specific plans, and amendments thereto;
 - (2) Review, decide, and make recommendations to city council on matters as set forth in the development code, or as otherwise set forth in this Code.
 - (3) Review and make recommendations to city council regarding design guidelines;
 - (4) Review development applications for consistency with applicable zoning and design standards, consistent with the development code.
 - (5) Review and make recommendations to city council regarding the classification of parcels of land from one zoning district to another, the adoption or modification of the zoning map, and text amendments to the development code.
 - (6) Review and make recommendations to city council regarding regulations and restrictions concerning the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land.
 - (7) Make recommendations to city council on policy matters regarding the interpretation, enforcement, and administration of the development code.
 - (8) ~~Make recommendations in all matters pertaining to the use of United States Department of Housing and Urban Development grant funding programs and other community support grant funding programs.~~ REVIEW AND APPROVE OR DENY APPLICATIONS FOR SITE PLAN APPROVAL AND CONDITIONAL USE PERMITS, AS SET FORTH IN THE LAND DEVELOPMENT CODE, OR AS OTHERWISE SET FORTH IN THIS CODE.
- (e) All regular meetings of the planning and zoning commission will be televised when reasonably feasible.
- (f) *Appeals.* ~~When sitting as either the board of adjustment or the board of construction review, only decisions of the planning and zoning commission may be appealed as set forth in section 2-303 or 2-304 as appropriate.~~ Decisions by the Planning and Zoning Commission may be appealed as follows:
 - (1) ANY PERSON AGGRIEVED BY THE DECISION OF THE PLANNING AND ZONING COMMISSION TO APPROVE OR DISAPPROVE AN APPLICATION FOR A CONDITIONAL USE PERMIT MAY APPEAL THE DECISION TO THE CITY COUNCIL WITHIN 15 CALENDAR DAYS AFTER THE COMMISSION HAS RENDERED ITS DECISION. THE AGGRIEVED PERSON, OR ANY MUNICIPAL OFFICER OR OFFICIAL DEPARTMENT OF THE CITY, OR MEMBER OF CITY

COUNCIL, MAY FILE AN APPEAL WHETHER OR NOT THEY WERE A PREVIOUS PARTY TO THE DECISION. APPEALS SHALL BE FILED IN WRITING WITH THE OFFICE OF THE CITY CLERK AND SHALL SPECIFY THE GROUNDS FOR THE APPEAL. THE DECISION BY THE CITY COUNCIL SHALL BE FINAL.

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

DRAFT

Draft Zoning Text Amendment to the Land Development Ordinances (FS21-413)

Edits in **red** are deletions; edits **highlighted** are additions

CHAPTER 102 - REVIEW PROCESS AND APPLICATIONS

ARTICLE 2 – PROCEDURE TYPES AND SUBMITTALS

102-2.1 Procedure Types

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

Table 102-2a: Application Type, Procedure, and Decision Authority Summary								
	Public Outreach				Community Development Director	Planning and Zoning Commission	City Council	Board of Adjustment
	Agenda Posting	Notice Letter & Newspaper	Neighborhood Meeting	Site Posting				
Type 1 Applications								
Zoning Interpretation					D			A
Site Plan Amendment (minor)					D	A		
Minor land division / Parcel assemblage					D		A	A
Administrative Use Permits					D			A
Temporary Use Permits					D	A		
Home Product Review					D	A		
Corrective Plat					D		A	A
PEDS Deviation/Waiver					D	A		
Slope Category Analysis Waiver					D	A		
Administrative Waiver/Extension					D	A		
Type 2 Applications								
Site Plan Review	X				R	D	A	
Site Plan Amendment (major)	X				R	D	A	
Protected Development Rights Plans	X				R	R	D	
Preliminary plats	X				R	R	D	
Final plats	X				R		D	
Original Townsite Incentive	X				R		D	
Development Agreement	X				R		D	
Hillside Cut & Fill Waiver	X			X	R	D		
Type 3 Applications								
General Plan Amendments	X	X	X	X	R	R	D	

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Specific Area Plan Requests	X	X	X	X	R	R	D	
Rezoning Requests	X	X	X	X	R	R	D	
LDO Text Amendments	X	X ⁽¹⁾	X		R	R	D	
Conditional Use Permits	X	X	X	X	R	D	A	
Comprehensive Sign Program	X	X	X	X	R	R	D	
Variances Requests	X	X		X	R			D
Annexation	X	X	X	X	R		D	
Key: X = Required (1) = 1st Class Letter not required								
R = Reviews and recommends action to decision-making body D = Decision-making body A = Appeal authority								

ARTICLE 3 – PUBLIC OUTREACH AND PUBLIC NOTIFICATION

102-3.2 Neighborhood Meetings

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

ARTICLE 6 – TYPE 3 APPLICATION AND REQUESTS

102-6.3 Conditional Use Permits

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

CHAPTER 105 – BUILDING AND BUILDING REGULATIONS

ARTICLE 2 – TECHNICAL CODES

DIVISION 1 GENERALLY

- 105-19 Construction codes.** The following codes and appendices as published by the International Code Council, and the *amendments* to those codes, as adopted by ordinance, are hereby adopted as amended and declared to be public records. At

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least three copies of each code and its corresponding *amendments*, if any, shall be filed in the city clerk's *office* and kept available for public use and inspection.

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

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

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

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

CHAPTER 106 - ZONING AND USE STANDARDS

ARTICLE 1 – IN GENERAL

106-1.7 Development Standards and Encroachments

- C. *Lot coverage.* ~~Measured by the total square footage of structures used for protection or shielding from the elements or weather divided by the square footage of the lot.~~ THE PERCENTAGE OF THE LOT AREA COVERED BY A BUILDING

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AND/OR OTHER ALLOWED ROOFED *STRUCTURE* USED FOR PROTECTION OR SHEILDING FROM THE ELEMENTS OR WEATHER.

Table No. 106-1c – Primary Land Use Matrix for All Zoning Districts

Table No. 106-1c - Primary Land Use Matrix for All Zoning Districts																									
"P" = Permitted; "AUP" = Administrative Use Permit; "CUP" = Council Use Permit; "[blank space]" = Prohibited																									
	Residential				Surprise Heritage District		Traditional Neighborhood Development				Mixed Use			Commercial			Employment				Open Space/Public Uses			Use Specific Standards	
Zoning Districts	RR	R-1	R-2	R-3	SHD-RO	SHD-CO	TND-R	TND-C	TND-MU	TND-OS	MU-1	MU-2	MU-3	CO	C-1	C-2	C-3	BP	I-1	I-2	I-3	OS-1	OS-2	PF	Specific regulations can be found in Sections listed below
Uses																									
Commercial																									
Places of Assembly					CUP	P		P	P		P	P	P		P	P	P	P	P						P
Places of Worship	P	P	P	P	P	P	P	P	P		P	P	P		P	P	P	P	P	P					P

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

ARTICLE 3 – SURPRISE HERITAGE DISTRICT (SHD) ZONING DISTRICTS

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

B. Development Standards.

- Existing *mobile homes* and *manufactured homes* that are not in compliance with the use-specific standards of **Section 106-10.25** herein as

of the effective date of this Ordinance shall be considered as legal non-conforming *structures*. However, the existing *mobile home* or *manufactured home* may be replaced in its' entirety with a conventional site-built home or with a *manufactured home* that complies with the Use Specific Standards outlined in **Section 106-10.25** herein.

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

Table 106-3a – SHD - Residential Overlay Zoning (SHD-RO)			
	Commercial	Single-family, Two-family, Three-family	Multi-family Residential
Min. Lot Area (sf)	5,000		15,000
Min. Lot Area (sf/du)		5,000	5,000
Min. Front setback (ft)	15	12 ^{2,3}	15 ^{2,3}
Max. Front setback (ft)	30	30 ⁴	30 ⁴
Min. Side setback (ft)	10	5 & 10 total ^{1,3}	20 ³
Min. Rear setback (ft)	12	12 ³	20 ³
Max. Bldg. Height (ft)	30	30	35
Lot coverage %		65%	65%
Notes: 1. May be reduced to 0' setback for <i>Single-family dwellings</i> as attached to and separated by a <i>common wall</i> along the property line. End units shall maintain the larger setback. 2. A covered front porch may encroach into the <i>front setback</i> by up to five feet (5'). 3. <i>Garage</i> doors/embellishments shall be setback a minimum of twenty feet (20' alley) measured from the opposing property line, except rear, <i>alley</i> loaded <i>garages</i> , which shall be setback six feet (6') from the <i>alley</i> edge line. 4. Measured from the primary <i>dwelling</i> , excluding front porch.			

ARTICLE 10 – USE SPECIFIC STANDARDS

106-10.3 Accessory Uses and Structures.

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

Table 106-10b - Accessory Structures					
	Max Accessory Structure Size	Building Separation ²	Setback (Front yard)	Setback (Side and Rear)	Height

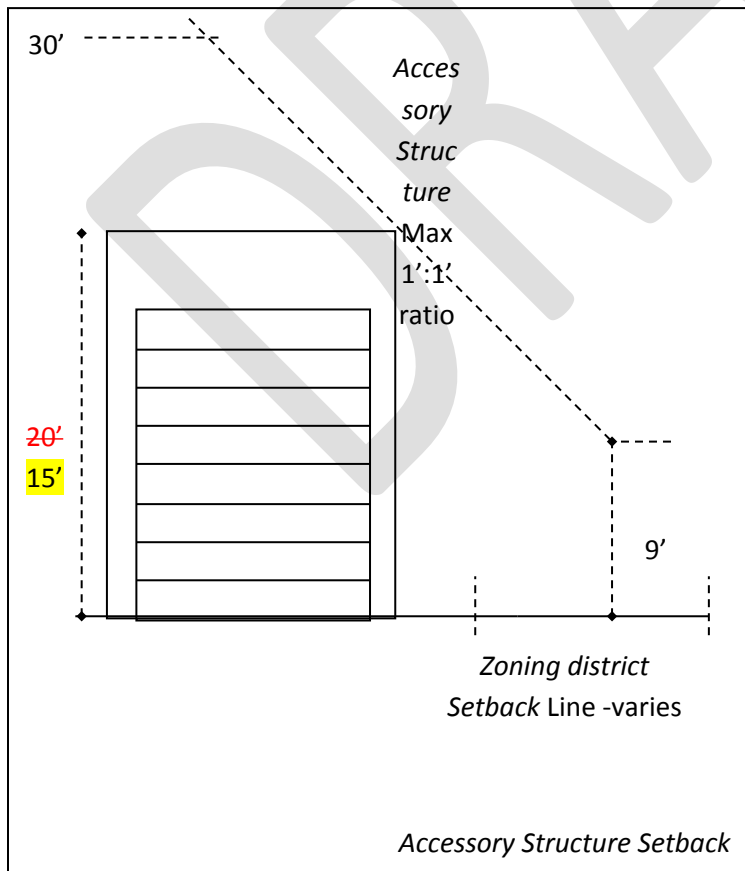
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				yard)	
Shade Structures	400 sf	5'	Same as Zoning min setbacks	5'	9' ³
Other accessory structures	Total lot coverage prescribed by the subject zoning district ^{1, 4}	5'	Not allowed ⁷	5' ⁵	9' ^{3, 6}

Notes:

1. Calculated by the finished floor area of the first floor of the principal *building* and all other accessory structures.
2. May be increased as required by the *building* and/or fire codes
3. The *height* of an *accessory structure* shall not exceed nine feet (9') as measured at the five-foot (5') *setback* line. The *height* of the *accessory structure* may increase at a ratio of one foot vertical for every one foot horizontal (1':1') as measured relative to the property line to a maximum *height* of fifteen feet (15') (See **Figures 106-10a 106-10b**)
4. Each *accessory structure* has a maximum area not to exceed 3,000 sf regardless of lot coverage limits.
5. *Fences* used to separate properties in a subdivision may straddle the common property line
6. On *lots* 30,000 sf or greater each *accessory structure* has a maximum *height* equal to the *zoning district* when constructed within the *building envelope*.
7. In RR *zoning districts*, *accessory structures* are permitted in the *front yard* when constructed within the *building envelope*.

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



106-10.23 Home Occupation.

- C. The following *uses* have a pronounced tendency, once started, to rapidly increase beyond the limits permitted for *home occupations* and thereby impair the *use* and value of a residentially zoned area for residential purposes. Therefore, the following *uses* shall not be permitted as *home occupations*: (this list is not all inclusive)
11. ~~Sales of weapons or ammunition, retail sales in general,~~ banks, credit unions or payday lending

106-10.31 Outdoor Display and Sales Areas.

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

1. The *outdoor display area* is only for merchandise sold on the property with the sale of the merchandise being conducted within the *business building*; no open *outdoor sales* shall be permitted.
2. The *display area* is located on private property (not within the public *right-of-way*), not displayed within the landscaping areas, and does not displace any required parking for the *permitted uses*.
3. The merchandise is displayed in a manner allowing for shopping with a clear walkway and displayed only during *business* hours with the merchandise being brought inside at the close of each *business* day, except for permanent *outdoor displays*.
4. The *outdoor display* shall be in a manner that presents a display vignette rather than lined-up and/or chained together, and has no *signage*, blinking lights, movable or audible aspects to the display.
5. The *display area* shall be limited to only twenty-five (25%) percent of the *business* store *frontage* and located within twenty-five feet (25') of the customer entrance.
6. Permanent *outdoor display areas* may be permitted as part of an approved *site plan* for C-3, I-1 AND I-2 Zoning districts.

106-10.40 Self-storage Facilities.

- A. *Self-storage facilities* may be appropriate in the Neighborhood, Commerce and Office, and Employment Character Areas of the *General Plan*, except ~~expect~~ may be considered incompatible in areas within the Transit-Oriented Development (TOD) Strategic Plan and Scenic Lands Sub Area.
- B. There are ~~four~~ THREE different “types” of *self-storage facilities*; each with different land *use* needs and varying degrees of regulations.
-

1. "Garage style" with single story *buildings* that allow customers to drive directly up to the front of each individual roll-up door storage unit/bay.
 2. "Multi-story/climate controlled" in a single *building* providing *access* to the individual units from an interior hallway within the *building*.
 - ~~3. "Parking style" allows outdoor storage of vehicles, boats, RV's, and trailers. This type can be a standalone facility or combined with either the garage style or multi-story climate controlled facility.~~
 4. "Portable container" is the remote facility where small roll-off containers are stored after they have been delivered to and picked up from the customer's location; with no public or customer *access* to the storage facility.
- C. *Self-storage facilities* are for storage purposes only. No on-site retail sales are permitted from a rented storage unit.
- D. Regardless of the "type" the minimum size of any storage facility site shall be one acre (1 ac). The site should be limited to a maximum of _____ acres (___ ac) when *adjacent* to AN ENTITLED OR EXISTING RESIDENTIAL USE.
1. FOR PURPOSES OF THIS SECTION (106-10.40 D) "ADJACENT" SHALL MEAN TWO ADJOINING PROPERTIES SHARING A COMMON PROPERTY LINE OR SEPARATED ONLY BY A LOCAL STREET OR COLLECTOR. SEPARATION BY AN ARTERIAL, PARKWAY, OR FREEWAY/HIGHWAY SHALL NOT CONSTITUTE "ADJACENT".
- E. The site shall be contiguous to an arterial or collector road, although *access* may or may not be directly onto such arterial or collector, as determined through the review process.
- F. All *buildings* that are visible from a *public street* shall exhibit architectural enhancements, including variation of rooflines, *uses* of multiple material types, and color variations compatible with surrounding *uses* as set forth in the PEDS (see **Chapter 107**) herein. Architectural plans, including material and color samples, shall be submitted for review at the time of application.
- G. A minimum eight-foot (8') high masonry *wall* with architectural enhancements shall be provided around the perimeter of the property or storage area. When *adjacent* to a right-of way or public area, the perimeter wall or *building* wall will be designed in accordance with **item F** of this section.
- H. *Outdoor storage* shall be limited to boats, trailers, or *recreational vehicles*. The storage of these vehicles in conjunction with either the garage style or the "multi-story/climate controlled" storage facility shall be limited to a maximum fifteen percent (15%) of the net site area. All outdoor vehicle storage shall be located in the interior of the site and shall be *screened* from view from surrounding
-

properties. ~~Parking style and~~ Garage style storage facilities shall provide an eight foot (8') decorative view-obscuring *wall to screen* the entire storage area. There shall be no storage of *abandon*, damaged, or junked boats, trailers or *recreational vehicles* in any storage facility.

I. Site Design for Garage style facilities:

1. Each site shall provide a minimum of two (2) exits, one (1) of which may be for emergency vehicle *use* only.
2. All driveways, parking, loading, and circulation areas shall be paved with concrete, asphalt, or similar material.
3. All one-way driveways shall provide a fifteen-foot (15') travel lane. Signing and painting shall be *used* to designate traffic direction and parking.
4. All two-way driveways shall meet the Surprise Standard Details in the PEDS.
5. When the main driveway directly serves storage areas or cubicles, a ten-foot (10') wide parking lane shall be provided in addition to the travel lane(s).
6. No garage style *self-storage building* shall be more than two hundred feet (200') long.

