



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

Tuesday, February 1, 2022 @ 6:00 PM
COUNCIL CHAMBERS

A. Call To Order

Any prayer or invocation that may be offered before the start of the Regular Council Meeting is a voluntary offering by a private resident of Surprise; has not been previously reviewed or approved by City Council or City staff; should not be considered an endorsement of any particular religion by the City or its officials, as the beliefs, viewpoint, and content are personal to the speaker; and no participation by any person in attendance is required. A list of volunteers is maintained by the office of the City Clerk and interested persons should contact the Clerk's Office for further information.

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 Meeting Agenda

CONSENT AGENDA:

- | | | | |
|----|----------|--|------|
| 1. | Citywide | Consideration and action on the minutes of the Regular City Council Meeting of January 18, 2022. | None |
|----|----------|--|------|

Sherry Aguilar

			City Clerk
2.	District 3	Consideration and action pertaining to approval of the Final Plat entitled, "Re-Plat Toll at Prasada, Unit M – Phase 3" and dated December 21, 2021, a property generally located west of Cotton Lane, between Cactus Road and Peoria Avenue; Case FS21-701.	None Trevor Fleetham Community Development
3.	District 3	Consideration and action pertaining to approval of the Final Plat entitled, "Re-Plat Toll at Prasada, Unit J – Phase 3" and dated December 21, 2021, a property generally located west of Cotton Lane, between Cactus Road and Peoria Avenue; Case FS21-757.	None Trevor Fleetham Community Development
4.	District 3	Consideration and action pertaining to approval of the Final Plat entitled, "Re-Plat Toll at Prasada, Unit I – Phase 3" and dated December 21, 2021, a property generally located west of Cotton Lane, between Cactus Road and Peoria Avenue; Case FS21-791.	None Trevor Fleetham Community Development
5.	District 1	Consideration and action pertaining to approval of the Final Plat entitled, "Rancho Vista" and dated January 4, 2022, a property generally located north and west of the northwest corner of Beardsley Road and 227th Avenue; Resolution #2022-11. (Case FS21-304)	None Chris Sexton Community Development
6.	District 1	Consideration and action pertaining to approval of the Final Plat entitled, "Fulton Homes Escalante – Parcel 9" and dated November 8, 2021, a property located on the southeast corner of Asante Boulevard and 158 th Lane; Case FS21-396.	None Sergio Angulo Community Development
7.	Internal	Consideration and action authorizing the City to accept grant funding from Area Agency on Aging for Senior Center improvements and amending the Fiscal Year 2022 budget by moving budget authority of \$10,000 from Contingency within the Grants Fund to project G51515 FY22 AAA ARPA; Resolution #2022-10.	Seth Dyson Human Svcs and Comm Vitality
8.	Internal	Consideration and action pertaining to approval of an amendment to the Fiscal Year 2022 budget by moving budget authority of \$127,400 from contingency to the General Fund for the purpose of covering the expenses of adding six full-time equivalent positions for the hiring of three Fire Captains and three Firefighters in an effort to increase efficiencies and reduce staff overtime within the Fire-Medical Department; Resolution # 2022-14.	Brenden Espie Fire - Medical
9.	District 1	Consideration and action declaring the City's intention to create the lighting improvement district known as, "City of Surprise, Arizona, SU-BellandCitrus200" Lighting Improvement District pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting; Resolution # 2022-07.	None Kristin Tytler Public Works

REGULAR AGENDA ITEM - PUBLIC HEARING:

10.	Citywide	Consideration and action pertaining to approval of a Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinance (LDO) to improve clarity and remove conflicts (Case FS21-413); Ordinance No. 2021-17.	None Trevor Fleetham Community Development
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REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- 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));
- discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));
- discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (a)(4));
- discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or
- discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town. A.R.S. §38-401.03 (A)(6)).
- discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

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

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

- L. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: January 27, 2022 at 11:35 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 Meeting

Council Meeting Date: February 1, 2022
Submitting Department: City Clerk
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:

Invocation

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: February 1, 2022
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: Citywide

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

Agenda Wording:

Consideration and action on the minutes of the Regular City Council Meeting of January 18, 2022.

Motion:

I move to approve the meeting minutes of January 18, 2022.

Background:

Routine.

Objective Analysis:

NA

Policy Compliant:

NA

Financial Impact:

NA

Budget Impact:

NA

FTE Impact:

NA

ATTACHMENTS:

1. Jan 18 REG

CITY OF SURPRISE
Regular City Council Meeting Minutes
16000 North Civic Center Plaza
Surprise, AZ 85374

Tuesday, January 18, 2022 @ 6:00PM

Call To Order

Invocation

Invocation led by Nathan Sams.

Roll Call

Mayor Hall called to order the Regular City Council Meeting of January 18, 2022 at 6:00 PM at Surprise City Hall Council Chambers, 16000 N Civic Center Plaza, Surprise, Arizona 85374. Also in attendance with Mayor Hall were Vice Mayor Duffy and Council Members: Winters, Cline, Hastings and Judd. (Council Member Remley participate telephonically).

Staff Present: City Manager, Bob Wingenroth; City Attorney, Robert Wingo and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Proclamation and Community Acknowledgements

City Manager Report

1. Reports

Introductions and reports – Surprise Youth Council

1. Veterans of Foreign War present the Officer and Fire Fighter of the year award.

Introduction by City Manager Wingenroth.

City Clerk Report

1. Reports

2. Consideration and action pertaining to selection of a Vice Mayor and directing the City Clerk to administer the Oath of Office - ALISON CLINE WAS SELECTED

The vote was taken by written ballot, Council Member Remley abstained from voting on this items due to participating via phone.

Aly Cline selected as Vice-Mayor

Call To The Public

Regular City Council Meeting Agenda

CONSENT AGENDA:

Vice Mayor Cline made the motion to approve the consent agenda. Council Member Judd seconded the motion. Seven yes votes, motion carried.

3. Consideration and action on the minutes of the Regular City Council Meeting and Executive Session of January 4, 2022 - APPROVED

4. Consideration and action to approve an Acquisition of Control for Basha's #137 located at 15367 W. Waddell Road, Surprise, AZ 85379 for existing license 09070239 - APPROVED

5. Consideration and action to approve a new Series 12 Liquor License (Application #176096) for Nick's Diner II located at 13765 N. Litchfield Road, Surprise, AZ 85379 - APPROVED

6. Consideration and action pertaining to approval of a Fiscal Year 2022 budget amendment reallocating appropriations in the amount of \$200,000 from contingency to services within the General Fund for contract building inspector services; Resolution #2022-02 - APPROVED

7. Consideration and action pertaining to approval of the Final Re-Plat entitled, Toll at Prasada, Phase II Unit P Lots 630 & 631 & Tracts A & B and dated November 11, 2021, a property generally located west of Cotton Lane, between Cactus Road and Peoria Avenue. (Case FS21-592) - APPROVED

8. Consideration and action pertaining to approval of the Final Re-Plat entitled, Toll at Prasada, Phase I Unit D Lots 524 & 561 & Tracts A & B and dated November 16, 2021, a property generally located west of Cotton Lane, between Cactus Road and Peoria Avenue. (Case FS21-594) - APPROVED

9. Consideration and action pertaining to approval of the Final Plat entitled, "Williams 223" and dated December 26, 2021, an approximately 9.34 acre property generally located at the northwest corner of 222nd Avenue and Williams Road. (Case FS21-767) - APPROVED

10. Consideration and action pertaining to approval of a Quit Claim Deed to Fulton Homes Corporation for the Reems Road Channel near Waddell and Reems Road - APPROVED

11. Consideration and action pertaining to approval of the Final Plat entitled, The Retreat at Prasada and dated November 10, 2021, an approximately 34.83-acre property generally located south of Waddell Road between Sarival Avenue and Reems Road. (Case FS21-113) - POSTPONED INDEFINITELY

Council Member Duffy made the motion to post item 11 indefinitely. Council Member Hastings seconded the motion. Seven yes votes, motion carried.

12. Consideration and action pertaining to acceptance of a Sewer line easement from Meritage Homes of Arizona, Inc., near 163rd avenue and Happy Valley Road - APPROVED

13. Consideration and action to vacate a portion of public roadway (Cactus Lane) within Section 2, Township 3 North Range 1 West, generally located east of Dysart Avenue; Resolution #2022-05 - APPROVED

14. Consideration and action pertaining to acceptance of a temporary sewer line easement from Meritage Homes of Arizona, Inc., near 163rd Avenue and Happy Valley Road - APPROVED

15. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Legacy Traditional West campus, generally located at W. Cactus Road and N. Cotton Lane; Resolution #2022-06 - APPROVED

16. Consideration and action pertaining to adoption of an amendment to Surprise Municipal Code Chapter 3, Article IV, Sec. 3-41 regarding the duties of the Personnel Appeals Board; Ordinance #2022-02 - APPROVED

REGULAR AGENDA ITEM - PUBLIC HEARING:

17. Presentation and discussion of the proposed annexation of approximately 93.97 acres of county land, generally located south of Pinnacle Peak Road and east of 163rd Avenue. (Case FS21-512) - NO ACTION

City Planner, Sergio Angulo gave a powerpoint presentation on this item.

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

18. Consideration and action pertaining to approval of the 2022 Legislative Agenda.

Intergovernmental Liaison, Jodi Tas gave a powerpoint presentation for this item.

Council Member Judd asked for clarification other public safety slide.

Vice Mayor Cline made the motion to approve the 2022 Legislative Agenda. Council Member Judd seconded the motion. Seven yes votes, motion carried.

Council Member made the motion to approve
Council Member seconded the motion. Seven yes votes, motion carried.

19. Consideration and action pertaining to approval of an amendment to the Surprise Municipal Code Chapter 34 (Offenses and Miscellaneous Provisions) Article VIII (Recreational Marijuana) to conform with Chapters 101 and 106 of the Surprise Land Development Ordinances, as amended by Ordinance # 2021-24, pertaining to marijuana facilities; Ordinance # 2022-01 - APPROVED

Deputy Attorney, Ellen VanRiper gave a powerpoint presentation on this item.

Council Member Judd made the motion to approve. Council Member Duffy seconded the motion. Seven yes votes, motion carried.

Other Business and Future Agenda Items

City Council Reports

Mayor and Council attended and/or reported on the following:

Council Member Hastings - Make an appeal District 5 to attend my Meet and Greet, low attendance; every 2nd Saturday at Sweet Tea 9 to 11 a.m.; congrats to Vice-Mayor Cline and welcome to City Manager Wingenroth and congrats on the promotions tonight.

Council Member Duffy - Congrats on the promotions; thanks to staff for their assistance

Council Member Judd - Venue Tap Room, Meet and Greet; federal gov't released their COVID test site today.

Council Member Winters - Meet and Greet at the new Heritage at Asante, gated community, nice reception with 50 attendees; supported by ED Staff; Friday night meeting in AZ. Traditions, good turnout.

Vice Mayor Cline - Attended Martin Luther King music event, wonderful inspiring presentation; 2 meet and greets coming up in Sun City Grand in the Pima Room and the next meeting is in AZ Traditions, Friday, January 28th.

Mayor Hall event at the Mark Coronado Park; Mayor's Breakfast coming up; attended Martin Luther King on Saturday, great turnout.

Executive Session

Adjournment

Vice Mayor Cline made the motion to adjourn the Regular City Council Meeting of January 19, 2022 at pm. Council Member Duffy seconded the motion. Seven yes votes, motion carried.

Skip Hall, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk, MMC

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Meeting of **Tuesday, January 18, 2022.**

Sherry Ann Aguilar, City Clerk, MMC



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: February 1, 2022 Contact Person: Trever Fleetham
Submitting Department: Community Development District: District 3
Staff Recommendations: None

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

Agenda Wording:

Consideration and action pertaining to approval of the Final Plat entitled, “Re-Plat Toll at Prasada, Unit M – Phase 3” and dated December 21, 2021, a property generally located west of Cotton Lane, between Cactus Road and Peoria Avenue; Case FS21-701.

Motion:

I move to approve the Final Plat entitled, “Re-Plat Toll at Prasada, Unit M – Phase 3” dated December 21, 2021.

Background:

The subject request involves a Final Plat for Unit M of the Toll at Prasada project. The proposed Final Plat will create 168 standard lots consisting of three (3) lot products. Unit M was also included in the Phase 2 Infrastructure Plat that was approved under case FS19-061 and was depicted in said Final Plat as a single development parcel.

Objective Analysis:

The subject Final Plat meets the requirements of the Prasada PAD, in addition to other requirements as set forth in the LDO. All city reviewing departments have reviewed the request and expressed no concerns.

Policy Compliant:

The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac or more, provided appropriate transitions are made between the various Neighborhood types included within the character area. At 4.87 DU/Ac, the project most closely aligns with the Suburban Neighborhood type and is consistent with the General Plan in this regard. The site also lies within the 0-6 DU/Ac ribbon of the Luke Air Force Base Graduated Density Concept; however, the site is integral to the larger Sterling Grove project, which is approved for 2,207 lots overall and meets the guidance offered by the GDC.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in

the City will inevitably have a future financial impact as additional resources are needed to provide city services.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. 00 - FS21-701 Toll at Prasada Unit M Final Plat - Staff Report 020122 CC
 2. 01 - FS21-701 Toll at Prasada Unit M - Vicinity Map
 3. 02 - FS21-701 Toll at Prasada Unit M - Case Map
 4. 03 - FS21-701 Toll at Prasada Unit M - Final Plat
 5. FS21-701 Toll at Prasada Unit M Final Plat Presentation 020122 CC
-

FINAL PLAT

REPORT TO THE CITY COUNCIL

Case: FS21-701

Project Name: Toll at Prasada Unit M Final Plat

Council District: 3 - Mesquite

Meeting Date: February 1, 2022

Planner: Trever Fleetham, AICP

Owner: Toll Prasada, LLC

Applicant: Aaron Insco of Toll Bros, Inc.

Request: A Final Plat for Toll at Prasada Unit M in the Prasada PAD

Site Location: Generally located west of Cotton Lane, between Cactus Road and Peoria Avenue

Lot Yield: 168

Area: 34.50 acres

Density: 4.87 DU/Ac.

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

Support/Opposition: None known

Findings:

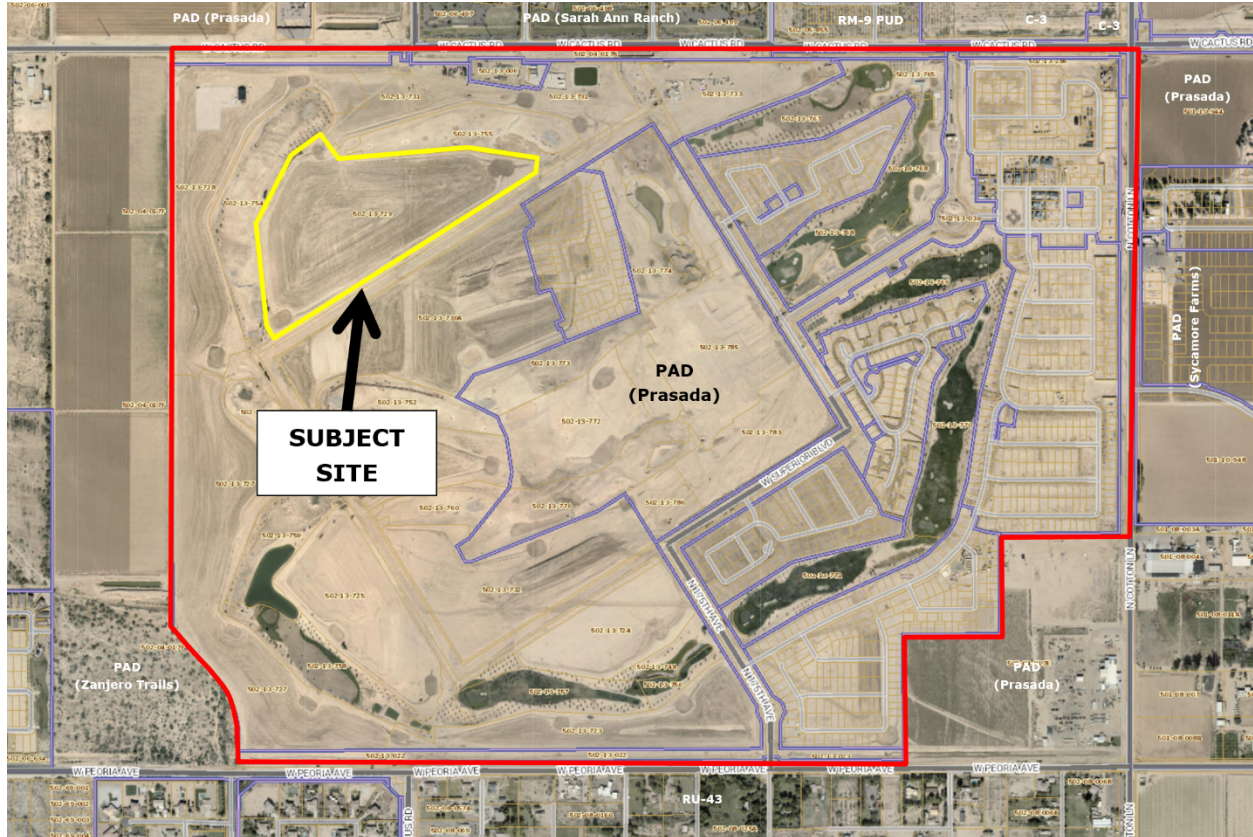
- The proposed Final Plat is consistent with the Prasada PAD.
- The proposed Final Plat is consistent with the Preliminary Plat as approved under FS21-341.
- The proposed Final Plat is consistent with the applicable City of Surprise regulations.
- The reviewing agencies have indicated no objections to the request.

PROJECT DESCRIPTION:

The subject request involves a Final Plat for a Unit M of the Toll at Prasada project. The proposed Final Plat will create 168 standard lots consisting of three (3) lot products. Unit M was also included in the Phase 2 Infrastructure Plat that was approved under case FS19-061 and was depicted in said Final Plat as a single development parcel.

EXISTING ZONING:

The following map depicts the existing zoning of the subject site and its surroundings.



BACKGROUND:

June 22, 2006: The City Council approved the original Prasada PAD under case PAD05-465.

December 21, 2016: Staff approved a Minor Amendment to the Lake Village portion of the Prasada PAD under case FS16-400 for the purpose of revising the Lake Village land plan and development standards.

February 12, 2018: Staff approved a Minor Amendment to the Toll Brothers' portion of the Prasada Lake Village under case FS17-587 for the purpose of revising specific development standards related to the Toll Brothers development.

April 17, 2018: The City Council approved the original Preliminary Plat for Toll at Prasada under case FS17-394.

January 15, 2019: The City Council approved the Final Plat for Toll at Prasada Phase I Infrastructure under case FS18-290.

August 6, 2019: The City Council approved the Final Plat for Toll at Prasada Phase 2 Infrastructure under case FS19-061.

April 30, 2021: The applicant filed case FS21-341, a Preliminary Plat for Unit M.

September 10, 2021: The applicant filed case FS21-701, the subject case.

November 2, 2021: The City Council approved the Preliminary Plat for Unit M under case FS21-341.

ANALYSIS AND DISCUSSION:

The proposed subdivision of the 34.50 acre site will create 168 lots with 1.405 acres of passive open space. Primary access to this subdivision will be via Dana Point Boulevard located south of the site. North Hailey Avenue will act as the primary ingress/egress for the site and secondary emergency access points will extend from the cul-de-sacs of Montpelier Street and Julian Street. North Julian Street at the northern end of the site will be continued through as Unit O develops.

City Council approval of the subject Final Plat will allow the applicant to obtain the civil construction permits necessary to begin construction of the infrastructure associated with Unit M. The proposed Final Plat is in substantial conformance with the Preliminary Plat, is consistent with the Prasada PAD and other regulatory documents, and the reviewing agencies have expressed no objections to the approval of the Final Plat.

CONFORMANCE WITH ADOPTED PLANS:

Surprise General Plan 2035: The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac or more, provided appropriate transitions are made between the various Neighborhood types included within the character area. At 4.87 DU/Ac, the project most closely aligns with the Suburban Neighborhood type and is consistent with the General Plan in this regard. The site also lies with the 0-6 DU/Ac ribbon of the Luke Air Force Base Graduated Density Concept; however, the site is integral to the larger Sterling Grove project, which is approved for 2,207 lots overall and meets the guidance offered by the GDC.

REVIEWING AGENCIES:

In addition to the standard city reviewing agencies, who indicate no objections to the requests, Luke Air Force Base, Maricopa Water District, and Maricopa County Flood Control District were included in the routing of this case. These agencies also indicate no objections.

Summary:

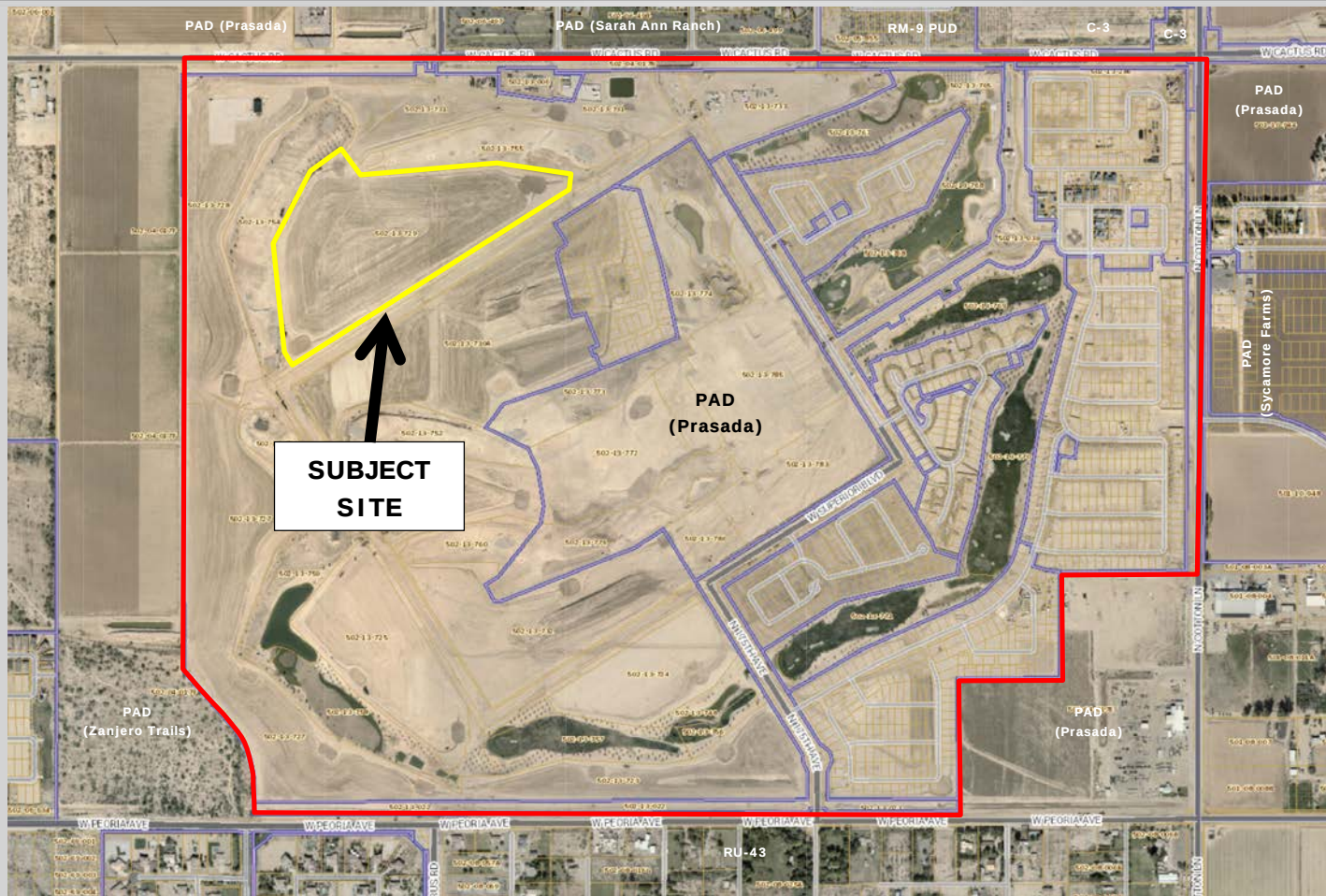
The subject Final Plat meets the requirements of the Prasada PAD, in addition to other applicable requirements as set forth in the LDO. All city reviewing departments have reviewed the request and expressed no concerns.

Attachments:

01 Toll at Prasada Unit M Vicinity Map
02 Toll at Prasada Unit M Case Map
03 Toll at Prasada Unit M Final Plat
PPT



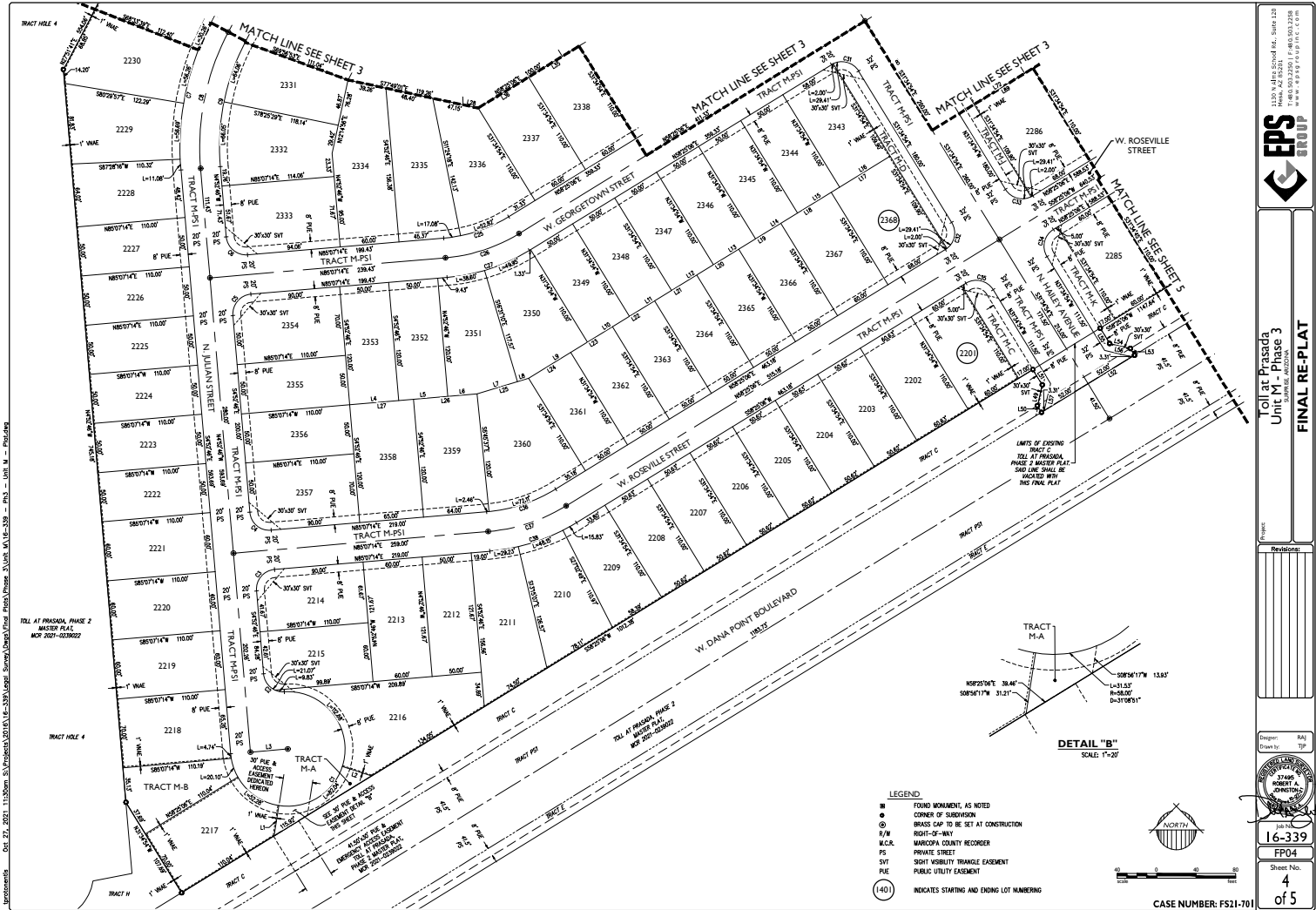
FS21-701 Vicinity Map



FS21-701 Case Map

[illegible]

1125 N. Main Street, Suite 120 Tucson, Arizona 85702 T: (520) 251-2501 / F: (520) 251-2255 www.ebsysgroupinc.com 	
Toll at Prasad Unit M - Phase 3 SURIN, ARIZONA FINAL RE-PLAT	
Project: _____ Revisions: _____	
Designer: _____ Drawn by: _____	
 Job No. _____	
16-339 FP02	
Sheet No. _____ 2	
_____ of 5	



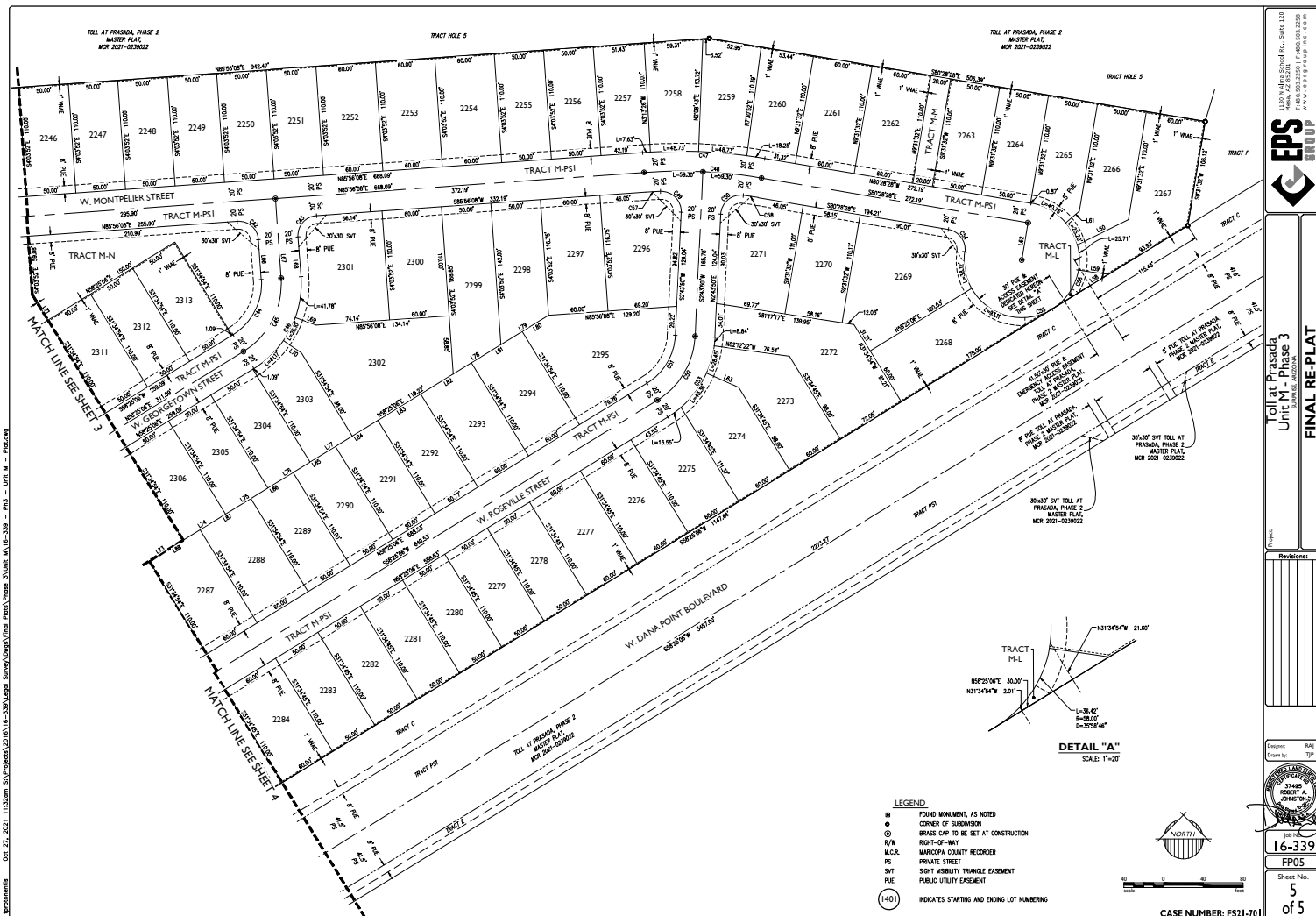
EPS GROUP

Toll at Praxida, Phase 2
Unit M - Phase 3
FINAL RE-PLAT

Engineer: Raj TTP
Drawn by: J. A. JONSTON

16-339
FP04
Sheet No. 4 of 5

1130 N. Alameda Street, Suite 120
Phoenix, Arizona 85003-2250
Tel: 602.503.2250 | Fax: 602.503.2250
www.eppsgroupinc.com





S U R P R I S E
ARIZONA

City Council
February 1, 2022

Toll at Prasada
Unit M Final Plat
FS21-701



FS21-701 Vicinity Map



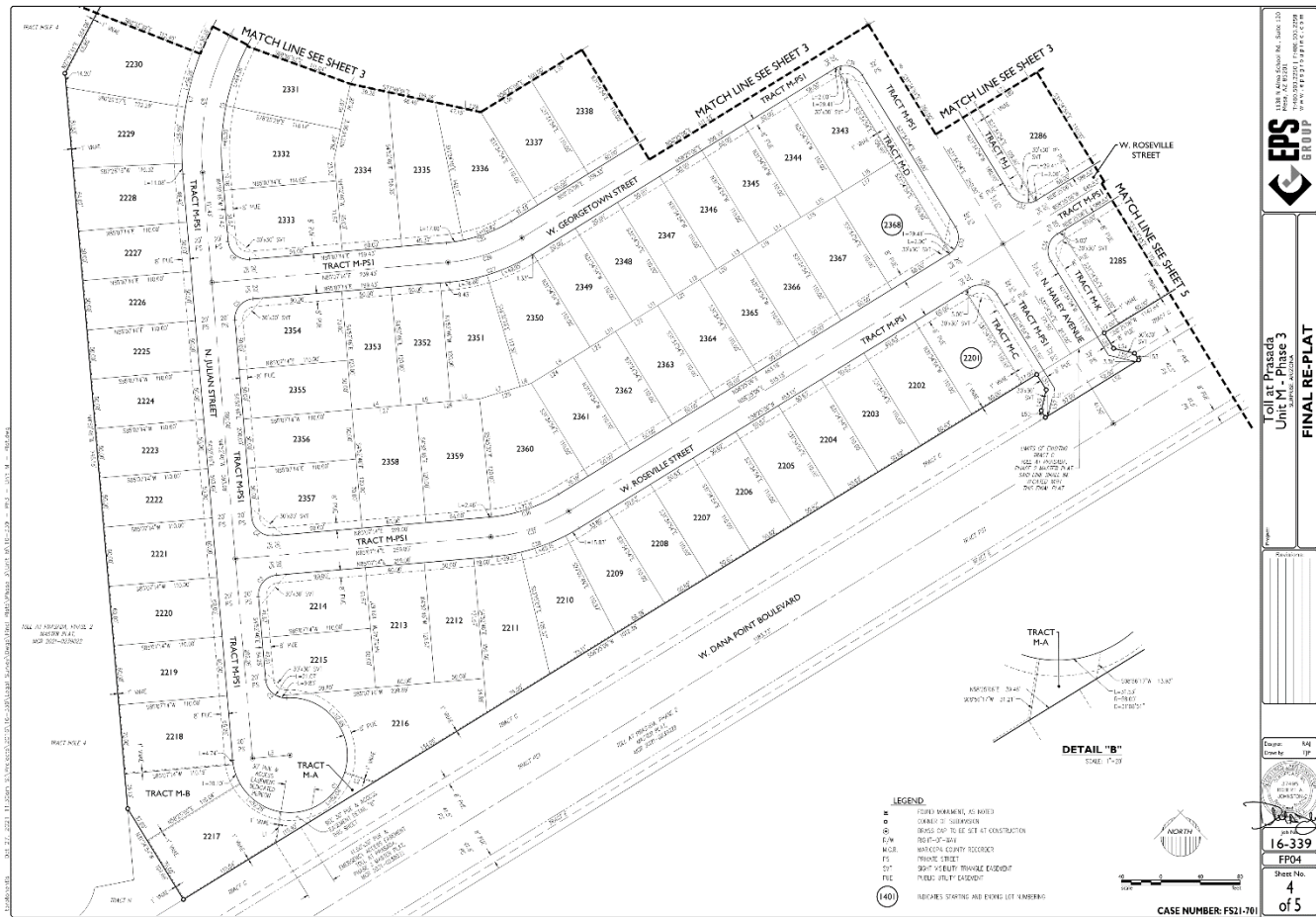
Sterling Grove Master Plan





FS21-701 Final Plat

FS21-701 Final Plat





SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: February 1, 2022 Contact Person: Trever Fleetham
Submitting Department: Community Development District: District 3
Staff Recommendations: None

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

Agenda Wording:

Consideration and action pertaining to approval of the Final Plat entitled, “Re-Plat Toll at Prasada, Unit J – Phase 3” and dated December 21, 2021, a property generally located west of Cotton Lane, between Cactus Road and Peoria Avenue; Case FS21-757.