J. The maximum *building height adjacent* to a residential *zoning district* or within fifty feet (50') of a residential *dwelling* shall be fourteen feet (14') in *height*. *Building height* may be increased one foot in *height* for every two feet of additional *setback* (1':2') to a maximum twenty-four feet (24') in *height* from finished *grade*. The maximum *building height adjacent* to a non-residential *zoning district* shall be a maximum of thirty-five feet (35') in *height* from finished *grade*.

K. The required landscape areas shall be provided along all *street frontages* between the *street* and sidewalk, and within areas of the site visible from public view, including areas *adjacent* to all perimeter *fences/walls*.

L. No hazardous or flammable materials shall be stored in a mini-storage development.

M. No auctions, commercial sales/rentals, garage sales, or other activities not consistent with the approved storage *use* shall be conducted on the premises.

106-10.47 Vehicle fueling stations

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

CHAPTER 107 DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE 2 – LANDSCAPE AND SCREENING REGULATIONS

107-2.2 REPAIR AND Maintenance RESPONSIBILITIES

- A. The REPAIR AND maintenance of all landscaping on the property or abutting *right-of-way, landscape strip, open space, buffer areas, setbacks, parks, retention basins, or pathways* shall be the responsibility of the property owner. THE CITY OF SURPRISE SHALL NOT HAVE ANY REPAIR OR MAINTENANCE RESPONSIBILITIES ON PRIVATELY OWNED LANDSCAPING, UNLESS BY SEPARATE AGREEMENT; ~~unless otherwise accepted by the City for maintenance purpose. Maintenance of medians and median landscaping on arterial roads, or on parkways, shall be the responsibility of the city after acceptance.~~
- B. The *developer* must put in place an improvement district, or other City approved mechanism, that shall fund the maintenance of landscape, *open space*, recreation, and/or *retention areas*; unless otherwise accepted by the City.
- C. All projects required to be landscaped shall pass a landscape inspection prior to the issuance of a final inspection or a certificate of occupancy by the city. Landscaping installation shall be in substantial conformance with the approved plan. Significant *alteration* in the design or installation without appropriate plan *amendment* approval is subject to the withholding of final inspection approval.
1. The city shall have the right to deny any project not meeting the provisions of this section.
 2. The city shall also have the right to reject landscape materials as being substandard as to size and/or condition prior to installation.
 3. The *owner* shall, prior to *building permit* approval, provide evidence that all plant materials are guaranteed for a minimum period of 120 days from the date of final approval by the city. Trees, shrubs, vines, ground cover, and turf which have to be replaced under terms of the guarantee shall be guaranteed for an additional 120 days from the date of replacement.
- D. No *setback* and/or landscaped area required by this Ordinance shall be *used* for the parking of vehicles or the storage or display of materials, supplies or merchandise.
- E. Landscaping shall be maintained in accordance with the approved site and landscape plan. Required landscaped areas shall be kept free of trash, debris, weeds, and dead plant material, and shall in all respects be maintained in a neat, clean, and healthful condition. This includes proper pruning, mowing of lawns,

weeding, removal of litter, fertilizing, replacement of dead plants, and the regular watering of all plantings.

- F. The removal or destruction of plants and landscape material, previously approved by the city as part of the landscape plan, shall constitute a violation of this Ordinance. All dead or removed plants shall be replaced with plants of the same variety, and size in accordance with the approved final landscape plan.
- G. Any plant material, that does not survive, shall be replaced within 30 days of its demise or damage.
- H. Plant material shall not be severely pruned but rather maintained based on the specific plant species such that the natural growth pattern, flowering cycle, and characteristic form are not significantly *altered*. Refer to the Arizona Landscape Contractors Association (ALCA) for best practices.
- I. Palm trees shall be pruned once each year to remove dried fronds to eliminate fire hazard and insect infestation.
- J. The property *owner* is responsible for the pruning of any tree overhanging any sidewalk, path or trail, *street*, or *right-of-way* within the city to the degree that maintains visibility of intersections, clearance for large vehicles, and prevent interference with pedestrians and other *multimodal* means of travel.
 - 1. Refer to the PEDS in reference to landscape, fences, and other *structures* regarding potential impacts on sight *visibility triangles* on all *streets*.
 - 2. A minimum vertical clearance of fifteen feet (15') from the top of road pavement shall be required for tree limbs extending over roads and above fire *access lanes*.
 - 3. All dead, diseased or dangerous trees with broken or decaying limbs which the Community Development Director or designee constitutes a hazard to the public shall be removed. A *street* tree that interferes with the proper spread of light along the *street* from a *street* light, or interferes with the visibility of any traffic control device shall be correctively pruned.
 - 4. The City shall have the right, at the expense of the property *owner*, to prune or remove landscaping that the *owner* fails to remove within the time period provided in a notice by the City Code Enforcement. The costs of pruning or removing such hazardous tree or limbs from the public property or *right-of-way* shall be assessed against the property *owner* and shall constitute a lien on the property until paid.
- K. All landscaped areas shall be supported by an automatic irrigation system which may be a spray, soaker, or drip type system.

1. The irrigation system shall terminate in an appropriate number of sprinklers or bibs to ensure a sufficient amount of water to sustain plants within the landscape areas.
2. A reduced pressure-type vacuum breaker shall be required with the installation of all sprinkler systems.
3. All irrigation systems and landscaped areas shall be designed, constructed, and maintained so as to promote water conservation and prevent water overflow or seepage into the *street*, sidewalk, or *parking areas*.

L. Landscaping provided in utility easements

1. If a power line utility easement is included as part of the *open space* of a project, the corridor must be fully landscaped with native and drought tolerant shrubs and tree, which will not exceed a height of twenty-five feet (25'), per Appendices B and C of Vol 1, PEDS. Decomposed granite application shall not be required.
2. The destruction or removal of plant and landscape material, or *fences*, located in a public utility easement (PUE), water easement or *sewer* easement resulting from installation or maintenance of utility infrastructure by a service provider shall be replaced in accordance with the approved landscape plan by the property *owner*.

M. Sidewalks, medians, and *landscape strip* construction and the landscaping within these areas shall adhere to the Property Maintenance regulations as referred to in Chapter 105 of the LDO AND THE NEIGHBORHOOD PRESERVATION ORDINANCE. THE OWNER OF A PARCEL OF REAL PROPERTY OR RESPONSIBLE PARTY IN CONTROL OF ANY LAND ABUTTING A COLLECTOR OR LOCAL STREET RIGHTS-OF-WAY, MEDIANS, SIDEWALKS, OR ALLEYS SHALL BE RESPONSIBLE FOR THE LANDSCAPING AND MAINTENANCE IN THESE AREAS. THE AREAS REQUIRED TO BE MAINTAINED PURSUANT TO THIS SUBSECTION ARE AS FOLLOWS:

1. ANY PORTION OF A STREET, WHICH HAS BEEN OPENED FOR PUBLIC USE, BETWEEN THE CURB LINE, OR IF THERE IS NO CURB LINE THE EDGE OF PAVEMENT, AND THE ABUTTING PROPERTY LINE INCLUDING LANDSCAPING STRIPS AND SIDEWALKS.
 - a. THE CITY SHALL NOTIFY THE OWNER WHEN LANDSCAPING IS FOUND IN VIOLATION OR A SIDEWALK IS FOUND TO BE DEFECTIVE, UNSAFE OR HAZARDOUS, AS DETERMINED BY THE CODE ENFORCEMENT DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT.
 - b. WHENEVER ANY OWNER HAS BEEN NOTIFIED TO CORRECT A LANDSCAPE VIOLATION OR RECONSTRUCT OR REPAIR ANY

SIDEWALK, THE CITY MAY PROCEED TO MAINTAIN, RECONSTRUCT, OR REPAIR THE ISSUE THREE (3) DAYS AFTER SUCH NOTICE EXPIRATION, AND THE COST OF SUCH MAINTENANCE, RECONSTRUCTION OR REPLACEMENT SHALL BE PAID BY THE OWNER OF SUCH ABUTTING PROPERTY.

c. THE CITY SHALL NOTIFY THE OWNER OF SUCH ABUTTING PROPERTY OF THE AMOUNT DUE FOR THE MAINTENANCE, RECONSTRUCTION, OR REPLACEMENT OF SUCH LANDSCAPING OR SIDEWALK AND THE OWNER SHALL THEREAFTER PAY TO THE CITY.

2. ONE-HALF (½) OF THE WIDTH OF ABUTTING ALLEYS FROM THE PROPERTY LINE TO THE CENTERLINE OF THE ALLEY.

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

107-2.4 Quantity, Size, and Spacing Requirements.

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

ARTICLE 3 – OUTDOOR LIGHTING REGULATIONS

107-3.7 Outdoor Advertising Signs.

~~A. General Requirements.~~ ALL OUTDOOR ADVERTISING SIGNS SHALL BE IN CONFORMANCE WITH **CHAPTER 109** OF THIS ORDINANCE.

~~1. External fixtures shall be fully shielded, mounted on top or above the sign, and directed downward onto the sign face.~~

~~2. Lamps used for internal and external illumination of signs shall be counted toward the total lumen cap described in Section **107-3.2 C.** above.~~

~~3. Illumination for all advertising signs both externally illuminated and internally illuminated shall be either reduced or turned off as noted in **Table 107-3a** as further described below.~~

~~B. Within the LZ2 and LZ1 Lighting Zones.~~

- ~~1. Electronic Message Signs (EMS) where permitted per Chapter 109 of this Ordinance shall adhere to the following:
 - ~~a. The maximum lumen level for all land uses shall not exceed 200 nits.~~
 - ~~b. Signs shall be required to be equipped with photo cell sensors that are factory locked to dim the sign at night (2 hours after dusk) to 100 nits. An affidavit from the manufacturer attesting to the brightness level shall be submitted with the sign permit application.~~
 - ~~c. The electronic message center portion of the sign shall be turned off when the business activities cease (or 11 pm whichever occurs last). Signs shall include timers that will automatically turn off the digital display.~~~~
- ~~2. All signage within a non-residential development shall be reduced by thirty (30%) percent by 11:00 p.m. or when the business closes whichever is later.~~
- ~~C. Within the LZ0 Lighting Zone.
 - ~~1. The maximum lumen level for any type of sign shall not exceed 100 nits.~~
 - ~~2. All free standing signs, EMC or otherwise, shall not have white backgrounds.~~
 - ~~3. Electronic Message Signs (EMS) where permitted per Chapter 109 of this Ordinance shall adhere to the following:
 - ~~a. The sign was to be factory locked at 100 nits with an affidavit from the manufacturer attesting to this brightness level.~~
 - ~~b. The electronic message center portion of the sign shall be turned off when the business activities cease or 11 pm whichever occurs last. Signs shall include timers that will automatically turn off the digital display.~~
 - ~~c. The sign shall be equipped with photo cell sensors, reducing the surrounding sign brightness to reflect the surrounding ambient light when the EMS portion is turned off.~~~~
 - ~~4. All signage within both residential and non-residential development shall be shut off by 11:00 p.m. or when the business closes whichever is later.~~~~

ARTICLE 4 – PARKING AND LOADING REGULATIONS

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

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

107-4.5 Dimensions

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

CHAPTER 108 - LAND DIVISION AND SUBDIVISION REGULATIONS

ARTICLE 1 – GENERAL PROCESS AND OVERVIEW

108-1.8 MAINTENANCE OF MEDIANS AND MEDIAN LANDSCAPING.

- A. THE REPAIR AND MAINTENANCE OF ALL MEDIANS AND MEDIAN LANDSCAPING WITHIN ALL ARTERIAL AND PARKWAY RIGHTS-OF-WAY CLASSIFICATIONS WILL

NOT BE THE RESPONSIBILITY OF THE CITY OF SURPRISE UNTIL ALL REQUIREMENTS ARE MET AS DESCRIBED HEREIN.

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

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

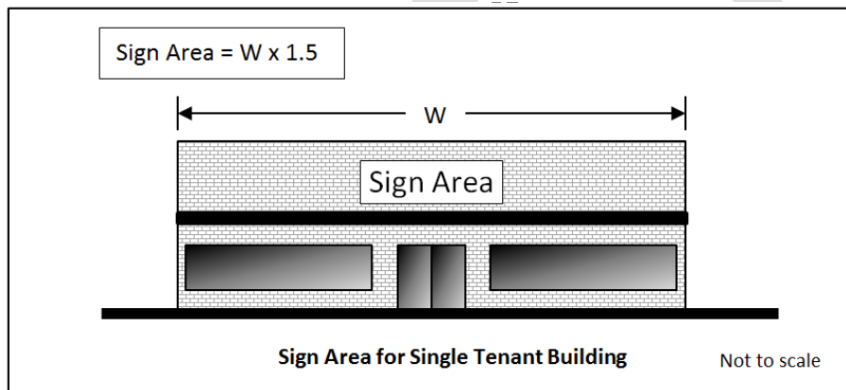
1. WHEN A MEDIAN AND/OR MEDIAN LANDSCAPING IS FOUND TO BE DEFECTIVE, OVERGROWN, UNSAFE OR HAZARDOUS, THE CITY SHALL NOTIFY THE OWNER OF THE ABUTTING PROPERTY TO RECONSTRUCT OR REPAIR THE MEDIAN AND/OR MEDIAN LANDSCAPING WITHIN A TIME FRAME NOT TO EXCEED FORTY-FIVE (45) DAYS FROM WRITTEN NOTICE.
2. WHEN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

CHAPTER 109 - SIGNS

ARTICLE 1 – IN GENERAL PROCESS AND OVERVIEW

109-1.9 Sign classifications and types. The following sign classifications and types as defined in **section 109-1.6** are permitted in the city as outlined in table 109-1a subject to the following "time, place and manner" restrictions.

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



CHAPTER 110 - DEVELOPMENT IMPACT FEES

ARTICLE 1 – IN GENERAL

110-1.1 Definitions.

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

G

Grandfathered facilities: Capital facilities included in an infrastructure improvement plan or other city planning document, and impact fee study prepared pursuant to applicable law prior to June 1, 2011, and constructed through financing or debt for which development impact fee(s) were Pledged for repayment prior to June 1, 2011.

GROSS FLOOR AREA: FOR FEES ASSESSED ON THE BASIS OF SQUARE FEET, GROSS FLOOR AREA SHALL BE CALCULATED AS FOLLOWS. THE FLOOR AREA WITHIN THE INSIDE PERIMETER OF THE EXTERIOR WALLS OF THE BUILDING UNDER CONSTRUCTION, EXCLUSIVE OF THE VENT SHAFTS AND COURTS, WITHOUT DEDUCTION FOR CORRIDORS, STAIRWAYS, RAMPS, CLOSETS, THE THICKNESS OF THE INTERIOR WALLS, COLUMNS OR OTHER FEATURES. THE FLOOR AREA OF A

BUILDING, OR PORTION THEREOF, NOT PROVIDED WITH SURROUNDING EXTERIOR WALLS SHALL BE THE USEABLE AREA UNDER THE HORIZONTAL PROJECTION OF THE ROOF OR FLOOR ABOVE. THE GROSS FLOOR AREA SHALL NOT INCLUDE SHAFTS WITH NO OPENINGS OR INTERIOR COURTS. THE USEABLE SPACE FOR A BUSINESS UNDER THE CANOPY FOR OUTDOOR DINING, GAS PUMPS, PARKING, DRIVE THROUGH, ETC. WILL BE COUNTED IN GROSS FLOOR AREA SQUARE FOOTAGE CALCULATION.

Draft revision to the City Code (in conjunction with the LDO amendment regarding CUP's)

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

- (a) *Mission.* To promote the health, safety, and beauty of the community, and secure growth and development within the city in conformance with the General Plan. Where necessary for the efficient and cost effective operation of the city, the city council may direct that the planning and zoning commission may also sit as the board of adjustment and/or the board of construction review.
- (b) *Bylaws.* Unless otherwise delineated within this section, the bylaws contained in section 2-295 apply.
- (c) *Composition.* Members will represent a cross section of stakeholders in the community, including different professions or occupations, so as to constitute as much as possible equal representation for all areas within the city.
- (d) *Powers, duties and responsibilities.* The commission will:
 - (1) Recommend to city council a General Plan, specific plans, and amendments thereto;
 - (2) Review, decide, and make recommendations to city council on matters as set forth in the development code, or as otherwise set forth in this Code.
 - (3) Review and make recommendations to city council regarding design guidelines;
 - (4) Review development applications for consistency with applicable zoning and design standards, consistent with the development code.
 - (5) Review and make recommendations to city council regarding the classification of parcels of land from one zoning district to another, the adoption or modification of the zoning map, and text amendments to the development code.
 - (6) Review and make recommendations to city council regarding regulations and restrictions concerning the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land.
 - (7) Make recommendations to city council on policy matters regarding the interpretation, enforcement, and administration of the development code.
 - (8) ~~Make recommendations in all matters pertaining to the use of United States Department of Housing and Urban Development grant funding programs and other community support grant funding programs.~~ REVIEW AND APPROVE OR DENY APPLICATIONS FOR SITE PLAN APPROVAL AND CONDITIONAL USE PERMITS, AS SET FORTH IN THE LAND DEVELOPMENT CODE, OR AS OTHERWISE SET FORTH IN THIS CODE.
- (e) All regular meetings of the planning and zoning commission will be televised when reasonably feasible.
- (f) *Appeals.* ~~When sitting as either the board of adjustment or the board of construction review, only decisions of the planning and zoning commission may be appealed as set forth in section 2-303 or 2-304 as appropriate.~~ Decisions by the Planning and Zoning Commission may be appealed as follows:

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

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

DRAFT

Citizen Participation Report

Land Development Ordinance Zoning Text Amendment

August 23, 2021 – FS21-413

PROJECT DESCRIPTION

The City has initiated this Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinances (LDO) to correct scrivener errors, improve the readability, provide better interpretation, and remove internal conflicts with other sections of the LDO related to the same subject matter. Additionally, this ZTA includes an amendment to the LDO section regarding Conditional Use Permits, as well as an accompanying City Code amendment to provide for appeal of Conditional Use Permit decision to the City Council.