Motion:

I move to approve the Final Plat entitled, “Re-Plat Toll at Prasada, Unit J – Phase 3” dated December 21, 2021.

Background:

The subject request involves a Final Plat for a Unit J of the Toll at Prasada project. The proposed Final Plat will create 32 standard lots consisting of two (2) lot products. Unit J was also included in the Phase 2 Infrastructure Plat that was approved under case FS19-061 and was depicted in said Final Plat as a single development parcel.

Objective Analysis:

The subject Final Plat meets the requirements of the Prasada PAD, in addition to other requirements as set forth in the LDO. All city reviewing departments have reviewed the request and expressed no concerns.

Policy Compliant:

The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac or more, provided appropriate transitions are made between the various Neighborhood types included within the character area. At 2.38 DU/Ac, the project most closely aligns with the Suburban Neighborhood type and is consistent with the General Plan in this regard. The site also lies within the 0-6 DU/Ac ribbon of the Luke Air Force Base Graduated Density Concept; however, the site is integral to the larger Sterling Grove project, which is approved for 2,207 lots overall and meets the guidance offered by the GDC.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in

the City will inevitably have a future financial impact as additional resources are needed to provide city services.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. 00 - FS21-757 Toll at Prasada Unit J Final Plat - Staff Report 020122 CC
 2. 01 - FS21-757 Toll at Prasada Unit J - Vicinity Map
 3. 02 - FS21-757 Toll at Prasada Unit J - Case Map
 4. 03 - FS21-757 Toll at Prasada Unit J - Final Plat
 5. FS21-757 Toll at Prasada Unit J Final Plat Presentation 020122 CC
-

Case: FS21-757

Project Name: Toll at Prasada Unit J Final Plat

Council District: 3 - Mesquite

Meeting Date: February 1, 2022

Planner: Trever Fleetham, AICP

Owner: Toll Prasada, LLC

Applicant: Aaron Insco of Toll Bros, Inc.

Request: A Final Plat for Toll at Prasada Unit J in the Prasada PAD

Site Location: Generally located west of Cotton Lane, between Cactus Road and Peoria Avenue

Lot Yield: 32

Area: 13.44 acres

Density: 2.38 DU/Ac.

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

Support/Opposition: None known

Findings:

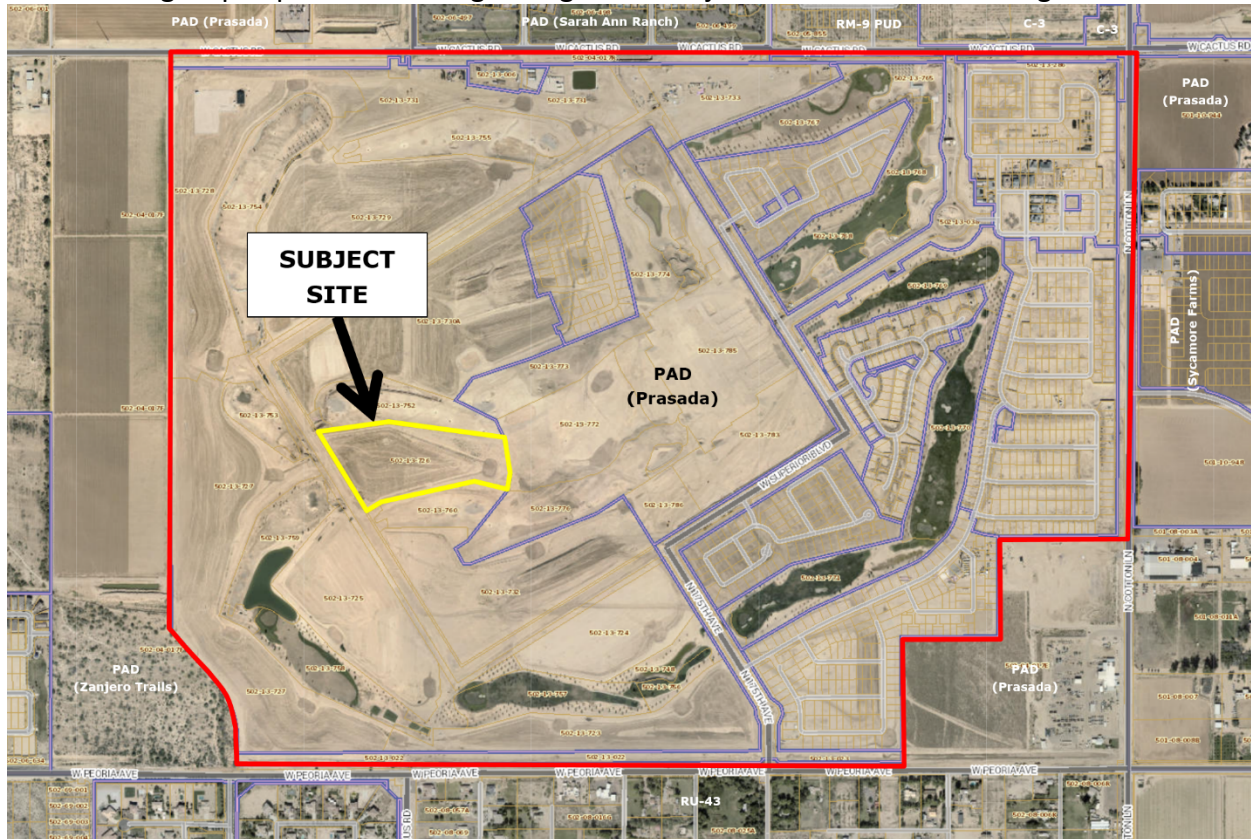
- The proposed Final Plat is consistent with the Prasada PAD.
- The proposed Final Plat is consistent with the Preliminary Plat as approved under FS21-331.
- The proposed Final Plat is consistent with the applicable City of Surprise regulations.
- The reviewing agencies have indicated no objections to the request.

PROJECT DESCRIPTION:

The subject request involves a Final Plat for a Unit J of the Toll at Prasada project. The proposed Final Plat will create 32 standard lots consisting of two (2) lot products. Unit J was also included in the Phase 2 Infrastructure Plat that was approved under case FS19-061 and was depicted in said Final Plat as a single development parcel.

EXISTING ZONING:

The following map depicts the existing zoning of the subject site and its surroundings.



BACKGROUND:

June 22, 2006: The City Council approved the original Prasada PAD under case PAD05-465.

December 21, 2016: Staff approved a Minor Amendment to the Lake Village portion of the Prasada PAD under case FS16-400 for the purpose of revising the Lake Village land plan and development standards.

February 12, 2018: Staff approved a Minor Amendment to the Toll Brothers' portion of the Prasada Lake Village under case FS17-587 for the purpose of revising specific development standards related to the Toll Brothers development.

April 17, 2018: The City Council approved the original Preliminary Plat for Toll at Prasada under case FS17-394.

January 15, 2019: The City Council approved the Final Plat for Toll at Prasada Phase I Infrastructure under case FS18-290.

August 6, 2019: The City Council approved the Final Plat for Toll at Prasada Phase 2 Infrastructure under case FS19-061.

April 28, 2021: The applicant filed case FS21-331, a Preliminary Plat for Unit J.

September 23, 2021: The applicant filed case FS21-757, the subject case.

November 2, 2021: The City Council approved the Preliminary Plat for Unit J under case FS21-331.

ANALYSIS AND DISCUSSION:

The proposed subdivision will create 32 lots with approximately one (1) acre of passive open space. Primary access to this subdivision will be via Grand Haven Boulevard, which runs along the westerly boundary of the site. West Mountainair Street will act as the primary ingress/egress for the site and a secondary emergency access will extend from West Edinburg Street.

City Council approval of the subject Final Plat will allow the applicant to obtain the civil construction permits necessary to begin construction of the infrastructure associated with Unit J. The proposed Final Plat is in substantial conformance with the Preliminary Plat, is consistent with the Prasada PAD and other regulatory documents, and the reviewing agencies have expressed no objections to the approval of the Final Plat.

CONFORMANCE WITH ADOPTED PLANS:

Surprise General Plan 2035: The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac or more, provided appropriate transitions are made between the various Neighborhood types included within the character area. At 2.38 DU/Ac, the project most closely aligns with the Suburban Neighborhood type and is consistent with the General Plan in this regard. The site also lies with the 0-6 DU/Ac ribbon of the Luke Air Force Base Graduated Density Concept; however, the site is integral to the larger Sterling Grove project, which is approved for 2,207 lots overall and meets the guidance offered by the GDC.

REVIEWING AGENCIES:

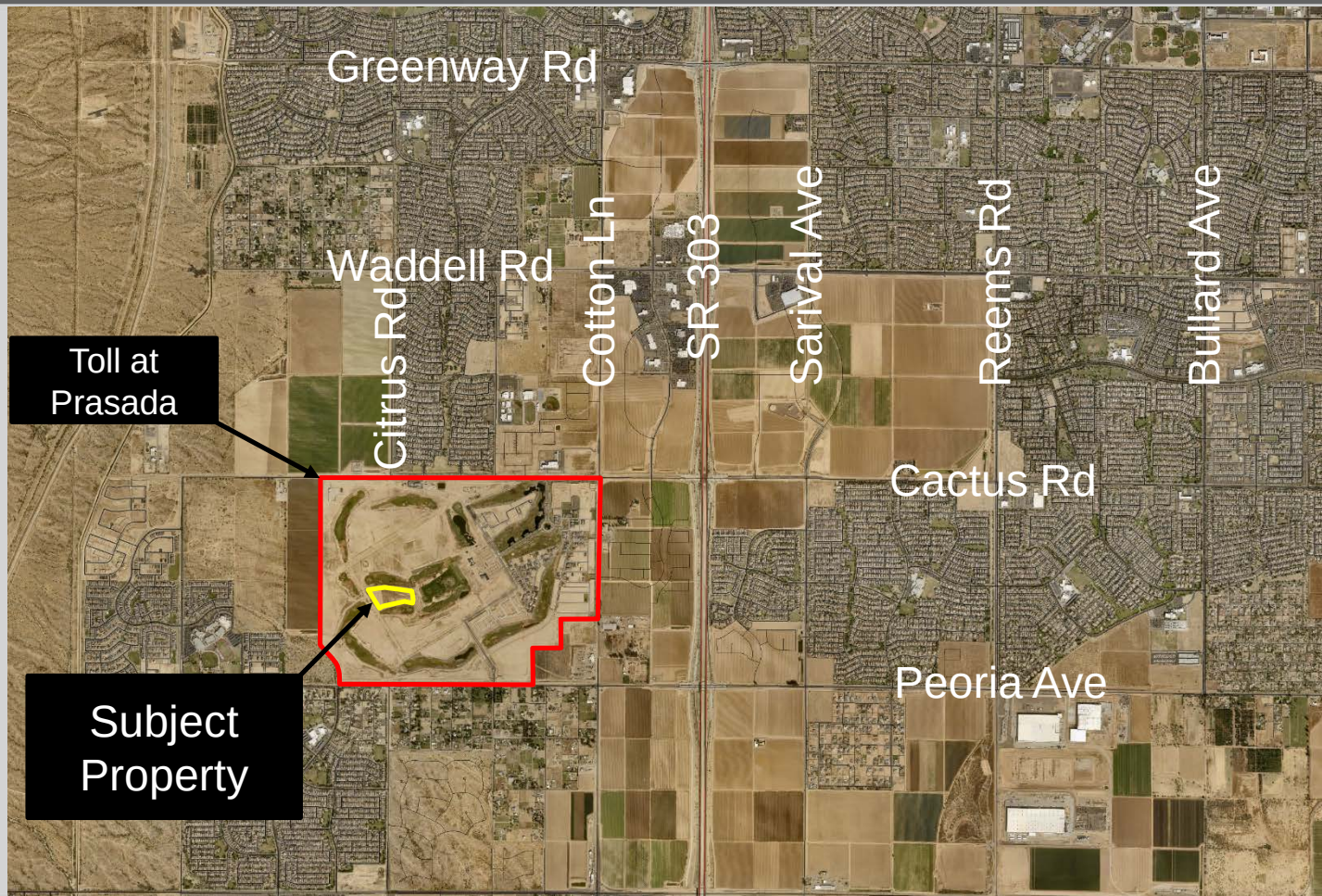
In addition to the standard city reviewing agencies, who indicate no objections to the requests, Luke Air Force Base, Maricopa Water District, and Maricopa County Flood Control District were included in the routing of this case. These agencies also indicate no objections.

Summary:

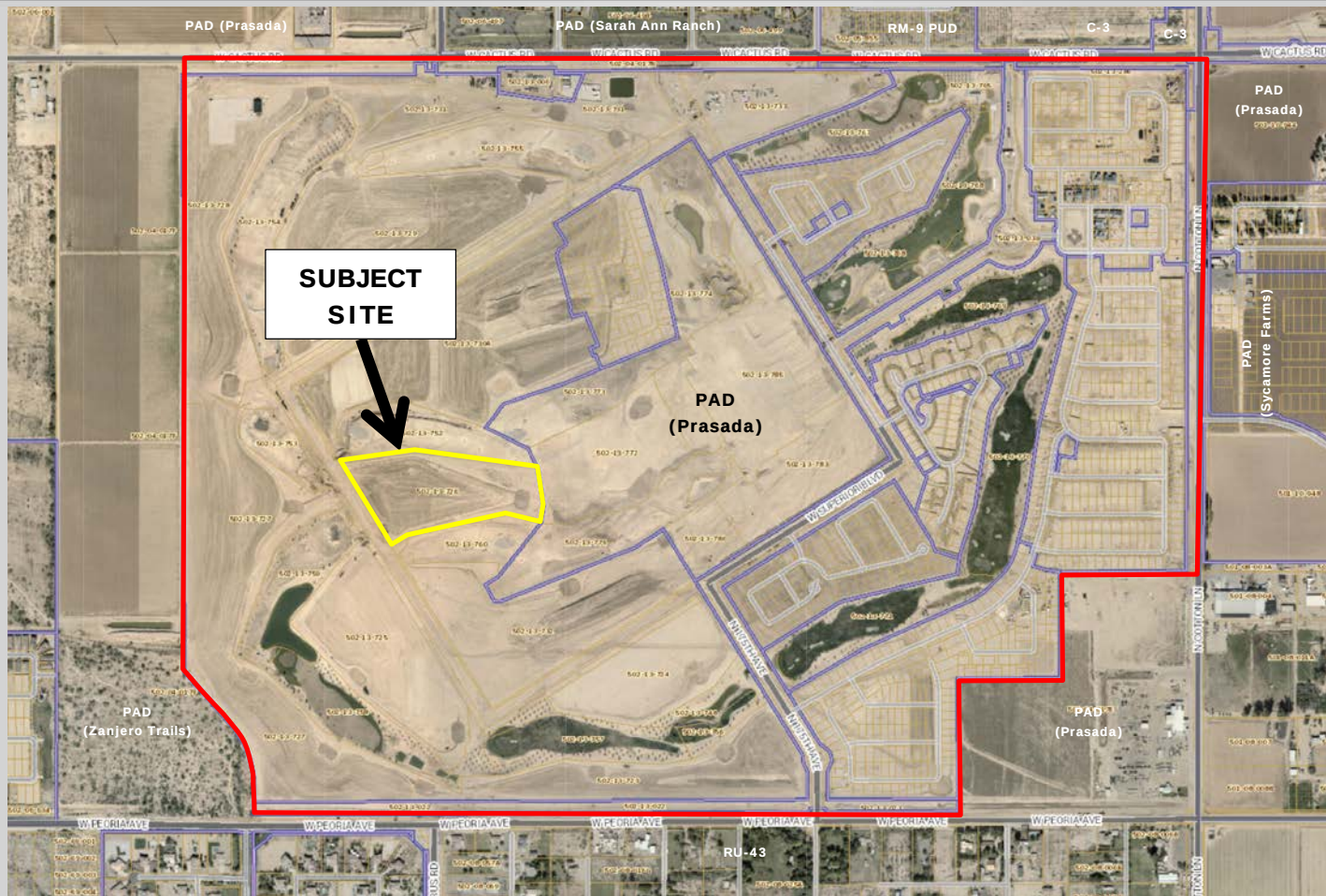
The subject Final Plat meets the requirements of the Prasada PAD, in addition to other applicable requirements as set forth in the LDO. All city reviewing departments have reviewed the request and expressed no concerns.

Attachments:

01 Toll at Prasada Unit J Vicinity Map
02 Toll at Prasada Unit J Case Map
03 Toll at Prasada Unit J Final Plat
PPT

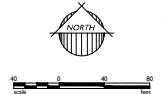


FS21-757 Vicinity Map



FS21-757 Case Map

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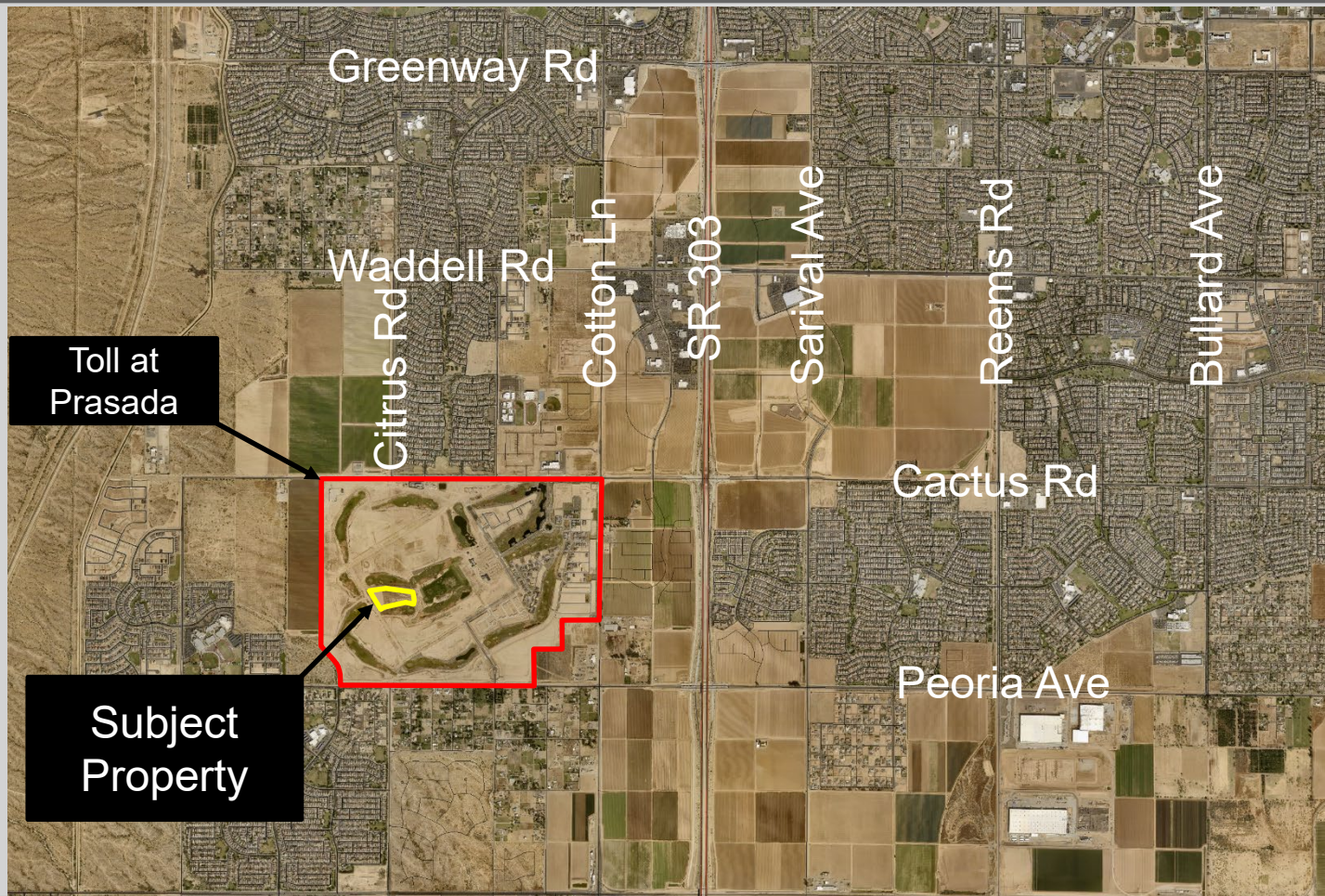




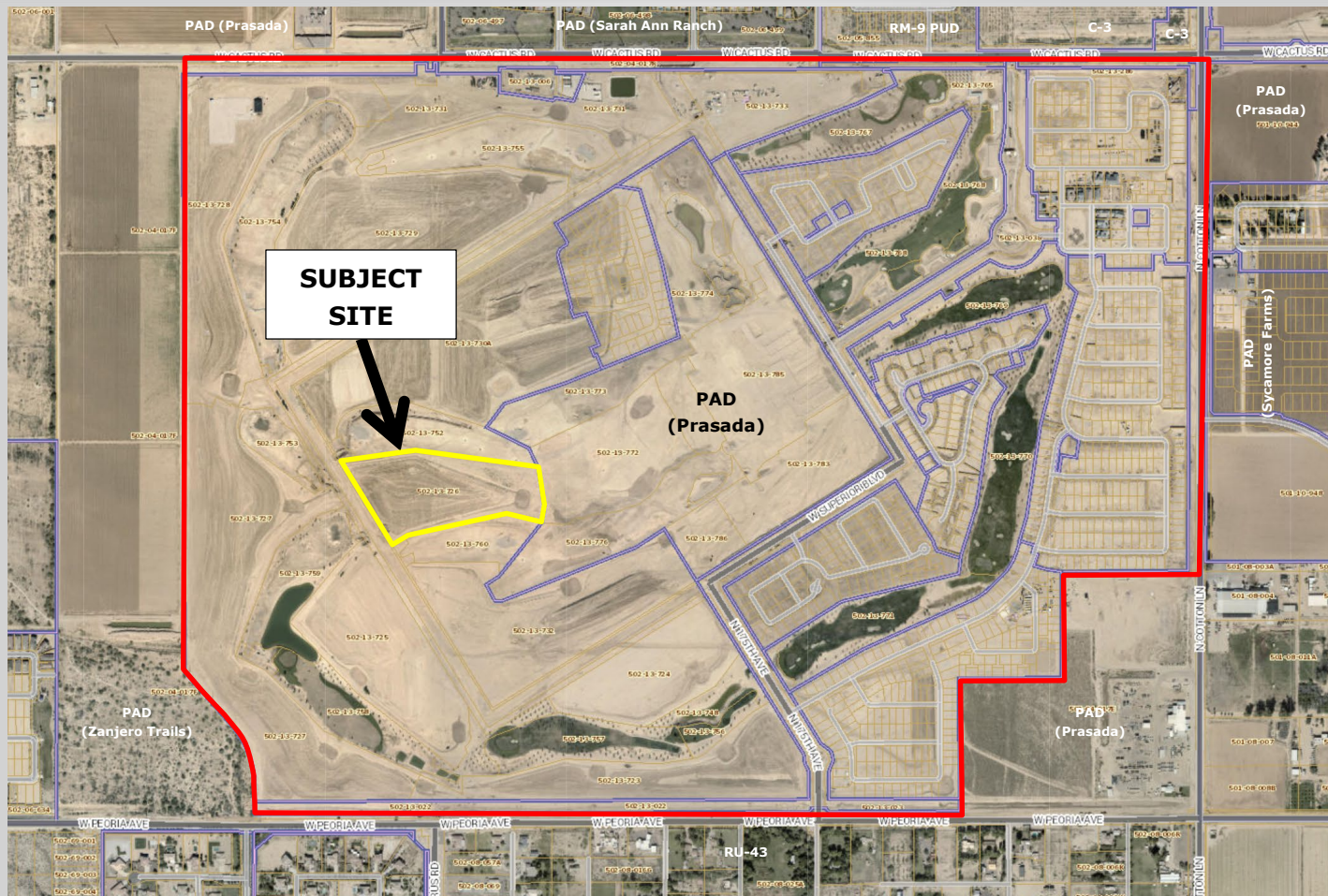
S U R P R I S E
ARIZONA

City Council
February 1, 2022

Toll at Prasada Unit J
Final Plat
FS21-757



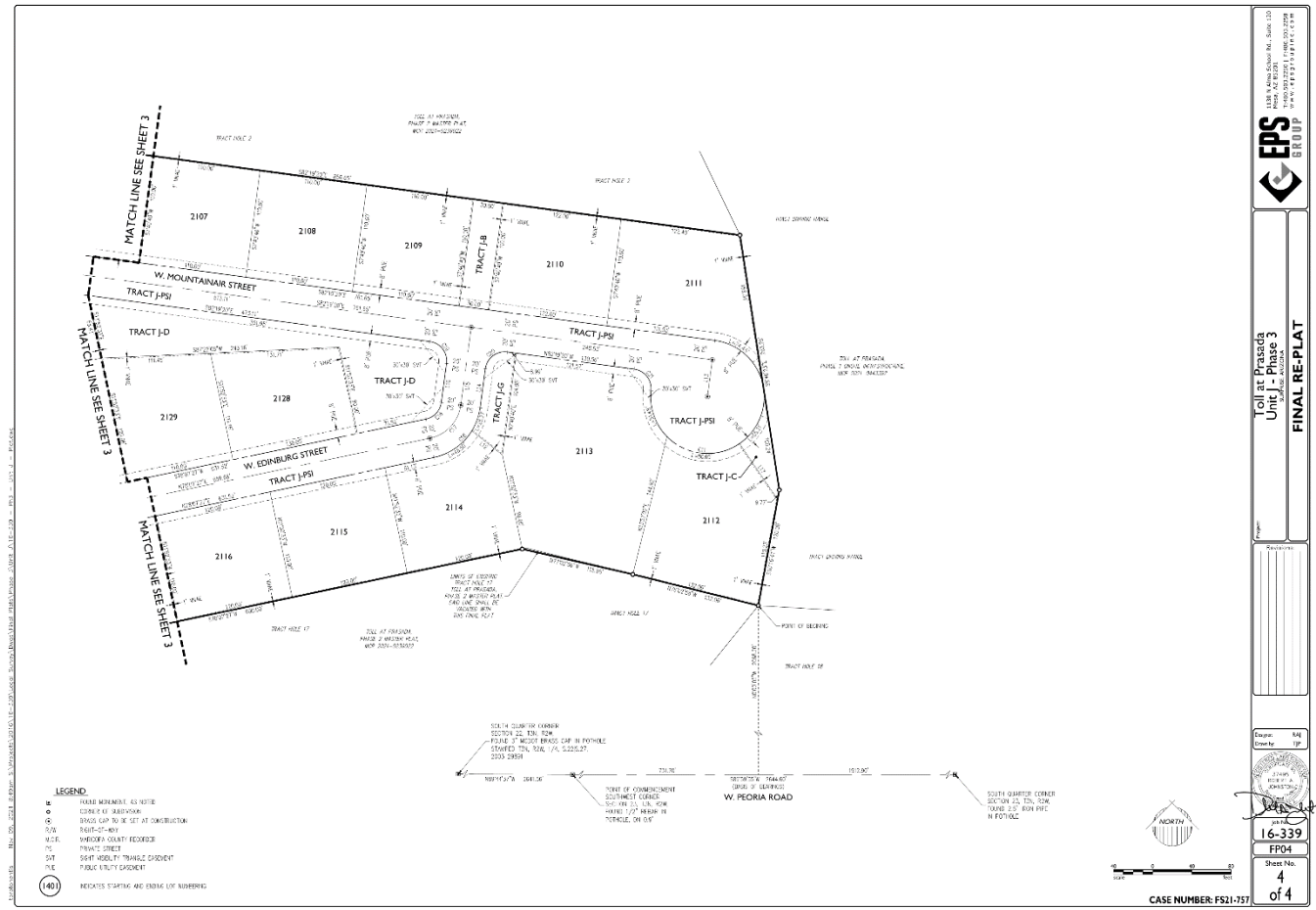
FS21-757 Vicinity Map



FS21-757 Case Map

Sterling Grove Master Plan







SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: February 1, 2022 Contact Person: Trever Fleetham
Submitting Department: Community Development District: District 3
Staff Recommendations: None

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

Agenda Wording:

Consideration and action pertaining to approval of the Final Plat entitled, “Re-Plat Toll at Prasada, Unit I – Phase 3” and dated December 21, 2021, a property generally located west of Cotton Lane, between Cactus Road and Peoria Avenue; Case FS21-791.

Motion:

I move to approve the Final Plat entitled, “Re-Plat Toll at Prasada, Unit I – Phase 3” dated December 21, 2021.

Background:

The subject request involves a Final Plat for a Unit I of the Toll at Prasada project. The proposed Final Plat will create 90 standard lots consisting of three (3) lot products. Unit I was also included in the Phase 2 Infrastructure Plat that was approved under case FS19-061 and was depicted in said Final Plat as a single development parcel.

Objective Analysis:

The subject Final Plat meets the requirements of the Prasada PAD, in addition to other requirements as set forth in the LDO. All city reviewing departments have reviewed the request and expressed no concerns.

Policy Compliant:

The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac or more, provided appropriate transitions are made between the various Neighborhood types included within the character area. At 4.48 DU/Ac, the project most closely aligns with the Suburban Neighborhood type and is consistent with the General Plan in this regard. The site also lies within the 0-6 DU/Ac ribbon of the Luke Air Force Base Graduated Density Concept; however, the site is integral to the larger Sterling Grove project, which is approved for 2,207 lots overall and meets the guidance offered by the GDC.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in

the City will inevitably have a future financial impact as additional resources are needed to provide city services.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. 00 - FS21-791 Toll at Prasada Unit I Final Plat - Staff Report 020122 CC
 2. 01 - FS21-791 Toll at Prasada Unit I - Vicinity Map
 3. 02 - FS21-791 Toll at Prasada Unit I - Case Map
 4. 03 - FS21-791 Toll at Prasada Unit I - Final Plat
 5. FS21-791 Toll at Prasada Unit I Final Plat Presentation 020122 CC
-

Case: FS21-791

Project Name: Toll at Prasada Unit I Final Plat

Council District: 3 - Mesquite

Meeting Date: February 1, 2022

Planner: Trever Fleetham, AICP

Owner: Toll Prasada, LLC

Applicant: Aaron Insco of Toll Bros, Inc.

Request: A Final Plat for Toll at Prasada Unit I in the Prasada PAD

Site Location: Generally located west of Cotton Lane, between Cactus Road and Peoria Avenue

Lot Yield: 90

Area: 20.07 acres

Density: 4.48 du/ac

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

Support/Opposition: None known

Findings:

- The proposed Final Plat is consistent with the Prasada PAD.
- The proposed Final Plat is consistent with the Preliminary Plat as approved under FS21-252.
- The proposed Final Plat is consistent with the applicable City of Surprise regulations.
- The reviewing agencies have indicated no objections to the request.

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April 17, 2018: The City Council approved the original Preliminary Plat for Toll at Prasada under case FS17-394.

January 15, 2019: The City Council approved the Final Plat for Toll at Prasada Phase I Infrastructure under case FS18-290.

August 6, 2019: The City Council approved the Final Plat for Toll at Prasada Phase 2 Infrastructure under case FS19-061.

March 30, 2021: The applicant filed case FS21-252, a Preliminary Plat for Unit I.

October 1, 2021: The applicant filed case FS21-791, the subject case.

November 16, 2021: The City Council approved the Preliminary Plat for Unit I under case FS21-252.

ANALYSIS AND DISCUSSION:

The proposed subdivision will create 90 lots with 1.41 acres of passive and active open space. Primary access to this subdivision will be via N. Grand Haven Boulevard, which runs along the northerly boundary of the site. West Point Loma Drive will act as the primary ingress/egress for the site and a secondary emergency access point will extend from the cul-de-sac of N. Brownsville Lane.

City Council approval of the subject Final Plat will allow the applicant to obtain the civil construction permits necessary to begin construction of the infrastructure associated with Unit I. The proposed Final Plat is in substantial conformance with the Preliminary Plat, is consistent with the Prasada PAD and other regulatory documents, and the reviewing agencies have expressed no objections to the approval of the Final Plat.

CONFORMANCE WITH ADOPTED PLANS:

Surprise General Plan 2035: The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac or more, provided appropriate transitions are made between the various Neighborhood types included within the character area. At 4.48 DU/Ac, the project most closely aligns with the Suburban Neighborhood type and is consistent with the General Plan in this regard. The site also lies with the 0-6 DU/Ac ribbon of the Luke Air Force Base Graduated Density Concept; however, the site is integral to the larger Sterling Grove project, which is approved for 2,207 lots overall and meets the guidance offered by the GDC.

REVIEWING AGENCIES:

In addition to the standard city reviewing agencies, who indicate no objections to the requests, Luke Air Force Base, Maricopa Water District, and Maricopa County Flood Control District were included in the routing of this case. These agencies also indicate no objections.