ADVERTISING

The meeting was advertised in the Surprise Independent on Wednesday, August 4, 2021 and the Daily News Sun on Friday, August 6, 2021.

MEETING DESCRIPTION

The meeting was held at City Hall on August 23, 2021 at 6 p.m. with virtual attendance available via WebEx.

ATTENDANCE

There were no members of the public in attendance via WebEx or in-person during the duration of the meeting. Councilmember Remley was in attendance and proposed Zoning Text Amendment was discussed. There were no concerns expressed.

ZONING TEXT AMENDMENT NEIGHBORHOOD MEETING

Please be advised that the City of Surprise will host a Neighborhood Meeting to discuss the Zoning Text Amendment (ZTA) to the Land Development Ordinances (LDO) referenced below. This meeting will be conducted virtually and in-person. Any member of the public may participate in the conversation as it pertains to this project, via phone or computer, by utilizing the access information provided under meeting details or attending in person. According to Surprise Municipal Code, we are required to host a Neighborhood Meeting to present the proposal to the public while soliciting feedback and providing answers to questions.

Applicant: City of Surprise

City of Surprise Planner: Trever Fleetham, AICP; 623-222-3156; trever.fleetham@surpriseaz.gov

NEIGHBORHOOD MEETING DETAILS

Monday, August 23, 2021

DATE:

6:00 PM

TIME:

PHYSICAL LOCATION:

City of Surprise
Community Room
16000 N. Civic Center Plaza
Surprise, AZ 85374

MEETING LOCATION



Join from the meeting link

<https://surpriseaz.webex.com/surpriseaz/j.php?MTID=m84493c2181549428e1d3eb33702a7f00>

Join by meeting number

Meeting number (access code): 146 604 5209

Meeting password: KKmryleW298

Join by phone

1-408-418-9388 United States Toll

1-602-666-0783 United States Toll (Phoenix)

PROJECT DESCRIPTION:

A Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinances (LDO) in order to provide clarification and remove conflicts with other sections of the LDO, Case # FS21-413

Publish: Daily Independent, August 6, Surprise Independent, August 4, 2021/489168

Miscellaneous

Harley Garmin Zumo
665 GPS \$250. Heated gloves, small \$25. Harley handlebar dock \$20. Ladies size 8 motorcycle boots \$50. King size Sleep Number bed, complete \$100. Airsep oxygen concentrator \$300. Lux 2 person infrared sauna \$600. (480)489-1910

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ZONING TEXT AMENDMENT NEIGHBORHOOD MEETING

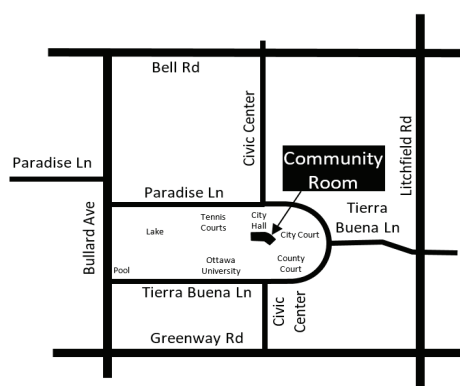
Please be advised that the City of Surprise will host a Neighborhood Meeting to discuss the Zoning Text Amendment (ZTA) to the Land Development Ordinances (LDO) referenced below. This meeting will be conducted virtually and in-person. Any member of the public may participate in the conversation as it pertains to this project, via phone or computer, by utilizing the access information provided under meeting details or attending in person. According to Surprise Municipal Code, we are required to host a Neighborhood Meeting to present the proposal to the public while soliciting feedback and providing answers to questions.

Applicant: City of Surprise
City of Surprise Planner: Trever Fleetham, AICP; 623-222-3156; trever.fleetham@surpriseaz.gov

DATE:
TIME:
PHYSICAL LOCATION:

NEIGHBORHOOD MEETING DETAILS
Monday, August 23, 2021
6:00 PM
City of Surprise
Community Room
16000 N. Civic Center Plaza
Surprise, AZ 85374

MEETING LOCATION



Join from the meeting link
<https://surpriseaz.webex.com/surpriseaz/j.php?MTID=m84493c2181549428e1d3eb33702a7f00>

Join by meeting number
Meeting number (access code): 146 604 5209
Meeting password: KkmryjeW298

Join by phone
1-408-418-9388 United States Toll
1-602-666-0783 United States Toll (Phoenix)

PROJECT DESCRIPTION:

A Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinances (LDO) in order to provide clarification and remove conflicts with other sections of the LDO, Case # FS21-413.

Publish: Daily Independent, August 6, Surprise Independent, August 4, 2021/489168

DEVELOPMENT PROJECT NEIGHBORHOOD MEETING

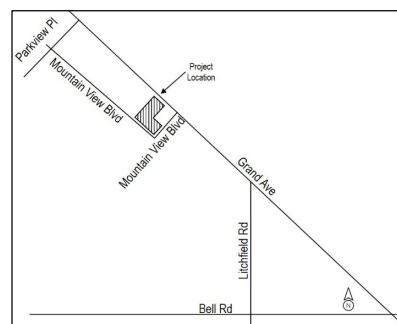
Please be advised, William Hammock with Viaone Design Build, on behalf of E & V Investments LLC, will host a Neighborhood Meeting to discuss the project referenced below. This meeting will be conducted in person and virtually. Any member of the public may participate in the conversation as it pertains to this project in person, or via phone or computer, by utilizing the access information provided under meeting details. According to Surprise Municipal Code, the applicant is required to host a Neighborhood Meeting to present their project to the public while soliciting feedback and providing answers to questions. Please note, the City of Surprise is not the host of this meeting, however, the assigned City Planner will be available to provide information as needed in response to inquiries received from residents.

Applicant: William Hammock, 602.722.0363, william@viaonecre.com
City of Surprise Planner: Sergio Angulo, 623.222.3155, sergio.angulo@surpriseaz.gov

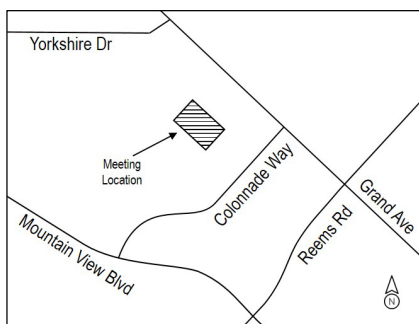
NEIGHBORHOOD MEETING DETAILS

DATE: Monday, August 16, 2021
TIME: 6:00 PM
LOCATION: Hampton Inn & Suites
14783 W Grand Ave Surprise, AZ 85374
ONLINE ACCESS: <https://meet.google.com/xuj-fuit-mxg>
CALL-IN: +1 518-519-0099 MEETING PIN: 304 899 885#

PROJECT LOCATION



MEETING LOCATION



PROJECT DESCRIPTION:

Conditional Use Permit for two (2) new Drive-Through Facilities on approximately 3.88 acres generally located west of the southwest corner of Grand Avenue and Mountain View Boulevard. The proposed uses include a Dunkin' Donuts and a Federico's Mexican Food Restaurant. Surprise Planning Case FS21-391.

Publish: Daily Independent, July 30, Surprise Independent, August 4, 2021/489169

CITY OF SURPRISE PUBLIC NOTICE

Take notice that at the date, time, and place listed below, the City of Surprise Planning and Zoning Commission will hold a Public Hearing at the request of Andrew Merchant on behalf of the Ault Companies regarding a Conditional Use Permit with Site Plan for major automotive service and repair. Case FS21-064.

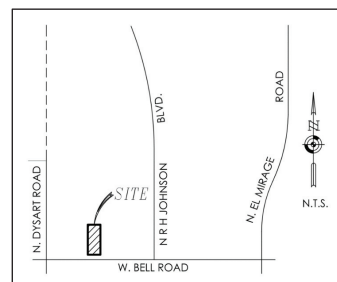
PROJECT DESCRIPTION:

Legal Description: Located in a portion of Section 35, Township 4 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, City of Surprise Arizona.

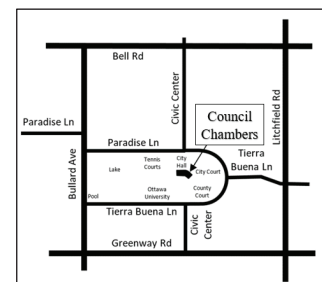
Community Development Department may be contacted prior to the scheduled meeting for additional information. City of Surprise Planner: Robert H. Kuhfuss, AICP 623-222-3137, robert.kuhfuss@surpriseaz.gov.

DATE: Planning and Zoning Commission – August 19, 2021
TIME: 6:00 PM
PHYSICAL LOCATION: 16000 Civic Center Plaza, Surprise, AZ 85374

Project Location



Meeting Location



At this meeting, any member of the public may appear and be heard relative to this request or may submit written comments at any time prior to the Public Hearing. To submit email comments, including Call to the Public for non-agenda items, please email PandZComments@surpriseaz.gov prior to the start of the meeting, which is 6 p.m. Please check the agenda for exact times. Only comments received prior to the start of the meeting will be considered and included in the record. Any interested party may obtain an agenda 24 hours prior to the Public Hearing at the Surprise City Hall. Please contact Robert H. Kuhfuss, AICP at 623-222-3137 for more information regarding this request. Please note that this item will be placed on the next available agenda should the meeting be canceled or quorum be lost.

Publish: Daily Independent, July 30, Surprise Independent, August 4, 2021/488830

ZONING TEXT AMENDMENT NEIGHBORHOOD MEETING

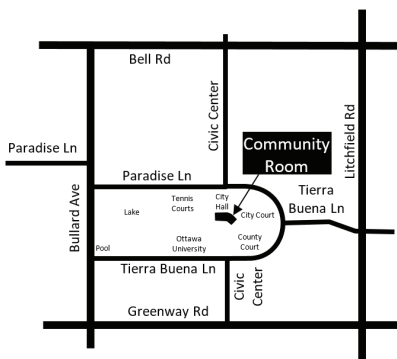
Please be advised that the City of Surprise will host a Neighborhood Meeting to discuss the Zoning Text Amendment (ZTA) to the Land Development Ordinances (LDO) referenced below. This meeting will be conducted virtually and in-person. Any member of the public may participate in the conversation as it pertains to this project, via phone or computer, by utilizing the access information provided under meeting details or attending in person. According to Surprise Municipal Code, we are required to host a Neighborhood Meeting to present the proposal to the public while soliciting feedback and providing answers to questions.

Applicant: City of Surprise
City of Surprise Planner: Trever Fleetham, AICP; 623-222-3156; trever.fleetham@surpriseaz.gov

NEIGHBORHOOD MEETING DETAILS

DATE: Monday, August 23, 2021
TIME: 6:00 PM
PHYSICAL LOCATION: City of Surprise
Community Room
16000 N. Civic Center Plaza
Surprise, AZ 85374

MEETING LOCATION



Join from the meeting link
<https://surpriseaz.webex.com/surpriseaz/j.php?MTID=m84493c2181549428e1d3eb33702a7f00>

Join by meeting number
Meeting number (access code): 146 604 5209
Meeting password: KKmynJeW298
Join by phone
1-408-418-9388 United States Toll
1-602-666-0783 United States Toll (Phoenix)

PROJECT DESCRIPTION:

A Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinances (LDO) in order to provide clarification and remove conflicts with other sections of the LDO, Case # FS21-413.

Publish: Daily Independent, August 6, Surprise Independent, August 4, 2021/489168

CITY OF SURPRISE PUBLIC NOTICE

Take notice that at the date, time, and place listed below, the City of Surprise Planning and Zoning Commission will hold a Public Hearing at the request of Susan Demmitt of Gammage and Burnham, PLC on behalf of Truman Ranch 46 SWC, LLC regarding a Major Amendment to the Truman Ranch PAD for purposes including but not limited to clarifying residential density, clarifying development standards, and modifying architectural standards. Case FS20-829.

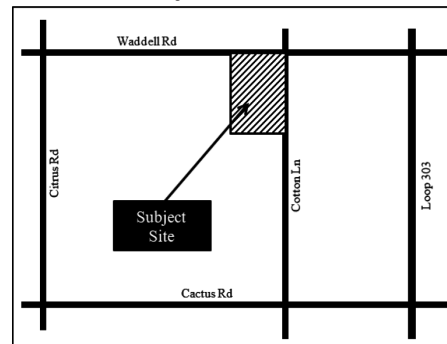
PROJECT DESCRIPTION:

Legal Description: Located in a portion of Section 14, Township 3 North, Range 2 West, of the Gila and Salt River Base and Meridian, Maricopa County, City of Surprise Arizona.

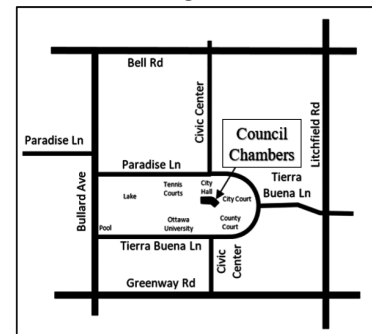
Community Development Department may be contacted prior to the scheduled meeting for additional information. City of Surprise Planner: Robert H. Kuhfuss, AICP 623-222-3137, robert.kuhfuss@surpriseaz.gov

DATE: Planning and Zoning Commission – August 19, 2021
TIME: 6:00 PM
PHYSICAL LOCATION: 16000 Civic Center Plaza, Surprise, AZ 85374

Project Location



Meeting Location



At this meeting, any member of the public may appear and be heard relative to this request or may submit written comments at any time prior to the Public Hearing. To submit email comments, including Call to the Public for non-agenda items, please email PandZComments@surpriseaz.gov prior to the start of the meeting, which is 6 p.m. Please check the agenda for exact times. Only comments received prior to the start of the meeting will be considered and included in the record. Any interested party may obtain an agenda 24 hours prior to the Public Hearing at the Surprise City Hall. Please contact Robert H. Kuhfuss, AICP at 623-222-3137 for more information regarding this request. Please note that this item will be placed on the next available agenda should the meeting be canceled or quorum be lost.

Publish: Daily Independent, July 30, Surprise Independent, August 4, 2021/488830

Public Notice

Public Notice

Public Notice

Public Notice

Public Notice

Public Notice

Public Notice

Public Notice

Wayne P. Marsh
WAYNE P. MARSH, PLC State Bar No. 003814
 9949 W. Bell Rd., Suite 201
 Sun City, AZ 85351
 (623) 933-7427
 Email: wayne.marsh3@gmail.com
 Attorney for: Personal Representative

SUPERIOR COURT OF ARIZONA, MARICOPA COUNTY

In the Matter of the Estate of:

LOUIS A. (BUD) MOORE, JR.,

Deceased.

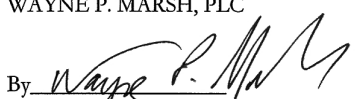
NO. **PB2021-070966**
NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that **YONG KIM SUN MOORE** has been appointed Personal Representative of this Estate. All persons having claims against the Estate are required to present their claims within four months after the date of the first publication of this notice or the claims will be forever barred. Claims must be presented by delivering or mailing a written statement of the claim to the Personal Representative at c/o: Wayne P. Marsh, PLC, 9949 W. Bell Rd., Suite 201, Sun City, AZ 85351.

DATED this 17 day of August, 2021.


 Wayne P. Marsh
 9949 W. Bell Rd., Suite 201
 Sun City, AZ 85351

WAYNE P. MARSH, PLC

By: 
 Wayne P. Marsh
 Attorney for Personal Representative

Publish: Daily Independent, August 20, 27, September 3, 2021/492774

Arizona Corporation Commission - RECEIVED: 7/13/2021
 Arizona Corporation Commission - FILED: 6/23/2021

21071307591985

ARTICLES OF AMENDMENT TO ARTICLES OF ORGANIZATION

LIMITED LIABILITY COMPANY

ENTITY INFORMATION

ENTITY NAME: LOFFS LLC
ENTITY ID: L20120377
ENTITY TYPE: Domestic LLC
PERIOD OF DURATION: Perpetual
PROFESSIONAL SERVICES:
CHARACTER OF BUSINESS: Any legal purpose
MANAGEMENT STRUCTURE: Member-Managed

NEW NAME

Loffs LLC

STATUTORY AGENT INFORMATION

STATUTORY AGENT NAME: MASON WILBUR
PHYSICAL ADDRESS: 14519 W VENTURA ST, SURPRISE, AZ 85379
MAILING ADDRESS: 14519 W VENTURA ST, SURPRISE, AZ 85379

KNOWN PLACE OF BUSINESS

14519 W VENTURA ST, SURPRISE, AZ 85379

PRINCIPALS

Member: MASON WILBUR - 14519 W VENTURA ST, SURPRISE, AZ, 85379, USA -- Date of Taking Office: 06/11/2015

SIGNATURE

Member: MASON WILBUR - 07/13/2021

Required Attachment of WILBUR MOBILE HOME SERVICE, LLC

Updating Character of Business to - Any legal purpose

Updating the Limited Liability Company entity name from
 WILBUR MOBILE HOME SERVICE, LLC to
 Loffs LLC

Publish: Daily Independent, August 25, 26, and 27, 2021/493402

Attorney for Personal Representative:
JECKEL & NYKAMP, P.L.L.C.
 Robert F. Jeckel, No. 003801
 Mary A. Nykamp, No. 007716
 10240 West Bell Road, Suite B
 Sun City, AZ 85351
 (623) 972-1133
 Email: mnykamp@jnlegal.com

Personal Representative:
RANDY JOHN SOULIS
 7698 Halleys Drive
 Littleton, CO 80125

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

In the Matter of the Estate
 of

LINDA LEA COLLIANDER,
 a/k/a LINDA ANDERSON
 COLLIANDER,

Deceased.

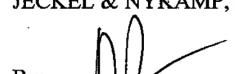
NO. PB 2021-070931
NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that the undersigned has been appointed Personal Representative of this Estate. All persons having claims against the Estate are required to present their claims within four (4) months from the date of first publication of this Notice or the claims will be forever barred. Claims must be presented to the undersigned Personal Representative at the Office of Jeckel & Nykamp, P.L.L.C., 10240 West Bell Road, Suite B, Sun City, Arizona 85351, attorneys for the Estate.

DATED: August 6, 2021.


 RANDY JOHN SOULIS
 Personal Representative

JECKEL & NYKAMP, P.L.L.C.

By: 
 Mary A. Nykamp
 Attorney for Personal Representative

Publish: Daily Independent, August 13, 20, 27, 2021/491173

CITY OF SURPRISE
PUBLIC NOTICE

Take notice that at the date, time, and place listed below, the City of Surprise Planning and Zoning Commission will hold Public Hearings relating to the proposed zoning text amendment to the Surprise Land Development Ordinances (case FS21-413) to improve clarity and remove conflicts, and amending Chapter 2, Article VIII, Section 2-301 of the Surprise Municipal Code entitled Planning and Zoning Commission.

Planning and Zoning Commission

Date: September 16, 2021
Time: 6:00 p.m.
Place: Surprise City Hall
16000 N. Civic Center Plaza
Surprise, AZ 85374

At these meetings any member of the public may appear and be heard relative to this request or may submit written comments at any time prior to the Public Hearing. All written comments regarding this request will be made part of the record of the City. Any interested party may obtain an agenda 24 hours prior to the Public Hearing at the Surprise City Hall. Please note that this item will be placed on the next available agenda should the meeting be canceled or quorum be lost. Contact Trever Fleetham with the City of Surprise at 623-222-3156 or trever.fleetham@surpriseaz.gov for additional information.

Publish: Daily Independent, August 27, Surprise Independent, August 25, 2021/492860
 Page 57 of 136

CITY OF SURPRISE PUBLIC NOTICE

Take notice that at the date, time, and place listed below, the City of Surprise Planning and Zoning Commission will hold Public Hearings relating to the proposed zoning text amendment to the Surprise Land Development Ordinances (case FS21-413) to improve clarity and remove conflicts, and amending Chapter 2, Article VIII, Section 2-301 of the Surprise Municipal Code entitled Planning and Zoning Commission.

Planning and Zoning Commission

Date: September 16, 2021

Time: 6:00 p.m.

**Place: Surprise City Hall
16000 N. Civic Center Plaza
Surprise, AZ 85374**

At these meetings any member of the public may appear and be heard relative to this request or may submit written comments at any time prior to the Public Hearing. All written comments regarding this request will be made part of the record of the City. Any interested party may obtain an agenda 24 hours prior to the Public Hearing at the Surprise City Hall. Please note that this item will be placed on the next available agenda should the meeting be canceled or quorum be lost. Contact Trever Fleetham with the City of Surprise at 623-222-3156 or trever.fleetham@surpriseaz.gov for additional information.

Publish: Daily Independent, August 27, Surprise Independent, August 25, 2021/492860

CITY OF SURPRISE NEIGHBORHOOD MEETING

Bonita Place – Rezoning Request

NEW MEETING DATE

Please be advised, Kent Xander, on behalf of Xander Lander LLC, will host a Neighborhood Meeting to discuss the project referenced below. This meeting will be conducted in person and virtually. Any member of the public may participate in the conversation as it pertains to this project in person or via phone or computer by utilizing the access information provided under meeting details. **Please note this meeting has been rescheduled to the date and time below.**

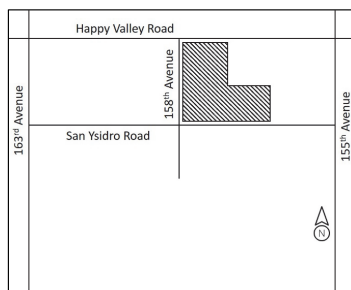
According to the Surprise Municipal Code, the applicant is required to host a Neighborhood Meeting to present their project to the public while soliciting feedback and providing answers to questions. Please note, the City of Surprise is not the host of this meeting, however, the assigned City Planner will be available to provide information as needed in response to inquiries received from residents.

Applicant: Kent Xander, 602-499-9305, kxander@kxgroup.com
City of Surprise Planner: Sergio Angulo, 623-222-3137, sergio.angulo@surpriseaz.gov

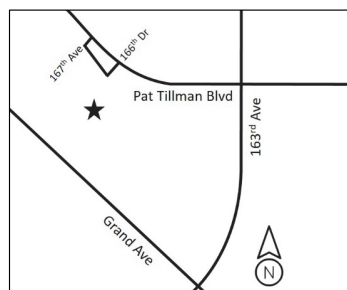
NEIGHBORHOOD MEETING DETAILS

NEW DATE: Wednesday, September 8, 2021
TIME: 6:00 PM
IN-PERSON LOCATION: Asante Preparatory Academy – Cafeteria
23251 N 166th Dr Surprise, AZ 85387
ONLINE ACCESS: <https://www.gotomeet.me/TBZoning/neighborhood-mtg-bonita-place>
CALL-IN: +1 (669) 224-3412 **ACCESS CODE:** 988-620-061

PROJECT LOCATION



MEETING LOCATION



PROJECT DESCRIPTION:

- The applicant is requesting a Zone Change of approximately 27.41 acres from Rural Residential (RR) to Residential Medium Density (R-2) and Residential High Density (R-3) with a Planned Unit Development Overlay for the development of attached and detached single-story rental units located on the southeast corner of Happy Valley Road and the 158th Avenue alignment. Surprise Planning Case FS21-444.

Publish: Daily Independent, August 19, Surprise Independent, August 25, 2021/492535

LEGAL NOTICES



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Email: legals@newszap.com

Call: 623-972-6101

INDEPENDENT
NEWS MEDIA
Celebrating & Connecting Our Communities

ORDINANCE # 2021-17

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A TEXT AMENDMENT TO THE SURPRISE LAND DEVELOPMENT ORDINANCES TO IMPROVE CLARITY AND REMOVE CONFLICTS, AND AMENDING CHAPTER 2, ARTICLE VIII, SECTION 2-301 OF THE SURPRISE MUNICIPAL CODE ENTITLED PLANNING AND ZONING COMMISSION; INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, City staff has identified some drafting errors in the Land Development Ordinances and several provisions that should be revised to enhance clarity and readability and to correct internal inconsistencies;

WHEREAS, City staff has recommended that all of these corrections and revisions to the Land Development Ordinances and one to the Surprise Municipal Code should be effected by adopting a single ordinance;

WHEREAS, on , 20 , the Planning and Zoning Commission recommended approval of the proposed Text Amendments to the Land Development Ordinances and the Municipal Code;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Surprise, Arizona, as follows:

Section 1. Chapters 102, 105, 106, 107, 108, 109, and 110 of the Surprise Land Development Ordinances, and Chapter 2, Article VIII, Section 2-301 of the Surprise Municipal Code are hereby amended as described on attached ***Exhibit A***, and incorporated by this reference.

Section 2. All ordinances, resolutions or codes in conflict with the provisions of this Ordinance or Code adopted by this Ordinance are repealed upon the effective date of this Ordinance.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 4. This ordinance will become effective at the time and manner prescribed by law and shall be added to the Surprise Code of Ordinances at that time.

PASSED AND ADOPTED this _____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

CHAPTER 102 - REVIEW PROCESS AND APPLICATIONS

ARTICLE 2 – PROCEDURE TYPES AND SUBMITTALS

102-2.1 Procedure Types

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

	Table 102-2a: Application Type, Procedure, and Decision Authority Summary							
	Public Outreach				Community Development Director	Planning and Zoning Commission	City Council	Board of Adjustment
	Agenda Posting	Notice Letter & Newspaper	Neighborhood Meeting	Site Posting				
Type 1 Applications								
Zoning Interpretation					D			A
Site Plan Amendment (minor)					D	A		
Minor land division / Parcel assemblage					D		A	A
Administrative Use Permits					D			A
Temporary Use Permits					D	A		
Home Product Review					D	A		
Corrective Plat					D		A	A
PEDS Deviation/Waiver					D	A		
Slope Category Analysis Waiver					D	A		
Administrative Waiver/Extension					D	A		
Type 2 Applications								
Site Plan Review	X				R	D	A	
Site Plan Amendment (major)	X				R	D	A	
Protected Development Rights Plans	X				R	R	D	
Preliminary plats	X				R	R	D	
Final plats	X				R		D	
Original Townsite Incentive	X				R		D	
Development Agreement	X				R		D	
Hillside Cut & Fill Waiver	X			X	R	D		
Type 3 Applications								

General Plan Amendments	X	X	X	X	R	R	D	
Specific Area Plan Requests	X	X	X	X	R	R	D	
Rezoning Requests	X	X	X	X	R	R	D	
LDO Text Amendments	X	X ⁽¹⁾	X		R	R	D	
Conditional Use Permits	X	X	X	X	R	D	A	
Comprehensive Sign Program	X	X	X	X	R	R	D	
Variances Requests	X	X		X	R			D
Annexation	X	X	X	X	R		D	
Key: X = Required (1) = 1st Class Letter not required								
R = Reviews and recommends action to decision-making body D = Decision-making body A = Appeal authority								

ARTICLE 3 – PUBLIC OUTREACH AND PUBLIC NOTIFICATION

102-3.2 Neighborhood Meetings

A. This is conducted by the *applicant* and/or *developer*.

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

ARTICLE 6 – TYPE 3 APPLICATION AND REQUESTS

102-6.3 Conditional Use Permits

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

CHAPTER 105 – BUILDING AND BUILDING REGULATIONS

ARTICLE 2 – TECHNICAL CODES

DIVISION 1 GENERALLY

Ordinance No. 2021-17
RFLS #7872
Rev 08/21

105-19

Construction codes. The following codes and appendices as published by the International Code Council, and the *amendments* to those codes, as adopted by ordinance, are hereby adopted as amended and declared to be public records. At least three copies of each code and its corresponding *amendments*, if any, shall be filed in the city clerk's *office* and kept available for public use and inspection.

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

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

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

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

CHAPTER 106 - ZONING AND USE STANDARDS

ARTICLE 1 – IN GENERAL

106-1.7 Development Standards and Encroachments

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

"P" = Permitted; "AUP" = Administrative Use Permit; "CLUP" = Council Use Permit; "blank space" = Prohibited																										
	Residential				Surprise Heritage District		Traditional Neighborhood Development				Mixed Use			Commercial				Employment				Open Space/Public Uses		Use Specific Standards		
Zoning Districts	RR	R-1	R-2	R-3	SHD-RO	SHD-CO	TND-R	TND-C	TND-MU	TND-OS	MU-1	MU-2	MU-3	CO	C-1	C-2	C-3	BP	I-1	I-2	I-3	OS-1	OS-2	PF		
Uses																									Specific regulations can be found in Sections listed below	
Commercial																										
Places of Assembly					CUP	P		P	P		P	P	P		P	P	P	P	P	P					P	
Places of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P					P	

Page 66 of 136

of the effective date of this Ordinance shall be considered as legal non-conforming *structures*. However, the existing *mobile home* or *manufactured home* may be replaced in its' entirety with a conventional site-built home or with a *manufactured home* that complies with the Use Specific Standards outlined in **Section 106-10.25** herein.

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

Table 106-3a – SHD - Residential Overlay Zoning (SHD-RO)			
	Commercial	Single-family, Two-family, Three-family	Multi-family Residential
Min. Lot Area (sf)	5,000		15,000
Min. Lot Area (sf/du)		5,000	5,000
Min. Front setback (ft)	15	12 ^{2,3}	15 ^{2,3}
Max. Front setback (ft)	30	30 ⁴	30 ⁴
Min. Side setback (ft)	10	5 & 10 total ^{1,3}	20 ³
Min. Rear setback (ft)	12	12 ³	20 ³
Max. Bldg. Height (ft)	30	30	35
Lot coverage %		65%	65%
Notes: 1. May be reduced to 0' <i>setback</i> for <i>Single-family dwellings</i> as attached to and separated by a <i>common wall</i> along the property line. End units shall maintain the larger <i>setback</i>. 2. A covered front porch may encroach into the <i>front setback</i> by up to five feet (5'). 3. <i>Garage</i> doors/embellishments shall be <i>setback</i> a minimum of twenty feet (20' <i>alley</i>) measured from the opposing property line, except rear, <i>alley</i> loaded <i>garages</i>, which shall be <i>setback</i> six feet (6') from the <i>alley</i> edge line. 4. Measured from the primary <i>dwelling</i>, excluding front porch.			

ARTICLE 10 – USE SPECIFIC STANDARDS

106-10.3 Accessory Uses and Structures.

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

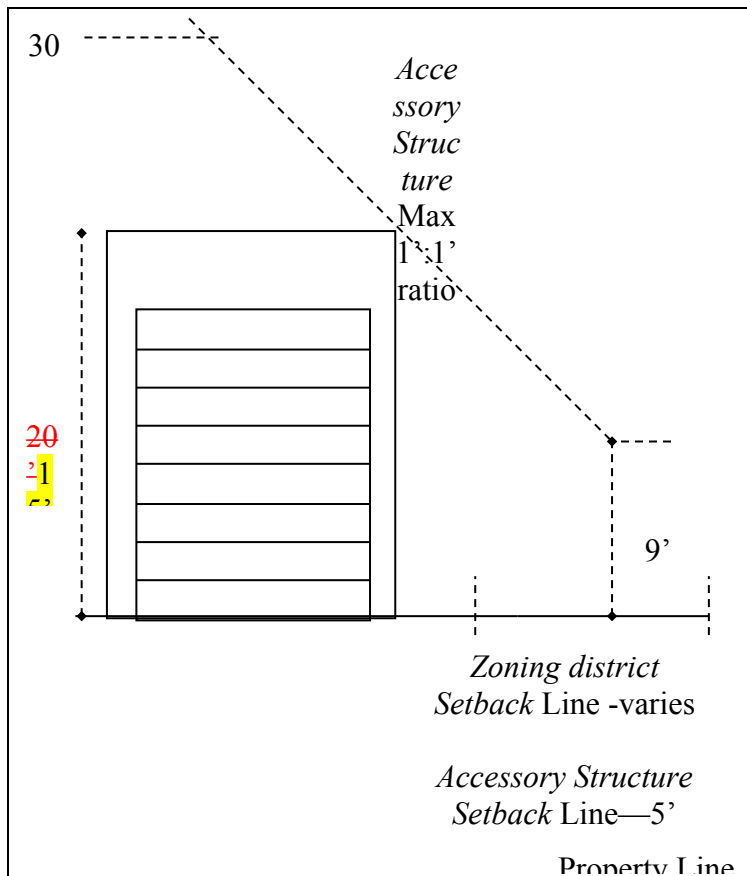
Table 106-10b - Accessory Structures

	Max Accessory Structure Size	Building Separation ²	Setback (Front yard)	Setback (Side and Rear yard)	Height
Shade Structures	400 sf	5'	Same as Zoning min setbacks	5'	9' ³
Other accessory structures	Total lot coverage prescribed by the subject zoning district ^{1, 4}	5'	Not allowed ⁷	5' ⁵	9' ^{3, 6}

Notes:

1. Calculated by the finished floor area of the first floor of the principal *building* and all other accessory structures.
2. May be increased as required by the *building* and/or fire codes
3. The *height* of an *accessory structure* shall not exceed nine feet (9') as measured at the five-foot (5') *setback* line. The *height* of the *accessory structure* may increase at a ratio of one foot vertical for every one foot horizontal (1':1') as measured relative to the property line to a maximum *height* of fifteen feet (15') (See **Figures 106-10a 106-10b**)
4. Each *accessory structure* has a maximum area not to exceed 3,000 sf regardless of lot coverage limits.
5. *Fences used* to separate properties in a subdivision may straddle the common property line
6. On *lots* 30,000 sf or greater each *accessory structure* has a maximum *height* equal to the *zoning district* when constructed within the *building envelope*.
7. In *RR zoning districts*, *accessory structures* are permitted in the *front yard* when constructed within the *building envelope*.