Summary:

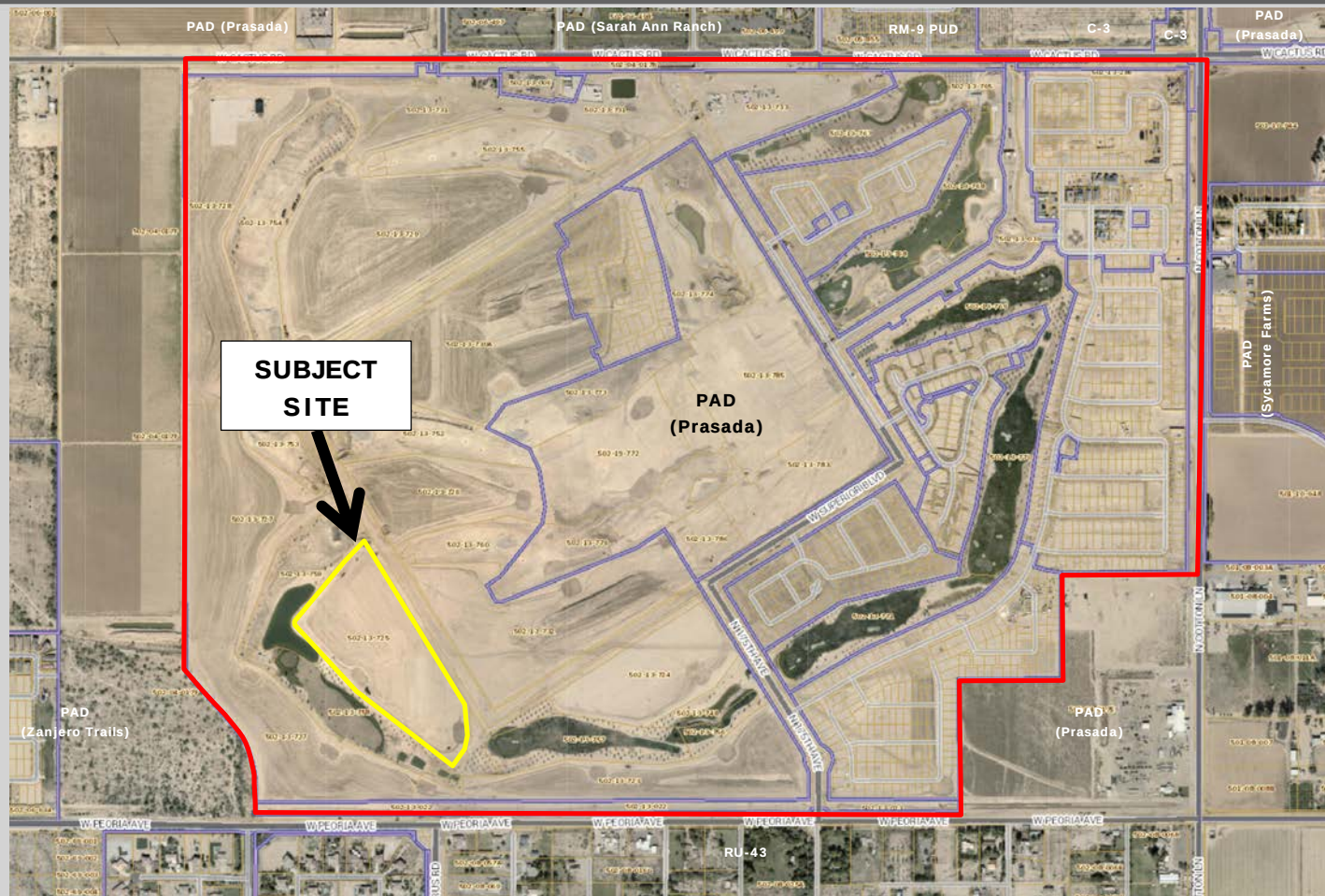
The subject Final Plat meets the requirements of the Prasada PAD, in addition to other applicable requirements as set forth in the LDO. All city reviewing departments have reviewed the request and expressed no concerns.

Attachments:

01 Toll at Prasada Unit I Vicinity Map
02 Toll at Prasada Unit I Case Map
03 Toll at Prasada Unit I Final Plat
PPT



FS21-791 Vicinity Map



FS21-791 Case Map

LOT AREA TABLE			
LOT #	AREA (SF)	AREA (AC)	CATEGORY
1801	8,876	0.2036	C
1802	7,704	0.1768	C
1803	7,700	0.1768	C
1804	6,600	0.1515	D1
1805	6,600	0.1515	D1
1806	5,500	0.1263	D1
1807	5,500	0.1263	D1
1808	5,500	0.1263	D1
1809	5,500	0.1263	D1
1810	5,500	0.1263	D1
1811	5,500	0.1263	D1
1812	5,500	0.1263	D1
1813	5,500	0.1263	D1
1814	5,500	0.1263	D1
1815	5,500	0.1263	D1
1816	6,608	0.1563	D1
1817	5,501	0.1263	D1
1818	5,500	0.1263	D1
1819	5,500	0.1263	D1
1820	5,500	0.1263	D1
1821	5,500	0.1263	D1
1822	5,500	0.1263	D1
1823	6,600	0.1515	D1
1824	7,700	0.1768	C
1825	10,365	0.2380	C
1826	12,872	0.2978	C
1827	7,697	0.1767	C
1828	6,600	0.1515	D1
1829	5,500	0.1263	D1
1830	5,500	0.1263	D1
1831	5,500	0.1263	D1
1832	5,500	0.1263	D1
1833	5,500	0.1263	D1
1834	13,185	0.3027	D1
1835	8,830	0.2027	D1
1836	7,156	0.1643	D1
1837	5,503	0.1263	D1
1838	5,500	0.1263	D1
1839	5,500	0.1263	D1
1840	6,600	0.1515	D1
1841	7,700	0.1768	C
1842	7,700	0.1768	C
1843	7,700	0.1768	C
1844	7,700	0.1768	C
1845	6,600	0.1515	D1

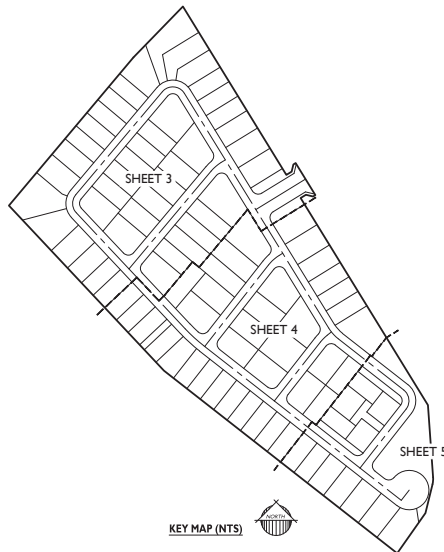
LOT AREA TABLE			
LOT #	AREA (SF)	AREA (AC)	CATEGORY
1846	5,500	0.1263	D1
1847	5,500	0.1263	D1
1848	5,500	0.1263	D1
1849	11,294	0.2583	D2
1850	7,614	0.1748	D2
1851	5,500	0.1263	D1
1852	4,700	0.1079	E
1853	5,148	0.1182	E
1854	5,500	0.1266	E
1855	5,148	0.1182	E
1856	4,700	0.1079	E
1857	5,500	0.1263	D1
1858	7,614	0.1748	D2
1859	7,614	0.1748	D2
1860	10,013	0.2299	C
1861	8,947	0.2063	D2
1862	9,756	0.2240	D2
1863	7,581	0.1667	D1
1864	7,581	0.1667	D1
1865	7,614	0.1748	D2
1866	8,700	0.1999	D2
1867	7,596	0.1744	D1
1868	7,276	0.1670	D1
1869	8,021	0.1841	D1
1870	11,480	0.2635	D2
1871	12,441	0.2856	D2
1872	8,818	0.1965	D1
1873	8,818	0.1965	D1
1874	8,818	0.1965	D1
1875	5,555	0.1275	D1
1876	8,122	0.1864	D2
1877	6,750	0.1543	D1
1878	8,250	0.1894	D2
1879	6,600	0.1515	D1
1880	6,600	0.1515	D1
1881	6,600	0.1515	D1
1882	6,600	0.1515	D1
1883	9,999	0.2277	D2
1884	10,021	0.2438	D2
1885	5,665	0.1301	D1
1886	5,665	0.1301	D1
1887	5,665	0.1301	D1
1888	5,665	0.1301	D1
1889	5,665	0.1301	D1
1890	8,068	0.1852	D2

LINE TABLE		
LINE	BEARING	LENGTH
L1	S01°34'30"E	44.85
L2	S40°02'30"W	60.00
L3	S40°02'30"W	60.00
L4	S40°02'30"W	60.00
L5	S40°02'30"W	60.00
L6	S40°02'30"W	60.00
L7	S40°02'30"W	60.00
L8	S40°02'30"W	51.00
L9	S40°02'30"W	51.00
L10	S40°02'30"W	51.00
L11	S40°02'30"W	51.00
L12	S40°02'30"W	51.00
L13	N08°45'30"E	32.30
L14	N08°45'30"E	18.19
L15	N12°30'00"E	21.86
L16	N08°45'30"E	8.00
L17	S13°25'30"W	28.30
L18	S33°34'30"E	110.63
L19	S7°34'30"E	28.30

LINE TABLE		
LINE	BEARING	LENGTH
L20	S08°55'30"W	8.00
L21	S01°34'30"E	21.86
L22	S08°55'30"W	18.19
L23	S08°55'30"E	18.90
L24	N08°55'30"E	14.79
L25	N08°55'30"E	12.16
L26	N01°39'40"E	15.57
L27	S01°36'30"E	36.12
L28	N33°30'30"E	38.00
L29	S08°23'47"E	42.33
L30	S40°02'30"W	55.50
L31	S40°02'30"W	55.50
L32	S40°02'30"W	55.50
L33	S40°02'30"W	53.64
L34	S40°02'30"W	60.00
L35	S33°30'30"E	70.00

CURVE TABLE							
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BRG	
C1	28.00'	20.00'	83°45'1"	17.77'	26.57'	S01°34'30"E	
C2	68.12'	40.00'	83°45'1"	35.54'	53.14'	S01°34'30"E	
C3	87.18'	60.00'	83°45'1"	53.32'	79.71'	S01°34'30"E	
C4	37.83'	20.00'	108°22'18"	27.72'	32.44'	N05°46'02"W	
C5	75.66'	40.00'	108°22'18"	55.43'	64.87'	N05°46'02"W	
C6	113.49'	60.00'	108°22'18"	83.15'	97.33'	N05°46'02"W	
C7	28.25'	20.00'	80°50'30"	17.26'	25.99'	N05°57'00"E	
C8	22.73'	140.00'	9°58'16"	11.30'	22.73'	S44°15'56"W	
C9	38.48'	120.00'	18°22'18"	19.40'	38.38'	N05°13'58"W	
C10	37.83'	20.00'	108°22'18"	27.72'	32.44'	N05°46'02"W	
C11	33.77'	20.00'	86°45'30"	22.50'	29.80'	N05°25'24"E	
C12	28.00'	20.00'	83°45'1"	17.77'	26.57'	S01°34'30"E	
C13	76.35'	500.00'	8°44'50"	38.25'	76.27'	S47°34'29"E	
C14	73.29'	480.00'	8°44'50"	36.72'	73.22'	S47°34'29"E	
C15	32.43'	460.00'	8°12'37"	16.22'	32.43'	S45°17'13"E	
C16	33.06'	20.00'	84°42'30"	21.72'	29.42'	N05°24'30"E	
C17	31.42'	20.00'	80°50'30"	20.00'	28.28'	S06°16'36"E	
C18	38.53'	20.00'	107°22'03"	28.28'	33.84'	N06°45'30"W	
C19	42.86'	120.00'	20°22'03"	21.90'	42.83'	S48°14'05"W	
C20	25.28'	140.00'	9°22'04"	12.64'	25.25'	S43°13'28"W	

CURVE TABLE							
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BRG	
C21	27.82'	20.00'	79°58'42"	16.78'	25.71'	N02°42'29"E	
C22	31.42'	20.00'	80°50'30"	20.00'	28.28'	S7°34'34"E	
C23	31.42'	20.00'	80°50'30"	20.00'	28.28'	S13°25'06"W	
C24	31.42'	20.00'	80°50'30"	20.00'	28.28'	S8°35'20"W	
C25	28.51'	120.00'	13°36'45"	14.32'	28.44'	S44°57'27"W	
C26	14.85'	140.00'	4°56'42"	7.43'	14.85'	S41°02'25"W	
C27	26.43'	20.00'	79°42'40"	15.54'	24.85'	N01°15'29"E	
C28	42.86'	120.00'	20°22'03"	21.90'	42.83'	S41°45'50"E	
C29	14.15'	120.00'	4°45'17"	7.08'	14.14'	S34°57'32"E	
C30	31.42'	20.00'	80°50'30"	20.00'	28.28'	N06°56'56"W	
C31	62.83'	40.00'	80°50'30"	40.00'	56.57'	N06°56'56"W	
C32	84.25'	60.00'	80°50'30"	60.00'	84.85'	N06°56'56"W	
C33	31.42'	20.00'	80°50'30"	20.00'	28.28'	N03°03'04"E	
C34	31.42'	20.00'	80°50'30"	20.00'	28.28'	S06°36'36"E	
C35	30.80'	20.00'	88°37'30"	19.40'	27.92'	N03°47'00"E	
C36	271.83'	58.00'	288°37'30"	58.51'	83.07'	N01°15'29"E	
C37	20.40'	65.00'	17°52'32"	10.38'	20.31'	N04°57'21"E	
C38	31.42'	20.00'	80°50'30"	20.00'	28.28'	S06°36'36"E	
C39	31.42'	20.00'	80°50'30"	20.00'	28.28'	N03°03'04"E	
C40	33.06'	100.00'	20°22'03"	17.96'	33.36'	S41°45'50"E	



LEGAL DESCRIPTION

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 22 AND A PORTION OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE 6TH AND 5TH MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND REBAR AT THE SOUTHWEST CORNER OF SAID SECTION 23, FROM WHICH A PIPE AT THE SOUTH QUARTER CORNER OF SAID SECTION 23 BEARS SOUTH 89 DEGREES 58 MINUTES 05 SECONDS WEST, 294.40 FEET;

THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 23, NORTH 89 DEGREES 58 MINUTES 05 SECONDS EAST, 126.46 FEET TO A POINT ON SAID SOUTH LINE;

THENCE, DEPARTING SAID SOUTH LINE NORTH 0 DEGREES 00 MINUTES 05 SECONDS WEST, 39.86 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 51 DEGREES 54 MINUTES 56 SECONDS WEST, 879.21 FEET;

THENCE NORTH 43 DEGREES 15 MINUTES 00 SECONDS WEST, 698.09 FEET;

THENCE NORTH 40 DEGREES 02 MINUTES 50 SECONDS EAST, 594.29 FEET;

THENCE NORTH 44 DEGREES 00 MINUTES 14 SECONDS EAST, 208.76 FEET;

THENCE SOUTH 31 DEGREES 34 MINUTES 54 SECONDS EAST, 581.38 FEET;

THENCE NORTH 58 DEGREES 25 MINUTES 54 SECONDS EAST, 18.19 FEET;

THENCE NORTH 18 DEGREES 25 MINUTES 00 SECONDS EAST, 21.86 FEET;

THENCE NORTH 58 DEGREES 25 MINUTES 00 SECONDS EAST, 8.00 FEET;

THENCE SOUTH 31 DEGREES 34 MINUTES 54 SECONDS EAST, 110.83 FEET;

THENCE SOUTH 58 DEGREES 25 MINUTES 00 SECONDS WEST, 6.00 FEET;

THENCE NORTH 76 DEGREES 34 MINUTES 54 SECONDS EAST, 21.86 FEET;

THENCE SOUTH 58 DEGREES 25 MINUTES 00 SECONDS WEST, 18.19 FEET;

THENCE SOUTH 31 DEGREES 34 MINUTES 54 SECONDS EAST, 715.04 FEET;

THENCE SOUTH 4 DEGREES 04 MINUTES 55 SECONDS EAST, 212.96 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTWARD, HAVING A RADIUS OF 45.00 FEET;

THENCE SOUTHERLY 20.40 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 17 DEGREES 50 MINUTES 32 SECONDS;

THENCE SOUTH 13 DEGREES 45 MINUTES 37 SECONDS WEST, 87.42 FEET;

THENCE SOUTH 35 DEGREES 09 MINUTES 22 SECONDS WEST, 144.42 FEET TO THE POINT OF BEGINNING.

CONTAINS 20,078 ACRES, MORE OR LESS.

TRACT USE TABLE			
TRACT	USE	AREA (SF)	AREA (AC)
I-A	LANDSCAPE, OPEN SPACE & ** PUBLIC UTILITY EASEMENT	8,121	0.2094
I-B	LANDSCAPE, OPEN SPACE, ** PUBLIC UTILITY EASEMENT & ** RIGHT DISTANCE TRIANGLE EASEMENT	3,596	0.0823
I-C	LANDSCAPE, OPEN SPACE, ** PUBLIC UTILITY EASEMENT & ** RIGHT DISTANCE TRIANGLE EASEMENT	3,596	0.0823
I-D	LANDSCAPE, OPEN SPACE, PUE & EMERGENCY ACCESS EASEMENT, WINTER EASEMENT & ** PUBLIC UTILITY EASEMENT & ** RIGHT DISTANCE TRIANGLE EASEMENT	33,802	0.7653
I-E	LANDSCAPE, OPEN SPACE, ** PUBLIC UTILITY EASEMENT & ** RIGHT DISTANCE TRIANGLE EASEMENT	3,114	0.0715
I-F	SHARED DRIVEWAY & ** PUBLIC UTILITY EASEMENT	3,504	0.0804
I-G	LANDSCAPE, OPEN SPACE, ** PUBLIC UTILITY EASEMENT & ** RIGHT DISTANCE TRIANGLE EASEMENT	3,114	0.0715
I-H	LANDSCAPE, OPEN SPACE, DRAINAGE & ** PUBLIC UTILITY EASEMENT	2,300	0.0525
I-I	LANDSCAPE & OPEN SPACE	447	0.0103
I-PSI	PRIVATE STREET TRACT & PUBLIC UTILITY EASEMENT	184,659	4.2392

NOTES

1. COMMON AREAS MAY INCLUDE OPEN SPACE, LANDSCAPING, PEDESTRIAN PATHS, AND/OR AMENITIES.

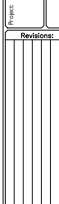
2. SPECIFIC EASEMENTS THAT ARE BEING DEDICATED AS PART OF THIS PLAT ARE FULLY DELINEATED ON THE FOLLOWING SHEETS.

3. ** THE EASEMENTS LISTED ABOVE (SHOWN WITH AN ABBREVIATION) ONLY AFFECT A PORTION OF THE TRACT WITH WHICH THEY ARE LISTED, AND ARE FULLY DEDICATED WITHIN THE PLAT. OTHER "USES" LISTED ABOVE ARE COMMON AREA.



Tract at Prinsada
Unit 1 - Phase 3
DUNSMITH, ARIZONA

FINAL RE-PLAT

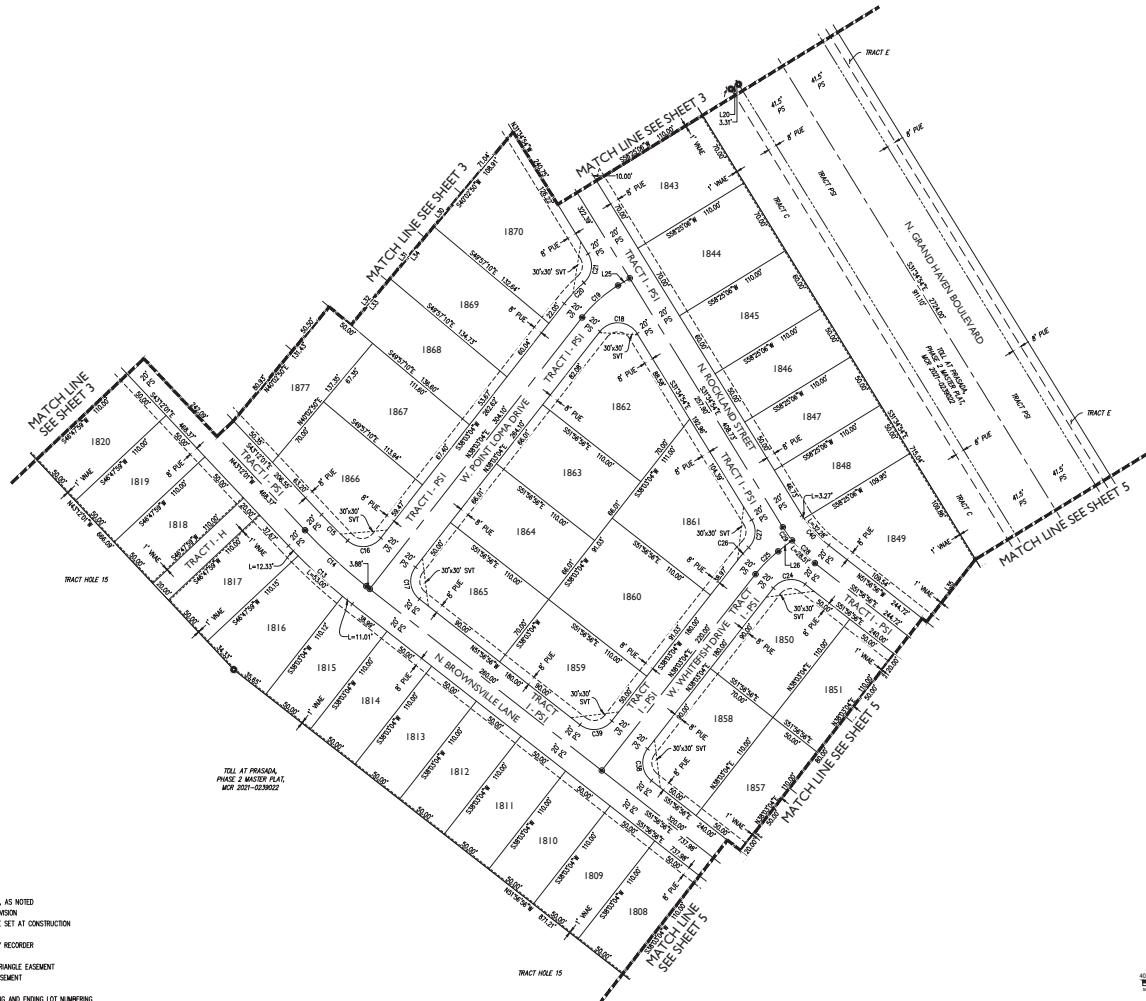


Design: RJA
Drawn: JTP
Job No. 16-339
FP02
Sheet No. 2 of 5

CASE NUMBER: FS21-791

16-339-001.dwg 11/11/2021 11:11:50m S:\Projects\16-339\Large_Survey\Drawings\Final\Phase 2\Unit 1 - Phase 2.dwg 16-339-001.dwg 11/11/2021 11:11:50m S:\Projects\16-339\Large_Survey\Drawings\Final\Phase 2\Unit 1 - Phase 2.dwg

- LEGEND**
- TOWN MONUMENT, AS NOTED
 - CORNER OF SUBDIVISION
 - ⊙ BRASS CAP TO BE SET AT CONSTRUCTION
 - ⊙ RIGHT-OF-WAY
 - MCAL MARICOPA COUNTY RECORDER
 - PS PRIVATE STREET
 - SVT SIGHT VISIBILITY TRIANGLE EASEMENT
 - PUE PUBLIC UTILITY EASEMENT
- (140) INDICATES STARTING AND ENDING LOT NUMBERING



CASE NUMBER: FS21-791

EPS GROUP

1125 N. Grand Haven Blvd., Suite 120
Phoenix, AZ 85028
Phone: 480.655.2250 | Fax: 480.655.2250
www.epsgrp.com

**Toll at Prinsada
Unit 1 - Phase 3
FINAL RE-PLAT**

Project: _____
Regulator: _____

Design: Raj
Drawn by: TJP

SEAL
STATE OF ARIZONA
COUNTY OF MARICOPA
REGISTERED PROFESSIONAL ENGINEER
No. 16-339
FP04
Sheet No. 4 of 5



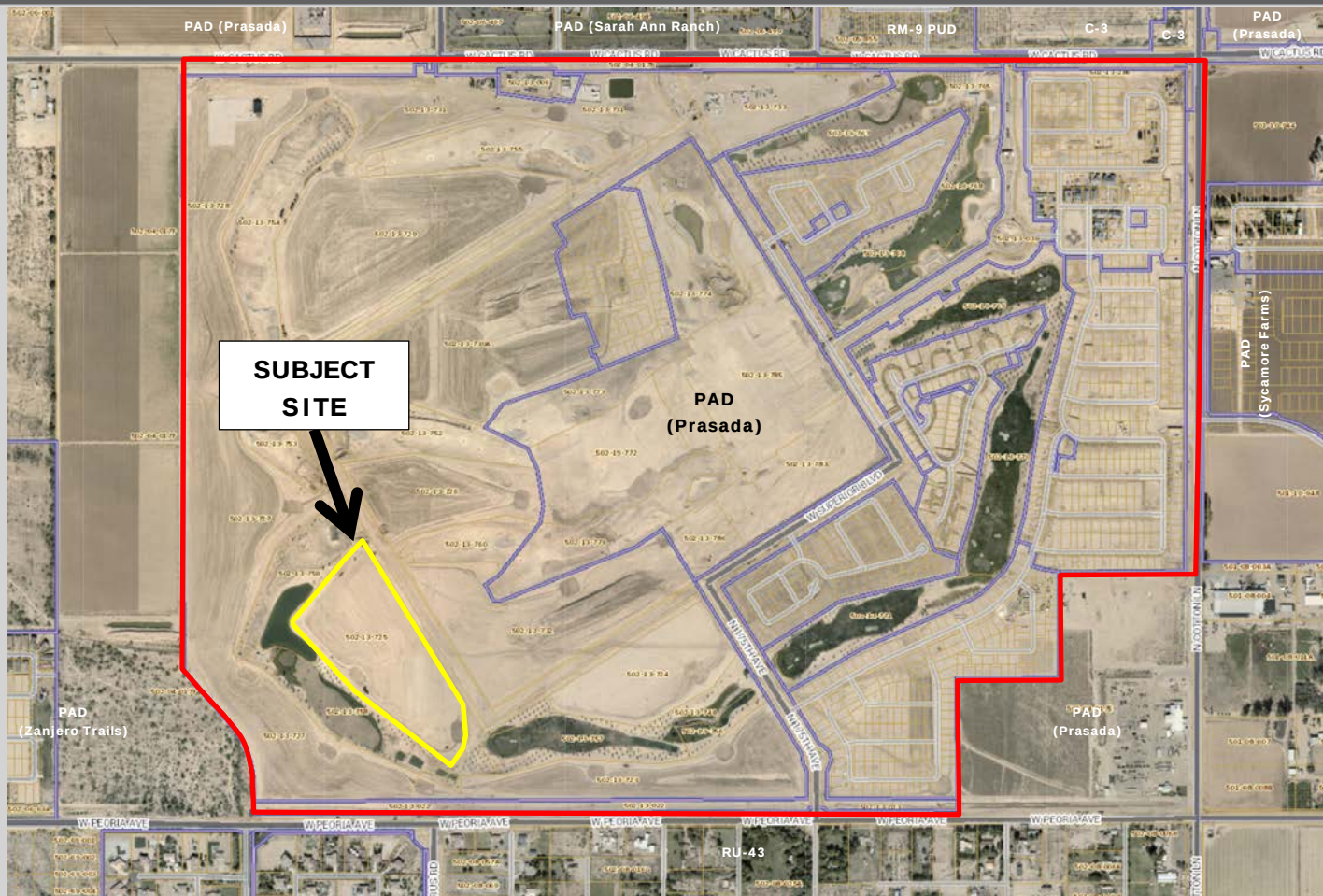
S U R P R I S E
ARIZONA

City Council
February 1, 2022

Toll at Prasada Unit I
Final Plat
FS21-791



FS21-791 Vicinity Map



FS21-791 Case Map

sterling
GROVE

FS21-791 Final Plat





SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: February 1, 2022 Contact Person: Chris Sexton
Submitting Department: Community Development District: District 1
Staff Recommendations: None

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

Agenda Wording:

Consideration and action pertaining to approval of the Final Plat entitled, “Rancho Vista” and dated January 4, 2022, a property generally located north and west of the northwest corner of Beardsley Road and 227th Avenue; Resolution #2022-11. (Case FS21-304)

Motion:

I move to approve Resolution #2022-11.

Background:

Frank Koo, from Wood Patel, on behalf of 92 Acres Associates LLC seeks approval of a Final Plat for a 285 single-family lot subdivision in the Low Density Residential with PUD Overlay (RL-5-PUD) Zone.

Objective Analysis:

Approval of the proposed Resolution will allow the property to convey title following approval of the subject Final Plat, while ensuring Financial Assurances are provided prior to recording of said Final Plat.

Policy Compliant:

This proposed Final Plat is consistent with the Surprise General Plan 2035 and the Surprise Unified Development Code.

Financial Impact:

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

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This item does not have an impact on current staffing levels.

ATTACHMENTS:

1. 00 FS21-304 - Rancho Vista Final Plat - Staff Report
 2. 01 FS21-304 Rancho Vista Final Plat - Vicinity Map
 3. 02 FS21-304 Rancho Vista Final Plat - Zoning Map
 4. 03 FS21-304 Rancho Vista Final Plat - Final Plat
 5. 04 FS21-304 Rancho Vista Final Plat - Luke Letter
 6. 05 FS21-304 Resolution 2022-11 Rancho Vista Final Plat
 7. FS21-304 Rancho Vista Final Plat PowerPoint
-

FINAL PLAT

REPORT TO THE MAYOR AND CITY COUNCIL

Case: FS21-304

Project Name: Rancho Vista Final Plat

Council District: 1 - Acacia

Meeting Date: February 1, 2022

Planner: Chris Sexton, Planner II

Owner: Rick Merritt with 92 Acres Associates, LLC

Applicant: Frank Koo with Wood Patel and Associates

Request: Approval of Resolution 2022-11 regarding the Final Plat entitled, "Rancho Vista", and directing staff to withhold recordation of said plat until property has conveyed ownership and Financial Assurances have been provided.

Site Location: Generally located north and west of the northwest corner of Beardsley Road and 227th Avenue.

Dwelling Units: 285 total units

Site Size: 99.68 acres (approx.)

Density: 2.86 DU/Ac

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

Support/Opposition: None received

Findings:

- The proposed Final Plat is consistent with the Surprise General Plan 2035.
- The proposed Final Plat is consistent with the Preliminary Plat as approved under FS20-250.
- The proposed Final Plat is consistent with the applicable City of Surprise regulations.
- The reviewing agencies have indicated no objections to the request.

Alternative Actions:

Approval of the requested Final Plat will allow the developer to obtain civil permits and commence construction of the Rancho Vista Project.

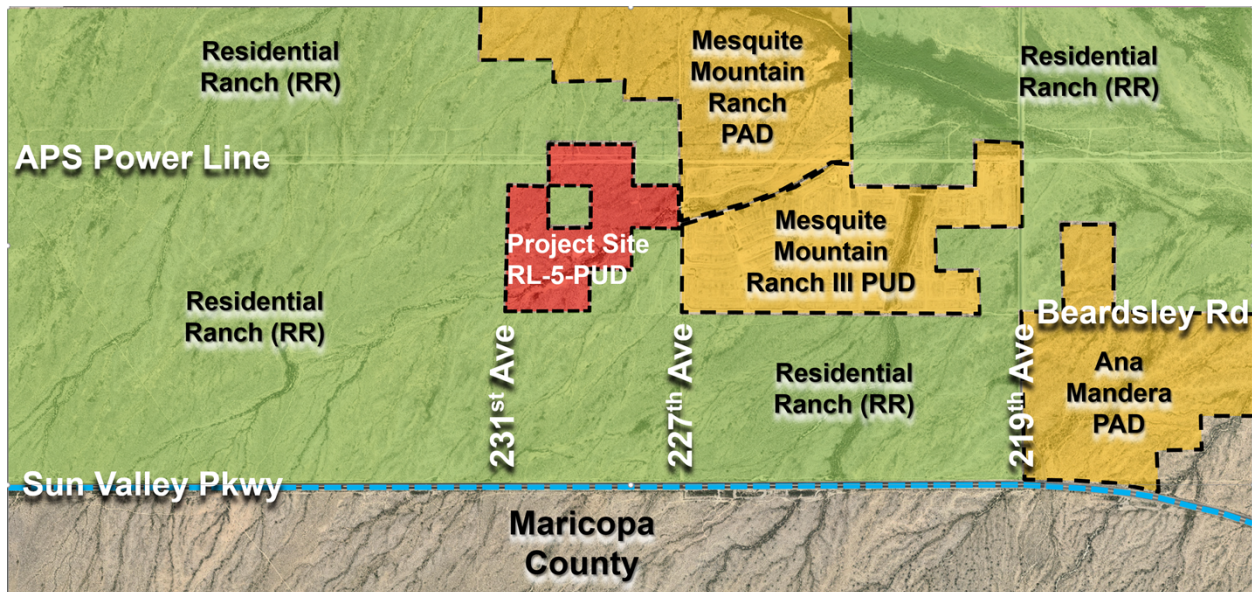
Denial of the requested Final Plat will deny the applicant the opportunity to develop the property as depicted on the proposed Final Plat.

Project Description:

The subject request involves a Final Plat for the Rancho Vista Community. The applicant seeks to subdivide the subject parcel into 285 lots and 25 tracts.

Surrounding Land Zoning:

The following map and chart depicts the existing zoning of the subject site and its surroundings:



Residential Ranch (RR)	Residential Ranch (RR)	Mesquite Mountain Ranch PAD
Residential Ranch (RR)	RL-5-PUD	Mesquite Mountain Ranch PAD
Residential Ranch (RR)	Residential Ranch (RR)	Residential Ranch (RR)

Background:

June 8, 1989: The subject project area was annexed into the City of Surprise under Ordinance 89-05.
December 12, 2019: Staff met with the applicant to discuss the project during a regularly scheduled Concept Review meeting under CR19-815 for the Preliminary Plat.

April 7, 2020: The applicant filed a request for a Rezone with PUD Overlay and Preliminary Plat to modify land uses and development standards for approximately 99.68 acres under case FS20-250, the subject case.

December 17, 2020: The Planning and Zoning Commission recommended approval of the Rancho Vista Preliminary Plat to the Mayor and City Council subject to stipulations 'a' through 'd.'

January 19, 2021: The Mayor and City Council approved the Rancho Preliminary Plat and Rezone with PUD Overlay.

April 19, 2021: The applicant filed case FS21-304, the subject case.

Analysis and Discussion:

Frank Woo of Patel Wood and Associates is requesting Final Plat approval for a 285 lot detached single-family residential subdivision on 99.68 acres, generally located north and west of the northwest corner of Beardsley Road and 227th Avenue. The project provides for a density of 2.86 DU/Ac.

City Council approval of the subject Final Plat will allow the applicant to obtain the civil construction permits necessary to begin construction of the infrastructure associated with the project. The proposed Final Plat is in substantial conformance with the Preliminary Plat and other regulatory documents, and the reviewing agencies have expressed no objections to the approval of the Final Plat.

Conformance with Adopted Plans:

The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac or more.