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



106-10.23 Home Occupation.

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

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

106-10.31 Outdoor Display and Sales Areas.

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

1. The *outdoor display area* is only for merchandise sold on the property with the sale of the merchandise being conducted within the *business building*; no open *outdoor sales* shall be permitted.

2. The *display area* is located on private property (not within the public *right-of-way*), not displayed within the landscaping areas, and does not displace any required parking for the *permitted uses*.
3. The merchandise is displayed in a manner allowing for shopping with a clear walkway and displayed only during *business* hours with the merchandise being brought inside at the close of each *business* day, except for permanent *outdoor displays*.
4. The *outdoor display* shall be in a manner that presents a display vignette rather than lined-up and/or chained together, and has no *signage*, blinking lights, movable or audible aspects to the display.
5. The *display area* shall be limited to only twenty-five (25%) percent of the *business* store *frontage* and located within twenty-five feet (25') of the customer entrance.
6. Permanent *outdoor display areas* may be permitted as part of an approved *site plan* for C-3, I-1 AND I-2 Zoning districts.

106-10.40 Self-storage Facilities.

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

- C. *Self-storage facilities* are for storage purposes only. No on-site retail sales are permitted from a rented storage unit.
- D. Regardless of the “type” the minimum size of any storage facility site shall be one acre (1 ac). ~~The site should be limited to a maximum of two acres (2 ac) when adjacent to a residential zoning district or a residential use.~~
- E. The site shall be contiguous to an arterial or collector road, although *access* may or may not be directly onto such arterial or collector, as determined through the review process.
- F. All *buildings* that are visible from a *public street* shall exhibit architectural enhancements, including variation of rooflines, *uses* of multiple material types, and color variations compatible with surrounding *uses* as set forth in the PEDS (see **Chapter 107**) herein. Architectural plans, including material and color samples, shall be submitted for review at the time of application.
- G. A minimum eight-foot (8’) high masonry *wall* with architectural enhancements shall be provided around the perimeter of the property or storage area. When *adjacent* to a right-of way or public area, the perimeter wall or *building* wall will be designed in accordance with **item F** of this section.
- H. *Outdoor storage* shall be limited to boats, trailers, or *recreational vehicles*. The storage of these vehicles in conjunction with either the garage style or the “multi-story/climate controlled” storage facility shall be limited to a maximum fifteen percent (15%) of the net site area. All outdoor vehicle storage shall be located in the interior of the site and shall be *screened* from view from surrounding properties. ~~Parking-style-and~~ Garage style storage facilities shall provide an eight foot (8’) decorative view-obscuring *wall* to *screen* the entire storage area. There shall be no storage of *abandon*, damaged, or junked boats, trailers or *recreational vehicles* in any storage facility.
- I. Site Design for Garage style facilities:
 - 1. Each site shall provide a minimum of two (2) exits, one (1) of which may be for emergency vehicle *use* only.
 - 2. All driveways, parking, loading, and circulation areas shall be paved with concrete, asphalt, or similar material.
 - 3. All one-way driveways shall provide a fifteen-foot (15’) travel lane. Signing and painting shall be *used* to designate traffic direction and parking.
 - 4. All two-way driveways shall meet the Surprise Standard Details in the PEDS.

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

106-10.47 Vehicle fueling stations

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

CHAPTER 107 DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE 2 – LANDSCAPE AND SCREENING REGULATIONS

107-2.2 REPAIR AND Maintenance RESPONSIBILITIES

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

~~medians and median landscaping on arterial roads, or on parkways, shall be the responsibility of the city after acceptance.~~

- B. The *developer* must put in place an improvement district, or other City approved mechanism, that shall fund the maintenance of landscape, *open space*, recreation, and/or *retention areas*; unless otherwise accepted by the City.
- C. All projects required to be landscaped shall pass a landscape inspection prior to the issuance of a final inspection or a certificate of occupancy by the city. Landscaping installation shall be in substantial conformance with the approved plan. Significant *alteration* in the design or installation without appropriate plan *amendment* approval is subject to the withholding of final inspection approval.
 - 1. The city shall have the right to deny any project not meeting the provisions of this section.
 - 2. The city shall also have the right to reject landscape materials as being substandard as to size and/or condition prior to installation.
 - 3. The *owner* shall, prior to *building permit* approval, provide evidence that all plant materials are guaranteed for a minimum period of 120 days from the date of final approval by the city. Trees, shrubs, vines, ground cover, and turf which have to be replaced under terms of the guarantee shall be guaranteed for an additional 120 days from the date of replacement.
- D. No *setback* and/or landscaped area required by this Ordinance shall be *used* for the parking of vehicles or the storage or display of materials, supplies or merchandise.
- E. Landscaping shall be maintained in accordance with the approved site and landscape plan. Required landscaped areas shall be kept free of trash, debris, weeds, and dead plant material, and shall in all respects be maintained in a neat, clean, and healthful condition. This includes proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of dead plants, and the regular watering of all plantings.
- F. The removal or destruction of plants and landscape material, previously approved by the city as part of the landscape plan, shall constitute a violation of this Ordinance. All dead or removed plants shall be replaced with plants of the same variety, and size in accordance with the approved final landscape plan.
- G. Any plant material, that does not survive, shall be replaced within 30 days of its demise or damage.

- H. Plant material shall not be severely pruned but rather maintained based on the specific plant species such that the natural growth pattern, flowering cycle, and characteristic form are not significantly *altered*. Refer to the Arizona Landscape Contractors Association (ALCA) for best practices.
- I. Palm trees shall be pruned once each year to remove dried fronds to eliminate fire hazard and insect infestation.
- J. The property *owner* is responsible for the pruning of any tree overhanging any sidewalk, path or trail, *street*, or *right-of-way* within the city to the degree that maintains visibility of intersections, clearance for large vehicles, and prevent interference with pedestrians and other *multimodal* means of travel.
 - 1. Refer to the PEDS in reference to landscape, fences, and other *structures* regarding potential impacts on sight *visibility triangles* on all *streets*.
 - 2. A minimum vertical clearance of fifteen feet (15') from the top of road pavement shall be required for tree limbs extending over roads and above fire *access* lanes.
 - 3. All dead, diseased or dangerous trees with broken or decaying limbs which the Community Development Director or designee constitutes a hazard to the public shall be removed. A *street* tree that interferes with the proper spread of light along the *street* from a *street* light, or interferes with the visibility of any traffic control device shall be correctively pruned.
 - 4. The City shall have the right, at the expense of the property *owner*, to prune or remove landscaping that the *owner* fails to remove within the time period provided in a notice by the City Code Enforcement. The costs of pruning or removing such hazardous tree or limbs from the public property or *right-of-way* shall be assessed against the property *owner* and shall constitute a lien on the property until paid.
- K. All landscaped areas shall be supported by an automatic irrigation system which may be a spray, soaker, or drip type system.
 - 1. The irrigation system shall terminate in an appropriate number of sprinklers or bibs to ensure a sufficient amount of water to sustain plants within the landscape areas.
 - 2. A reduced pressure-type vacuum breaker shall be required with the installation of all sprinkler systems.

3. All irrigation systems and landscaped areas shall be designed, constructed, and maintained so as to promote water conservation and prevent water overflow or seepage into the *street*, sidewalk, or *parking areas*.

L. Landscaping provided in utility easements

1. If a power line utility easement is included as part of the *open space* of a project, the corridor must be fully landscaped with native and drought tolerant shrubs and tree, which will not exceed a height of twenty-five feet (25'), per Appendices B and C of Vol 1, PEDS. Decomposed granite application shall not be required.
2. The destruction or removal of plant and landscape material, or *fences*, located in a public utility easement (PUE), water easement or *sewer* easement resulting from installation or maintenance of utility infrastructure by a service provider shall be replaced in accordance with the approved landscape plan by the property *owner*.

M. Sidewalks, medians, and *landscape strip* construction and the landscaping within these areas shall adhere to the Property Maintenance regulations as referred to in Chapter 105 of the LDO AND THE NEIGHBORHOOD PRESERVATION ORDINANCE. THE OWNER OF A PARCEL OF REAL PROPERTY OR RESPONSIBLE PARTY IN CONTROL OF ANY LAND ABUTTING A COLLECTOR OR LOCAL STREET RIGHTS-OF-WAY, MEDIANS, SIDEWALKS, OR ALLEYS SHALL BE RESPONSIBLE FOR THE LANDSCAPING AND MAINTENANCE IN THESE AREAS. THE AREAS REQUIRED TO BE MAINTAINED PURSUANT TO THIS SUBSECTION ARE AS FOLLOWS:

1. ANY PORTION OF A STREET, WHICH HAS BEEN OPENED FOR PUBLIC USE, BETWEEN THE CURB LINE, OR IF THERE IS NO CURB LINE THE EDGE OF PAVEMENT, AND THE ABUTTING PROPERTY LINE INCLUDING LANDSCAPING STRIPS AND SIDEWALKS.
 - a. THE CITY SHALL NOTIFY THE OWNER WHEN LANDSCAPING IS FOUND IN VIOLATION OR A SIDEWALK IS FOUND TO BE DEFECTIVE, UNSAFE OR HAZARDOUS, AS DETERMINED BY THE CODE ENFORCEMENT DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT.
 - b. WHENEVER ANY OWNER HAS BEEN NOTIFIED TO CORRECT A LANDSCAPE VIOLATION OR RECONSTRUCT OR REPAIR ANY SIDEWALK, THE CITY MAY PROCEED TO MAINTAIN, RECONSTRUCT, OR REPAIR THE ISSUE THREE (3) DAYS AFTER SUCH NOTICE EXPIRATION, AND THE COST OF SUCH MAINTENANCE,

RECONSTRUCTION OR REPLACEMENT SHALL BE PAID BY THE OWNER OF SUCH ABUTTING PROPERTY.

c. THE CITY SHALL NOTIFY THE OWNER OF SUCH ABUTTING PROPERTY OF THE AMOUNT DUE FOR THE MAINTENANCE, RECONSTRUCTION, OR REPLACEMENT OF SUCH LANDSCAPING OR SIDEWALK AND THE OWNER SHALL THEREAFTER PAY TO THE CITY.

2. ONE-HALF (½) OF THE WIDTH OF ABUTTING ALLEYS FROM THE PROPERTY LINE TO THE CENTERLINE OF THE ALLEY.

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

107-2.4 Quantity, Size, and Spacing Requirements.

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

ARTICLE 3 – OUTDOOR LIGHTING REGULATIONS

107-3.7 Outdoor Advertising Signs.

~~A. General Requirements.~~ ALL OUTDOOR ADVERTISING SIGNS SHALL BE IN CONFORMANCE WITH **CHAPTER 109** OF THIS ORDINANCE.

~~1. External fixtures shall be fully shielded, mounted on top or above the sign, and directed downward onto the sign face.~~

~~2. Lamps used for internal and external illumination of signs shall be counted toward the total lumen cap described in Section **107-3.2 C.** above.~~

~~3. Illumination for all advertising signs both externally illuminated and internally illuminated shall be either reduced or turned off as noted in **Table 107-3a** as further described below.~~

~~B. Within the LZ2 and LZ1 Lighting Zones.~~

- ~~1. Electronic Message Signs (EMS) where permitted per Chapter 109 of this Ordinance shall adhere to the following:
 - ~~a. The maximum lumen level for all land uses shall not exceed 200 nits.~~
 - ~~b. Signs shall be required to be equipped with photo cell sensors that are factory locked to dim the sign at night (2 hours after dusk) to 100 nits. An affidavit from the manufacturer attesting to the brightness level shall be submitted with the sign permit application.~~
 - ~~c. The electronic message center portion of the sign shall be turned off when the business activities cease (or 11 pm whichever occurs last). Signs shall include timers that will automatically turn off the digital display.~~~~
 - ~~2. All signage within a non-residential development shall be reduced by thirty (30%) percent by 11:00 p.m. or when the business closes whichever is later.~~
- ~~C. Within the LZ0 Lighting Zone:~~
- ~~1. The maximum lumen level for any type of sign shall not exceed 100 nits.~~
 - ~~2. All free-standing signs, EMC or otherwise, shall not have white backgrounds.~~
 - ~~3. Electronic Message Signs (EMS) where permitted per Chapter 109 of this Ordinance shall adhere to the following:
 - ~~a. The sign was to be factory locked at 100 nits with an affidavit from the manufacturer attesting to this brightness level.~~
 - ~~b. The electronic message center portion of the sign shall be turned off when the business activities cease or 11 pm whichever occurs last. Signs shall include timers that will automatically turn off the digital display.~~
 - ~~c. The sign shall be equipped with photo cell sensors, reducing the surrounding sign brightness to reflect the surrounding ambient light when the EMS portion is turned off.~~~~
 - ~~4. All signage within both residential and non-residential development shall be shut off by 11:00 p.m. or when the business closes whichever is later.~~

ARTICLE 4 – PARKING AND LOADING REGULATIONS

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

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

107-4.5 Dimensions

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

CHAPTER 108 - LAND DIVISION AND SUBDIVISION REGULATIONS

ARTICLE 1 – GENERAL PROCESS AND OVERVIEW

108-1.8 MAINTENANCE OF MEDIANS AND MEDIAN LANDSCAPING.

- A.** THE REPAIR AND MAINTENANCE OF ALL MEDIANS AND MEDIAN LANDSCAPING WITHIN ALL ARTERIAL AND PARKWAY RIGHTS-OF-WAY CLASSIFICATIONS WILL NOT BE THE RESPONSIBILITY OF THE CITY OF SURPRISE UNTIL ALL REQUIREMENTS ARE MET AS DESCRIBED HEREIN.
1. PRIOR TO ACCEPTANCE OF THE MEDIAN AND/OR MEDIAN LANDSCAPING, IF A MEDIAN AND/OR MEDIAN LANDSCAPING IS FOUND TO BE DEFECTIVE, OVERGROWN, UNSAFE OR HAZARDOUS, THE CITY SHALL NOTIFY THE APPLICANT AND/OR ASSOCIATION FORMED BY THE APPLICANT OF THE ABUTTING PROPERTY TO RECONSTRUCT AND/OR REPAIR AND/OR REPLACE THE MEDIAN AND/OR MEDIAN LANDSCAPING WITHIN A TIME FRAME NOT TO EXCEED 45 DAYS FROM WRITTEN NOTICE.
 2. FAILURE TO REPAIR WITHIN THE TIME ALLOTTED WILL RESULT IN THE WITHHOLDING ON THE COMPANY'S BOND WHEN APPLICABLE. SECTION 42-44 II AND III SHALL APPLY AS DESCRIBED IN THE SURPRISE MUNICIPAL CODE.
- B.** THE REPAIR AND MAINTENANCE OF ALL MEDIANS AND MEDIAN LANDSCAPING WITHIN ALL COLLECTOR AND LOCAL STREET RIGHTS-OF-WAY CLASSIFICATIONS SHALL BE THE RESPONSIBILITY OF THE APPLICANT AND/OR ASSOCIATION FORMED BY THE APPLICANT. THE CITY OF SURPRISE SHALL NOT HAVE ANY REPAIR OR MAINTENANCE RESPONSIBILITIES FOR MEDIANS LOCATED IN COLLECTOR AND LOCAL STREET RIGHTS-OF-WAY, UNLESS BY SEPARATE AGREEMENT.
1. WHEN A MEDIAN AND/OR MEDIAN LANDSCAPING IS FOUND TO BE DEFECTIVE, OVERGROWN, UNSAFE OR HAZARDOUS, THE CITY SHALL NOTIFY THE OWNER OF THE ABUTTING PROPERTY TO RECONSTRUCT OR REPAIR THE MEDIAN AND/OR MEDIAN LANDSCAPING WITHIN A TIME FRAME NOT TO EXCEED FORTY-FIVE (45) DAYS FROM WRITTEN NOTICE.
 2. WHEN AN OWNER NOTIFIED TO REPAIR ANY MEDIAN AND/OR MEDIAN LANDSCAPING, AS PROVIDED IN THE PRECEDING SECTION, FAILS TO REPAIR SUCH MEDIAN AND/OR MEDIAN LANDSCAPING AS REQUIRED BY THE NOTICE AND ORDINANCES OF THE CITY, THE CITY MAY PROCEED TO REPAIR SUCH MEDIAN AND/OR MEDIAN LANDSCAPING THREE (3) DAYS AFTER SUCH NOTICE EXPIRATION TO SUCH OWNER, AND WHEN SO REPAIRED BY THE CITY, THE COST OF SUCH REPAIR SHALL BE PAID BY THE

OWNER OF SUCH ABUTTING PROPERTY AND BE COLLECTED AS DESCRIBED HEREIN.

CHAPTER 109 - SIGNS

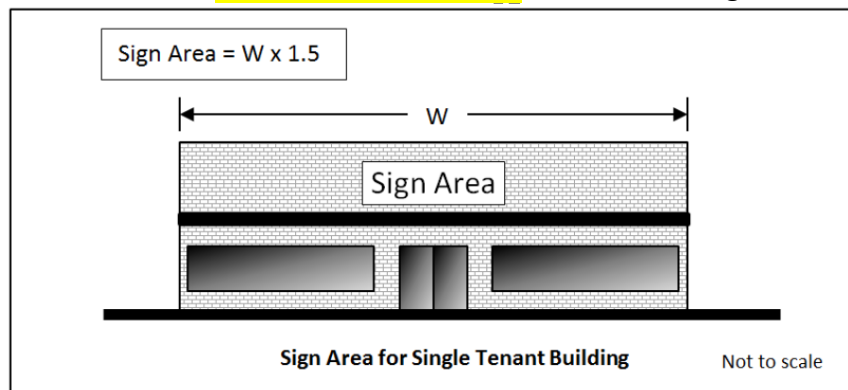
ARTICLE 1 – IN GENERAL PROCESS AND OVERVIEW

109-1.9 Sign classifications and types. The following sign classifications and types as defined in **section 109-1.6** are permitted in the city as outlined in table 109-1a subject to the following "time, place and manner" restrictions.

B. *Building-mounted signs.* Building-mounted signs may only be placed on building elevations which face a street or primary parking lot. For purposes of this section, parking areas adjacent to service bays, access drives located behind a building, or alley ways are not considered primary parking areas.

1. ***Building wall signs.*** In other than residential zoning, building wall signs are permitted on any building elevation of any primary use building, subject to the following:

- a. For single story, single-tenant **AND MULTI-TENANT** buildings, any number of building wall signs may be affixed to any building elevation, provided the aggregate sign area does not exceed one and one-half square foot per one linear foot of building elevation **OF THE TENANT WIDTH** on which the sign is mounted.



CHAPTER 110 - DEVELOPMENT IMPACT FEES

ARTICLE 1 – IN GENERAL

110-1.1 Definitions.

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

G

Grandfathered facilities: Capital facilities included in an infrastructure improvement plan or other city planning document, and impact fee study prepared pursuant to applicable law prior to June 1, 2011, and constructed through financing or debt for which development impact fee(s) were Pledged for repayment prior to June 1, 2011.

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

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

- (a) *Mission.* To promote the health, safety, and beauty of the community, and secure growth and development within the city in conformance with the General Plan. Where necessary for the efficient and cost effective operation of the city, the city council may direct that the planning and zoning commission may also sit as the board of adjustment and/or the board of construction review.
- (b) *Bylaws.* Unless otherwise delineated within this section, the bylaws contained in section 2-295 apply.
- (c) *Composition.* Members will represent a cross section of stakeholders in the community, including different professions or occupations, so as to constitute as much as possible equal representation for all areas within the city.
- (d) *Powers, duties and responsibilities.* The commission will:
 - (1) Recommend to city council a General Plan, specific plans, and amendments thereto;
 - (2) Review, decide, and make recommendations to city council on matters as set forth in the development code, or as otherwise set forth in this Code.
 - (3) Review and make recommendations to city council regarding design guidelines;

- (4) Review development applications for consistency with applicable zoning and design standards, consistent with the development code.
 - (5) Review and make recommendations to city council regarding the classification of parcels of land from one zoning district to another, the adoption or modification of the zoning map, and text amendments to the development code.
 - (6) Review and make recommendations to city council regarding regulations and restrictions concerning the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land.
 - (7) Make recommendations to city council on policy matters regarding the interpretation, enforcement, and administration of the development code.
 - (8) ~~Make recommendations in all matters pertaining to the use of United States Department of Housing and Urban Development grant funding programs and other community support grant funding programs.~~ REVIEW AND APPROVE OR DENY APPLICATIONS FOR SITE PLAN APPROVAL AND CONDITIONAL USE PERMITS, AS SET FORTH IN THE LAND DEVELOPMENT CODE, OR AS OTHERWISE SET FORTH IN THIS CODE.
- (e) All regular meetings of the planning and zoning commission will be televised when reasonably feasible.
- (f) *Appeals.* ~~When sitting as either the board of adjustment or the board of construction review, only decisions of the planning and zoning commission may be appealed as set forth in section 2-303 or 2-304 as appropriate.~~ Decisions by the Planning and Zoning Commission may be appealed as follows:
- (1) ANY PERSON AGGRIEVED BY THE DECISION OF THE PLANNING AND ZONING COMMISSION TO APPROVE OR DISAPPROVE AN APPLICATION FOR A CONDITIONAL USE PERMIT MAY APPEAL THE DECISION TO THE CITY COUNCIL WITHIN 15 CALENDAR DAYS AFTER THE COMMISSION HAS RENDERED ITS DECISION. THE AGGRIEVED PERSON, OR ANY MUNICIPAL OFFICER OR OFFICIAL DEPARTMENT OF THE CITY, OR MEMBER OF CITY COUNCIL, MAY FILE AN APPEAL WHETHER OR NOT THEY WERE A PREVIOUS PARTY TO THE DECISION. APPEALS SHALL BE FILED IN WRITING WITH THE OFFICE OF THE CITY CLERK AND SHALL SPECIFY THE GROUNDS FOR THE APPEAL. THE DECISION BY THE CITY COUNCIL SHALL BE FINAL.
 - (2) WHEN SITTING AS EITHER THE BOARD OF ADJUSTMENT OR THE BOARD OF CONSTRUCTION REVIEW, DECISIONS OF THE PLANNING AND ZONING COMMISSION MAY BE APPEALED AS SET FORTH IN SECTION 2-303 OR 2-304 AS APPROPRIATE.

ORDINANCE # 2021-17

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A TEXT AMENDMENT TO THE SURPRISE LAND DEVELOPMENT ORDINANCES TO IMPROVE CLARITY AND REMOVE CONFLICTS, AND AMENDING CHAPTER 2, ARTICLE VIII, SECTION 2-301 OF THE SURPRISE MUNICIPAL CODE ENTITLED PLANNING AND ZONING COMMISSION; INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, City staff has identified some drafting errors in the Land Development Ordinances and several provisions that should be revised to enhance clarity and readability and to correct internal inconsistencies;

WHEREAS, City staff has recommended that all of these corrections and revisions to the Land Development Ordinances and one to the Surprise Municipal Code should be effected by adopting a single ordinance;

WHEREAS, on , 20 , the Planning and Zoning Commission recommended approval of the proposed Text Amendments to the Land Development Ordinances and the Municipal Code;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Surprise, Arizona, as follows:

Section 1. Chapters 102, 105, 106, 107, 108, 109, and 110 of the Surprise Land Development Ordinances, and Chapter 2, Article VIII, Section 2-301 of the Surprise Municipal Code are hereby amended as described on attached ***Exhibit A***, and incorporated by this reference.

Section 2. All ordinances, resolutions or codes in conflict with the provisions of this Ordinance or Code adopted by this Ordinance are repealed upon the effective date of this Ordinance.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 4. This ordinance will become effective at the time and manner prescribed by law and shall be added to the Surprise Code of Ordinances at that time.

PASSED AND ADOPTED this _____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

CHAPTER 102 - REVIEW PROCESS AND APPLICATIONS

ARTICLE 2 – PROCEDURE TYPES AND SUBMITTALS

102-2.1 Procedure Types

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

	Table 102-2a: Application Type, Procedure, and Decision Authority Summary							
	Public Outreach				Community Development Director	Planning and Zoning Commission	City Council	Board of Adjustment
	Agenda Posting	Notice Letter & Newspaper	Neighborhood Meeting	Site Posting				
Type 1 Applications								
Zoning Interpretation					D			A
Site Plan Amendment (minor)					D	A		
Minor land division / Parcel assemblage					D		A	A
Administrative Use Permits					D			A
Temporary Use Permits					D	A		
Home Product Review					D	A		
Corrective Plat					D		A	A
PEDS Deviation/Waiver					D	A		
Slope Category Analysis Waiver					D	A		
Administrative Waiver/Extension					D	A		
Type 2 Applications								
Site Plan Review	X				R	D	A	
Site Plan Amendment (major)	X				R	D	A	
Protected Development Rights Plans	X				R	R	D	
Preliminary plats	X				R	R	D	
Final plats	X				R		D	
Original Townsite Incentive	X				R		D	
Development Agreement	X				R		D	
Hillside Cut & Fill Waiver	X			X	R	D		
Type 3 Applications								

General Plan Amendments	X	X	X	X	R	R	D	
Specific Area Plan Requests	X	X	X	X	R	R	D	
Rezoning Requests	X	X	X	X	R	R	D	
LDO Text Amendments	X	X ⁽¹⁾	X		R	R	D	
Conditional Use Permits	X	X	X	X	R	D	A	
Comprehensive Sign Program	X	X	X	X	R	R	D	
Variances Requests	X	X		X	R			D
Annexation	X	X	X	X	R		D	
Key: X = Required (1) = 1st Class Letter not required								
R = Reviews and recommends action to decision-making body D = Decision-making body A = Appeal authority								

ARTICLE 3 – PUBLIC OUTREACH AND PUBLIC NOTIFICATION

102-3.2 Neighborhood Meetings

A. This is conducted by the *applicant* and/or *developer*.

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

ARTICLE 6 – TYPE 3 APPLICATION AND REQUESTS

102-6.3 Conditional Use Permits

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

CHAPTER 105 – BUILDING AND BUILDING REGULATIONS

ARTICLE 2 – TECHNICAL CODES

DIVISION 1 GENERALLY

Ordinance No. 2021-17
RFLS #7872
Rev 08/21

105-19

Construction codes. The following codes and appendices as published by the International Code Council, and the *amendments* to those codes, as adopted by ordinance, are hereby adopted as amended and declared to be public records. At least three copies of each code and its corresponding *amendments*, if any, shall be filed in the city clerk's *office* and kept available for public use and inspection.

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

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

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

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

CHAPTER 106 - ZONING AND USE STANDARDS

ARTICLE 1 – IN GENERAL

106-1.7 Development Standards and Encroachments

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

"P" = Permitted; "AUP" = Administrative Use Permit; "CLUP" = Council Use Permit; "blank space" = Prohibited																									
	Residential				Surprise Heritage District		Traditional Neighborhood Development				Mixed Use			Commercial				Employment				Open Space/Public Uses		Use Specific Standards	
Zoning Districts	RR	R-1	R-2	R-3	SHD-RO	SHD-CO	TND-R	TND-C	TND-MU	TND-OS	MU-1	MU-2	MU-3	CO	C-1	C-2	C-3	BP	I-1	I-2	I-3	OS-1	OS-2	PF	
Uses																									Specific regulations can be found in Sections listed below
Commercial																									
Places of Assembly					CUP	P		P	P		P	P	P		P	P	P	P	P	P				P	
Places of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P				P	

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of the effective date of this Ordinance shall be considered as legal non-conforming *structures*. However, the existing *mobile home* or *manufactured home* may be replaced in its' entirety with a conventional site-built home or with a *manufactured home* that complies with the Use Specific Standards outlined in **Section 106-10.25** herein.

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

Table 106-3a – SHD - Residential Overlay Zoning (SHD-RO)			
	Commercial	Single-family, Two-family, Three-family	Multi-family Residential
Min. Lot Area (sf)	5,000		15,000
Min. Lot Area (sf/du)		5,000	5,000
Min. Front setback (ft)	15	12 ^{2,3}	15 ^{2,3}
Max. Front setback (ft)	30	30 ⁴	30 ⁴
Min. Side setback (ft)	10	5 & 10 total ^{1,3}	20 ³
Min. Rear setback (ft)	12	12 ³	20 ³
Max. Bldg. Height (ft)	30	30	35
Lot coverage %		65%	65%
Notes: 1. May be reduced to 0' <i>setback</i> for <i>Single-family dwellings</i> as attached to and separated by a <i>common wall</i> along the property line. End units shall maintain the larger <i>setback</i>. 2. A covered front porch may encroach into the <i>front setback</i> by up to five feet (5'). 3. <i>Garage</i> doors/embellishments shall be <i>setback</i> a minimum of twenty feet (20' <i>alley</i>) measured from the opposing property line, except rear, <i>alley</i> loaded <i>garages</i>, which shall be <i>setback</i> six feet (6') from the <i>alley</i> edge line. 4. Measured from the primary <i>dwelling</i>, excluding front porch.			

ARTICLE 10 – USE SPECIFIC STANDARDS

106-10.3 Accessory Uses and Structures.

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

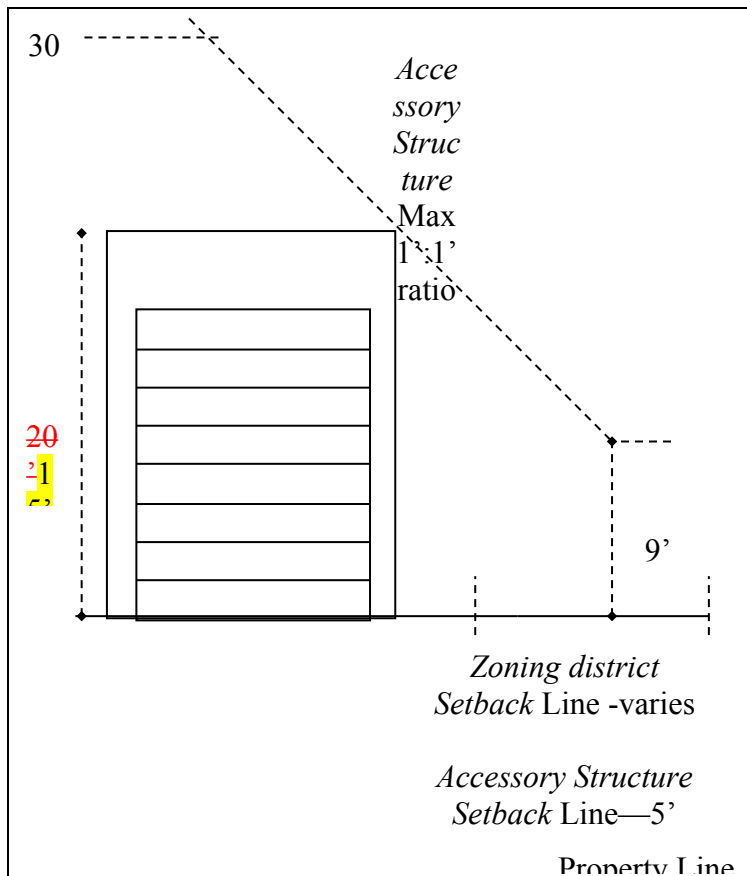
Table 106-10b - Accessory Structures

	Max Accessory Structure Size	Building Separation ²	Setback (Front yard)	Setback (Side and Rear yard)	Height
Shade Structures	400 sf	5'	Same as Zoning min setbacks	5'	9' ³
Other accessory structures	Total lot coverage prescribed by the subject zoning district ^{1, 4}	5'	Not allowed ⁷	5' ⁵	9' ^{3, 6}

Notes:

1. Calculated by the finished floor area of the first floor of the principal *building* and all other accessory structures.
2. May be increased as required by the *building* and/or fire codes
3. The *height* of an *accessory structure* shall not exceed nine feet (9') as measured at the five-foot (5') *setback* line. The *height* of the *accessory structure* may increase at a ratio of one foot vertical for every one foot horizontal (1':1') as measured relative to the property line to a maximum *height* of fifteen feet (15') (See **Figures 106-10a 106-10b**)
4. Each *accessory structure* has a maximum area not to exceed 3,000 sf regardless of lot coverage limits.
5. *Fences used* to separate properties in a subdivision may straddle the common property line
6. On *lots* 30,000 sf or greater each *accessory structure* has a maximum *height* equal to the *zoning district* when constructed within the *building envelope*.
7. In *RR zoning districts*, *accessory structures* are permitted in the *front yard* when constructed within the *building envelope*.

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



106-10.23 Home Occupation.

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

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

106-10.31 Outdoor Display and Sales Areas.

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

1. The *outdoor display area* is only for merchandise sold on the property with the sale of the merchandise being conducted within the *business building*; no open *outdoor sales* shall be permitted.

2. The *display area* is located on private property (not within the public *right-of-way*), not displayed within the landscaping areas, and does not displace any required parking for the *permitted uses*.
3. The merchandise is displayed in a manner allowing for shopping with a clear walkway and displayed only during *business* hours with the merchandise being brought inside at the close of each *business* day, except for permanent *outdoor displays*.
4. The *outdoor display* shall be in a manner that presents a display vignette rather than lined-up and/or chained together, and has no *signage*, blinking lights, movable or audible aspects to the display.
5. The *display area* shall be limited to only twenty-five (25%) percent of the *business* store *frontage* and located within twenty-five feet (25') of the customer entrance.
6. Permanent *outdoor display areas* may be permitted as part of an approved *site plan* for C-3, I-1 AND I-2 Zoning districts.

106-10.40 Self-storage Facilities.