Reviewing Agencies:

In addition to the standard city reviewing agencies, Maricopa County, Arizona Department of Transportation, Maricopa Water District, and Luke AFB were included in the routing of this request. None of the reviewing agencies indicated any concerns over the request.

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Summary:

The applicant seeks a Final Plat across the subject property. The proposed development is compatible with the neighboring land uses and the amenities included will provide recreational opportunities for the neighborhood residents.

Attachments:

- 01 Vicinity Map
- 02 Zoning Map
- 03 Final Plat
- 04 Luke Letter
- 05 Resolution 2022-11
- PPT

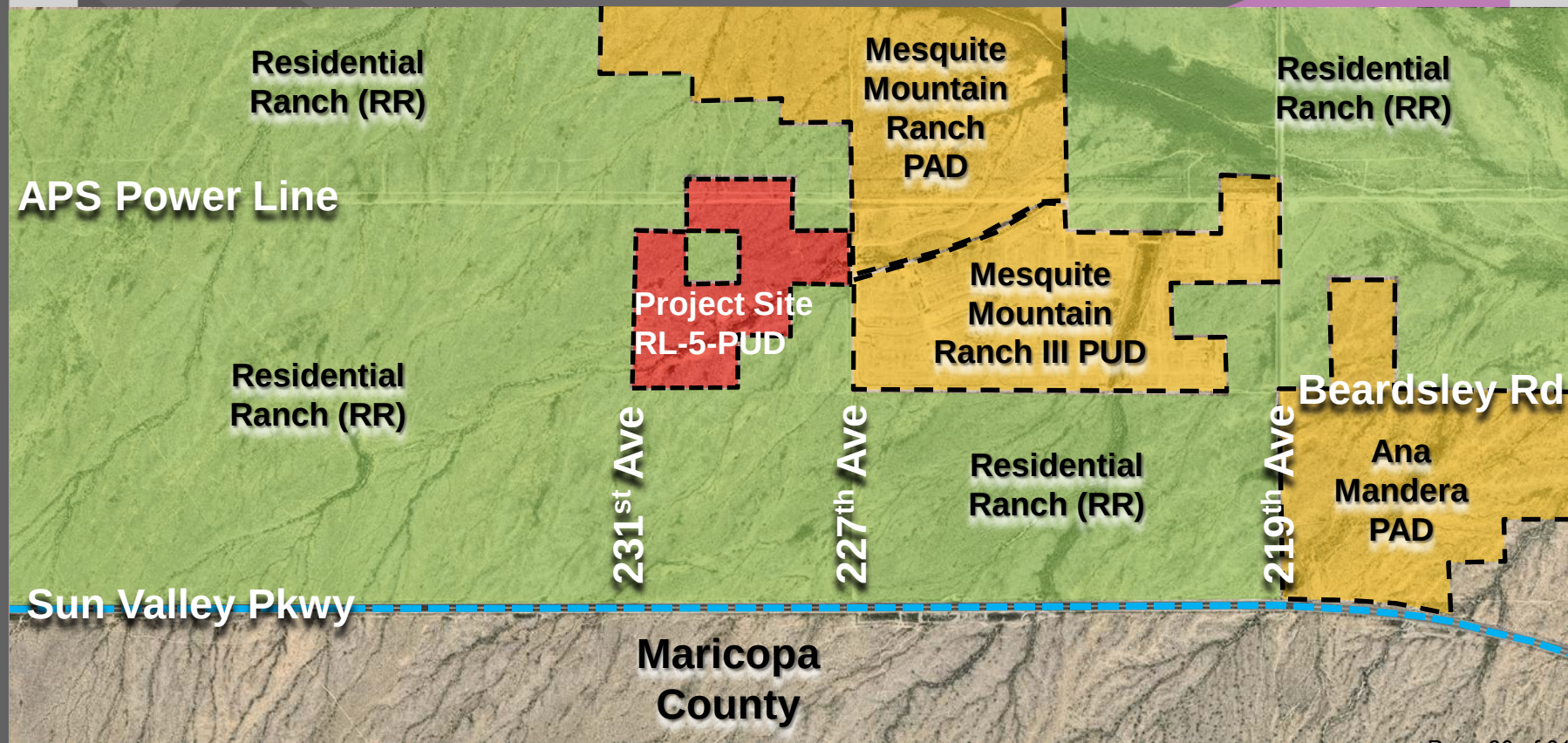
VICINITY MAP

FS21-304
Rancho Vista FP



ZONING MAP

FS21-304
Rancho Vista FP



OWNER / DEVELOPER
92 ACRES ASSOCIATES LLC
51114 SCOTTSDALE ROAD, SUITE 202
SCOTTSDALE, AZ 85250
CONTACT: ELLIOTT POLLOCK
PHONE: (602)335-8000
FAX: (602)335-6800
CONTACT: FRANK M. KOO, P.E.
EMAIL: frank@92acres.com

ENGINEER & SURVEYOR
WOOD, PATEL & ASSOCIATES, INC.
201 WEST NORTHERN AVENUE #100
PHOENIX, AZ 85001
PHONE: (602)335-8000
FAX: (602)335-6800
CONTACT: FRANK M. KOO, P.E.
EMAIL: frank@92acres.com

SHEET INDEX
1 - COVER
2 - KEY MAP & LEGENDS
3-10 - 15-AN SHEETS
11-12 - TABLES & DETAILS

DEDICATION

STATE OF ARIZONA)
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS, THAT 92 ACRES ASSOCIATES LLC, AN ARIZONA LIMITED LIABILITY COMPANY, (OWNER), HAS SUBDIVIDED UNDER THE NAME "RANCHO VISTA" A SUBDIVISION LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 3 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS PLAT AS AN INSTRUMENT FOR THE PLAT OF "RANCHO VISTA", AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND DIMENSIONS OF EACH LOT, TRACT, STREET AND EASEMENT CONSTITUTING SAME, AND THAT EACH LOT, TRACT, STREET AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER, AND/OR NAME GIVEN TO EACH RESPECTIVELY AS SHOWN ON THIS PLAT.

OWNER HEREBY DEDICATES TO THE CITY OF SURPRISE FEE TITLE TO ALL PUBLIC RIGHTS-OF-WAY AS SHOWN ON THIS PLAT.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL NON-EXCLUSIVE EASEMENT OVER, UNDER, UPON AND ACROSS ALL AREAS DESIGNATED ON THE PLAT AS WATER EASEMENT (WE) AND SEWER EASEMENT (SE) FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING, AND UTILIZING THE WATER AND SEWER LINES, MANHOLES, FIRE HYDRANTS AND WATER METERS.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL CROSS ACCESS EASEMENT ACROSS THE PLAT INCLUDING ROADS AND STREETS, OPEN SPACES, COMMUNITY FACILITIES, TRACTS, SIDEWALKS, DRAINAGE BASINS, AND ANY PROPERTY WITHIN THE PLAT OWNED BY THE HOMEOWNERS ASSOCIATION FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR EMERGENCY VEHICLES.

OWNER HEREBY GRANTS TO THE PUBLIC A PERPETUAL NON-EXCLUSIVE EASEMENT IN, UPON, OVER, UNDER, THROUGH, AND ACROSS THE AREAS DESIGNATED AS PUBLIC UTILITY EASEMENTS AS SHOWN ON THE PLAT FOR THE PURPOSE OF ACCESSING, INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING, AND UTILIZING PUBLIC UTILITIES.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL NON-EXCLUSIVE EASEMENT UPON, UNDER, AND ACROSS THE AREAS DESIGNATED AS RIGHT-VISIBILITY TRIANGLES FOR THE PURPOSE OF ENSURING THAT THESE AREAS REMAIN FREE OF SIGHT-VISIBILITY OBSTRUCTIONS.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PUBLIC RECREATION/TRAIL EASEMENT FOR PEDESTRIAN ACCESS, EQUINE ACCESS, BICYCLING, AND OTHER NON-MOTORIZED FORMS OF ACCESS OVER AND ACROSS OWNERS PROPERTY, INCLUDING THE RIGHT OF INGRESS AND EGRESS ALONG AND ACROSS THE EASEMENT PREMISES, AS SHOWN ON THIS PLAT.

OWNER HEREBY GRANTS TO THE PUBLIC AN EASEMENT FOR RECREATION OVER, UPON, AND ACROSS THOSE AREAS DESIGNATED AS RECREATION TRAILS OR AREAS FOR THE PURPOSE OF ALLOWING THE PUBLIC ACCESS TO THE TRAIL SYSTEM.

OWNER HEREBY GRANTS TO THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE (USAF) AN AVIATION EASEMENT OVER AND ACROSS THIS PLAT AND EVERY LOT AND PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT OF FLIGHT OF AIRCRAFT OVER THIS PLAT, TOGETHER WITH ITS ATTENDANT NOISE, VIBRATIONS, FUMES, DUST, FUEL AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT, OR TAKING OFF FROM, OR OPERATING AT OR ON LIKES AIR FORCE BASE AND AUXILIARY FIELD.

ALL IMPROVEMENTS FOR STREETS AND PUBLIC UTILITIES OWNED AND OPERATED BY THE CITY, INSTALLED OR CONSTRUCTED BY OWNER WITHIN THE PUBLIC RIGHTS-OF-WAY, THE EASEMENTS, OR ANY TRACTS OR PARCELS HEREBY DEDICATED TO THE CITY OF SURPRISE SHALL BE DEEMED TO HAVE BEEN DEDICATED BY OWNER TO THE CITY UPON THEIR COMPLETION. HOWEVER, SUCH TRANSFER SHALL NOT OCCUR UNTIL THE CITY COUNCIL FOR THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE BY SEPARATE FORMAL COUNCIL ACTION.

THE EASEMENTS GRANTED WITHIN THIS DEDICATION ARE PERMANENT AND PERPETUAL, AND SHALL RUN WITH THE LAND AND BE BINDING UPON OWNER AND ITS HEIRS, ASSIGNS, AND SUCCESSORS IN INTEREST TO THIS PLAT OR ANY PARCEL, OR LOT THEREOF.

IN WITNESS WHEREOF, OWNER HAS HERETOFORE CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS 4th DAY

January 2025
92 ACRES ASSOCIATES LLC, AN ARIZONA LIMITED LIABILITY COMPANY
BY: *[Signature]*

its Managing member

ACKNOWLEDGMENT

STATE OF ARIZONA)
COUNTY OF MARICOPA)

ON THIS 4th DAY OF January 2025, BEFORE ME, THE UNDERSIGNED, PERSONALLY
APPEARED *Elliot Pollock* WHO ACKNOWLEDGED HIMSELF TO BE

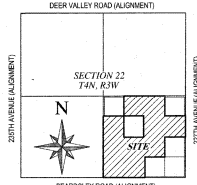
MANAGING MEMBER OF 92 ACRES ASSOCIATES LLC, AN ARIZONA LIMITED LIABILITY COMPANY AND BEING AUTHORIZED TO DO SO ON BEHALF OF SAID ENTITY, EXECUTED THE FOREGOING PLAT FOR THE PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF:

I HERETO SET MY HAND AND OFFICIAL SEAL

[Signature] February 25, 2025
NOTARY PUBLIC MY COMMISSION EXPIRES

FINAL PLAT OF RANCHO VISTA A SUBDIVISION SITUATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 3 WEST, OF THE GILA AND SALT RIVER MERIDIAN, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA



RELEASE OF LIABILITY

92 ACRES ASSOCIATES LLC, AN ARIZONA LIMITED LIABILITY COMPANY (OWNER) DOES HEREBY (1) RELEASE AND DISCHARGE THE CITY OF SURPRISE, (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE, OF AND FROM ANY LIABILITY FOR ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE AT ANY TIME IN THE FUTURE OVER, OR IN CONNECTION WITH AIRCRAFT OVERFLIGHTS FROM AIRCRAFT UTILIZING LIKES AIR FORCE BASE, WHETHER SUCH DAMAGES SHALL ORIGINATE FROM NOISE, VIBRATIONS, FUMES, DUST, FUEL AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT, OR TAKING OFF FROM, OR OPERATING AT OR ON LIKES AIR FORCE BASE AND ITS AUXILIARY FIELDS, THIS INSTRUMENT SHALL RUN WITH THE LAND AND BE BINDING UPON OWNER AND ITS HEIRS, ASSIGNS, AND SUCCESSORS IN INTEREST TO THIS PLAT OR ANY PARCEL, OR LOT THEREOF. THIS INSTRUMENT DOES NOT RELEASE THE USAF FROM LIABILITY FOR DAMAGE OR INJURY TO PERSON OR PROPERTY CAUSED BY FALLING AIRCRAFT OR FALLING PHYSICAL OBJECTS FROM AIRCRAFT. AIRCRAFT AS STATED HEREIN WITH RESPECT TO NOISE, FUMES, DUST, FUEL, AND LUBRICANT PARTICLES.

OWNER HEREBY FURTHER AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE FROM ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE IN CONNECTION WITH THE USE OF THE SIDEWALKS LOCATED WITHIN THE RIGHT-OF-WAY, UNTIL SUCH TIME THE CITY OF SURPRISE HAS ACCEPTED THE SIDEWALKS.

92 ACRES ASSOCIATES LLC, AN ARIZONA LIMITED LIABILITY COMPANY (OWNER) DOES HEREBY (1) RELEASE AND DISCHARGE THE CITY OF SURPRISE, (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE, OF AND FROM ANY LIABILITY FOR ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE AT ANY TIME IN THE FUTURE OVER, OR IN CONNECTION WITH THE AREAS LOCATED WITHIN THE RIGHT-OF-WAY AS SHOWN ON THIS PLAT, SUCH TIME THE CITY OF SURPRISE HAS ACCEPTED THE SIDEWALKS.

THE CITY OF SURPRISE AGREES TO INDEMNIFY 92 ACRES ASSOCIATES LLC, ITS OFFICERS, EMPLOYEES, AGENTS, CONTRACTORS, OR THOSE OF AND ITS SUCCESSORS AND ASSIGNS, FOR ANY AND ALL DIRECT DAMAGES TO THE PERSONAL PROPERTY OR FOR PHYSICAL INJURY TO OR DEATH OF PERSONS OCCURRING ON THE AREA OF THE EASEMENT CAUSED BY OR ARISING AS THE PROXIMATE RESULT OF THE ACTIVITIES OF THE CITY OF SURPRISE, EXCEPT FOR SUCH INJURY OR DAMAGES CAUSED BY OR ARISING SOLELY FROM THE NEGLIGENCE, WILFUL, MALICIOUS, OR GROSSLY NEGLIGENT CONDUCT OF 92 ACRES ASSOCIATES LLC, ITS OFFICERS, EMPLOYEES, AGENTS, CONTRACTORS, OR THOSE OF ITS SUCCESSORS AND ASSIGNS THAT WAS THE DIRECT CAUSE OF THE INJURY TO THE USER.

APPROVALS

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____, 20____, BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED _____
CITY ENGINEER DATE

CITY OF SURPRISE COUNCIL APPROVAL

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA, THIS _____ DAY OF _____, 20____.

ATTEST: _____

MAYOR DATE

CITY CLERK DATE

VICINITY MAP

NTS

CONTROL DATA

THE HORIZONTAL DATUM FOR THIS SURVEY IS BASED ON THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) GEODETIC IDENTIFICATION AND CADASTRAL SURVEY (GDACS) WEBSITE "WWW.MCDOT.MARICOPA.GOV" UNDER THE SURVEY INFORMATION LINK ON NOVEMBER 12, 2015.
PROJECTION: ARIZONA CENTRAL ZONE, NAD 83, (EPOCH 2010)
DATUM: GRS-80
UNITS: INTERNATIONAL FEET
GEOD MODEL: GEOD 12A

CONTROL POINT: 4993
PID: A2081
LATITUDE: 33°45'55.0732"N
LONGITUDE: 112°35'51.0217"W
ELLIPSOID HEIGHT: 438.209 (METERS)
DESCRIPTION: STAINLESS STEEL ROD W/ ALUMINUM CAP
STAMPED: 6/9/3 1999

HORIZONTAL ADJUSTMENT: NONE
HORIZONTAL ROTATION: NONE
MODIFIED TO GROUND AD (GRED) IN 9/26/2018, E: 50292.044, USING A SCALE FACTOR OF 1.00023611.

LEGAL DESCRIPTION

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 3 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

TOGETHER WITH

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 3 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

TOGETHER WITH

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 3 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

TOGETHER WITH

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 3 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

TOGETHER WITH

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 3 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

TOGETHER WITH

THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 3 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

TOGETHER WITH

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 3 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

TOGETHER WITH

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 3 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

TOGETHER WITH

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 3 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

PUBLIC NOTICE

THE LOTS DEPICTED ON THIS PLAT ARE LOCATED WITHIN THE VICINITY OF LIKES AIR FORCE BASE AND MAY BE SUBJECT TO OVERFLIGHTS BY AIRCRAFT. ALL STRUCTURES WITHIN THIS PLAT SHALL BE CONSTRUCTED IN COMPLIANCE WITH THE SOUND ATTENUATION STANDARDS ADOPTED BY THE CITY OF SURPRISE. A MAP DEPICTING THE MOST CURRENT ADOPTED MAG NOISE CONTOURS IN RELATION TO THIS PLAT SHALL BE DISPLAYED AT ALL SALES OFFICES. ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE CITY OF SURPRISE COMMUNITY DEVELOPMENT DEPARTMENT.

NOTES

- 1) THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS, AND PARKS SHALL BE THE RESPONSIBILITY OF THE OWNER OR THE HOMEOWNERS ASSOCIATION FORMED BY THE OWNER.
- 2) THE MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHTS-OF-WAY, INCLUDING LANDSCAPED MEDIAN WITHIN COLLECTORS AND LOCAL STREETS, AND LANDSCAPED AREAS BETWEEN THE CURB AND THE DETACHED SIDEWALK, SHALL BE THE RESPONSIBILITY OF THE ADJACENT PROPERTY OWNER OR THE HOMEOWNERS ASSOCIATION FORMED BY THE ADJACENT PROPERTY.
- 3) LANDSCAPING MAINTENANCE OF THE MEDIAN WITHIN THE PUBLIC RIGHT-OF-WAY WITHIN ANY ARTERIAL OR PARKWAY STREET CLASSIFICATION SHALL BE RESPONSIBILITY OF THE CITY OF SURPRISE AFTER ACCEPTANCE.
- 4) NO PERMANENT STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED ON, OVER OR PLACED WITHIN EASEMENTS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTIONS OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION, OR RECONSTRUCTION OF THE CITY UTILITIES.
- 5) NO DIGITS GRADING OR EXCAVATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.
- 6) THE PROPERTY IS LOCATED WITHIN SPECIAL FLOOD HAZARD AREA ZONE A, ZONE AE AND OTHER FLOOD AREAS ZONE BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY ON FLOOD INSURANCE RATE MAP NO. 14012C0101, WITH A DATE OF IDENTIFICATION OF OCTOBER 3, 2013 FOR COMMUNITY NO. 00003 IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
- 7) IN ACCORDANCE WITH ARS § 4-611(1)(2), THE CITY HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITHIN THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN 2003.
- 8) PURSUANT TO ARS § 4-611(1)(2), THE CITY OF SURPRISE, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, IS EXEMPT FROM ALL TAXES AND ASSESSMENTS BASED ON ASSESSED VALUE EXCEPT FOR SPECIAL DISTRICTS #1471 AND 14710, WHEN APPLICABLE.
- 9) ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND WITHIN STREET RIGHT-OF-WAY OR WITHIN THE PUBLIC UTILITY EASEMENTS WHERE SHOWN ON THIS FINAL PLAT.
- 10) NO PERMANENT STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED ON, OVER OR PLACED WITHIN EASEMENTS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTIONS OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION, OR RECONSTRUCTION OF THE CITY UTILITIES.
- 11) ALL STRUCTURES AND LANDSCAPING WITHIN THE 30' X 30' VISIBILITY TRIANGLES ALONG THE PROPERTY LINES AT ALL LOT CORNERS SHALL BE MAINTAINED AT A MAXIMUM HEIGHT OF 30' ABOVE GROUND LEVEL.
- 12) ALL BROWNSHED AND REVEALED LOT PROPERTY CORNERS SHALL BE SET WITH 12" REBAR AND CAP OR TAG BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
- 13) PROVIDORS SHALL BE MADE FOR DEVELOPMENT AND MAINTENANCE OF STREET LIGHTS THROUGHOUT THE CREATION OF A STREET LIGHT IMPROVEMENT DISTRICT (S.L.I.).
- 14) ALL PROPOSED DWELLING UNITS SHALL BE SINGLE FAMILY DETACHED.
- 15) A SURVEY MONUMENT TO BE SET IN CONCRETE AT ALL CENTERLINE P.C., P.T. AND STREET INTERSECTIONS UPON COMPLETION OF FINISH IMPROVEMENTS, AS SHOWN ON IMPROVEMENT PLANS.
- 16) ALL RETENTION BASINS MUST DRAIN ANY STORM EVENT UP TO AND INCLUDING THE ONE HUNDRED-YEAR TWO-HOUR STORM WITHIN THIRTY-SIX (36) HOURS. OWNERS OF ANY BASIN FAILING TO MEET THIS REQUIREMENT MUST TAKE CORRECTIVE ACTION TO BRING THE BASIN INTO COMPLIANCE.
- 17) ENFORCEMENT OF THE RESTRICTIONS PERTAINING TO ALL VEHICULAR NON-ACCESS EASEMENTS (NAE) SHALL BE THE RESPONSIBILITY OF THE RANCHO VISTA COMMUNITY ASSOCIATION.

100 YEAR ASSURED WATER SUPPLY

THE AREA PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREA OF THE CITY OF SURPRISE, BLENDA PUBLIC WATER SYSTEM 0447-038 WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT TO A.R.S. § 45-576.

CERTIFICATION

THIS IS TO CERTIFY THAT A PLAT AND A SURVEY OF THE PREMISES WAS MADE UNDER MY DIRECTION DURING THE MONTH OF DECEMBER, 2015, THAT THE MONUMENTS SET FOR THE PLAT ARE TRUE AND COMPLETE AS SHOWN TO THE BEST OF MY KNOWLEDGE, THAT THE MONUMENTS SHOWN ARE ACTUALLY EXIST OR WILL BE SET AT THE COMPLETION OF MASS GRADING BY THE REGISTERED LAND SURVEYOR UNDER CONTRACT TO COMPLETE THE CONSTRUCTION STAKES FOR THE PROJECT, THAT THEIR PORTIONS ARE CORRECTLY SHOWN AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

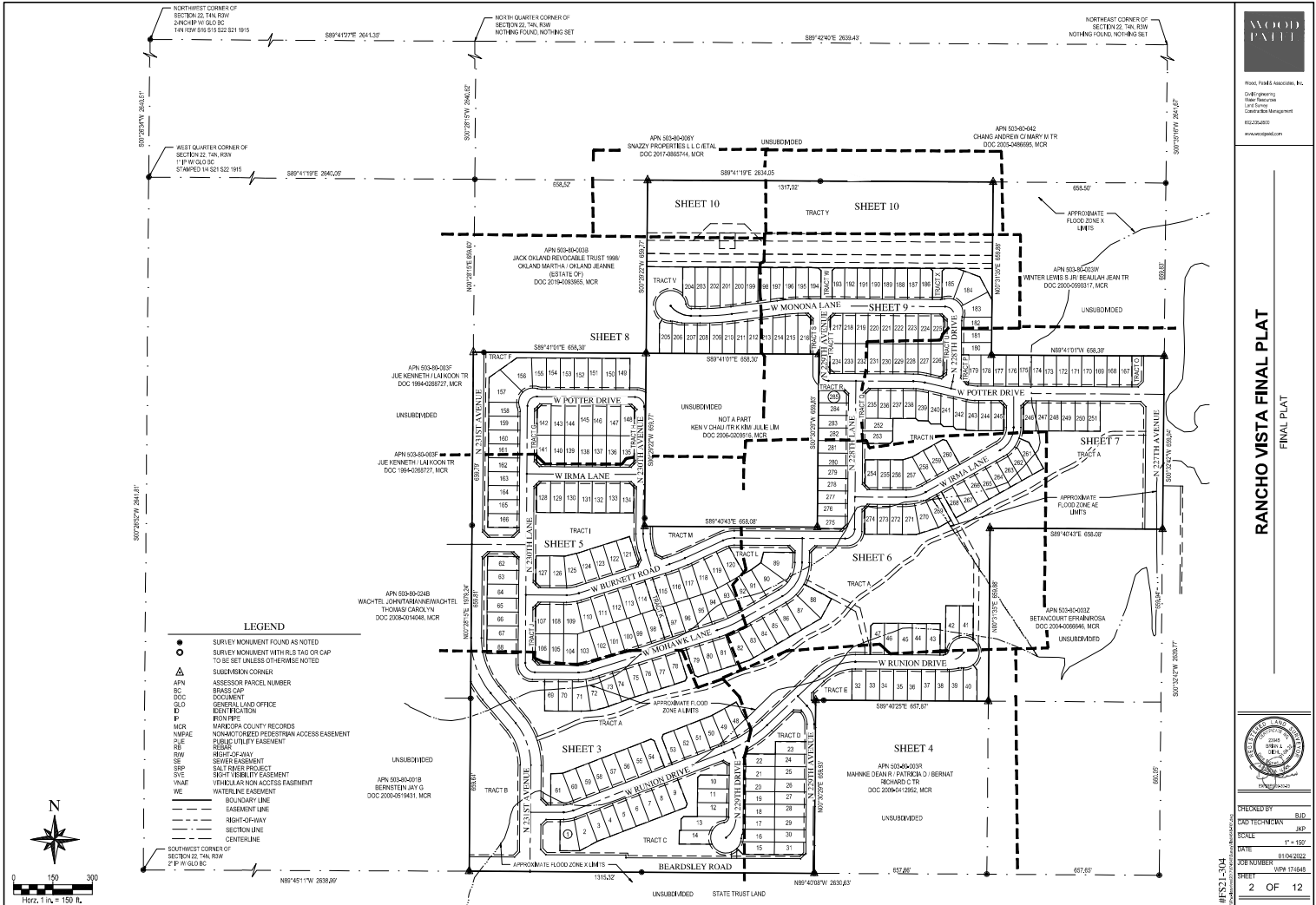
BRIAN J. DEHL, RLS 23945
WOOD, PATEL & ASSOCIATES, INC.
1632 SOUTH STABLE DRIVE, SUITE 219
MESA, ARIZONA 85204
SURVEYOR@WPA-CDP.COM



RANCHO VISTA FINAL PLAT
FINAL PLAT



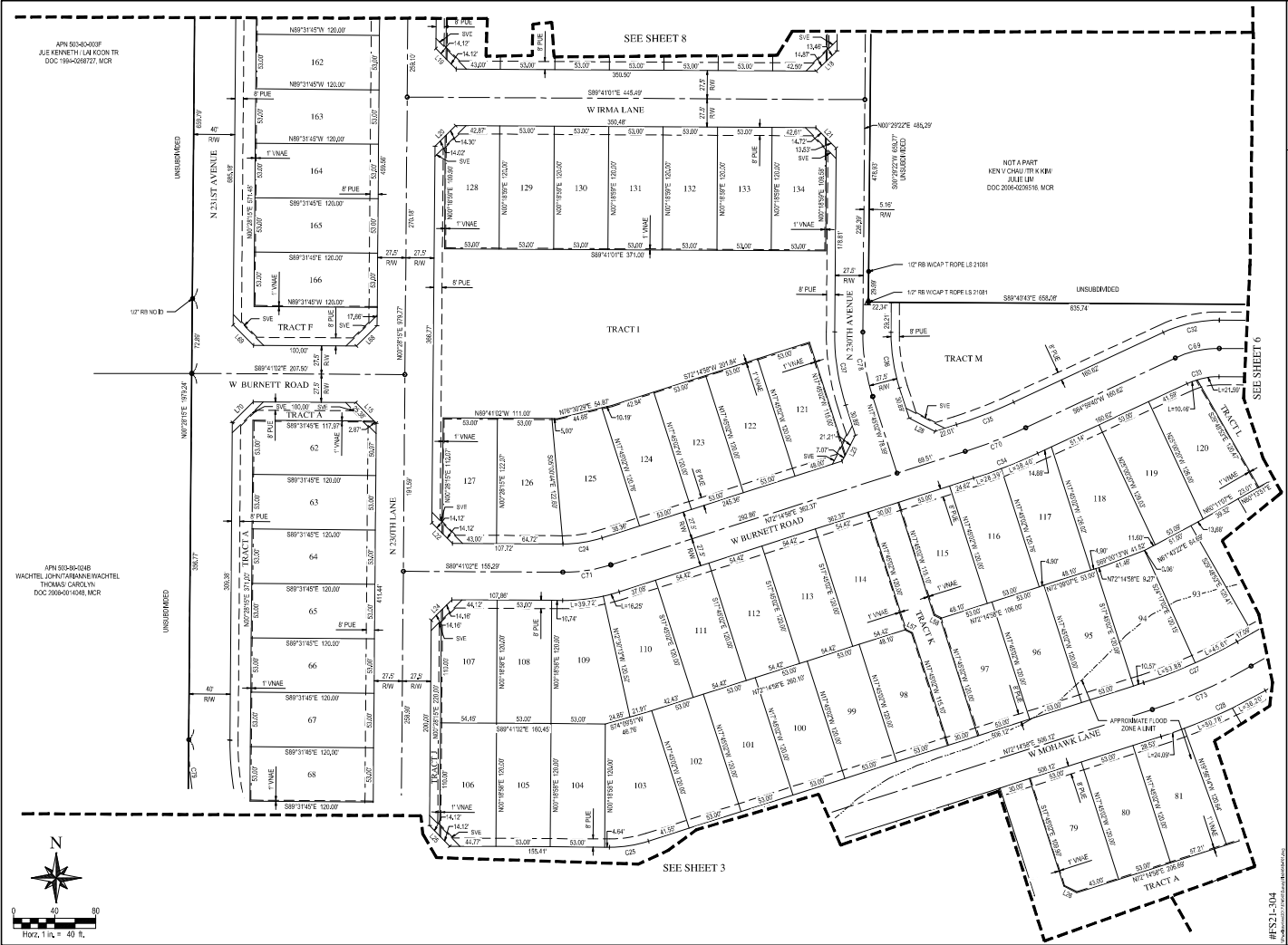
CREATED BY CAD TECHNICIAN
SCALE NTS
DATE 01/04/2022
JOB NUMBER WPA 174868
SHEET 1 OF 12



RANCHO VISTA FINAL PLAT
 FINAL PLAT



PROJECT: RANCHO VISTA FINAL PLAT
 SHEET: 2 OF 12
 DATE: 01/04/2022
 CHECKED BY: JLD
 CAD TECHNICIAN: JLD
 SCALE: 1" = 150'
 DATE: 01/04/2022
 JOB NUMBER: 009-174648
 SHEET: 2 OF 12



WOOD FAIR

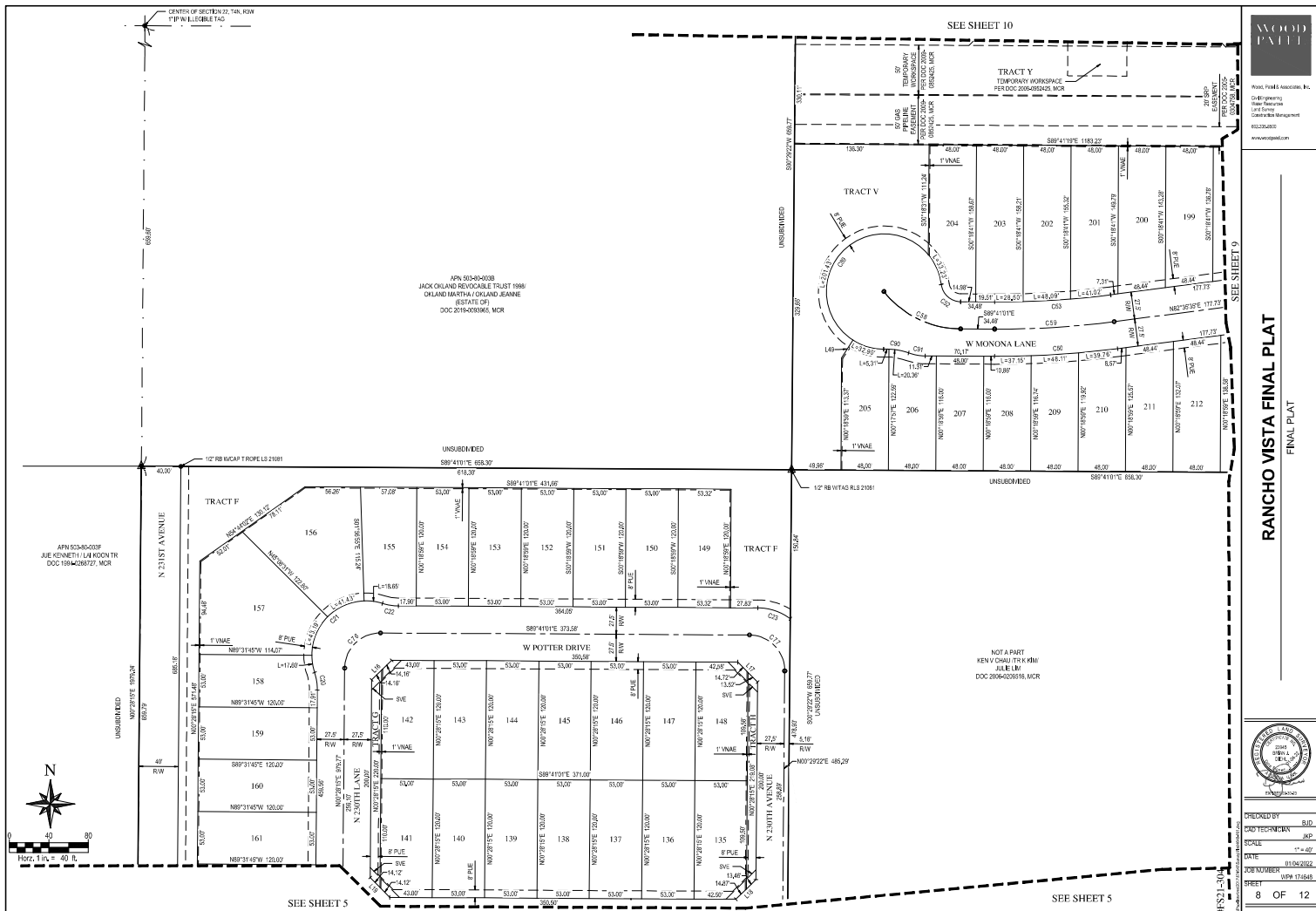
Wood, Fredrik Associates, Inc.
14401 Greenwood
Troy, Missouri 64685
Cell: 816-251-1111
Fax: 816-251-1112
www.woodfair.com