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

- C. *Self-storage facilities* are for storage purposes only. No on-site retail sales are permitted from a rented storage unit.
- D. Regardless of the “type” the minimum size of any storage facility site shall be one acre (1 ac). The site should be limited to a maximum of _____ acres (___ac) when *adjacent* to AN ENTITLED OR EXISTING RESIDENTIAL USE.
 - 1. FOR PURPOSES OF THIS SECTION (106-10.40 D) “ADJACENT” SHALL MEAN TWO ADJOINING PROPERTIES SHARING A COMMON PROPERTY LINE OR SEPARATED ONLY BY A LOCAL STREET OR COLLECTOR. SEPARATION BY AN ARTERIAL, PARKWAY, OR FREEWAY/HIGHWAY SHALL NOT CONSTITUTE “ADJACENT”.
- E. The site shall be contiguous to an arterial or collector road, although *access* may or may not be directly onto such arterial or collector, as determined through the review process.
- F. All *buildings* that are visible from a *public street* shall exhibit architectural enhancements, including variation of rooflines, *uses* of multiple material types, and color variations compatible with surrounding *uses* as set forth in the PEDS (see **Chapter 107**) herein. Architectural plans, including material and color samples, shall be submitted for review at the time of application.
- G. A minimum eight-foot (8’) high masonry *wall* with architectural enhancements shall be provided around the perimeter of the property or storage area. When *adjacent* to a right-of way or public area, the perimeter wall or *building* wall will be designed in accordance with **item F** of this section.
- H. *Outdoor storage* shall be limited to boats, trailers, or *recreational vehicles*. The storage of these vehicles in conjunction with either the garage style or the “multi-story/climate controlled” storage facility shall be limited to a maximum fifteen percent (15%) of the net site area. All outdoor vehicle storage shall be located in the interior of the site and shall be *screened* from view from surrounding properties. ~~Parking-style-and~~ Garage style storage facilities shall provide an eight foot (8’) decorative view-obscuring *wall* to *screen* the entire storage area. There shall be no storage of *abandon*, damaged, or junked boats, trailers or *recreational vehicles* in any storage facility.
- I. Site Design for Garage style facilities:
 - 1. Each site shall provide a minimum of two (2) exits, one (1) of which may be for emergency vehicle *use* only.
 - 2. All driveways, parking, loading, and circulation areas shall be paved with concrete, asphalt, or similar material.

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

106-10.47 Vehicle fueling stations

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

CHAPTER 107 DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE 2 – LANDSCAPE AND SCREENING REGULATIONS

107-2.2 REPAIR AND Maintenance RESPONSIBILITIES

- A.** The REPAIR AND maintenance of all landscaping on the property or abutting *right-*

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

- B. The *developer* must put in place an improvement district, or other City approved mechanism, that shall fund the maintenance of landscape, *open space*, recreation, and/or *retention areas*; unless otherwise accepted by the City.
- C. All projects required to be landscaped shall pass a landscape inspection prior to the issuance of a final inspection or a certificate of occupancy by the city. Landscaping installation shall be in substantial conformance with the approved plan. Significant *alteration* in the design or installation without appropriate plan *amendment* approval is subject to the withholding of final inspection approval.
 - 1. The city shall have the right to deny any project not meeting the provisions of this section.
 - 2. The city shall also have the right to reject landscape materials as being substandard as to size and/or condition prior to installation.
 - 3. The *owner* shall, prior to *building permit* approval, provide evidence that all plant materials are guaranteed for a minimum period of 120 days from the date of final approval by the city. Trees, shrubs, vines, ground cover, and turf which have to be replaced under terms of the guarantee shall be guaranteed for an additional 120 days from the date of replacement.
- D. No *setback* and/or landscaped area required by this Ordinance shall be *used* for the parking of vehicles or the storage or display of materials, supplies or merchandise.
- E. Landscaping shall be maintained in accordance with the approved site and landscape plan. Required landscaped areas shall be kept free of trash, debris, weeds, and dead plant material, and shall in all respects be maintained in a neat, clean, and healthful condition. This includes proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of dead plants, and the regular watering of all plantings.
- F. The removal or destruction of plants and landscape material, previously approved by the city as part of the landscape plan, shall constitute a violation of this

Ordinance. All dead or removed plants shall be replaced with plants of the same variety, and size in accordance with the approved final landscape plan.

- G.** Any plant material, that does not survive, shall be replaced within 30 days of its demise or damage.
- H.** Plant material shall not be severely pruned but rather maintained based on the specific plant species such that the natural growth pattern, flowering cycle, and characteristic form are not significantly *altered*. Refer to the Arizona Landscape Contractors Association (ALCA) for best practices.
- I.** Palm trees shall be pruned once each year to remove dried fronds to eliminate fire hazard and insect infestation.
- J.** The property *owner* is responsible for the pruning of any tree overhanging any sidewalk, path or trail, *street*, or *right-of-way* within the city to the degree that maintains visibility of intersections, clearance for large vehicles, and prevent interference with pedestrians and other *multimodal* means of travel.

 - 1. Refer to the PEDS in reference to landscape, fences, and other *structures* regarding potential impacts on sight *visibility triangles* on all *streets*.
 - 2. A minimum vertical clearance of fifteen feet (15') from the top of road pavement shall be required for tree limbs extending over roads and above fire *access* lanes.
 - 3. All dead, diseased or dangerous trees with broken or decaying limbs which the Community Development Director or designee constitutes a hazard to the public shall be removed. A *street* tree that interferes with the proper spread of light along the *street* from a *street* light, or interferes with the visibility of any traffic control device shall be correctively pruned.
 - 4. The City shall have the right, at the expense of the property *owner*, to prune or remove landscaping that the *owner* fails to remove within the time period provided in a notice by the City Code Enforcement. The costs of pruning or removing such hazardous tree or limbs from the public property or *right-of-way* shall be assessed against the property *owner* and shall constitute a lien on the property until paid.
- K.** All landscaped areas shall be supported by an automatic irrigation system which may be a spray, soaker, or drip type system.

 - 1. The irrigation system shall terminate in an appropriate number of sprinklers or bibs to ensure a sufficient amount of water to sustain plants within the landscape areas.

2. A reduced pressure-type vacuum breaker shall be required with the installation of all sprinkler systems.
3. All irrigation systems and landscaped areas shall be designed, constructed, and maintained so as to promote water conservation and prevent water overflow or seepage into the *street*, sidewalk, or *parking areas*.

L. Landscaping provided in utility easements

1. If a power line utility easement is included as part of the *open space* of a project, the corridor must be fully landscaped with native and drought tolerant shrubs and tree, which will not exceed a height of twenty-five feet (25'), per Appendices B and C of Vol 1, PEDS. Decomposed granite application shall not be required.
2. The destruction or removal of plant and landscape material, or *fences*, located in a public utility easement (PUE), water easement or *sewer* easement resulting from installation or maintenance of utility infrastructure by a service provider shall be replaced in accordance with the approved landscape plan by the property *owner*.

M. Sidewalks, medians, and *landscape strip* construction and the landscaping within these areas shall adhere to the Property Maintenance regulations as referred to in Chapter 105 of the LDO AND THE NEIGHBORHOOD PRESERVATION ORDINANCE. THE OWNER OF A PARCEL OF REAL PROPERTY OR RESPONSIBLE PARTY IN CONTROL OF ANY LAND ABUTTING A COLLECTOR OR LOCAL STREET RIGHTS-OF-WAY, MEDIANS, SIDEWALKS, OR ALLEYS SHALL BE RESPONSIBLE FOR THE LANDSCAPING AND MAINTENANCE IN THESE AREAS. THE AREAS REQUIRED TO BE MAINTAINED PURSUANT TO THIS SUBSECTION ARE AS FOLLOWS:

1. ANY PORTION OF A STREET, WHICH HAS BEEN OPENED FOR PUBLIC USE, BETWEEN THE CURB LINE, OR IF THERE IS NO CURB LINE THE EDGE OF PAVEMENT, AND THE ABUTTING PROPERTY LINE INCLUDING LANDSCAPING STRIPS AND SIDEWALKS.
 - a. THE CITY SHALL NOTIFY THE OWNER WHEN LANDSCAPING IS FOUND IN VIOLATION OR A SIDEWALK IS FOUND TO BE DEFECTIVE, UNSAFE OR HAZARDOUS, AS DETERMINED BY THE CODE ENFORCEMENT DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT.
 - b. WHENEVER ANY OWNER HAS BEEN NOTIFIED TO CORRECT A LANDSCAPE VIOLATION OR RECONSTRUCT OR REPAIR ANY SIDEWALK, THE CITY MAY PROCEED TO MAINTAIN, RECONSTRUCT,

OR REPAIR THE ISSUE THREE (3) DAYS AFTER SUCH NOTICE EXPIRATION, AND THE COST OF SUCH MAINTENANCE, RECONSTRUCTION OR REPLACEMENT SHALL BE PAID BY THE OWNER OF SUCH ABUTTING PROPERTY.

c. THE CITY SHALL NOTIFY THE OWNER OF SUCH ABUTTING PROPERTY OF THE AMOUNT DUE FOR THE MAINTENANCE, RECONSTRUCTION, OR REPLACEMENT OF SUCH LANDSCAPING OR SIDEWALK AND THE OWNER SHALL THEREAFTER PAY TO THE CITY.

2. ONE-HALF (½) OF THE WIDTH OF ABUTTING ALLEYS FROM THE PROPERTY LINE TO THE CENTERLINE OF THE ALLEY.

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

107-2.4 Quantity, Size, and Spacing Requirements.

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

ARTICLE 3 – OUTDOOR LIGHTING REGULATIONS

107-3.7 Outdoor Advertising Signs.

~~A. General Requirements.~~ ALL OUTDOOR ADVERTISING SIGNS SHALL BE IN CONFORMANCE WITH **CHAPTER 109** OF THIS ORDINANCE.

~~1. External fixtures shall be fully shielded, mounted on top or above the sign, and directed downward onto the sign face.~~

~~2. Lamps used for internal and external illumination of signs shall be counted toward the total lumen cap described in Section **107-3.2 C.** above.~~

~~3. Illumination for all advertising signs both externally illuminated and internally illuminated shall be either reduced or turned off as noted in **Table 107-3a** as further described below.~~

~~B. Within the LZ2 and LZ1 Lighting Zones.~~

- ~~1. Electronic Message Signs (EMS) where permitted per Chapter 109 of this Ordinance shall adhere to the following:
 - ~~a. The maximum *lumen* level for all land uses shall not exceed 200 *nits*.~~
 - ~~b. Signs shall be required to be equipped with photo cell sensors that are factory locked to dim the sign at night (2 hours after dusk) to 100 *nits*. An affidavit from the manufacturer attesting to the brightness level shall be submitted with the sign permit application.~~
 - ~~c. The electronic message center portion of the sign shall be turned off when the *business* activities cease (or 11 pm whichever occurs last). Signs shall include timers that will automatically turn off the digital display.~~~~
- ~~2. All signage within a non-residential development shall be reduced by thirty (30%) percent by 11:00 p.m. or when the *business* closes whichever is later.~~

~~C. Within the LZ0 Lighting Zone.~~

- ~~1. The maximum *lumen* level for any type of sign shall not exceed 100 *nits*.~~
- ~~2. All free-standing signs, EMC or otherwise, shall not have white backgrounds.~~
- ~~3. Electronic Message Signs (EMS) where permitted per Chapter 109 of this Ordinance shall adhere to the following:
 - ~~a. The sign was to be factory locked at 100 *nits* with an affidavit from the manufacturer attesting to this brightness level.~~
 - ~~b. The electronic message center portion of the sign shall be turned off when the *business* activities cease or 11 pm whichever occurs last. Signs shall include timers that will automatically turn off the digital display.~~
 - ~~c. The sign shall be equipped with photo cell sensors, reducing the surrounding sign brightness to reflect the surrounding ambient light when the EMS portion is turned off.~~~~
- ~~4. All signage within both residential and non-residential development shall be shut-off by 11:00 p.m. or when the *business* closes whichever is later.~~

ARTICLE 4 – PARKING AND LOADING REGULATIONS

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

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

107-4.5 Dimensions

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

CHAPTER 108 - LAND DIVISION AND SUBDIVISION REGULATIONS

ARTICLE 1 – GENERAL PROCESS AND OVERVIEW

108-1.8 MAINTENANCE OF MEDIANS AND MEDIAN LANDSCAPING.

- A.** THE REPAIR AND MAINTENANCE OF ALL MEDIANS AND MEDIAN LANDSCAPING WITHIN ALL ARTERIAL AND PARKWAY RIGHTS-OF-WAY CLASSIFICATIONS WILL NOT BE THE RESPONSIBILITY OF THE CITY OF SURPRISE UNTIL ALL REQUIREMENTS ARE MET AS DESCRIBED HEREIN.
1. PRIOR TO ACCEPTANCE OF THE MEDIAN AND/OR MEDIAN LANDSCAPING, IF A MEDIAN AND/OR MEDIAN LANDSCAPING IS FOUND TO BE DEFECTIVE, OVERGROWN, UNSAFE OR HAZARDOUS, THE CITY SHALL NOTIFY THE APPLICANT AND/OR ASSOCIATION FORMED BY THE APPLICANT OF THE ABUTTING PROPERTY TO RECONSTRUCT AND/OR REPAIR AND/OR REPLACE THE MEDIAN AND/OR MEDIAN LANDSCAPING WITHIN A TIME FRAME NOT TO EXCEED 45 DAYS FROM WRITTEN NOTICE.
 2. FAILURE TO REPAIR WITHIN THE TIME ALLOTTED WILL RESULT IN THE WITHHOLDING ON THE COMPANY'S BOND WHEN APPLICABLE. SECTION 42-44 II AND III SHALL APPLY AS DESCRIBED IN THE SURPRISE MUNICIPAL CODE.
- B.** THE REPAIR AND MAINTENANCE OF ALL MEDIANS AND MEDIAN LANDSCAPING WITHIN ALL COLLECTOR AND LOCAL STREET RIGHTS-OF-WAY CLASSIFICATIONS SHALL BE THE RESPONSIBILITY OF THE APPLICANT AND/OR ASSOCIATION FORMED BY THE APPLICANT. THE CITY OF SURPRISE SHALL NOT HAVE ANY REPAIR OR MAINTENANCE RESPONSIBILITIES FOR MEDIANS LOCATED IN COLLECTOR AND LOCAL STREET RIGHTS-OF-WAY, UNLESS BY SEPARATE AGREEMENT.
1. WHEN A MEDIAN AND/OR MEDIAN LANDSCAPING IS FOUND TO BE DEFECTIVE, OVERGROWN, UNSAFE OR HAZARDOUS, THE CITY SHALL NOTIFY THE OWNER OF THE ABUTTING PROPERTY TO RECONSTRUCT OR REPAIR THE MEDIAN AND/OR MEDIAN LANDSCAPING WITHIN A TIME FRAME NOT TO EXCEED FORTY-FIVE (45) DAYS FROM WRITTEN NOTICE.
 2. WHEN AN OWNER NOTIFIED TO REPAIR ANY MEDIAN AND/OR MEDIAN LANDSCAPING, AS PROVIDED IN THE PRECEDING SECTION, FAILS TO REPAIR SUCH MEDIAN AND/OR MEDIAN LANDSCAPING AS REQUIRED BY THE NOTICE AND ORDINANCES OF THE CITY, THE CITY MAY PROCEED TO REPAIR SUCH MEDIAN AND/OR MEDIAN LANDSCAPING THREE (3) DAYS AFTER SUCH NOTICE EXPIRATION TO SUCH OWNER, AND WHEN SO REPAIRED BY THE CITY, THE COST OF SUCH REPAIR SHALL BE PAID BY THE

OWNER OF SUCH ABUTTING PROPERTY AND BE COLLECTED AS DESCRIBED HEREIN.

CHAPTER 109 - SIGNS

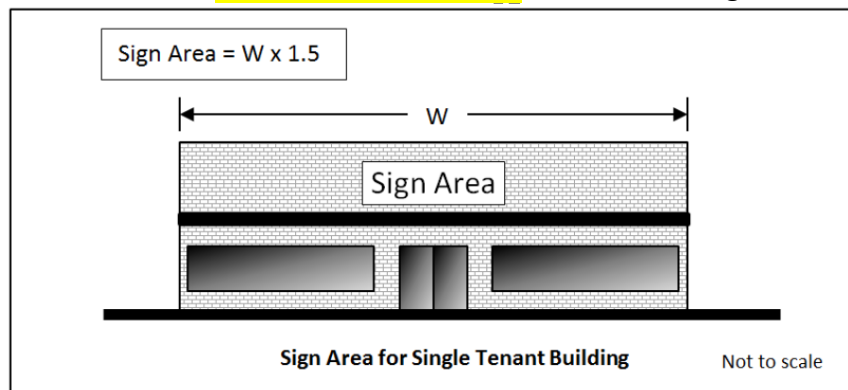
ARTICLE 1 – IN GENERAL PROCESS AND OVERVIEW

109-1.9 Sign classifications and types. The following sign classifications and types as defined in **section 109-1.6** are permitted in the city as outlined in table 109-1a subject to the following "time, place and manner" restrictions.