RANCHO VISTA FINAL PLAT

FINAL PLAT

CHECKED BY: BJD
CADD TECHNICIAN: JPD
SCALE: 1" = 40'
DATE: 01/04/2022
JOB NUMBER: 009-174648
SHEET: 5 OF 12

#PS21-304



LOT AREA TABLE			LOT AREA TABLE			LOT AREA TABLE			LOT AREA TABLE			LOT AREA TABLE			LOT AREA TABLE			AREA TABLE		
LOT NO.	LOT AREA SQUARE FEET	LOT AREA ACRES	LOT NO.	LOT AREA SQUARE FEET	LOT AREA ACRES	LOT NO.	LOT AREA SQUARE FEET	LOT AREA ACRES	LOT NO.	LOT AREA SQUARE FEET	LOT AREA ACRES	LOT NO.	LOT AREA SQUARE FEET	LOT AREA ACRES	LOT NO.	LOT AREA SQUARE FEET	LOT AREA ACRES	AREA	SQUARE FEET	ACRES
LOT 1	7,884	0.1812	LOT 57	6,360	0.1460	LOT 113	6,530	0.1489	LOT 169	6,688	0.1506	LOT 225	5,500	0.1263	LOT 281	5,520	0.1267	BOUNDARY	4,342,235	99.8846
LOT 2	7,553	0.1734	LOT 58	6,360	0.1460	LOT 114	6,530	0.1489	LOT 170	6,688	0.1506	LOT 226	6,187	0.1426	LOT 282	5,520	0.1267	RIGHT-OF-WAY	164,410	25.7624
LOT 3	6,148	0.1411	LOT 59	6,360	0.1460	LOT 115	6,548	0.1497	LOT 171	6,688	0.1506	LOT 227	5,722	0.1314	LOT 283	5,520	0.1267			
LOT 4	6,148	0.1411	LOT 60	6,360	0.1460	LOT 116	6,567	0.1492	LOT 172	6,688	0.1506	LOT 228	5,524	0.1266	LOT 284	5,520	0.1267			
LOT 5	6,148	0.1411	LOT 61	6,235	0.1390	LOT 117	6,521	0.1487	LOT 173	6,688	0.1506	LOT 229	5,520	0.1267	LOT 285	5,459	0.1252			
LOT 6	6,148	0.1411	LOT 62	6,358	0.1460	LOT 118	7,585	0.1741	LOT 174	6,688	0.1506	LOT 230	5,520	0.1267	TOTAL	1,787,006	41.0441			
LOT 7	6,148	0.1411	LOT 63	6,360	0.1460	LOT 119	6,708	0.1532	LOT 175	6,688	0.1506	LOT 231	5,520	0.1267						
LOT 8	6,148	0.1411	LOT 64	6,360	0.1460	LOT 120	7,048	0.1618	LOT 176	6,688	0.1506	LOT 232	5,520	0.1267						
LOT 9	6,058	0.1400	LOT 65	6,360	0.1460	LOT 121	6,347	0.1457	LOT 177	6,688	0.1506	LOT 233	5,520	0.1267						
LOT 10	6,310	0.1440	LOT 66	6,360	0.1460	LOT 122	6,360	0.1460	LOT 178	6,688	0.1506	LOT 234	5,520	0.1267						
LOT 11	6,360	0.1460	LOT 67	6,360	0.1460	LOT 123	6,360	0.1460	LOT 179	5,643	0.1296	LOT 235	5,437	0.1253						
LOT 12	6,360	0.1460	LOT 68	6,360	0.1460	LOT 124	6,364	0.1461	LOT 180	5,530	0.1267	LOT 236	5,520	0.1267						
LOT 13	6,050	0.1390	LOT 69	6,360	0.1460	LOT 125	7,752	0.1783	LOT 181	5,520	0.1267	LOT 237	5,520	0.1267						
LOT 14	6,485	0.1489	LOT 70	6,360	0.1460	LOT 126	7,188	0.1649	LOT 182	5,512	0.1266	LOT 238	5,519	0.1267						
LOT 15	5,985	0.1368	LOT 71	7,324	0.1681	LOT 127	6,420	0.1474	LOT 183	6,159	0.1413	LOT 239	5,720	0.1313						
LOT 16	5,981	0.1369	LOT 72	7,477	0.1715	LOT 128	6,535	0.1485	LOT 184	6,580	0.1509	LOT 240	5,775	0.1326						
LOT 17	5,760	0.1322	LOT 73	6,453	0.1468	LOT 129	6,560	0.1485	LOT 185	7,354	0.1685	LOT 241	5,737	0.1317						
LOT 18	5,760	0.1322	LOT 74	6,364	0.1465	LOT 130	6,360	0.1460	LOT 186	5,646	0.1296	LOT 242	5,732	0.1316						
LOT 19	5,760	0.1322	LOT 75	6,360	0.1460	LOT 131	6,360	0.1460	LOT 187	6,688	0.1506	LOT 243	5,968	0.1378						
LOT 20	5,760	0.1322	LOT 76	6,360	0.1460	LOT 132	6,360	0.1460	LOT 188	6,688	0.1506	LOT 244	5,520	0.1267						
LOT 21	5,760	0.1322	LOT 77	6,360	0.1460	LOT 133	6,360	0.1460	LOT 189	6,688	0.1506	LOT 245	5,479	0.1258						
LOT 22	5,760	0.1322	LOT 78	6,311	0.1440	LOT 134	6,308	0.1448	LOT 190	6,688	0.1506	LOT 246	5,478	0.1258						
LOT 23	5,760	0.1322	LOT 79	6,308	0.1440	LOT 135	6,305	0.1447	LOT 191	6,688	0.1506	LOT 247	5,520	0.1267						
LOT 24	5,760	0.1322	LOT 80	6,360	0.1460	LOT 136	6,360	0.1460	LOT 192	6,688	0.1506	LOT 248	5,520	0.1267						
LOT 25	5,760	0.1322	LOT 81	6,595	0.1514	LOT 137	6,360	0.1460	LOT 193	6,530	0.1494	LOT 249	6,065	0.1396						
LOT 26	5,760	0.1322	LOT 82	7,552	0.1734	LOT 138	6,360	0.1460	LOT 194	6,632	0.1509	LOT 250	6,070	0.1397						
LOT 27	5,760	0.1322	LOT 83	6,503	0.1483	LOT 139	6,360	0.1460	LOT 195	5,715	0.1312	LOT 251	5,520	0.1267						
LOT 28	5,760	0.1322	LOT 84	6,458	0.1483	LOT 140	6,360	0.1460	LOT 196	5,848	0.1343	LOT 252	5,520	0.1267						
LOT 29	5,760	0.1322	LOT 85	6,431	0.1475	LOT 141	6,310	0.1449	LOT 197	6,099	0.1402	LOT 253	5,470	0.1256						
LOT 30	5,760	0.1322	LOT 86	6,403	0.1470	LOT 142	6,310	0.1449	LOT 198	6,409	0.1471	LOT 254	5,474	0.1257						
LOT 31	5,748	0.1319	LOT 87	6,311	0.1458	LOT 143	6,360	0.1460	LOT 199	6,722	0.1543	LOT 255	5,520	0.1267						
LOT 32	6,358	0.1460	LOT 88	6,330	0.1451	LOT 144	6,360	0.1460	LOT 200	7,034	0.1615	LOT 256	5,520	0.1267						
LOT 33	6,360	0.1460	LOT 89	10,282	0.2360	LOT 145	6,360	0.1460	LOT 201	7,333	0.1683	LOT 257	7,818	0.1801						
LOT 34	6,360	0.1460	LOT 90	6,721	0.2002	LOT 146	6,360	0.1460	LOT 202	7,535	0.1730	LOT 258	5,520	0.1267						
LOT 35	6,360	0.1460	LOT 91	6,361	0.1460	LOT 147	6,360	0.1460	LOT 203	7,812	0.1747	LOT 259	5,520	0.1267						
LOT 36	6,360	0.1460	LOT 92	6,360	0.1461	LOT 148	6,336	0.1448	LOT 204	7,954	0.1819	LOT 260	5,470	0.1256						
LOT 37	6,360	0.1460	LOT 93	6,896	0.1575	LOT 149	6,338	0.1449	LOT 205	5,959	0.1370	LOT 261	5,542	0.1262						
LOT 38	6,360	0.1460	LOT 94	6,835	0.1562	LOT 150	6,360	0.1460	LOT 206	6,692	0.1507	LOT 262	5,779	0.1325						
LOT 39	6,540	0.1501	LOT 95	6,362	0.1461	LOT 151	6,360	0.1460	LOT 207	5,588	0.1279	LOT 263	5,524	0.1268						
LOT 40	6,888	0.1591	LOT 96	6,360	0.1460	LOT 152	6,360	0.1460	LOT 208	5,577	0.1280	LOT 264	5,520	0.1267						
LOT 41	6,507	0.1494	LOT 97	6,360	0.1460	LOT 153	6,360	0.1460	LOT 209	5,670	0.1302	LOT 265	5,520	0.1267						
LOT 42	7,864	0.1805	LOT 98	6,548	0.1497	LOT 154	6,360	0.1460	LOT 210	5,882	0.1350	LOT 266	5,520	0.1267						
LOT 43	6,361	0.1460	LOT 99	6,360	0.1460	LOT 155	6,475	0.1480	LOT 211	6,183	0.1420	LOT 267	5,520	0.1267						
LOT 44	6,360	0.1460	LOT 100	6,360	0.1460	LOT 156	10,480	0.2405	LOT 212	6,496	0.1491	LOT 268	5,520	0.1267						
LOT 45	6,360	0.1460	LOT 101	6,360	0.1460	LOT 157	11,381	0.2613	LOT 213	6,808	0.1563	LOT 269	5,911	0.1357						
LOT 46	6,360	0.1460	LOT 102	6,360	0.1460	LOT 158	6,557	0.1427	LOT 214	7,118	0.1634	LOT 270	6,757	0.1551						
LOT 47	6,318	0.1450	LOT 103	7,940	0.1823	LOT 159	6,360	0.1460	LOT 215	7,362	0.1660	LOT 271	6,969	0.1598						
LOT 48	6,811	0.1564	LOT 104	6,360	0.1460	LOT 160	6,360	0.1460	LOT 216	7,436	0.1707	LOT 272	5,520	0.1267						
LOT 49	6,949	0.1598	LOT 105	6,360	0.1460	LOT 161	6,360	0.1460	LOT 217	5,470	0.1256	LOT 273	5,520	0.1267						
LOT 50	6,528	0.1498	LOT 106	6,503	0.1483	LOT 162	6,360	0.1460	LOT 218	5,520	0.1267	LOT 274	5,470	0.1256						
LOT 51	6,498	0.1489	LOT 107	6,494	0.1484	LOT 163	6,360	0.1460	LOT 219	5,520	0.1267	LOT 275	5,470	0.1256						
LOT 52	6,234	0.1431	LOT 108	6,360	0.1460	LOT 164	6,360	0.1460	LOT 220	5,520	0.1267	LOT 276	5,520	0.1267						
LOT 53	6,310	0.1440	LOT 109	7,747	0.1775	LOT 165	6,360	0.1460	LOT 221	5,520	0.1267	LOT 277	5,520	0.1267						
LOT 54	6,310	0.1440	LOT 110	7,063	0.1621	LOT 166	6,360	0.1460	LOT 222	5,520	0.1267	LOT 278	5,520	0.1267						
LOT 55	6,360	0.1460	LOT 111	6,530	0.1489	LOT 167	5,688	0.1306	LOT 223	5,520	0.1267	LOT 279	5,520	0.1267						
LOT 56	6,360	0.1460	LOT 112	6,530	0.1489	LOT 168	5,688	0.1306	LOT 224	5,520	0.1267	LOT 280	5,520	0.1267						

Wood Paper Associates, Inc.
2400 Highway 101
P.O. Box 100
Cedar Rapids, IA 52401
www.woodpaper.com

RANCHO VISTA FINAL PLAT

FINAL PLAT

PREPARED BY: B.D.
CARTOGRAPHIC: J.P.
SCALE: N.T.S.
DATE: 01/04/2022
JOB NUMBER: 0096-174648
SHEET: 11 OF 12

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°42'25"W	0.36
L2	S23°54'36"W	14.14
L3	N45°19'32"E	14.14
L4	N45°25'11"E	14.16
L5	N45°11'23"W	32.30
L6	N74°17'01"E	11.83
L7	S89°08'45"E	25.49
L8	S43°25'36"E	3.77
L9	S86°05'36"E	14.14
L10	N23°54'36"W	14.14
L11	N43°25'36"E	3.77
L12	S33°37'42"E	23.80
L13	N45°19'34"E	15.16
L14	S44°36'22"E	28.25
L15	S45°23'37"W	28.32
L16	N45°24'10"E	28.33
L17	S44°36'22"E	28.25
L18	S45°23'37"W	28.32
L19	N45°24'10"E	28.33
L20	S44°36'22"E	28.25
L21	N44°35'50"W	28.24
L22	S44°36'22"E	28.25
L23	N27°45'06"E	28.28
L24	N45°23'37"W	28.32
L25	N44°36'22"E	28.25
L26	S62°27'31"E	14.21
L27	N27°45'06"E	14.08
L28	N26°59'52"W	28.28
L29	N45°36'36"E	28.33
L30	N88°56'31"W	14.83
L31	N45°36'36"E	27.28
L32	S44°36'22"E	28.28
L33	S74°22'48"E	14.14
L34	N44°29'31"W	28.23
L35	S45°24'35"W	28.33
L36	S44°41'20"E	28.19
L37	S45°24'35"W	14.17
L38	S46°38'47"E	13.28
L39	S46°38'47"E	15.27
L40	S46°08'00"E	13.82
L41	S43°11'27"E	14.53
L42	N45°24'36"E	28.33
L43	S77°06'03"E	6.46
L44	N49°48'47"E	25.02
L45	S44°36'26"E	14.12
L46	N44°34'52"W	28.23
L47	S45°24'35"W	28.33
L48	S44°27'57"E	28.30
L49	S33°38'03"W	21.48
L50	N45°24'36"E	14.70
L51	N44°35'25"W	12.84
L52	S45°24'35"W	14.84
L53	S12°50'57"W	27.80
L54	S24°54'49"E	16.53
L55	N22°24'53"E	31.88
L56	S62°45'02"E	6.07
L57	N62°45'02"W	6.07
L58	N44°43'08"W	28.28

LINE TABLE		
LINE	BEARING	DISTANCE
L62	N45°19'52"E	28.29
L63	N44°35'54"W	28.29
L64	N45°09'56"E	26.37
L65	S88°23'35"E	28.28
L66	S01°34'25"W	28.28
L67	N45°25'11"E	28.33
L68	N45°23'37"E	28.32
L69	S44°36'22"E	28.25
L70	N45°23'37"E	28.32
L71	N44°32'03"W	28.21
L72	N45°27'57"E	28.38
L73	N45°25'50"E	28.54
L74	S44°34'10"E	28.23
L75	S40°34'40"E	33.57

EASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
EL59	N00°19'34"E	26.21
EL60	N00°19'34"E	28.38
EL76	S00°19'52"W	24.21
EL77	S00°19'52"W	37.35

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	21°09'31"	127.50	46.44	N79°27'15"E	46.67
C2	1°02'38"	72.88	1.31	N00°30'36"W	1.31
C3	82°34'54"	26.00	26.83	N47°09'15"E	26.40
C4	267°29'22"	68.38	285.47	S47°09'15"E	86.12
C5	11°35'31"	127.50	25.80	N05°17'20"W	25.76
C6	13°23'01"	507.50	123.27	N63°15'36"E	123.64
C7	43°06'04"	72.88	35.59	S21°27'33"E	34.24
C8	21°09'31"	72.88	26.89	N79°27'15"E	26.54
C9	22°20'09"	472.50	184.19	N67°44'28"E	183.02
C10	9°30'02"	127.50	21.14	S38°46'33"E	21.12
C11	43°45'09"	172.50	131.73	S68°27'30"W	126.55
C12	43°45'09"	227.50	173.73	S68°27'30"W	168.93
C13	262°34'54"	61.38	287.58	N46°57'52"W	87.73
C14	82°34'54"	26.00	26.83	N46°32'08"E	26.40
C15	40°02'14"	216.28	148.62	N19°40'14"W	143.86
C16	40°02'14"	286.28	202.48	N19°40'14"W	198.39
C17	13°04'08"	366.50	83.29	S33°08'18"E	83.07
C18	40°09'37"	286.28	198.69	S19°38'03"E	195.62
C19	80°09'17"	65.00	38.54	S44°36'23"E	71.89
C20	19°54'09"	65.00	18.15	N08°58'59"W	18.07
C21	125°54'48"	65.00	120.87	S44°33'11"W	97.29
C22	17°09'36"	65.00	16.47	S01°06'13"E	16.41
C23	36°39'51"	65.00	35.13	N17°23'06"W	34.56
C24	18°04'09"	122.50	38.63	N81°16'58"E	38.47
C25	18°04'01"	122.50	38.63	N81°16'58"E	38.47
C26	18°04'01"	177.50	55.57	N81°16'58"E	56.74
C27	12°03'51"	472.50	86.49	N66°17'02"E	96.31
C28	12°03'51"	527.50	111.67	N66°17'02"E	110.87
C29	267°59'47"	386.28	198.40	N60°09'04"E	196.99
C30	89°54'30"	177.50	184.48	N00°23'32"E	176.38
C31	89°54'30"	122.50	127.27	N02°23'32"E	121.11
C32	25°19'37"	127.50	36.36	S77°38'28"W	36.90
C33	26°19'37"	72.88	32.00	S77°38'28"W	31.79
C34	7°15'18"	627.50	96.79	N68°37'19"E	96.79
C35	7°15'18"	472.50	89.83	N68°37'19"E	89.79
C36	18°14'24"	172.50	54.32	S08°37'50"E	54.88
C37	18°14'24"	227.50	72.42	S08°37'50"E	72.12
C38	89°48'48"	65.00	36.21	N45°24'53"E	77.69
C39	29°42'09"	177.50	32.21	N75°28'14"E	96.99
C40	60°18'13"	127.50	134.19	N30°28'16"E	128.08
C41	29°42'09"	122.50	63.50	N75°28'14"E	62.79
C42	36°37'39"	65.00	35.16	S11°22'34"E	34.56
C43	12°32'17"	172.50	37.79	N83°25'11"W	37.67
C44	12°31'59"	127.50	27.89	S83°25'12"E	27.83
C45	12°31'59"	172.50	37.79	S83°25'12"E	37.68
C46	7°31'59"	238.52	31.49	N04°17'30"E	31.47
C47	12°32'17"	227.50	49.78	N83°25'11"W	49.68
C48	6°06'01"	184.52	19.85	N02°34'38"E	19.84
C49	7°18'22"	872.50	111.28	S86°1447"W	111.19
C50	7°43'22"	857.50	125.02	N86°27'17"E	124.93
C51	13°48'09"	90.00	12.05	S83°29'24"W	12.02
C52	82°34'54"	26.00	26.83	S48°23'35"E	26.40
C53	7°43'22"	872.50	111.61	N86°27'17"E	111.57
C54	7°43'09"	857.50	121.64	S86°27'28"W	121.89
C55	16°02'25"	65.00	15.48	S08°3248"W	15.35
C56	122°45'09"	65.00	117.84	N44°48'58"W	96.36
C57	16°30'31"	65.00	15.85	N82°03'28"E	15.79
C58	51°22'02"	86.50	88.20	S63°36'53"E	86.29

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C59	7°43'22"	866.50	121.17	N86°27'17"E	121.23
C60	7°43'09"	866.50	121.24	S86°27'28"W	121.19
C61	90°12'39"	36.00	36.68	N44°34'52"W	37.01
C62	90°11'48"	32.00	33.38	S44°35'23"E	45.33
C63	12°19'22"	212.50	45.80	N06°11'10"E	45.91
C64	12°32'17"	209.00	43.77	N83°25'11"W	43.68
C65	12°31'59"	209.00	43.75	S83°25'12"E	43.68
C66	60°18'13"	104.00	106.25	N30°28'16"E	100.46
C67	25°42'09"	104.00	77.76	N75°28'14"E	76.89
C68	89°48'48"	36.00	36.43	N45°24'53"E	50.83
C69	25°19'37"	104.00	44.30	S77°38'28"W	43.84
C70	7°15'18"	506.00	63.11	N68°37'19"E	63.27
C71	18°04'09"	104.00	47.30	N81°16'58"E	47.10
C72	58°34'30"	104.00	105.87	N20°23'52"E	149.04
C73	12°03'51"	506.00	106.28	N66°17'02"E	106.09
C74	18°04'01"	104.00	47.30	N81°16'58"E	47.10
C75	90°09'17"	36.00	36.65	S44°36'23"E	50.96
C76	88°50'43"	36.00	36.45	S45°23'37"W	50.94
C77	90°10'22"	36.00	36.66	N44°35'50"W	50.99
C78	19°44'14"	300.00	63.67	S08°37'50"E	63.40
C79	40°08'37"	326.00	227.71	S19°38'03"E	223.28
C80	40°08'14"	250.00	174.58	N19°40'14"W	171.03
C81	21°09'31"	104.00	38.81	N79°27'15"E	36.80
C82	22°20'09"	506.00	104.91	N67°44'28"E	103.87
C83	43°45'09"	209.00	152.73	S68°27'30"W	149.04
C84	51°22'09"	86.50	88.20	N44°36'31"E	86.28
C85	25°34'48"	104.00	41.30	N12°11'59"W	43.98
C86	51°22'09"	86.50	88.20	N28°11'59"E	86.28
C87	43°56'03"	104.00	76.86	N21°27'32"W	74.91
C88	60°18'13"	72.88	76.31	N30°28'16"E	72.83
C89	262°34'54"	61.38	287.58	S44°36'23"W	87.73
C90	23°09'39"	63.82	25.68	N61°54'25"W	25.58
C91	19°37'01"	64.00	17.12	S79°52'31"E	17.24
C92	13°48'22"	175.00	42.17	N83°25'24"E	42.08
C93	26°53'18"	90.00	18.23	N10°07'08"E	18.13
C94	18°47'48"	90.00	16.40	S11°59'53"W	16.33



Wood, Paddock Associates, Inc.
 5480 Glenridge
 Suite 200
 Cedar-Rock Management
 800.224.8888
 www.woodpaper.com

RANCHO VISTA FINAL PLAT

FINAL PLAT



CHECKED BY: B.D.
 CAD TECHNICIAN: J.P.
 SCALE: NTS
 DATE: 01/04/2022
 JOB NUMBER: 0094-174648
 SHEET: 12 OF 12



**DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

28 April 2021

Mr. Christopher P. Toale
Director, Community Initiatives Team
56th Fighter Wing
14185 West Falcon Street
Luke AFB AZ 85309-1629

Ms. Lorraine Nevarez
Development Services Specialist
City of Surprise Planning Department
16000 N. Civic Center Plaza
Surprise AZ 85374

Re: FS21-304; Rancho Vista (APNs: 503-80-003E, H, J, L, N, U, Y, X)

Dear Ms. Nevarez

Thank you for the opportunity to provide comments for the Rancho Vista Final Plat application. The site sits on approximately 100 acres of vacant land located at Beardsley Rd and 227th Ave in Surprise, AZ. This proposed development is requesting 285 lots for single-family homes and is approximately 2.6 miles outside the Luke AFB Aux-1 JLUS 65 DNL, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is within the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

In an effort to promote a more compatible co-existence Luke AFB follows the guidelines in the Graduated Density Concept (GDC). The GDC proposes, in the absence of a more restrictive state, county or municipal general or comprehensive plan, graduating densities away from the 65 DNL as follows: a maximum of 2 du/acre from the 65 DNL to 1/2 mile, a maximum of 4 du/acre from 1/2 to 1 mile, and a maximum of 6 du/acre from 1 to 3 miles. This project with a density of 2.8 du/ac meets these guidelines and therefore will not negatively impact Luke AFB flying operations.

Since the site is located within the "territory in the vicinity of a military airport," it will be subjected to noise from approximately 165 flights per day, we recommend you review the sound attenuation requirements found in A.R.S. §28-8482. We also encourage an aggressive notification program on the part of the applicant to inform potential residents about Luke AFB operations.

If there are any questions, please contact my Community Planner, Mr. Mark James at (623) 856-9981.

Sincerely

TOALE.CHRISTOPHER.P.10396
HER.P.1039696165



Digitally signed by
TOALE.CHRISTOPHER.P.10396
96165
Date: 2021.04.28 13:25:23 -0700

CHRISTOPHER P. TOALE

cc:

Colonel Luke B. Casper, Vice Commander, 56th Fighter Wing

Ms. Cindy L. Allen, GS-13, General and Environmental Law Attorney, 56th Fighter Wing

RESOLUTION # 2022-11

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A FINAL PLAT ENTITLED “RANCHO VISTA” GENERALLY LOCATED NORTH AND WEST OF THE NORTHWEST CORNER OF BEARDSLEY ROAD AND 227TH AVENUE, AND DIRECTING THAT RECORDING OF THE PLAT WILL BE WITHHELD FOR A MAXIMUM OF 90 DAYS UNTIL FINANCIAL ASSURANCES HAVE BEEN RECEIVED.

WHEREAS, on June 8, 1989, the Mayor and City Council approved annexation of the subject property under Ordinance 89-05;

WHEREAS, on January 19, 2021, the Mayor and City Council approved the rezoning of the subject property under case FS20-250;

WHEREAS, on January 19, 2021, the Mayor and City Council also approved the Rancho Vista Preliminary Plat under case FS20-250;

WHEREAS, 92 Acres Associates, LLC. has requested approval of the subject Final Plat;

WHEREAS, 92 Acres Associates, LLC. has also requested that recording of the Final Plat be deferred until the property conveys title, and the new owners have provided Financial Assurances to the City of Surprise; and

WHEREAS, the City of Surprise agrees to withhold recording of the Final Plat until said Financial Assurances have been received by the City.

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

Section 1. The Final Plat entitled “Rancho Vista”, dated January 4, 2022 is approved.

Section 2. The City of Surprise will withhold recording of the aforementioned Final Plat for a maximum of 90 days from the date this Resolution is approved until Financial Assurances have been received by the City of Surprise.

Section 3. If the Financial Assurances have not been received by the City within 90 days of the approval of this Resolution, the Final Plat will be noticed for a public hearing and possible action by the Mayor and City Council to rescind this Resolution and approval of the Final Plat.

APPROVED AND ADOPTED this _____ day of _____ 2022.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney



SURPRISE
ARIZONA

FS21-304
Rancho Vista
Final Plat

City Council – February 1, 2022

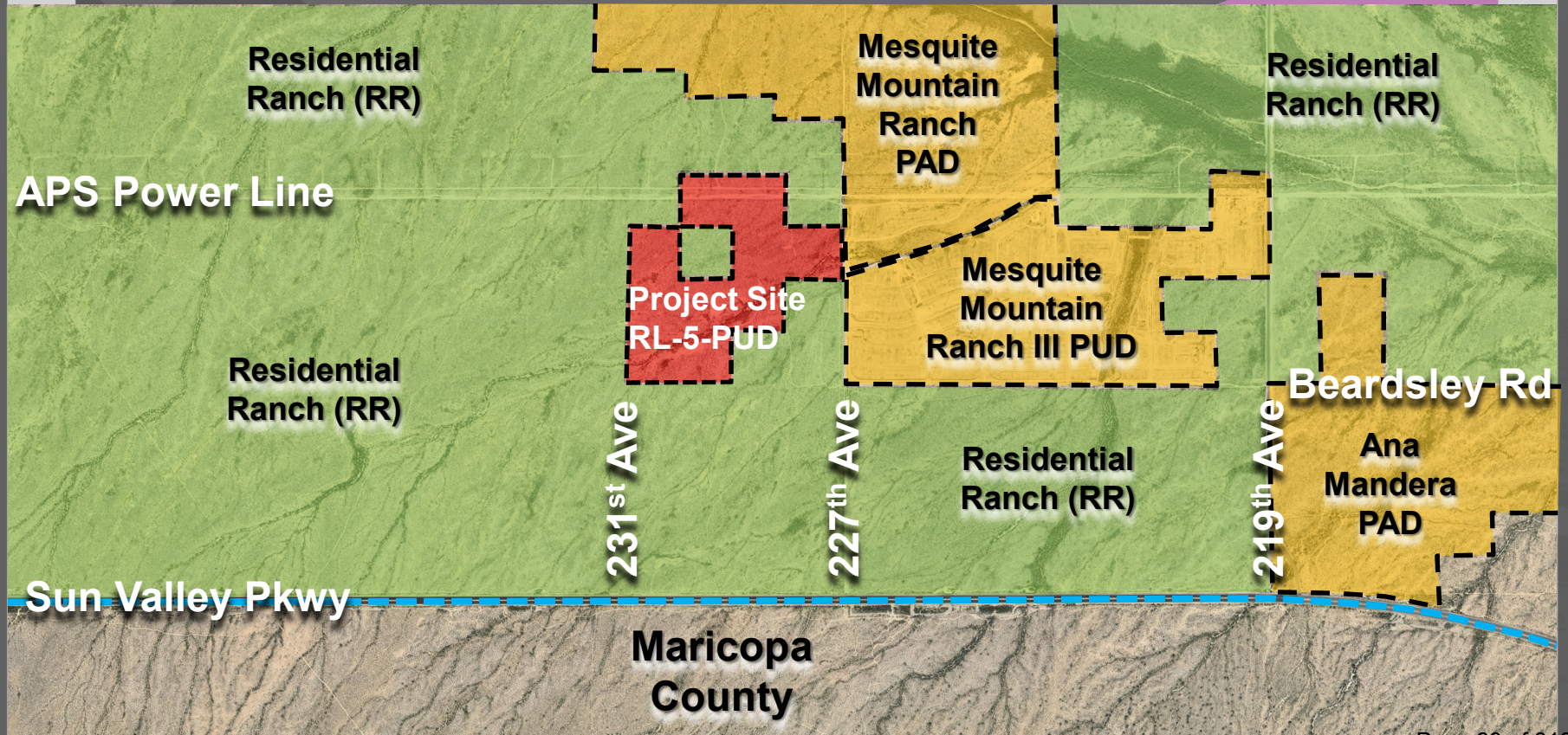
VICINITY MAP

FS21-304
Rancho Vista FP

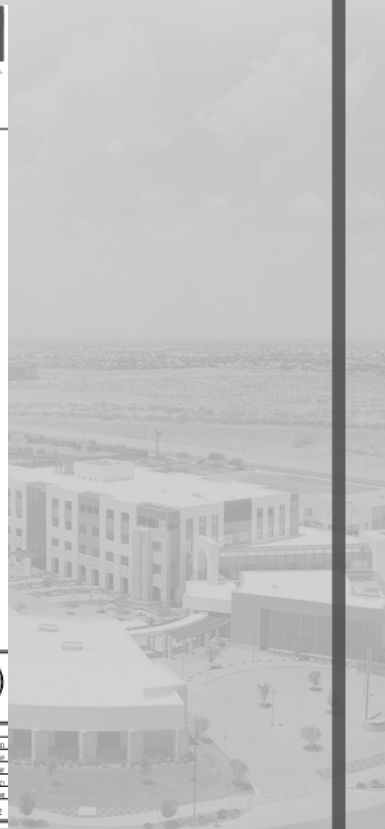


ZONING MAP

FS21-304
Rancho Vista FP



FINAL PLAT





SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: February 1, 2022 Contact Person: Sergio Angulo
Submitting Department: Community Development District: District 1
Staff Recommendations: None

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

Agenda Wording:

Consideration and action pertaining to approval of the Final Plat entitled, “Fulton Homes Escalante – Parcel 9” and dated November 8, 2021, a property located on the southeast corner of Asante Boulevard and 158th Lane; Case FS21-396.

Motion:

I move to approve the plat entitled, “Fulton Homes Escalante – Parcel 9” dated November 8, 2021.

Background:

Meikle Garrett with EPS Group, Inc, seeks approval of a Final Plat for a 96-lot single-family residential subdivision in Parcel 9 of the Escalante development.

Objective Analysis:

Approval of the proposed Final Plat will allow the applicant the ability to subdivide the property as proposed.

Policy Compliant:

The requested Final Plat is consistent with the Altamira PAD and advances the goals and policies of the General Plan.

Financial Impact:

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

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. 00 - FS21-396 - Fulton Homes Escalante Parcel 9 - Final Plat - Staff Report
 2. 01 - FS21-396 - Fulton Homes Escalante Parcel 9 - Final Plat - Vicinity Map
 3. 02 - FS21-396 - Fulton Homes Escalante Parcel 9 - Final Plat - Zoning Map
 4. 03 - FS21-396 - Fulton Homes Escalante Parcel 9 - Final Plat - UPDATED
 5. 04 - FS21-396 - Fulton Homes Escalante Parcel 9 - Final Plat - Luke AFB Comments
 6. FS21-396 - Fulton Homes Escalante Parcel 9 - Final Plat - PowerPoint
-

FINAL PLAT

REPORT TO THE CITY COUNCIL

Case: FS21-396

Project Name: Fulton Homes Escalante Parcel 9

Council District: 1

City Council Date: February 1, 2022

Planner: Sergio Angulo, Planner II

Owner: Fulton Homes Corporation

Applicant: Meikle Garrett of EPS Group, Inc.

Request: Final Plat for a 96-lot, single-family subdivision in Parcel 9 of the Escalante Development.

Site Location: Southeast corner of Asante Boulevard and 158th Lane.

Site Size: 35.22 acres (approx.)

Density: 2.73 DU/Ac

Findings:

- The proposed Final Plat is consistent with the Surprise General Plan 2035.
- The proposed Final Plat is consistent with the latest amendment to the Altamira PAD as approved under case FS18-488.
- The Final Plat is consistent with the Preliminary Plat approved under case FS16-301.

Alternative Actions: **Approve** – Approval of the proposed Final Plat will allow the applicant the ability to subdivide the property as proposed.

Deny – Denial of the requested Final Plat will prevent the applicant from subdividing the property as proposed.

Additional Information:

EPS Group, Inc., on behalf of Fulton Homes Corporation, requests approval of the Final Plat for Fulton Homes Escalante – Parcel 9. The subject property is approximately 35.22 acres and it is located on the southeast corner of Asante Boulevard and 158th Lane. The subject property is zoned PAD and has a land use designation of Single Family Detached.

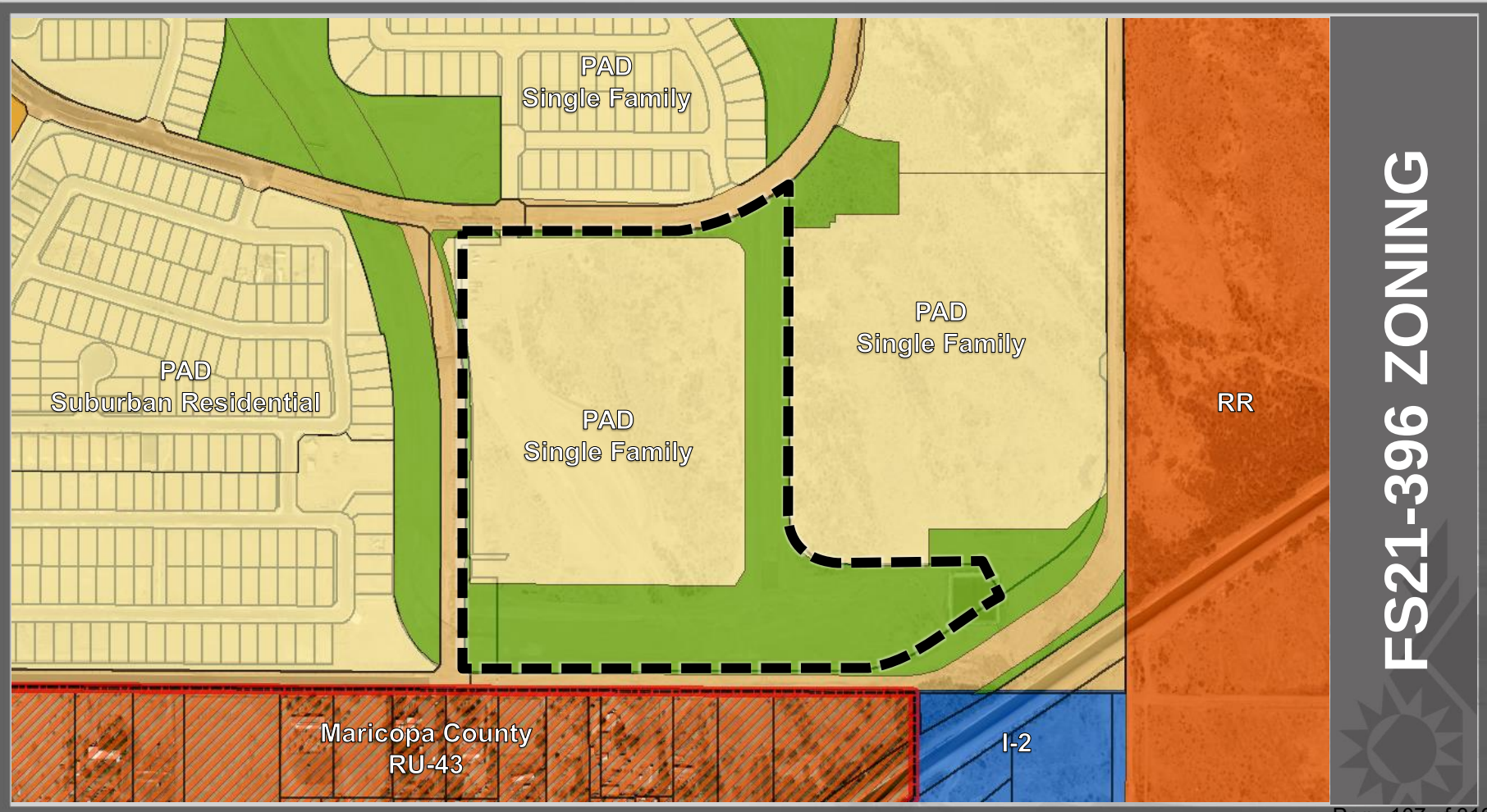
The applicant proposes a total of 96 single-family lots for a total density of 2.73 dwelling units per acre. The typical lot proposed is 53' x 120'. This plat includes a total of 15.48 acres of open space that includes a park site (Tract 9-B), which includes a full basketball court, cornhole area, a portion of the Frisbee disc golf course and a pedestrian trail with connectivity to the adjacent Escalante development. Residents of this subdivision will also have access to a community park which is proposed to have an aquatic center along with other recreation amenities. The proposed Final Plat is in compliance with the latest amendment to the Altamira PAD (case FS18-488) and the Preliminary Plat approved under case FS16-301.

Attachments:

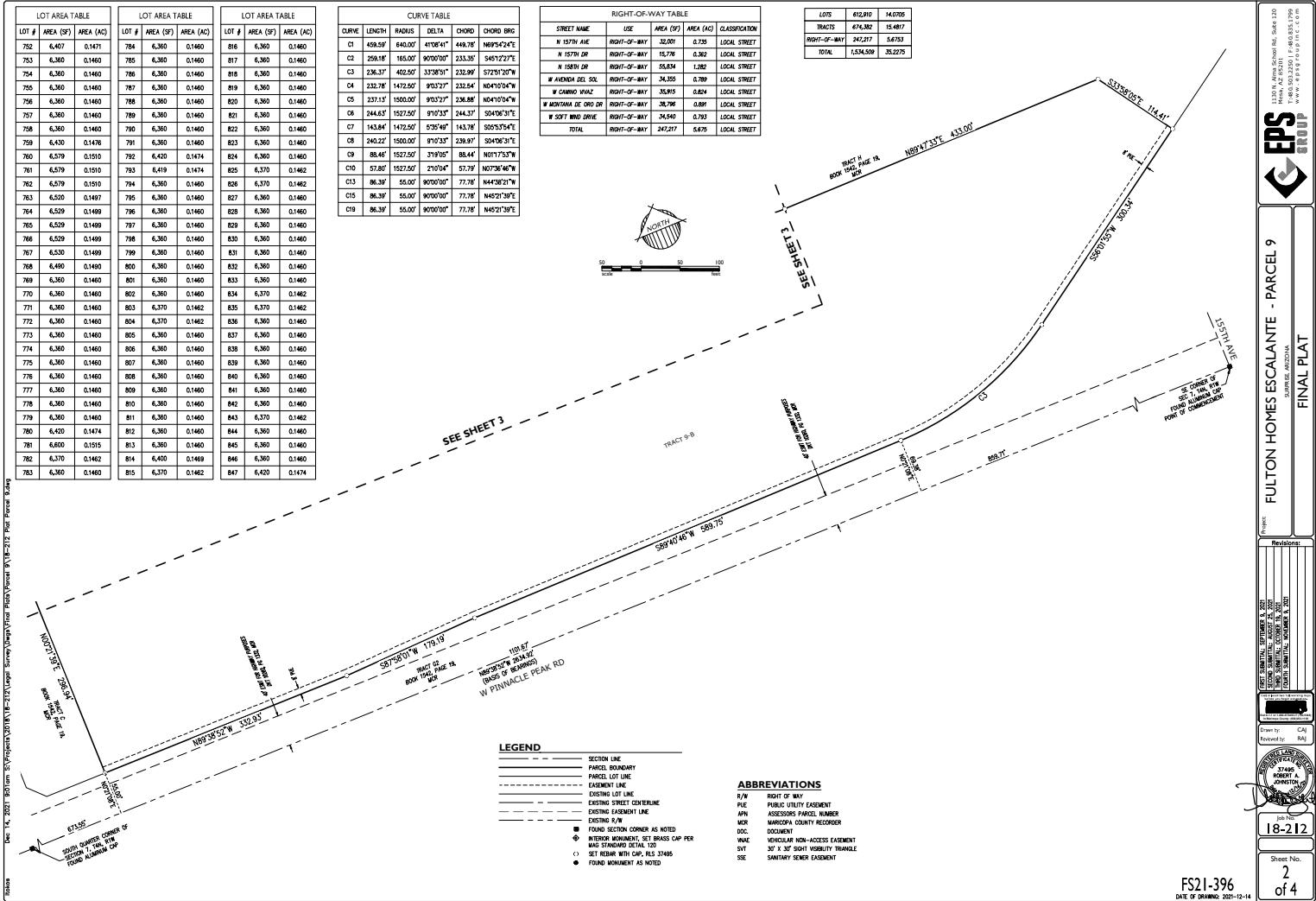
- 01 Vicinity Map
- 02 Zoning Map
- 03 Final Plat
- 04 Luke AFB Comments



FS21-396 VICINITY MAP



FS21-396 ZONING



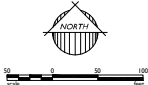
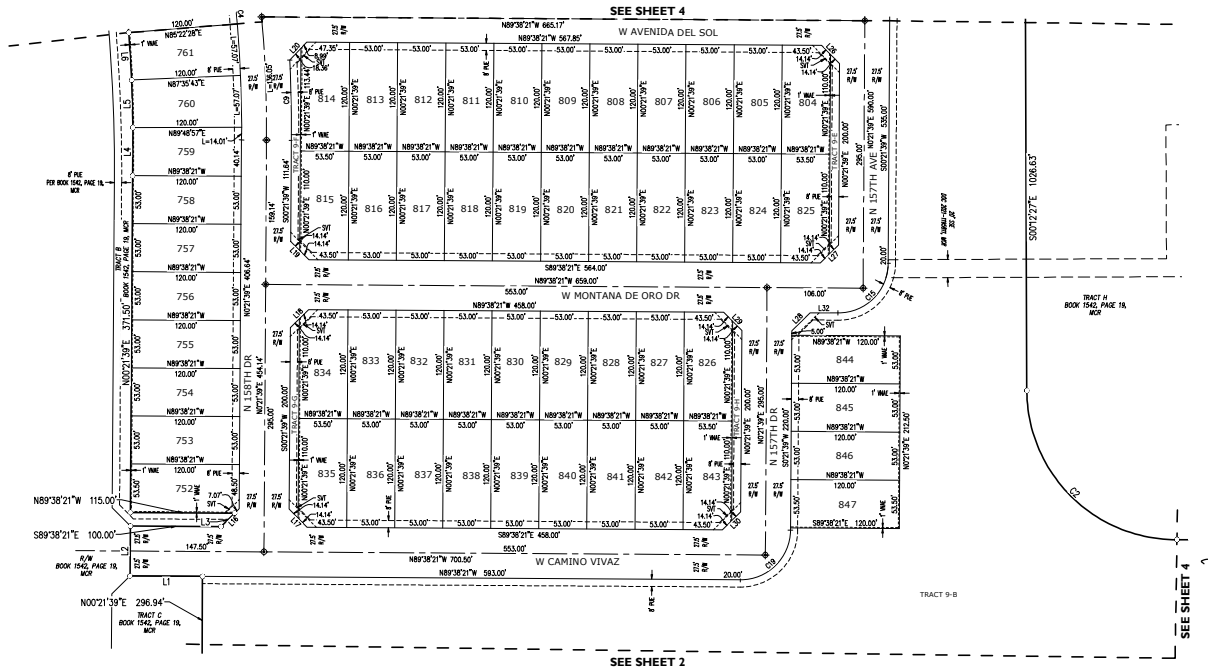
LEGEND

- SECTION LINE
- PARCEL LOT LINE
- EXISTING LOT LINE
- EXISTING LOT LINE
- EXISTING STREET CENTERLINE
- EXISTING EASEMENT LINE
- EXISTING R/W
- FOUND SECTION CORNER AS NOTED
- INTERIOR MONUMENT, SET BRASS CAP FOR WAS STANDARD DETAIL 120
- SET REBAR WITH CHS, RLS STAKES
- FOUND MONUMENT AS NOTED

ABBREVIATIONS

- R/W RIGHT OF WAY
- PUE PUBLIC UTILITY EASEMENT
- APN ASSessor's PARCEL NUMBER
- NOH NORTHERN COUNTY RECORDER
- DOC DOCUMENT
- REG REGULAR NON-ACCESS EASEMENT
- SVT 30' X 30' SIGHT VISIBILITY TRIANGLE
- SEE SANITARY SEWER EASEMENT

LINE TABLE			LINE TABLE		
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	N89°38'21"W	80.00'	L17	S44°38'21"E	28.28'
L2	N00°21'39"E	55.00'	L18	S45°21'39"W	28.28'
L3	N45°21'39"E	21.21'	L19	S45°38'21"E	28.28'
L4	N00°17'41"E	53.00'	L20	S45°38'21"E	27.36'
L5	N01°17'40"W	52.42'	L21	N47°55'47"W	28.85'
L6	N03°30'55"W	52.42'	L22	N47°49'30"E	27.52'
L7	N05°44'09"W	52.42'	L23	S45°44'49"E	28.28'
L8	N08°09'50"W	52.60'	L24	S45°38'21"E	28.28'
L9	N07°24'19"W	56.43'	L25	S45°21'39"W	28.28'
L10	N05°26'34"W	56.43'	L26	N44°38'21"W	28.28'
L11	N03°28'49"W	56.43'	L27	S45°21'39"E	28.28'
L12	N01°32'08"W	56.43'	L28	S45°21'39"W	28.28'
L13	N00°28'45"E	24.99'	L29	N44°38'21"W	28.28'
L14	S89°21'19"E	55.00'	L30	N45°21'39"E	28.28'
L15	N45°28'45"E	28.29'	L31	N37°45'59"E	14.82'
L16	S45°21'39"W	28.28'	L32	N89°38'21"W	31.00'



FULTON HOMES ESCALANTE - PARCEL 9
 FINAL PLAT

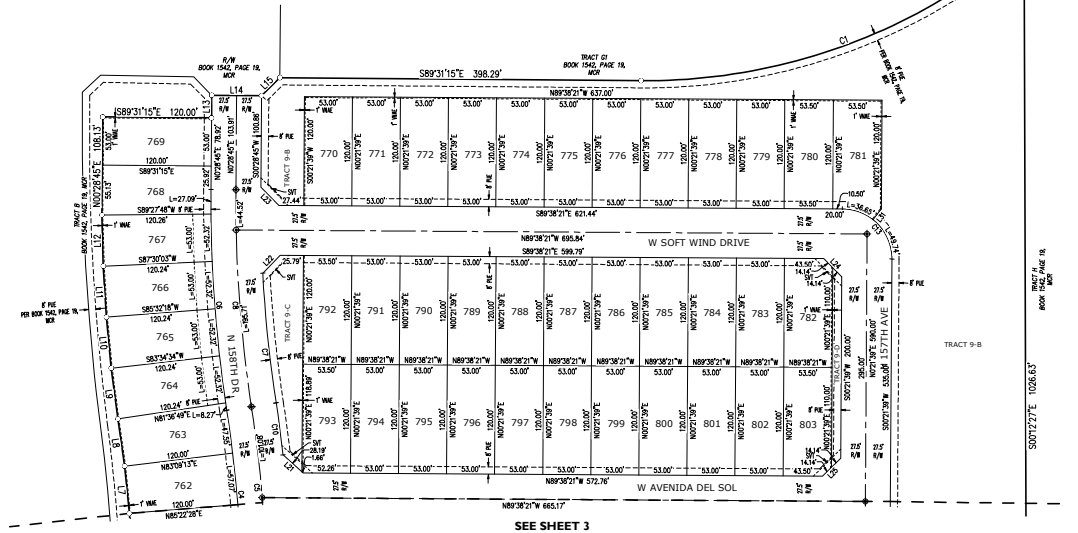
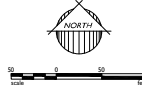
Project: _____
 Revision: _____
 Drawn by: CAJ
 Checked by: RAB
 Date: 11/18/2021
 Job No: 18-212
 Sheet No: 3 of 4
 FS21-396
 DATE OF DRAWING: 2021-12-14

LEGEND

- SECTION LINE
- PARCEL BOUNDARY
- PARCEL LOT LINE
- EXISTING LOT LINE
- EXISTING STREET CENTERLINE
- EXISTING EXISTENCE LINE
- EXISTING R/W
- FOUND SECTION CORNER AS NOTED
- INTERIOR MONUMENT, SET BRASS CAP PER
- MON STANDARD SETTING 120
- SET BEARS WITH CIVIL RLS 17495
- FOUND MONUMENT AS NOTED

ABBREVIATIONS

- R/W RIGHT OF WAY
- PUE PUBLIC UTILITY EASEMENT
- APN ASSOCIATED PARCEL NUMBER
- MCR MARICOPA COUNTY RECORDER
- DCL DOCUMENT
- VNAE VEHICULAR NON-ACCESS EASEMENT
- SVT 30' X 30' SIGHT VISIBILITY TRIANGLE
- SSE SANITARY SEWER EASEMENT



SEE SHEET 3

FULTON HOMES ESCALANTE - PARCEL 9

FINAL PLAT

Project

Revised/Plot

Drawn by

Reviewed by

CAJ

BAJ

DATE

18-212

Sheet No.

4

of 4

FS21-396

DATE OF DRAWING: 2021-12-14

From: JAMES, MARK C GS-12 USAF AETC 56 FW/CVE
Sent: Wednesday, May 19, 2021 2:43 PM
To: Nichole Flores
Cc: 56 FW/CIT Community Initiative
Subject: RE: FS21-396 Fulton Homes Escalante Parcel 9 - New Digital Submittal 05.17.21

******The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.******

Nichole,

Thank you for allowing Luke AFB to make comments on the Fulton Homes Escalante Parcel 9 application. This final plan application is to develop 102 single family lots over 35 acres. The site is located on the southwest corner of 158th Lane and Asante Blvd in Surprise, AZ. It is approximately 4.2 miles outside the Luke AFB 1988 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is inside the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

As described in the application, this request will not have a negative impact on Luke AFB Flight Operations. Since the site will be located inside the "territory in the vicinity of a military airport," it will be subjected to approximately 165 over flights per day, as low as 1,500 feet above the ground. We recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant is essential to inform the tenant about Luke AFB operations.

Respectfully,

Mark

Mark James

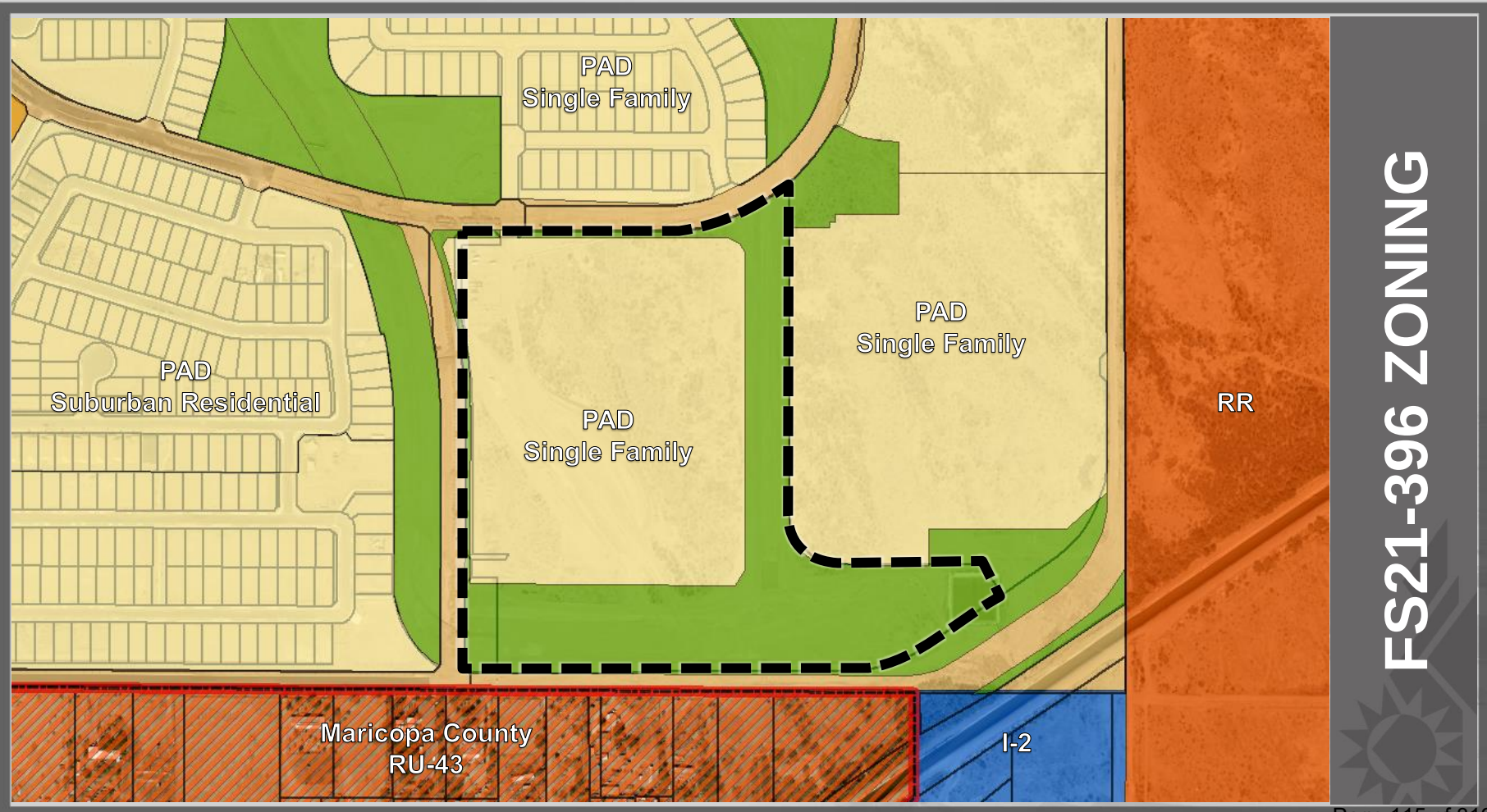
Planning Manager, Community Initiatives Team
Luke AFB AZ 85309
Office: 623-856-9981
DSN: 896-9981



Final Plat
FS21-396
Fulton Homes Escalante – Parcel 9
City Council
February 1, 2022

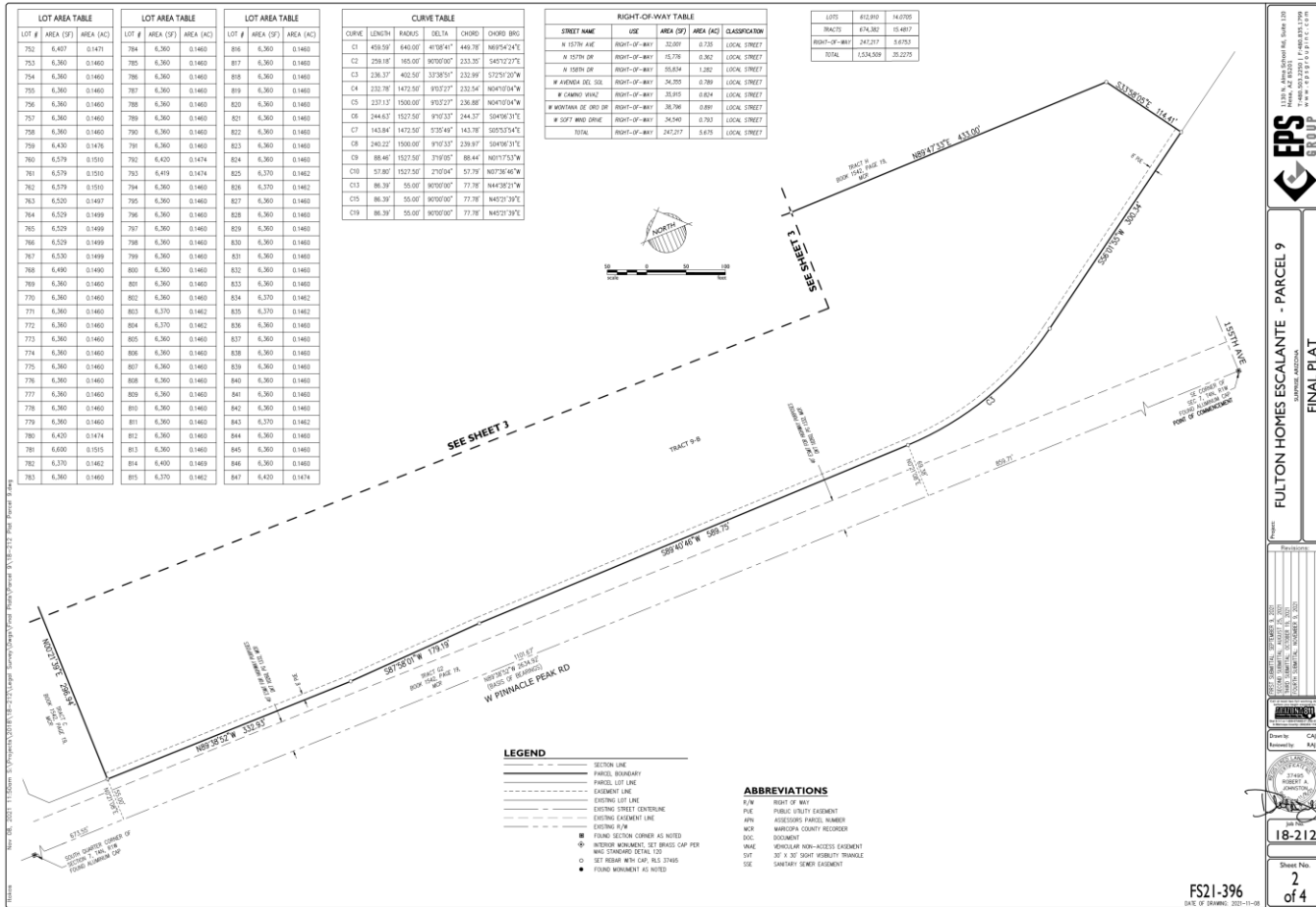


FS21-396 VICINITY MAP

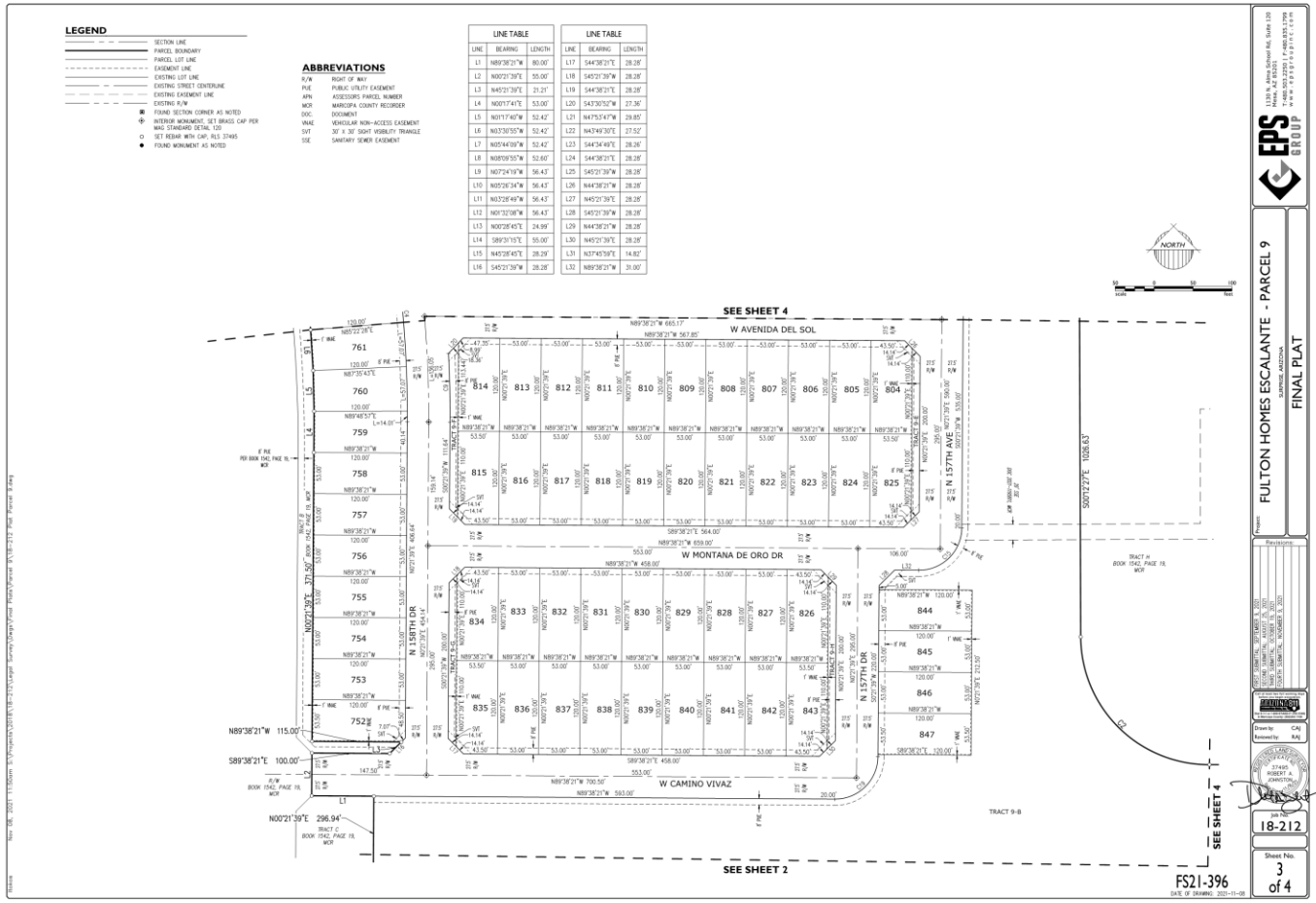


FS21-396 ZONING

LOTS	612,910	14.0705
TRACTS	674,382	15.4817
RIGHT-OF-WAY	247,217	5.6753
TOTAL	1,534,509	35.2275



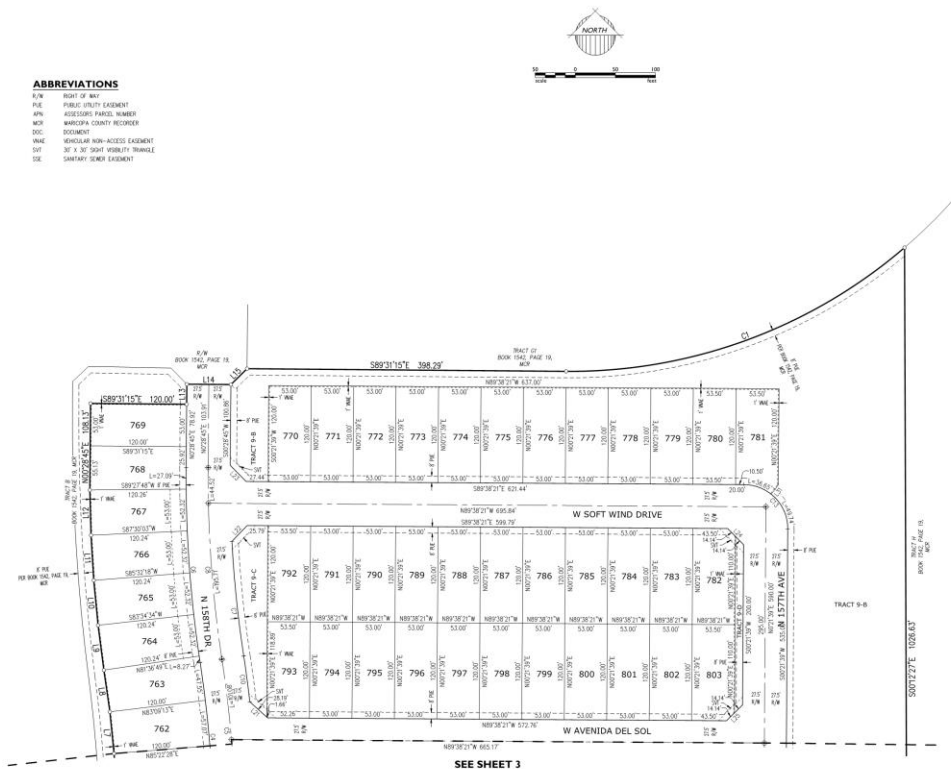
FS21-396 FINAL PLAT



References

SECTION LINE
PARCEL BOUNDARY
PARCEL LOT LINE
EASEMENT LINE
EXISTING LOT LINE
EXISTING STREET CENTERLINE
EXISTING EASEMENT LINE
EXISTING R/W
■ FOUND SECTION CORNER AS NOTED
⊕ INTERIOR MONUMENT, SET BRASS CAP PER
MAN STANDARD DETAIL 220
○ SET REBAR WITH CAP, ILS 37495
● FOUND MONUMENT AS NOTED

R/W	RIGHT OF WAY
PUE	PUBLIC UTILITY EASEMENT
APN	ASSESSORS PARCEL NUMBER
MCR	MARICOPA COUNTY RECORDER
DOC	DOCUMENT
VNAE	VEHICULAR NON-ACCESS EASEMENT
SHT	30' X 30' RIGHT VISIBILITY TRIANGLE
SE	SANITARY SEWER EASEMENT



FS21-396
DATE OF DRAWING: 2023-



FULTON HOMES ESCALANTE - PARCEL 9

FINAL PLAT



Drawn by: CA



37495
ROBERT A.
JOHNSON

18-212

10-212

Sheet No.
4

of 4

FS21-396 FINAL PLAT



SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: February 1, 2022
Submitting Department: Human Svcs and Comm
Vitality
Staff Recommendations:

Contact Person: Seth Dyson, DIRECTOR - HSCV
District: Internal

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

Agenda Wording:

Consideration and action authorizing the City to accept grant funding from Area Agency on Aging for Senior Center improvements and amending the Fiscal Year 2022 budget by moving budget authority of \$10,000 from Contingency within the Grants Fund to project G51515 FY22 AAA ARPA; Resolution #2022-10.

Motion:

I move to approve Resolution #2022-10.

Background:

The City of Surprise, through its Human Service & Community Vitality (HSCV) Department, applied for Area Agency ARPA funding in order to make some Senior Center improvements in response to the COVID pandemic. The grant award will allow the Senior Center to replace its drinking fountains with water bottle refill stations.

Objective Analysis:

This action will allow the HSCV Department to upgrade the current drinking fountains to water bottle refill stations at the Surprise Senior Center.

Policy Compliant:

This action is compliant with City and Council policies.

Financial Impact:

The grant award is a one-time \$9,904 for Senior Center improvements. An in-kind match is not required.

Budget Impact:

This action requires the movement of budget authority in the amount of \$10,000 from Contingency within the Grants Fund to Project G51515 to cover expected expenditures. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure

budget.

FTE Impact:

N/A

ATTACHMENTS:

1. 36- SUR ARPA
 2. RES 2022-10 BA for AAA ARPA_
-



AREA AGENCY
ON AGING
REGION ONE, INCORPORATED

MARY LYNN KASUNIC
PRESIDENT & CEO

January 5, 2022

Joe Gladieux
City of Surprise – Senior Services
15832 N Hollyhock Street
Surprise, Arizona 85378

RE: Maricopa County ARPA Funding

Dear Mr. Gladieux:

The Area Agency on Aging in partnership with Maricopa County has approved your organization for the following items:

Item	Estimated Cost
Refill stations and installations	\$ 9,904

If you have any questions, please contact me or your Contract Specialist.

Sincerely,

Mary Lynn Kasunic
President & CEO

copy: Lizzie Kazan, Director of Contract Administration
Michael Ashton, Contracts Specialist
2022-36-SUR

1366 EAST THOMAS ROAD
SUITE 108
PHOENIX, AZ 85014

PHONE
(602) 264-2255

TOLL-FREE
1-888-783-7500

24-HR Senior HELP LINE
(602) 264-4357
1-888-264-2258

FAX
(602) 230-9132

WEBSITE
www.aaaphx.org

E-MAIL
answers@aaaphx.org

COUNCIL ON
ACCREDITATION



Area Agency on Aging
ageWorks®
Benefits Assistance
Care Directions®
DOVES®
ElderVention®
Family Caregiver Support
Mosaic® Elder Refugee
Senior HELP LINE

RESOLUTION # 2022-10

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA AUTHORIZING THE CITY TO ACCEPT GRANT FUNDING FROM AREA AGENCY ON AGING FOR SENIOR CENTER IMPROVEMENTS; AND AMENDING THE FISCAL YEAR 2022 BUDGET BY MOVING BUDGET AUTHORITY OF \$10,000 FROM CONTINGENCY WITHIN THE GRANTS FUND TO PROJECT G51515 FY22 AAA ARPA.

WHEREAS, the City of Surprise, through its Human Service & Community Vitality Department, applied for a grant from Area Agency on Aging (“AAA”) for Senior Center Improvements;

WHEREAS, the City desires to receive the grant for \$9,904 to upgrade the existing drinking fountains at the Surprise Senior Center to water refill stations in response to the COVID-19 pandemic;

WHEREAS, all service expenditures are on a cost reimbursement basis up to \$9,904;

WHEREAS, the FY2022 budget was adopted by Council Resolution #2021-87 on June 1, 2021;

WHEREAS, this action will necessitate a budget amendment; and

WHEREAS, the City of Surprise Administrative Policies requires the approval of the Mayor and Council for budget amendments of this nature.