B. *Building-mounted signs.* Building-mounted signs may only be placed on building elevations which face a street or primary parking lot. For purposes of this section, parking areas adjacent to service bays, access drives located behind a building, or alley ways are not considered primary parking areas.

1. ***Building wall signs.*** In other than residential zoning, building wall signs are permitted on any building elevation of any primary use building, subject to the following:

- a. For single story, single-tenant **AND MULTI-TENANT** buildings, any number of building wall signs may be affixed to any building elevation, provided the aggregate sign area does not exceed one and one-half square foot per one linear foot of building elevation **OF THE TENANT WIDTH** on which the sign is mounted.



CHAPTER 110 - DEVELOPMENT IMPACT FEES

ARTICLE 1 – IN GENERAL

110-1.1 Definitions.

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

G

Grandfathered facilities: Capital facilities included in an infrastructure improvement plan or other city planning document, and impact fee study prepared pursuant to applicable law prior to June 1, 2011, and constructed through financing or debt for which development impact fee(s) were Pledged for repayment prior to June 1, 2011.

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

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

- (a) *Mission.* To promote the health, safety, and beauty of the community, and secure growth and development within the city in conformance with the General Plan. Where necessary for the efficient and cost effective operation of the city, the city council may direct that the planning and zoning commission may also sit as the board of adjustment and/or the board of construction review.
- (b) *Bylaws.* Unless otherwise delineated within this section, the bylaws contained in section 2-295 apply.
- (c) *Composition.* Members will represent a cross section of stakeholders in the community, including different professions or occupations, so as to constitute as much as possible equal representation for all areas within the city.
- (d) *Powers, duties and responsibilities.* The commission will:
 - (1) Recommend to city council a General Plan, specific plans, and amendments thereto;
 - (2) Review, decide, and make recommendations to city council on matters as set forth in the development code, or as otherwise set forth in this Code.
 - (3) Review and make recommendations to city council regarding design guidelines;

- (4) Review development applications for consistency with applicable zoning and design standards, consistent with the development code.
 - (5) Review and make recommendations to city council regarding the classification of parcels of land from one zoning district to another, the adoption or modification of the zoning map, and text amendments to the development code.
 - (6) Review and make recommendations to city council regarding regulations and restrictions concerning the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land.
 - (7) Make recommendations to city council on policy matters regarding the interpretation, enforcement, and administration of the development code.
 - (8) ~~Make recommendations in all matters pertaining to the use of United States Department of Housing and Urban Development grant funding programs and other community support grant funding programs.~~ REVIEW AND APPROVE OR DENY APPLICATIONS FOR SITE PLAN APPROVAL AND CONDITIONAL USE PERMITS, AS SET FORTH IN THE LAND DEVELOPMENT CODE, OR AS OTHERWISE SET FORTH IN THIS CODE.
- (e) All regular meetings of the planning and zoning commission will be televised when reasonably feasible.
- (f) *Appeals.* ~~When sitting as either the board of adjustment or the board of construction review, only decisions of the planning and zoning commission may be appealed as set forth in section 2-303 or 2-304 as appropriate.~~ Decisions by the Planning and Zoning Commission may be appealed as follows:
- (1) ANY PERSON AGGRIEVED BY THE DECISION OF THE PLANNING AND ZONING COMMISSION TO APPROVE OR DISAPPROVE AN APPLICATION FOR A CONDITIONAL USE PERMIT MAY APPEAL THE DECISION TO THE CITY COUNCIL WITHIN 15 CALENDAR DAYS AFTER THE COMMISSION HAS RENDERED ITS DECISION. THE AGGRIEVED PERSON, OR ANY MUNICIPAL OFFICER OR OFFICIAL DEPARTMENT OF THE CITY, OR MEMBER OF CITY COUNCIL, MAY FILE AN APPEAL WHETHER OR NOT THEY WERE A PREVIOUS PARTY TO THE DECISION. APPEALS SHALL BE FILED IN WRITING WITH THE OFFICE OF THE CITY CLERK AND SHALL SPECIFY THE GROUNDS FOR THE APPEAL. THE DECISION BY THE CITY COUNCIL SHALL BE FINAL.
 - (2) WHEN SITTING AS EITHER THE BOARD OF ADJUSTMENT OR THE BOARD OF CONSTRUCTION REVIEW, DECISIONS OF THE PLANNING AND ZONING COMMISSION MAY BE APPEALED AS SET FORTH IN SECTION 2-303 OR 2-304 AS APPROPRIATE.



City Council Work Session
November 16, 2021

Land Development Ordinance
Zoning Text Amendment
FS21-413

CHAPTER 102 - REVIEW PROCESS AND APPLICATIONS

ARTICLE 2 – PROCEDURE TYPES AND SUBMITTALS

102-2.1 Procedure Types

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

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

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

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

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

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

CHAPTER 102 - REVIEW PROCESS AND APPLICATIONS

ARTICLE 3 – PUBLIC OUTREACH AND PUBLIC NOTIFICATION

102-3.2 Neighborhood Meetings

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

CHAPTER 102 - REVIEW PROCESS AND APPLICATIONS

ARTICLE 6 – TYPE 3 APPLICATION AND REQUESTS

102-6.3 Conditional Use Permits

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

CHAPTER 105 – BUILDING AND BUILDING REGULATIONS

ARTICLE 2 – TECHNICAL CODES

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

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

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

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

CHAPTER 106 - ZONING AND USE STANDARDS

ARTICLE 1 – IN GENERAL

106-1.7 Development Standards and Encroachments

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

CHAPTER 106 - ZONING AND USE STANDARDS

ARTICLE 1 – IN GENERAL

Table No. 106-1c – Primary Land Use Matrix for All Zoning Districts

Table No. 106-1c – Primary Land Use Matrix for All Zoning Districts																							
"P" – Permitted, "CUP" – Administrative Use Permit, "CUP" – Conditional Use Permit, "Work space" – Professional																							
Zoning Districts		Residential				Neighborhood Center				Office				Retail				Employment					
RR		R-1		R-2		R-3		SHD-RO		SHD-CO		TND-R		TND-C		TND-MU		TND-OS					
MU-1		MU-2		MU-3		CO		C-1		C-2		C-3		BP		I-1		I-2					
I-3		OS-1		OS-2		PF														Specialty Services		Specialty Services	
Places of Assembly		Places of Assembly																		Places of Assembly			
Places of Worship		Places of Worship																		Places of Worship			
Zoning District		Places of Assembly																		Places of Worship			
RR																							
R-1																							
R-2																							
R-3																							
SHD-RO																							
SHD-CO																							
TND-R																							
TND-C																							
TND-MU																							
TND-OS																							
MU-1																							
MU-2																							
MU-3																							
CO																							
C-1																							
C-2																							
C-3																							
BP																							
I-1																							
I-2																							
I-3																							
OS-1																							
OS-2																							
PF																							

CHAPTER 106 - ZONING AND USE STANDARDS

ARTICLE 3 – SURPRISE HERITAGE DISTRICT (SHD) ZONING DISTRICTS

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

B. Development Standards.

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

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

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

Notes:

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

CHAPTER 106 - ZONING AND USE STANDARDS

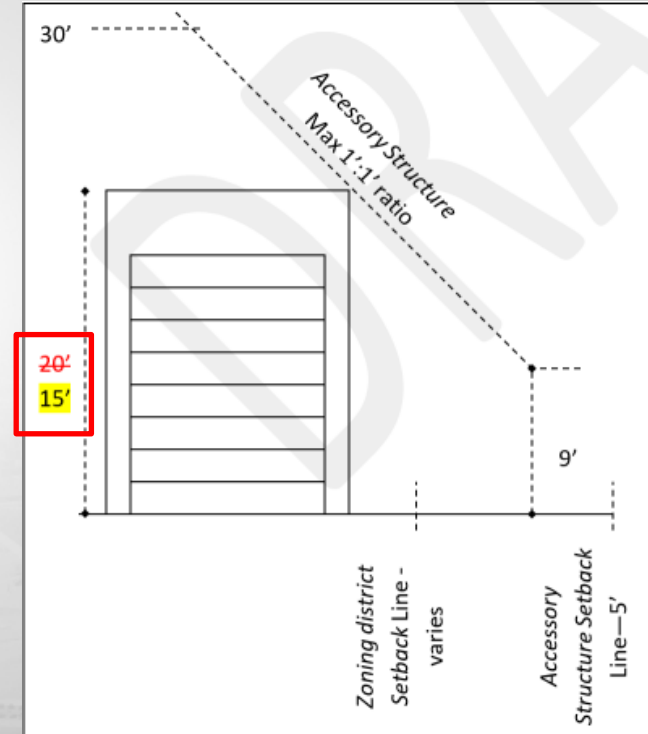
ARTICLE 10 – USE SPECIFIC STANDARDS

106-10.3 Accessory Uses and Structures.

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

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

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



CHAPTER 106 - ZONING AND USE STANDARDS

ARTICLE 10 – USE SPECIFIC STANDARDS

106-10.23 Home Occupation.

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

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

106-10.31 Outdoor Display and Sales Areas.

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

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

CHAPTER 106 - ZONING AND USE STANDARDS

ARTICLE 10 – USE SPECIFIC STANDARDS

106-10.40 Self-storage Facilities.

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

CHAPTER 106 - ZONING AND USE STANDARDS

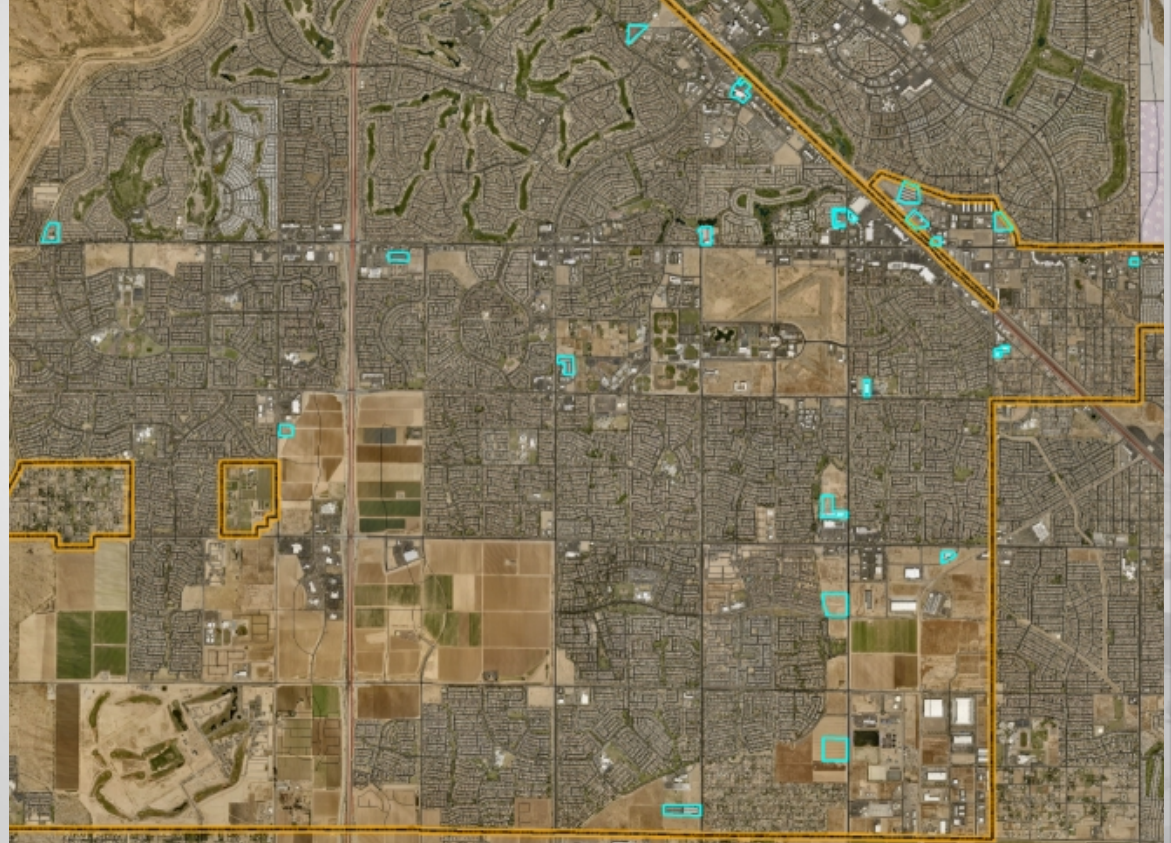
ARTICLE 10 – USE SPECIFIC STANDARDS

106-10.40 Self-storage Facilities. (Continued)

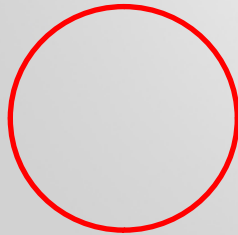
- D. Regardless of the “type” the minimum size of any storage facility site shall be one acre (1 ac). ~~The site should be limited to a maximum of two acres (2 ac) when adjacent to a residential zoning district or a residential use.~~
- H. *Outdoor storage* shall be limited to boats, trailers, or *recreational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

EXISTING SELF-STORAGE FACILITIES

- 21 Self-Storage Facilities found (existing or entitled)
 - 15 existing, 6 entitled/under construction
 - 15 total adjacent to residential



EXISTING SELF-STORAGE FACILITIES



14 of 15 facilities are/ will be legal, non-conforming

SELF-STORAGE FACILITIES

Alternatives

1. Regardless of the “type” the minimum size of any storage facility site shall be one acre (1 ac). ~~The site should be limited to a maximum of two acres (2 ac) when adjacent to a residential zoning district or a residential use.~~
2. Regardless of the “type” the minimum size of any storage facility site shall be one acre (1 ac). The site should be limited to a maximum of acres (ac) when adjacent to an entitled or existing residential use.
 - a. For purposes of this section (106-10.40 D) “adjacent” shall mean two adjoining properties sharing a common property line or separated only by a local street or collector. Separation by an arterial, parkway, or freeway/highway shall not constitute “adjacent”.
3. Other alternative as determined by the Planning & Zoning Commission

CHAPTER 106 - ZONING AND USE STANDARDS

ARTICLE 10 – USE SPECIFIC STANDARDS

106-10.47 Vehicle fueling stations

0.

CHAPTER 107 DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE 2 – LANDSCAPE AND SCREENING REGULATIONS

107-2.2 REPAIR AND Maintenance RESPONSIBILITIES

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

CHAPTER 107 DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE 2 – LANDSCAPE AND SCREENING REGULATIONS

107-2.2 REPAIR AND Maintenance RESPONSIBILITIES

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

CHAPTER 107 DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE 2 – LANDSCAPE AND SCREENING REGULATIONS

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

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

107-2.4 Quantity, Size, and Spacing Requirements.

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

CHAPTER 107 DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE 3 – OUTDOOR LIGHTING REGULATIONS

107-3.7 Outdoor Advertising Signs.

A.

CHAPTER 107 DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE 3 – OUTDOOR LIGHTING REGULATIONS

107-3.7 Outdoor Advertising Signs.

A.

CHAPTER 107 DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE 4 – PARKING AND LOADING REGULATIONS

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

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

CHAPTER 107 DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE 4 – PARKING AND LOADING REGULATIONS

107-4.5 Dimensions

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

CHAPTER 108 - LAND DIVISION AND SUBDIVISION REGULATIONS

ARTICLE 1 – GENERAL PROCESS AND OVERVIEW

108-1.8 MAINTENANCE OF MEDIANS AND MEDIAN LANDSCAPING.

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

CHAPTER 108 - LAND DIVISION AND SUBDIVISION REGULATIONS

ARTICLE 1 – GENERAL PROCESS AND OVERVIEW

108-1.8 MAINTENANCE OF MEDIANS AND MEDIAN LANDSCAPING.

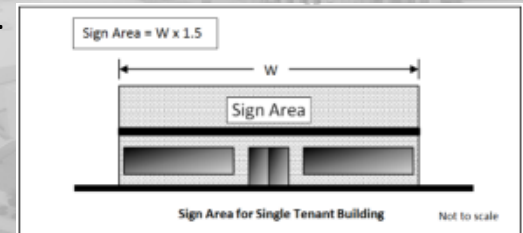
B. THE REPAIR AND MAINTENANCE OF ALL MEDIANS AND MEDIAN LANDSCAPING WITHIN ALL COLLECTOR AND LOCAL STREET RIGHTS-OF-WAY CLASSIFICATIONS SHALL BE THE RESPONSIBILITY OF THE APPLICANT AND/OR ASSOCIATION FORMED BY THE APPLICANT. THE CITY OF SURPRISE SHALL NOT HAVE ANY REPAIR OR MAINTENANCE RESPONSIBILITIES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

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

CHAPTER 109 - SIGNS

ARTICLE 1 – IN GENERAL PROCESS AND OVERVIEW

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



CHAPTER 110 - DEVELOPMENT IMPACT FEES

ARTICLE 1 – IN GENERAL

110-1.1 Definitions.

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

G

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

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

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

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

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

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

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

COMMISSION RECOMMENDATIONS

September 16, 2021:

- Recommended approval of the proposed Zoning Text Amendment, excluding Section 106-10.40

November 4, 2021:

- Recommended...



QUESTIONS OR COMMENTS?

Thank You