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

Section 1. That the City of Surprise is authorized to accept a grant in the amount of \$9,904 from Area Agency on Aging for Senior Center Improvements.

Section 2. That the statements and schedules attached as ***Exhibit A*** and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the Fiscal Year July 1, 2021 through June 30, 2022.

Section 3. The City Manager, or his designee, is hereby authorized to execute and submit all documents and other necessary or desirable instruments in connection with said agreement.

APPROVED AND ADOPTED this ____ day of _____, 2022.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

1. Appropriation - The allocation below represents the moving of budget authority in the amount of \$10,000 from Contingency within the Grants Fund to project G51515 Area Agency on Aging ARPA to accept funding from the the Area Agency on Aging for Senior Center Improvements. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Grants	Human Svcs and Comm Vitality	#G51515 FY22 AAA ARPA	E	-	10,000	10,000
Grants	Human Svcs and Comm Vitality	#G51515 FY22 AAA ARPA	R	-	10,000	10,000
Grants/Contingency	General Operations	Contingency	E	1,867,400	(10,000)	1,857,400
Grants/Contingency	General Operations	Other	R	1,948,000	(10,000)	1,938,000
Expense Total				1,867,400	-	1,867,400
Revenue Total				1,948,000	-	1,948,000



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: February 1, 2022

Contact Person: Brenden Espie, ASSISTANT FIRE CHIEF

Submitting Department: Fire - Medical

District: Internal

Staff Recommendations:

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to approval of an amendment to the Fiscal Year 2022 budget by moving budget authority of \$127,400 from contingency to the General Fund for the purpose of covering the expenses of adding six full-time equivalent positions for the hiring of three Fire Captains and three Firefighters in an effort to increase efficiencies and reduce staff overtime within the Fire-Medical Department; Resolution # 2022-14.

Motion:

I move to approve Resolution #2022-14.

Background:

The Fire-Medical Department is currently experiencing higher than normal overtime expenses due to the opening of Fire Station 308, the addition of fire truck E305 into service, and reduced staffing related to COVID. To maintain current service levels in the Fire-Medical Department and reduce overtime expenses, it is necessary to increase staff by three full-time Fire Captains and three full-time Firefighter positions. These six new positions will spend approximately fourteen weeks in the fire academy and be added to the staffing levels just before the end of FY2022.

Objective Analysis:

This item is to request the addition of three Fire Captains and three Firefighters to increase the Fire-Medical Department's staffing levels. This action will increase efficiencies and reduce staff overtime.

Policy Compliant:

This action is compliant with City and Council policy.

Financial Impact:

If approved, this action will allow for the one-time expenditure of \$127,400 to train and equip six full-time equivalent positions. The salary expenses incurred by the six full-time positions through the end of FY2022 is projected to be offset by salary savings generated within the Fire-Medical department's General Fund budget. The ongoing personnel expenses will be incorporated as part of the FY2023 budget.

Budget Impact:

This action will result in the movement of budget authority from Contingency to the General Fund in the amount of \$127,400. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

FTE Impact:

This action will add six FTEs resulting in a total of 160 FTE's within the Fire-Medical Department's General Fund.

ATTACHMENTS:

1. 22.01.18 Res 2022-14_3 Capts 3 Firefighter-Final
-

RESOLUTION # 2022-14

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2022 BUDGET BY MOVING BUDGET AUTHORITY OF \$127,400 FROM CONTINGENCY TO THE GENERAL FUND FOR THE PURPOSE OF COVERING THE EXPENSES OF HIRING SIX FULL-TIME EQUIVALENT POSITIONS, THREE FIRE CAPTAINS AND THREE FIREFIGHTERS IN AN EFFORT TO INCREASE EFFICIENCIES AND REDUCE STAFF OVERTIME WITHIN THE FIRE-MEDICAL DEPARTMENT.

WHEREAS, the FY2022 budget was adopted including the full-time equivalent position count;

WHEREAS, the FY2022 budget was adopted by Council Resolution #2021-87 on June 1, 2021;

WHEREAS, to maintain current service levels in the Fire-Medical Department, it is necessary to increase staff by three full-time Fire Captains and three full-time Firefighter positions;

WHEREAS, the department is projected to generate sufficient salary savings to support the salaries of the addition of six new full-time equivalents (FTEs) through the end of FY2022;

WHEREAS, the overtime, supplies, services, and related expenses for hiring three Fire Captains and three Firefighters will be added to the FY2022 budget;

WHEREAS, any change in the budgeted full-time equivalent count requires Council approval;

WHEREAS, this action will necessitate a budget amendment;

WHEREAS, the cost of the new FTEs will be incorporated as part of the FY2023 budget; and

WHEREAS, the City of Surprise Administrative Policies requires the approval of the Mayor and Council for budget amendments of this nature.

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

Section 1. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget and full-time equivalent

position count of the City of Surprise, Arizona for the fiscal year July 1, 2021 through June 30, 2022.

APPROVED AND ADOPTED this ____ day of _____, 2022.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2022-14
Exhibit A

1. Appropriation- The exhibit below represents a movement of budget authority in the amount of \$127,400 from Contingency to the Fire-Medical Department General Fund to establish a budget for overtime, supplies, and services expenses for hiring three full-time Fire Captains and full-time Firefighters. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Contingency	General Operations	Contingency	E	23,809,900	(127,400)	23,682,500
General Fund	Information Technology	Services	E	3,061,600	2,400	3,064,000
General Fund	Fire - Medical	Services	E	2,080,700	42,000	2,122,700
General Fund	Fire - Medical	Personnel Services	E	3,200,200	32,000	23,232,200
General Fund	Fire - Medical	Supplies	E	877,200	51,000	928,200
Expense Total				53,029,600	-	53,029,600

2. Full-Time Equivalent (FTE) Position Count - The addition of three full-time fire captains and full-time Firefighters to the Fire-Medical Department General Fund.

Fund	Department	Current FTEs	Increase/ (Decrease)	Amended FTEs
General Fund	Fire-Medical	154.0	6.0	160.0



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: February 1, 2022
Submitting Department: Public Works
Staff Recommendations: None

Contact Person: Kristin Tytler, Department Director
District: District 1

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

Consideration and action declaring the City's intention to create the lighting improvement district known as, "City of Surprise, Arizona, SU-BellandCitrus200" Lighting Improvement District pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting; Resolution # 2022-07.

Motion:

I move to approve Resolution # 2022-07.

Background:

The City has verified that the Petition for the proposed street light improvement district contains the signatures of all of the real property owners in the district, exclusive of mortgages and other lien holders.

The City and Arizona Public Service Company ("APS") have approved the street layout and facilities design. The electric rates are established by APS tariff.

The lighting improvements are more than local or ordinary public benefit and the expenses of the district will be paid for by the levy and collection of ad valorem taxes based upon the assessed value of all property in the District.

Objective Analysis:

A SLID is a neighborhood partnership and very common practice in which property owners in a defined area agree to pay the costs to operate and maintain their immediate area's street lights through a property tax. All new developments in the City of Surprise require a SLID. This action will form the SLID boundary for the Surprise Farm development.

Policy Compliant:

Surprise Municipal Code requires that street lighting that serves a defined area be paid for through revenues obtained from the specific area being served by such street lighting. In these instances, a Street Light Improvement District (SLID) is formed. The city strives to assure that residents are subject to only one SLID and that the boundaries of each SLID accurately reflect the service area. This item is

consistent with these objectives.

Financial Impact:

Any financial impact on the City is anticipated to be minimal, as the Developer and District will be bearing the costs and expenses of the District and street light improvement facilities.

Budget Impact:

Funding was not included as part of the FY2022 adopted budget. A separate fund will be created to track revenue and expenses once the city starts receiving electric bills from APS for this particular SLID. If the SLID incurs expenses during FY2022, staff will return to request a budget amendment to appropriate the new fund. Regardless, the city will be unable to collect property taxes for this SLID until FY2023, at the earliest.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

1. RESOLUTION_Final
 2. 02 Petition BellandCitrus200
 3. 03_Exhibit
-

RESOLUTION # 2022-07

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, DECLARING ITS INTENTION TO ESTABLISH A STREET LIGHT IMPROVEMENT DISTRICT TO PURCHASE ENERGY FOR LIGHTING THE PUBLIC STREETS AND PARKS IN THE AREA WITHIN THE CORPORATE LIMITS OF THE CITY OF SURPRISE, ARIZONA DESCRIBED ON EXHIBIT A, ATTACHED HERETO; DECLARING SUCH IMPROVEMENTS TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT AND THAT THE EXPENSES THEREOF BE PAID FOR BY THE LEVY AND COLLECTION OF AD VALOREM TAXES UPON THE ASSESSED VALUATION OF ALL REAL AND PERSONAL PROPERTY IN A CERTAIN DISTRICT TO BE KNOWN AS "CITY OF SURPRISE, ARIZONA, SU-BELLANDCITRUS200 LIGHTING IMPROVEMENT DISTRICT"; AND ORDERING THAT SUCH IMPROVEMENTS BE PROVIDED FOR UNDER THE PROVISIONS OF SECTION 48-572, ARIZONA REVISED STATUTES.

WHEREAS, the owners, exclusive of mortgagees and other lienholders, of all of the real property (hereinafter referred to as "Petitioner") in the hereinafter described District, acting pursuant to the provisions of Sections 48-615(A) and 48-617(A), Arizona Revised Statutes, have petitioned the Mayor and Council of the City of Surprise, Arizona (hereinafter referred to as "City"), to adopt a resolution of intention (hereinafter referred to as "Resolution") ordering the purchase of energy for the lighting of the public street and parks (hereinafter referred to as "Improvements") for the real property legally described in Exhibit A (such area hereinafter referred to as the "District") with such boundaries as shown in the map in Exhibit B attached hereto pursuant to the provisions of Section 48-576, Arizona Revised Statutes, giving the City immediate jurisdiction to order the improvements pursuant to the provisions of Section 48-581, Arizona Revised Statutes, without the necessity of the publications or posting of this Resolution provided for in Sections 48-578, Arizona Revised Statutes;

WHEREAS, the City has verified that Petitioner is the owner, exclusive of mortgagees and other lienholders, of all of the real property included within the boundaries of the District, and;

WHEREAS, the Mayor and Council of the City hereby find and determine that they have jurisdiction to adopt this Resolution to order the Improvements pursuant to the provisions of Section 48-576, Arizona Revised Statutes, and have immediate jurisdiction to adopt this Resolution ordering the Improvements pursuant to the provisions of Section 48-581, Arizona Revised Statutes without the necessity of publications and posting of this Resolution as provided for in Section 48-578, Arizona Revised Statutes;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Surprise, Arizona, as follows.

Section 1. The City, after verifying ownership of the real property included within the boundaries of the District, hereby finds the Petitioner is the owner, exclusive of mortgagees and other lienholders, of all of the real property included within the boundaries of the District.

Section 2. The name of the District shall be "CITY OF SURPRISE, ARIZONA, SU-BELLANDCITRUS200 LIGHTING IMPROVEMENT DISTRICT."

Section 3. The District is formed, and shall exist, pursuant to the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, and Section 48-616, Arizona Revised Statutes.

Section 4. The public interest or convenience requires, and it is the intention of the Mayor and Council of the City to order the Improvement as so described above.

Section 5. The Improvements, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit and are of special benefit to the respective lots, pieces and parcels of real property in the District, and the Mayor and Council of the City hereby make and order the expense of the Improvements payable from the levying and collection of ad valorem taxes upon the assessed value of all real and personal property in the District to be known and designated as "City of Surprise, Arizona *Su-Bell and Citrus 200* Lighting Improvement District" and hereby declare that the District is as legally described on Exhibit A attached hereto with the boundaries as shown in the map in Exhibit B attached hereto. Any public street or alley within the District shall be omitted from the assessment. Any lot belonging to the United States, the State, a county, city, school district or political subdivision or institution of the state or county within the District shall be omitted from the assessment.

Section 6. The Superintendent of Streets or equivalent of the City shall not be required to post or cause to be posted notices of the Resolution of Intention. The Clerk of the City shall certify to the passage of this Resolution of Intention but shall not be required to cause the same to be published in a newspaper published and of general circulation in the City.

Section 7. The Mayor and Council of the City shall make annual statements and estimates of the expenses of the district, which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all the real and personal property in the District; shall publish notice thereof; shall have hearings thereon; and shall adopt them at the times and in the manner provided for incorporated cities and towns by the applicable portions of Section 42-17101, et seq., 42-17152, Arizona Revised Statutes. The Mayor and Council of the City shall, on or before the third Monday in August of each year, fix, levy and assess the amount to be raised by ad valorem taxes upon all of the property of the District and collect, as Maricopa County, Arizona (the "County") taxes are collected, the amounts shown by the statements and estimates as adopted by the Mayor and Council of the City. All statutes providing for the levy and collection of State of Arizona and County taxes, shall be applicable to District taxes as provided to be levied under Section 48-616, Arizona Revised Statutes.

Section 8. The District shall not be authorized to issue bonds and no assessment for District purposes against the property within the District shall exceed One Dollar and Twenty Cents (\$1.20) per each hundred dollars of taxable valuation thereof in any year.

Section 9. The District shall not engage in any activity other than as provided in Section 48-616, Arizona Revised Statutes, i.e., contracting for and purchasing of energy for street and public park lighting.

Section 10. The formation of the District shall not be considered as preventing the subsequent establishment of improvement districts for any other purpose authorized by law, including improvement districts for the purpose of construction street lighting facilities within any part or all of the same territory as the District.

Section 11. The type of lighting facilities to be installed in the District and the locations thereof shall consist of those lighting facilities and locations described in the petition submitted by Petitioner, or as may be approved by the City.

Section 12. The rate to be paid for purchasing the energy for the District shall be the rate described in the petition submitted by Petitioner, or as may be approved by the Arizona Public Service Company.

Section 13. Any resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

APPROVED AND ADOPTED this __day of _____, 2022.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT "A"

DESCRIPTION

SLID: SU-BELL AND CITRUS 200

A portion of Section 2 and a portion of Section 3, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, City of Surprise, Maricopa County, Arizona described as follows:

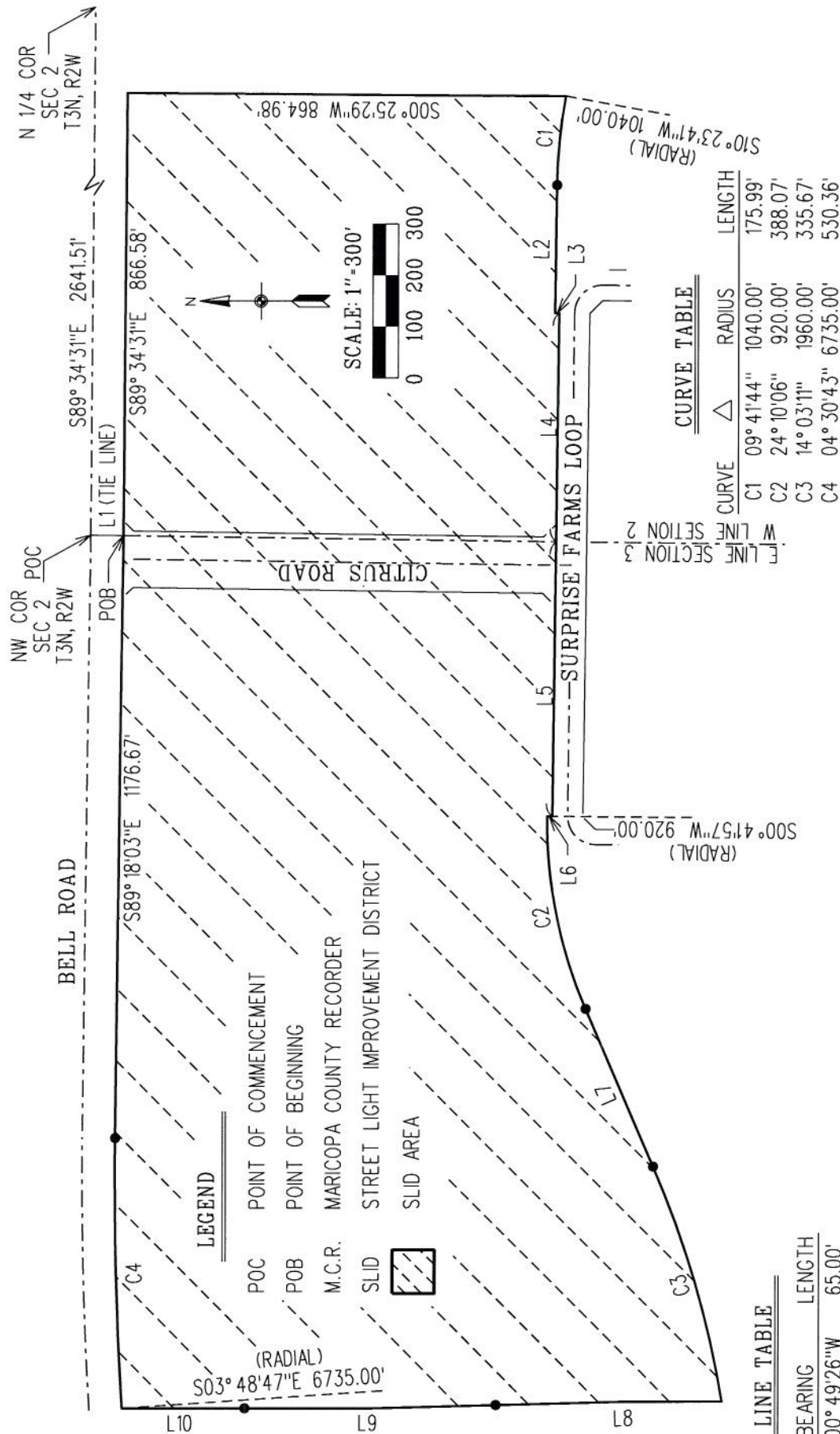
COMMENCING at the Northwest Corner of said Section 2 from which the North Quarter Corner of said Section 2 lies South 89°34'31" East 2641.51 feet;
Thence along the west line of said Section 2 South 00°49'26" West 65.00 feet to the POINT OF BEGINNING;
Thence South 89°34'31" East 866.58 feet;
Thence South 00°25'29" West 864.98 feet to a point on a non-tangent curve, concave southerly, the center of which lies South 10°23'41" West 1040.00 feet;
Thence westerly along the arc of said curve through a central angle of 09° 41'44" a distance of 175.99 feet;
Thence North 89°18'03" West 249.18 feet;
Thence South 00°20'28" West 8.00 feet;
Thence North 89°18'03" West 448.30 feet to the west line of said Section 2;
Thence continuing North 89°18'03" West 536.04 feet;
Thence North 00°41'13" East 10.00 feet to the beginning of a non-tangent curve, concave southeasterly, the center of which lies South 00°41'57" West 920.00 feet;
Thence southwesterly, along the arc of said curve, through a central angle of 24°10'06" a distance of 388.07 feet;
Thence South 66°31'51" West 335.67 feet to the beginning of a tangent curve, concave northwesterly, having a radius of 1960.00 feet;
Thence southwesterly, along the arc of said curve through a central angle of 14°03'11" a distance of 335.67 feet;
Thence North 00°00'01" West 192.88 feet;
Thence North 01°28'34" West 504.72 feet;
Thence North 00°00'01" West 485.31 feet to a point on a non-tangent curve, concave southerly, the center of which lies South 03°48'47" East 6735.00 feet;
Thence easterly along the arc of said curve, through a central angle of 04°30'43" a distance of 530.36 feet;
Thence South 89°18'03" East 1176.67 feet to the POINT OF BEGINNING.

Attached is Exhibit "B" and by this reference is made a part hereof.

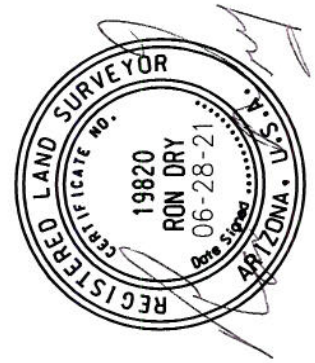
End of description



EXHIBIT "B"



LINE	BEARING	LENGTH
L1	S00° 49' 26" W	65.00'
L2	N89° 18' 03" W	249.18'
L3	S00° 20' 28" W	8.00'
L4	N89° 18' 03" W	448.30'
L5	N89° 18' 03" W	536.04'
L6	N00° 41' 13" E	10.00'
L7	S66° 31' 51" W	335.67'
L8	N00° 00' 01" W	192.88'
L9	N01° 28' 34" W	504.72'
L10	N00° 00' 01" W	485.31'



CITY OF SURPRISE
 LAND SURVEY DEPARTMENT
 16000 N. CIVIC CENTER PLAZA
 SURPRISE AZ. 85374

SLID:
 SU-BELL AND CITRUS 200

PROJECT # 21014 DRAWN BY RCD

DATE 06-28-21 SHEET 1 OF 1

[Clear Form](#)[Print Form](#)**STREET LIGHT IMPROVEMENT DISTRICT PETITION**

TO THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE:

We, the undersigned, are all or a majority of the real property owners, exclusive of mortgagees and other lienholders, within the district named below. We petition the City Council of the City of Surprise, Arizona, to establish a street light improvement district under Arizona Revised Statutes (A.R.S.) §48-571 to 48-622, and any amendments, and specifically A.R.S. §48-615 to 48-617, to purchase electricity for lighting the public streets and/or parks within the district whose boundaries and area is described in Exhibits A and B attached hereto. This petition includes a charge for maintaining the lighting facilities.

It is hereby requested that, in compliance with the Arizona Revised Statutes, the City Council adopt a Resolution of Intention to order the proposed improvements, and that unless protests are received pursuant to A.R.S. §48-579 sufficient to bar further proceedings, the City Council proceed with the improvements petitioned for herein.

Expenses of the District (PICK ONE)

- ☒ shall be paid by the levy and collection of ad valorem taxes upon assessed value of all property in the District
- ☐ shall be paid by the levy and collection of equal apportionment of taxes based on the number and classification of properties within the District.

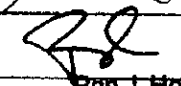
Public convenience, necessity and welfare will be promoted by the establishment of the District and the real property within the District will be benefited by the District. Additional street lighting facilities may be installed and included in the District, at no investment cost to the District, as directed by the City and as approved by Arizona Public Service and the City Engineer.

WHEREFORE, we respectfully ask that this Petition be properly filed and that the Mayor and Council of the City adopt the Resolution and take such other action as is proper, necessary and appropriate to form the District and to fulfill the purposes for which the District is organized, as the Mayor and Council believe is proper and necessary.

The name of the proposed street light improvements district shall be:

SU-BELLANDCITRUS200*(Leave Blank - to be assigned by City staff)*

PETITIONERS: Please print and sign your name

PRINT BUSINESS/ PETITIONER'S NAME	ADDRESS OF PROPERTY OWNED WITHIN DISTRICT	ASSESSOR PARCEL #	SIGNATURE
Surprise Village Co. LLC	SEC of Citrus Road and Bell	502-84-394E 502-84-942E	
Surprise Farms BTR O	SWC of Citrus and Bell Road	502-01-006G 502-01-006H	
			Ron J. Hoyl Vice President

BELL AND CITRUS SLID

Street Lights:

- Street Light Pole
(4 existing poles)
- SLID Boundary





CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: February 1, 2022 Contact Person: Trever Fleetham
Submitting Department: Community Development District: Citywide
Staff Recommendations: None

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

Agenda Wording:

Consideration and action pertaining to approval of a Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinance (LDO) to improve clarity and remove conflicts (Case FS21-413); Ordinance No. 2021-17.

Motion:

I move to approve Ordinance No. 2021-17 Alternative 1.

I move to approve Ordinance No. 2021-17 Alternative 2.

I move to approve Ordinance No. 2021-17 Alternative 3.

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 have 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 (LDO). 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 020122 CC
 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. 02c - FS21-413 ZTA for LDO Clarification - Legislative Edit w 106-10.40 Alternative 3
 6. 03 - FS21-413 ZTA for LDO Clarification - Citizen Participation Report
 7. 04a - FS21-413 ZTA for LDO Clarification - Ordinance w 106-10.40 Alternative 1
 8. 04b - FS21-413 ZTA for LDO Clarification - Ordinance w 106-10.40 Alternative 2
 9. 04c - FS21-413 ZTA for LDO Clarification - Ordinance w 106-10.40 Alternative 3
 10. FS21-413 LDO ZTA Presentation 020122 CC
-

ZONING TEXT AMENDMENT

REPORT TO THE CITY COUNCIL

Case: FS21-413

Project Name: Zoning Text Amendment for LDO Clarification

Council District: Citywide

Meeting Date: February 1, 2022

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: The Planning & Zoning Commission recommended approval of the proposed Zoning Text Amendment to the Surprise Land Development Ordinance, with alternative language for Section 106-10.40.

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.

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 which are in need of clarification. This text amendment (FS21-413) aims to address those areas to improve clarity and remove conflicts within the LDO.

ANALYSIS AND DISCUSSION:

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. The following are descriptions of each proposed change, accompanied by information on the specific section where it can be found within the LDO.

Chapter 102 – Review Process and Applications

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

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

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

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

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

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

Chapter 105 – Building and Building Regulations

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

Chapter 106 – Zoning and Use Standards

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

This section provides details on typical development standards. The revision replaces the text for ‘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 November 4, 2021 Planning & Zoning Commission hearing has resulted in the following alternatives:

1. Original Staff Recommendation:

- a. 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. Planning & Zoning Commission Recommendation:

- a. 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.~~ **AN ENTITLED OR EXISTING RESIDENTIAL USE AND HAVE A 50 FOOT BUFFER FROM RESIDENTIAL USES.**

- b. **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. Alternative site size maximum:

- a. 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 ~~a residential zoning district or a residential use.~~ AN ENTITLED OR EXISTING RESIDENTIAL USE AND HAVE A 50 FOOT BUFFER FROM RESIDENTIAL USES.
- b. 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”.

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

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

Chapter 107 – Design and Development Regulations

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

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

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

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

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

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

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

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

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

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

Chapter 108 – Land Division and Subdivision Regulations

181 *Article 1 – General Process and Overview (108-1.8: Maintenance of Medians and Median*
182 *Landscaping)*

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

187
188 Chapter 109 – Signs

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

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

193
194 Chapter 110 – Development Impact Fees

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

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

198
199 **CONFORMANCE WITH ADOPTED PLANS:**

200
201 **Surprise General Plan 2035:** The subject request is consistent with, and will help implement, the
202 Surprise General Plan 2035.

203
204 **REVIEWING AGENCIES:**

205
206 The standard city reviewing agencies were included in the routing of this request. None of the
207 reviewing agencies indicated any concerns over the request.

208
209 **SUMMARY:**

210
211 This Text Amendment to the Land Development Ordinances (LDO) will remove conflicts, provide
212 clarification, and reintroduce language that was mistakenly omitted when replacing the Surprise
213 Unified Development Code (SUDC). Additionally, this ZTA includes an amendment to the LDO section
214 regarding Conditional Use Permits, as well as an accompanying City Code amendment to have
215 appeals from Conditional Use Permit decisions be heard by the City Council.

216
217 **FINDINGS:**

- 218
219
 - 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.221

222
223 **COMMISSION RECOMMENDATION:**

The Planning & Zoning Commission recommended approval of the proposed Zoning Text Amendment to the Surprise Land Development Ordinance, with alternative language for Section 106-10.40.

Attachments:

- 00 Staff Report
- 01 Narrative
- 02a ZTA Legislative Edit – Alternative 1
- 02b ZTA Legislative Edit – Alternative 2
- 02c ZTA Legislative Edit – Alternative 3
- 03 Citizen Participation Report
- 04a Ordinance – Alternative 1
- 04b Ordinance – Alternative 2
- 04c Ordinance – Alternative 3
- PPT

Land Development Ordinance Zoning Text Amendment

Narrative – 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.

LDO SECTIONS

Chapter 102 – Review Process and Applications

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

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

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

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

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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.

Zoning Text Amendment to the Land Development Ordinances (FS21-413) – Alternative 1

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	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				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	Height

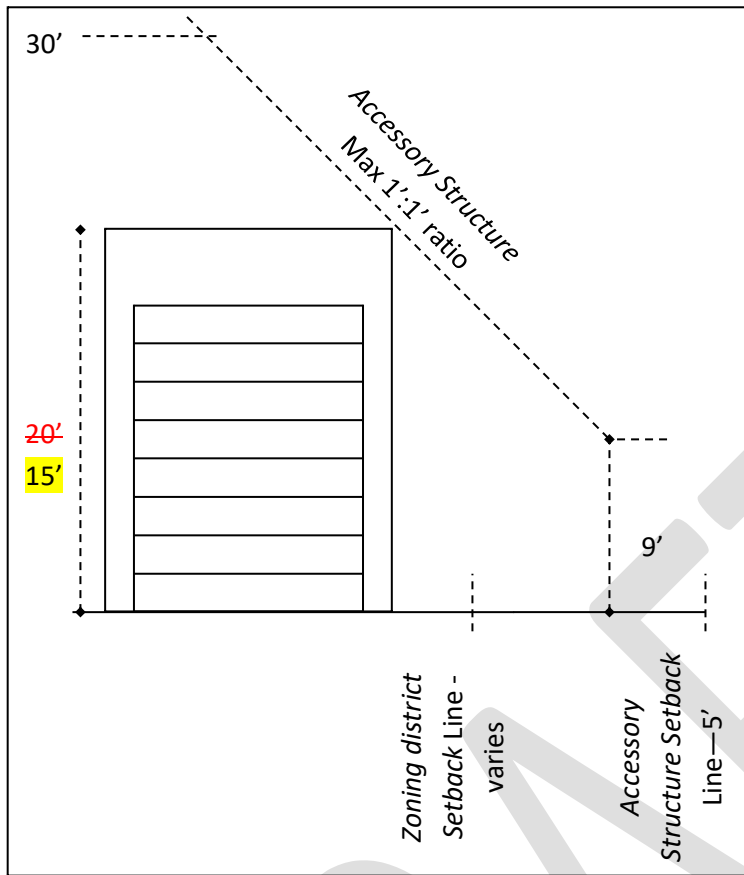
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				(Side and Rear yard)	
Shade Structures	400 sf	5'	Same as Zoning min setbacks	5'	9' ³
Other accessory structures	Total lot coverage prescribed by the subject zoning district ^{1, 4}	5'	Not allowed ⁷	5' ⁵	9' ^{3, 6}

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 ~~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.
- 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 ($\frac{1}{2}$) 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 ($\frac{1}{2}$) 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.

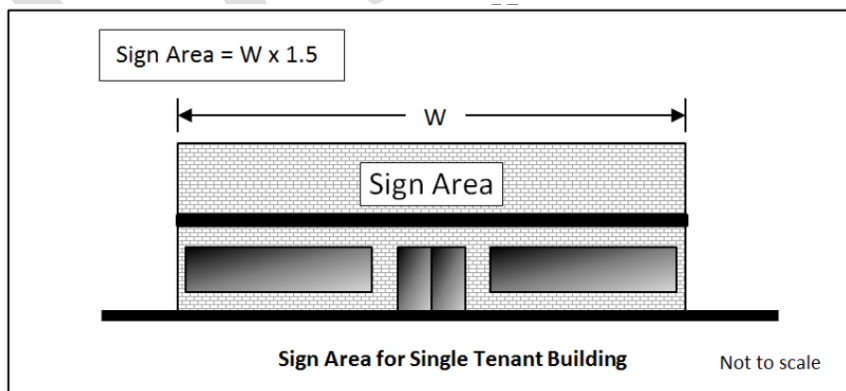
2. WHEN AN OWNER NOTIFIED TO REPAIR ANY MEDIAN AND/OR MEDIAN LANDSCAPING, AS PROVIDED IN THE PRECEDING SECTION, FAILS TO REPAIR SUCH MEDIAN AND/OR MEDIAN LANDSCAPING AS REQUIRED BY THE NOTICE AND ORDINANCES OF THE CITY, THE CITY MAY PROCEED TO REPAIR SUCH MEDIAN AND/OR MEDIAN LANDSCAPING THREE (3) DAYS 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.

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- (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.

Zoning Text Amendment to the Land Development Ordinances (FS21-413) – Alternative 2

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																			
Zoning Districts Uses	Residential				Surprise Heritage District		Traditional Neighborhood Development				Mixed Use				Employment				Open Space/Public Uses
	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
Places of Assembly					CUP	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

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	Height

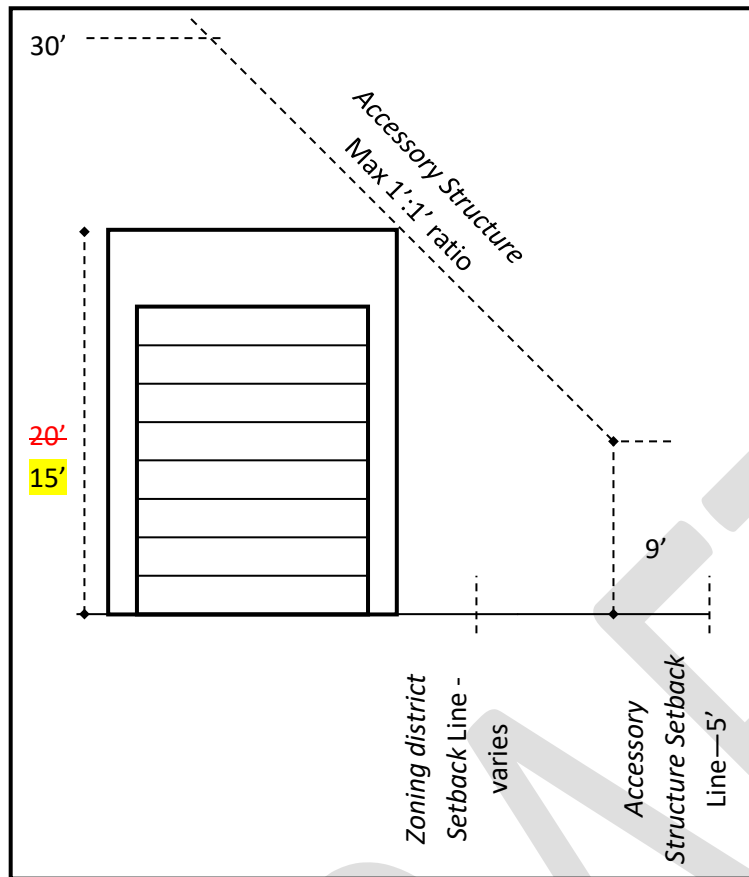
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				(Side and Rear yard)	
Shade Structures	400 sf	5'	Same as Zoning min setbacks	5'	9' ³
Other accessory structures	Total lot coverage prescribed by the subject zoning district ^{1, 4}	5'	Not allowed ⁷	5' ⁵	9' ^{3, 6}

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 ~~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.
- 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.~~ AN ENTITLED OR

EXISTING RESIDENTIAL USE AND HAVE A 50 FOOT BUFFER FROM RESIDENTIAL USES.

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.

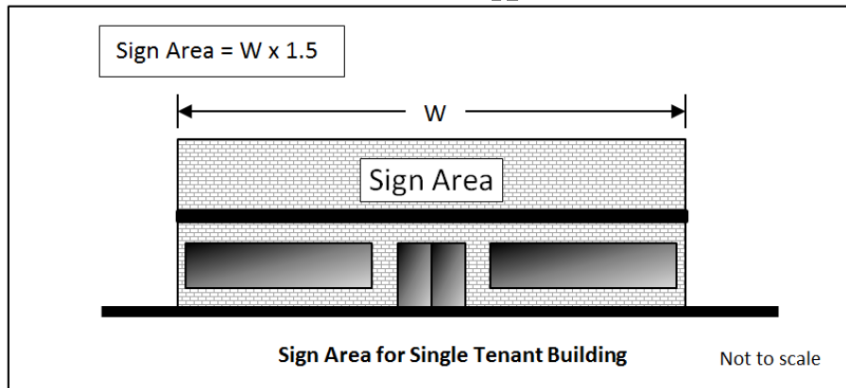
1. WHEN A MEDIAN AND/OR MEDIAN LANDSCAPING IS FOUND TO BE DEFECTIVE, OVERGROWN, UNSAFE OR HAZARDOUS, THE CITY SHALL NOTIFY THE OWNER OF THE ABUTTING PROPERTY TO RECONSTRUCT OR REPAIR THE MEDIAN AND/OR MEDIAN LANDSCAPING WITHIN A TIME FRAME NOT TO EXCEED FORTY-FIVE (45) DAYS FROM WRITTEN NOTICE.
2. WHEN 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.

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- (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.

Zoning Text Amendment to the Land Development Ordinances (FS21-413) – Alternative 3

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

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																			
Zoning Districts Uses	Residential				Surprise Heritage District		Traditional Neighborhood Development				Mixed Use				Employment				Open Space/Public Uses
	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
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

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	Height

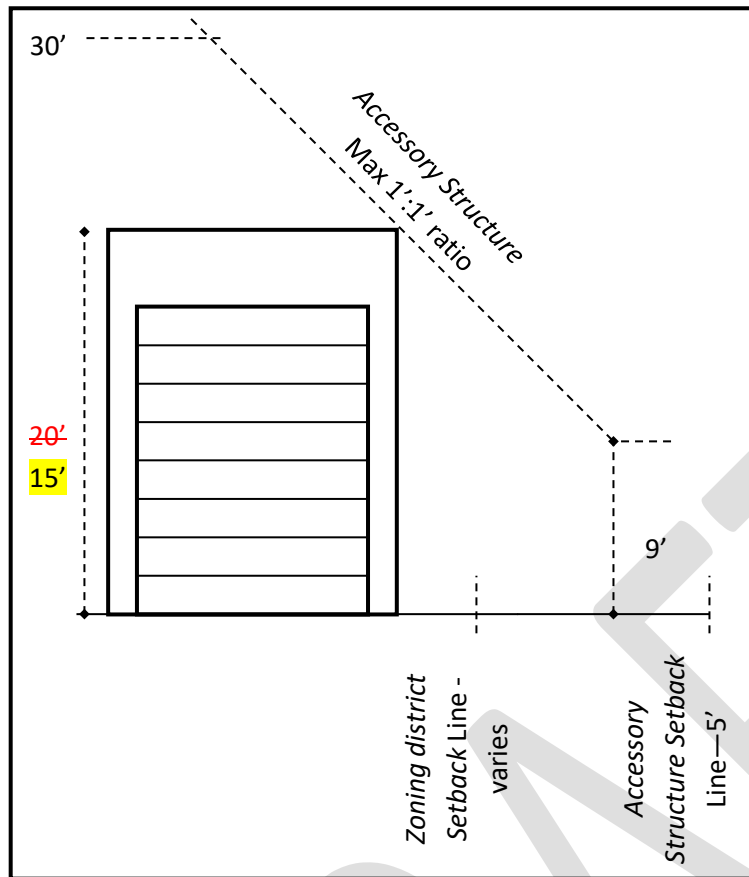
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				(Side and Rear yard)	
Shade Structures	400 sf	5'	Same as Zoning min setbacks	5'	9' ³
Other accessory structures	Total lot coverage prescribed by the subject zoning district ^{1, 4}	5'	Not allowed ⁷	5' ⁵	9' ^{3, 6}

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 ~~a residential zoning district or a residential use.~~ AN ENTITLED OR

EXISTING RESIDENTIAL USE AND HAVE A 50 FOOT BUFFER FROM RESIDENTIAL USES.

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.

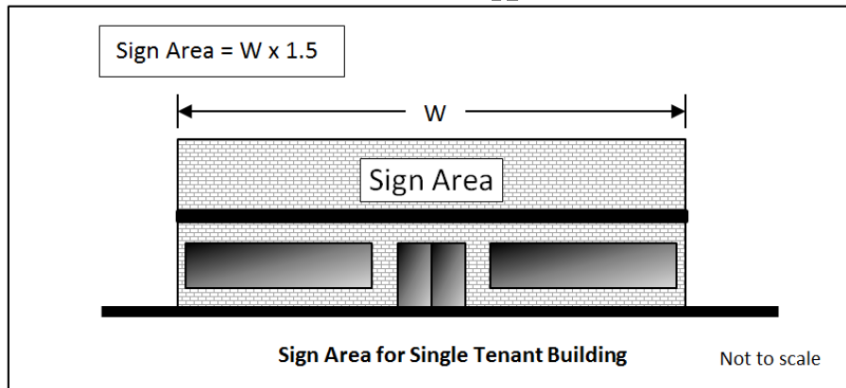
1. WHEN A MEDIAN AND/OR MEDIAN LANDSCAPING IS FOUND TO BE DEFECTIVE, OVERGROWN, UNSAFE OR HAZARDOUS, THE CITY SHALL NOTIFY THE OWNER OF THE ABUTTING PROPERTY TO RECONSTRUCT OR REPAIR THE MEDIAN AND/OR MEDIAN LANDSCAPING WITHIN A TIME FRAME NOT TO EXCEED FORTY-FIVE (45) DAYS FROM WRITTEN NOTICE.
2. WHEN 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.

The City of Surprise Code Update

- (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.

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:

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: KKmrlyeW298

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

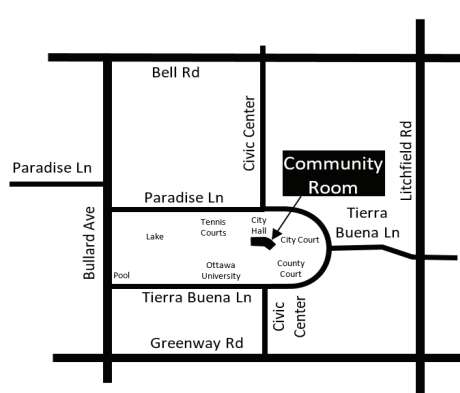
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Applicant: City of Surprise
City of Surprise Planner: Trever Fleetham, AICP; 623-222-3156; trever.fleetham@surpriseaz.gov

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: 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

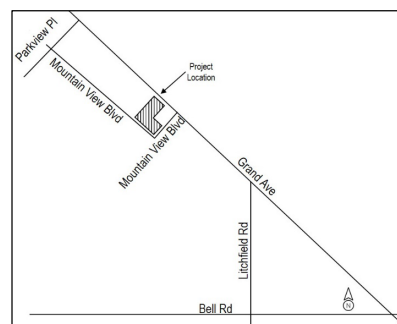
Please be advised, William Hammock with Viaone Design Build, on behalf of E & V Investments LLC, will host a Neighborhood Meeting to discuss the project referenced below. This meeting will be conducted in person and virtually. Any member of the public may participate in the conversation as it pertains 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

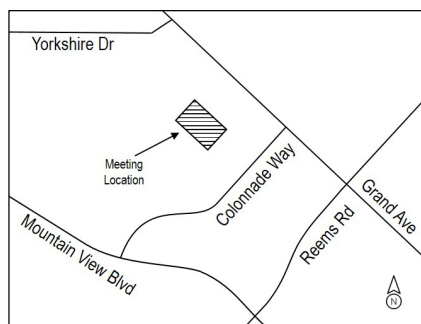
NEIGHBORHOOD MEETING DETAILS

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.

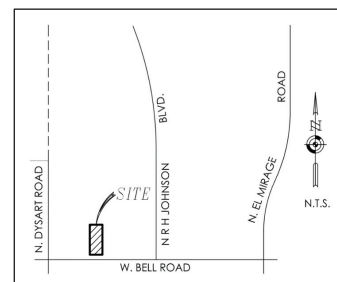
PROJECT DESCRIPTION:

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.

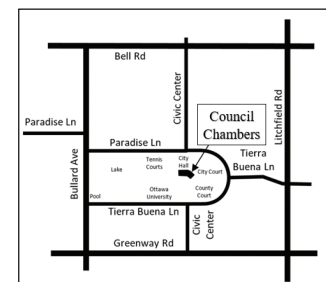
Community Development Department may be contacted prior to the scheduled meeting for additional information. City of Surprise Planner: Robert H. Kuhfuss, AICP 623-222-3137, robert.kuhfuss@surpriseaz.gov.

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

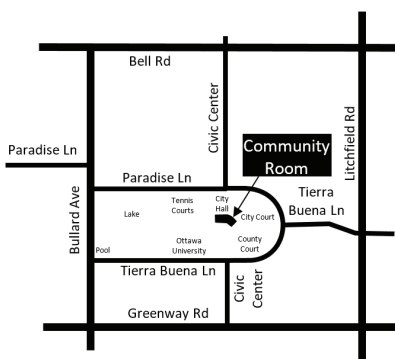
ZONING TEXT AMENDMENT NEIGHBORHOOD MEETING

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: KKmyJleW298
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.

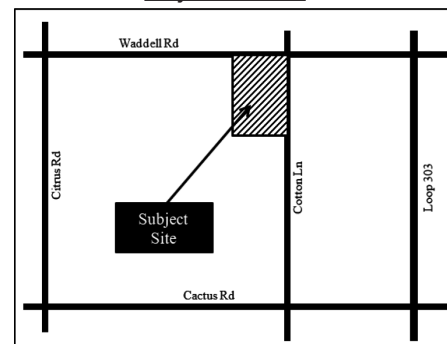
PROJECT DESCRIPTION:

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.

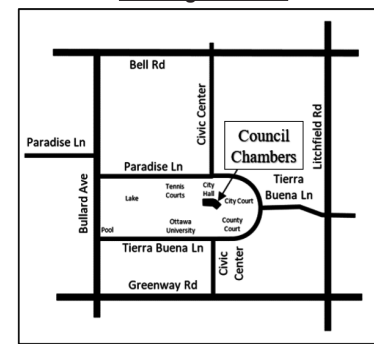
Community Development Department may be contacted prior to the scheduled meeting for additional information. City of Surprise Planner: Robert H. Kuhfuss, AICP 623-222-3137, robert.kuhfuss@surpriseaz.gov

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.

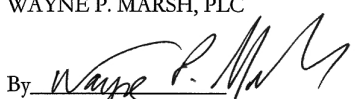
NO. **PB2021-070966**
NOTICE TO CREDITORS

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

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.**

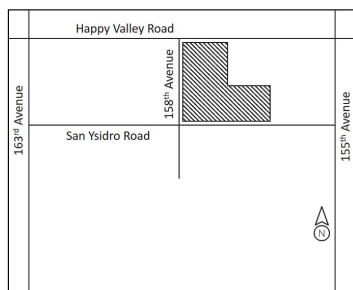
According to the Surprise Municipal Code, the applicant is required to host a Neighborhood Meeting to present their project to the public while soliciting feedback and providing answers to questions. Please note, the City of Surprise is not the host of this meeting, however, the assigned City Planner 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

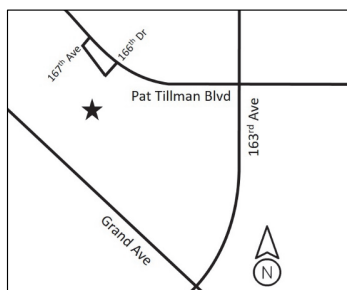
NEIGHBORHOOD MEETING DETAILS

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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your legal notices
FAST & EASY!**

Business filing, public notices, court summons, legal postings and more can now be published in your hometown newspaper!

➤ All notices published in your local newspaper AND the Daily Independent - a newspaper that complies with A.R.S. 10-140.34 and A.R.S. 39-201A & B as required by the State of Arizona for publishing legal notices.

➤ Includes a notarized affidavit of publication

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 September 16, 2021 and November 4, 2021, 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 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 _____, 2022.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

DRAFT

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.

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																		
Zoning Districts	Residential				Surprise Heritage District		Traditional Neighborhood Development				Mixed Use			Commercial				Employment
Uses	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
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

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' <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*.

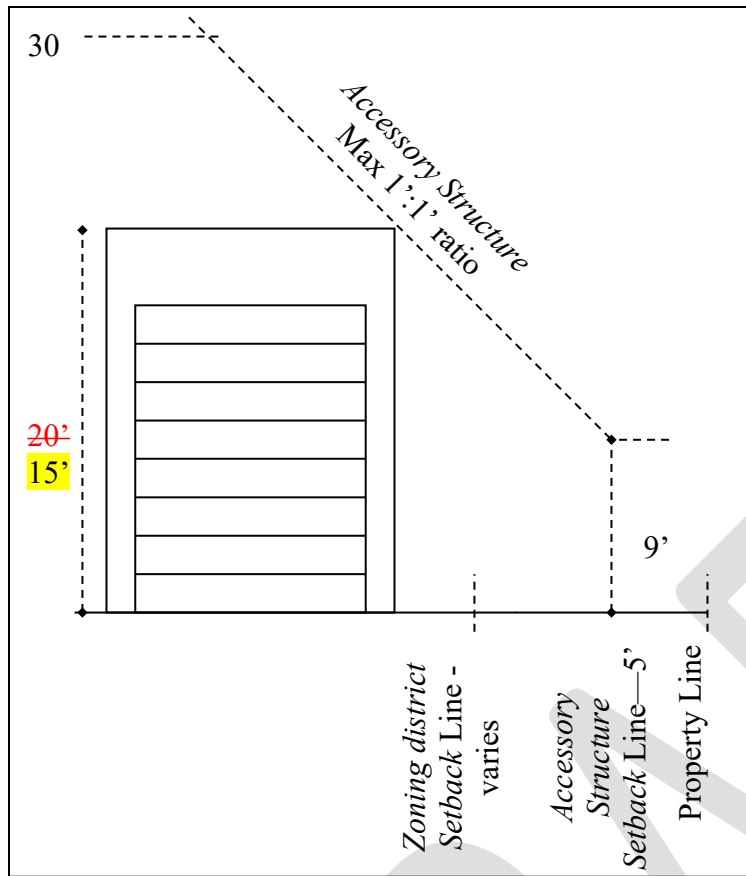
Table 106-10b - Accessory Structures

	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-kV 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

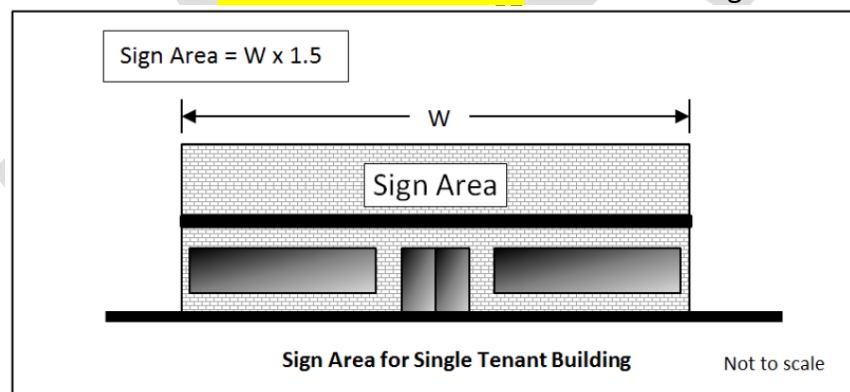
ARTICLE 1 – IN GENERAL PROCESS AND OVERVIEW

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 September 16, 2021 and November 4, 2021, 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 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 _____, 2022.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

DRAFT

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.

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																		
Zoning Districts	Residential				Surprise Heritage District		Traditional Neighborhood Development				Mixed Use			Commercial				Employment
Uses	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
Commercial																		
Places of Assembly																		
Places of Worship	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 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.*

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.* AN ENTITLED OR EXISTING RESIDENTIAL USE AND HAVE A 50 FOOT BUFFER FROM RESIDENTIAL USES.
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

- ~~Ø. 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

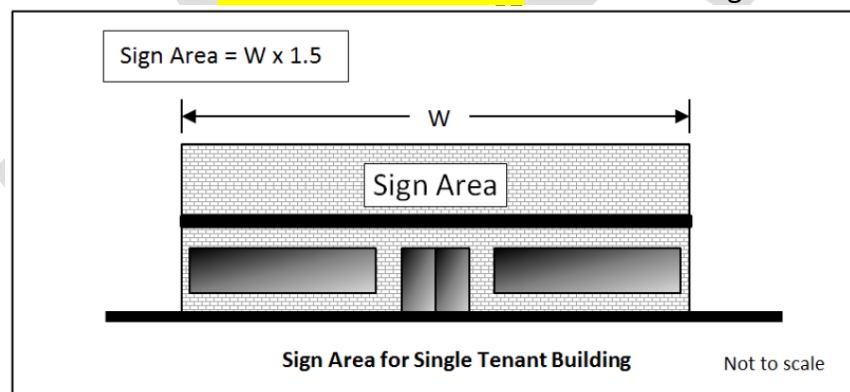
ARTICLE 1 – IN GENERAL PROCESS AND OVERVIEW

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 September 16, 2021 and November 4, 2021, 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 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 _____, 2022.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

DRAFT

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.

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																		
Zoning Districts	Residential				Surprise Heritage District		Traditional Neighborhood Development				Mixed Use			Commercial				Employment
Uses	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
Commercial																		
Places of Assembly					CUP	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

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' <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*.

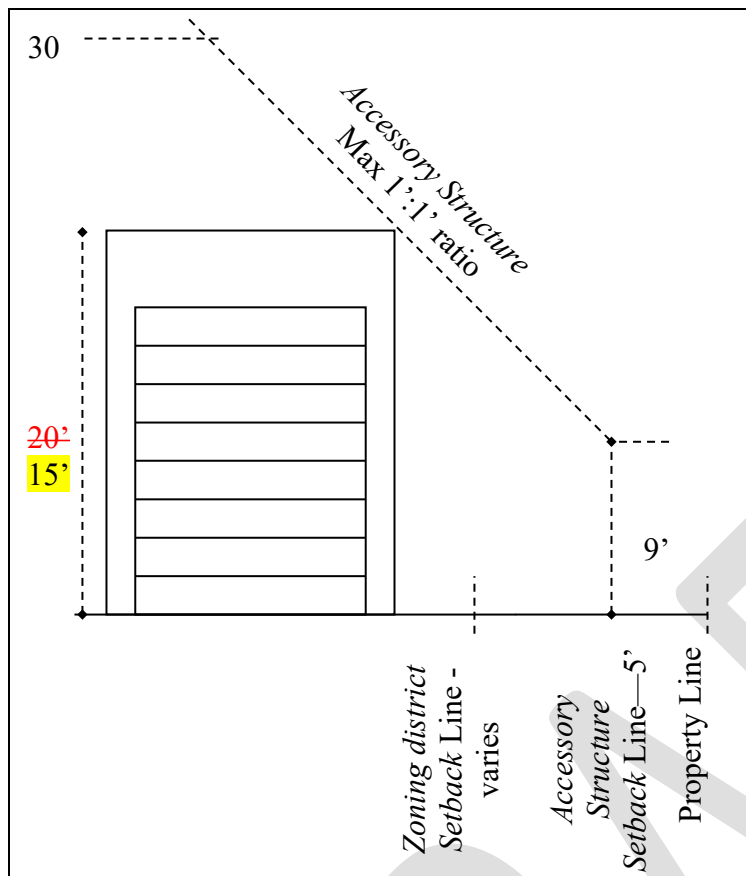
Table 106-10b - Accessory Structures

	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 ~~a residential zoning district or a residential use.~~ AN ENTITLED OR EXISTING RESIDENTIAL USE AND HAVE A 50 FOOT BUFFER FROM RESIDENTIAL USES.
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

- ~~Ø. 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

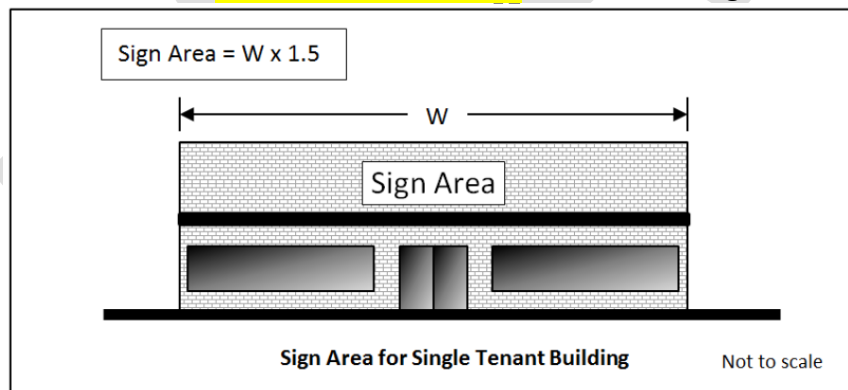
ARTICLE 1 – IN GENERAL PROCESS AND OVERVIEW

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.



S U R P R I S E

A R I Z O N A

City Council

February 1, 2022

Land Development Ordinance

Zoning Text Amendment

FS21-413

BACKGROUND

1. September 16, 2021 P&Z Meeting:

- a. Provided recommendation; asked for additional information on Section 106-10.40

2. November 4, 2021 P&Z Meeting:

- a. Additional hearing on Section 106-10.40

3. November 16, 2021 City Council Work Session:

- a. Overviewed the entire ZTA and Commission's recommendations

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) = 1 st 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

Zoning Districts	Table No. 106-1c: Primary Land Use Matrix for All Zoning Districts																		
	"P" = Permitted, "CUP" = Administrative Use Permit, "COP" = General Use Permit, "Blank space" = Prohibited																		
Uses	Residential	Residential	Residential	Residential	Residential	Traditional Neighborhood Development	Traditional Neighborhood Development	Traditional Neighborhood Development	Traditional Neighborhood Development	Traditional Neighborhood Development	Traditional Neighborhood Development	Traditional Neighborhood Development	Traditional Neighborhood Development	Traditional Neighborhood Development	Traditional Neighborhood Development	Traditional Neighborhood Development	Traditional Neighborhood Development	Traditional Neighborhood Development	Traditional Neighborhood Development
Places of Assembly	P	P	P	P	P	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

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

CHAPTER 106 - ZONING AND USE STANDARDS

ARTICLE 3 – SURPRISE HERITAGE DISTRICT (SHD) ZONING DISTRICTS

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

B. Development Standards.

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

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

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

Notes:

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

CHAPTER 106 - ZONING AND USE STANDARDS

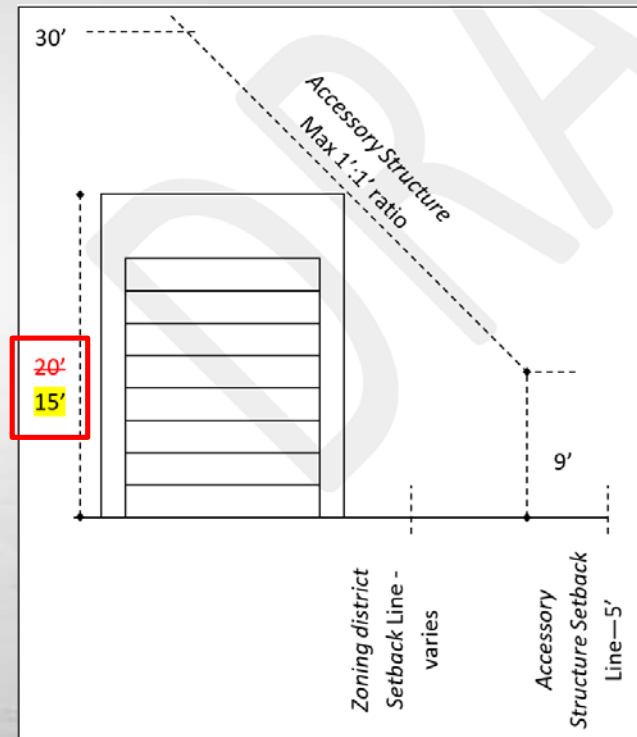
ARTICLE 10 – USE SPECIFIC STANDARDS

106-10.3 Accessory Uses and Structures.

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

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

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



CHAPTER 106 - ZONING AND USE STANDARDS

ARTICLE 10 – USE SPECIFIC STANDARDS

106-10.23 Home Occupation.

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

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

106-10.31 Outdoor Display and Sales Areas.

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

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

CHAPTER 106 - ZONING AND USE STANDARDS

ARTICLE 10 – USE SPECIFIC STANDARDS

106-10.40 Self-storage Facilities.

- A. *Self-storage facilities* may be appropriate in the Neighborhood, Commerce and Office, and Employment Character Areas of the *General Plan*, except ~~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.

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.

SELF-STORAGE FACILITIES

Alternative #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.~~

- Original staff recommendation
- Removes the maximum acreage completely
- Relies on existing development standards

SELF-STORAGE FACILITIES

Alternative #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 two acres (2 ac.) when *adjacent* to ~~a residential zoning district or a residential use.~~ AN ENTITLED OR EXISTING RESIDENTIAL USE AND HAVE A 50 FOOT BUFFER FROM RESIDENTIAL USES.

- 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”.

- Planning & Zoning Commission Recommendation
- Kept 2 acre maximum
- Added 50 foot buffer from residential uses
- Added new staff-recommended definition of ‘adjacent’

SELF-STORAGE FACILITIES

Alternative #3

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 ~~a residential zoning district or a residential use.~~ AN ENTITLED OR EXISTING RESIDENTIAL USE AND HAVE A 50 FOOT BUFFER FROM RESIDENTIAL USES.

- 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”.
- City Council choose acreage maximum

CHAPTER 106 - ZONING AND USE STANDARDS

ARTICLE 10 – USE SPECIFIC STANDARDS

106-10.47 Vehicle fueling stations

- ~~0. 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.~~

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. 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.~~

CHAPTER 107 DESIGN AND DEVELOPMENT REGULATIONS

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.
- ~~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.~~

CHAPTER 107 DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE 4 – PARKING AND LOADING REGULATIONS

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

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

CHAPTER 107 DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE 4 – PARKING AND LOADING REGULATIONS

107-4.5 Dimensions

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

CHAPTER 108 - LAND DIVISION AND SUBDIVISION REGULATIONS

ARTICLE 1 – GENERAL PROCESS AND OVERVIEW

108-1.8 MAINTENANCE OF MEDIANS AND MEDIAN LANDSCAPING.

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

CHAPTER 108 - LAND DIVISION AND SUBDIVISION REGULATIONS

ARTICLE 1 – GENERAL PROCESS AND OVERVIEW

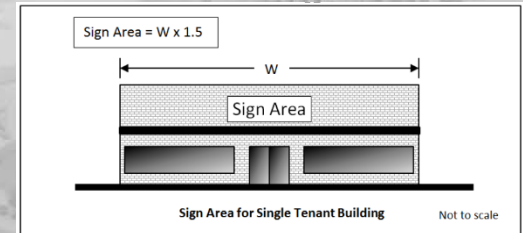
108-1.8 MAINTENANCE OF MEDIANS AND MEDIAN LANDSCAPING.

- B.** THE REPAIR AND MAINTENANCE OF ALL MEDIANS AND MEDIAN LANDSCAPING WITHIN ALL COLLECTOR AND LOCAL STREET RIGHTS-OF-WAY CLASSIFICATIONS SHALL BE THE RESPONSIBILITY OF THE APPLICANT AND/OR ASSOCIATION FORMED BY THE APPLICANT. THE CITY OF SURPRISE SHALL NOT HAVE ANY REPAIR OR MAINTENANCE RESPONSIBILITIES FOR MEDIANS LOCATED IN COLLECTOR AND LOCAL STREET RIGHTS-OF-WAY, UNLESS BY SEPARATE AGREEMENT.
1. WHEN A MEDIAN AND/OR MEDIAN LANDSCAPING IS FOUND TO BE DEFECTIVE, OVERGROWN, UNSAFE OR HAZARDOUS, THE CITY SHALL NOTIFY THE OWNER OF THE ABUTTING PROPERTY TO RECONSTRUCT OR REPAIR THE MEDIAN AND/OR MEDIAN LANDSCAPING WITHIN A TIME FRAME NOT TO EXCEED FORTY-FIVE (45) DAYS FROM WRITTEN NOTICE.
 2. WHEN AN OWNER NOTIFIED TO REPAIR ANY MEDIAN AND/OR MEDIAN LANDSCAPING, AS PROVIDED IN THE PRECEDING SECTION, FAILS TO REPAIR SUCH MEDIAN AND/OR MEDIAN LANDSCAPING AS REQUIRED BY THE NOTICE AND ORDINANCES OF THE CITY, THE CITY MAY PROCEED TO REPAIR SUCH MEDIAN AND/OR MEDIAN LANDSCAPING THREE (3) DAYS AFTER SUCH NOTICE EXPIRATION TO SUCH OWNER, AND WHEN SO REPAIRED BY THE CITY, THE COST OF SUCH REPAIR SHALL BE PAID BY THE OWNER OF SUCH ABUTTING PROPERTY AND BE COLLECTED AS DESCRIBED HEREIN.

CHAPTER 109 - SIGNS

ARTICLE 1 – IN GENERAL PROCESS AND OVERVIEW

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



CHAPTER 110 - DEVELOPMENT IMPACT FEES

ARTICLE 1 – IN GENERAL

110-1.1 Definitions.

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

G

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

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

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

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

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

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

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



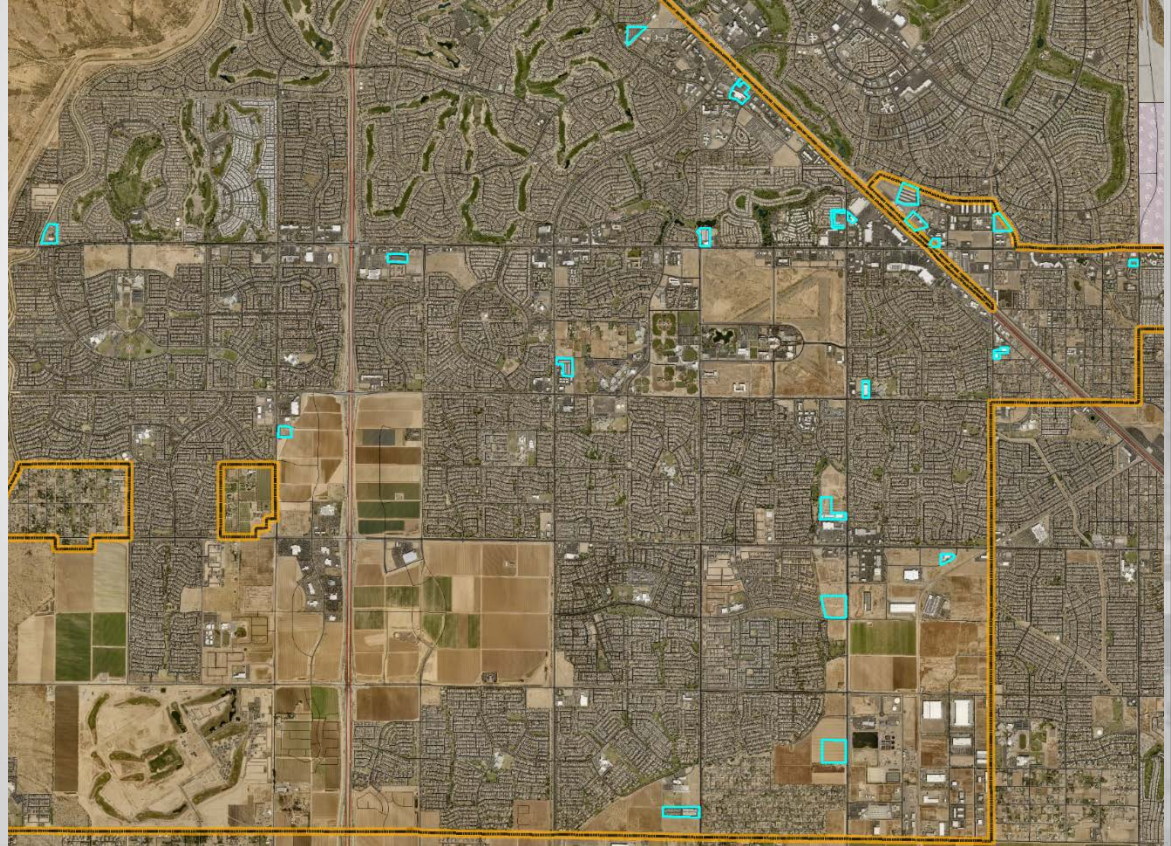
SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You

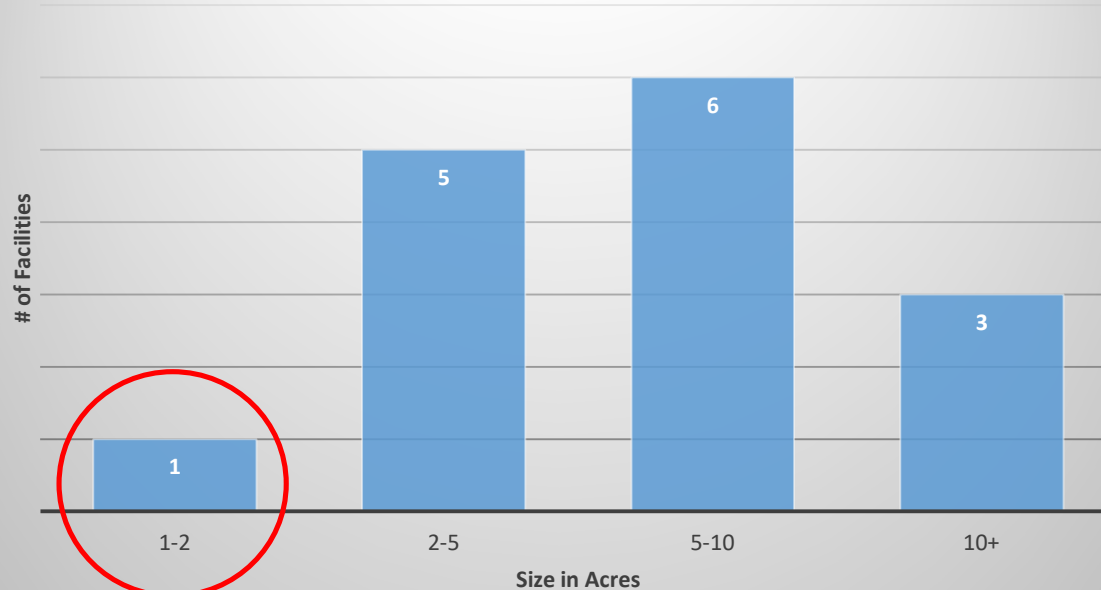
EXISTING SELF-STORAGE FACILITIES

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



EXISTING SELF-STORAGE FACILITIES

Self-Storage Facilities Adjacent to Residential



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