



CITY OF SURPRISE
Planning and Zoning Commission
16000 N. Civic Center Plaza
Surprise, AZ 85374
Thursday, April 18, 2019 @ 6:00 PM
COUNCIL CHAMBERS

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

CALL TO THE PUBLIC:

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

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

CONSENT AGENDA:

- | | | | |
|----|----------|---|--|
| 1. | Internal | Consideration and action to review and approve or disapprove the April 4, 2019 Planning and Zoning Minutes. | Lorraine Nevarez
Community
Development |
|----|----------|---|--|

REGULAR AGENDA ITEM - PUBLIC HEARING:

- | | | | |
|----|------------|--|--|
| 2. | District 3 | A rehearing to consider and action regarding the Zone Change from Residential Ranch (RR) to approx. 18.9 acres of Medium Density Residential (RM-6) with a Planned Unit Development (PUD) Overlay; approx. 22.0 acres of Medium Density Residential (RM-9) with a Planned Unit Development (PUD) Overlay; and approx. 23.0 acres of Residential High (RH-15) with a Planned Unit Development (PUD) Overlay for Rancho TruGold. | Robert Kuhfuss
Community
Development |
|----|------------|--|--|

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|----------|--|---|
| 3. | Citywide | Presentation and discussion regarding Chapters 101 and 102 of the Land Development Ordinances code update. | Joshua Mike
Community
Development |
|----|----------|--|---|

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

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

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

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

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

I. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: Thursday, April 11, 2019 @ 11:00 a.m.

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



CITY OF SURPRISE
Planning and Zoning Commission

Council Meeting Date: April 18, 2019

Contact Person: Lorraine Nevarez, ADMIN SPEC - SR

Submitting Department: Community Development District: Internal

Staff Recommendations:

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

Consideration and action to review and approve or disapprove the April 4, 2019 Planning and Zoning Minutes.

Motion:

I move to approve the April 4, 2019 Planning and Zoning Commission minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 4-4-19 PZ MIN-DRAFT
-

**CITY OF SURPRISE
PLANNING AND ZONING COMMISSION**

MEETING MINUTES

April 4, 2019 / 6:00 PM

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

CALL TO ORDER.

Chair Matthew Keating called the Planning and Zoning Commission Meeting to order at 6:00 p.m. at Surprise City Hall, 16000 North Civic Center Plaza, Surprise, Arizona 85374, on April 4, 2019.

A. ROLL CALL

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

STAFF PRESENT:

Community Development Director Eric Fitzer, Chief Deputy City Attorney Ellen Van Riper, Assistant City Attorney Hobie Wingard, Planner Sergio Angulo, Planner Hobart Wingard, Current Planning Supervisor Robert Kuhfuss and Zoning Commission Secretary Lorraine Nevarez.

COUNCIL MEMBERS PRESENT:

Council Member Patrick Duffy

B. PLEDGE OF ALLEGIANCE

C. CURRENT EVENTS REPORT

None.

D. STAFF REPORT

None.

CALL TO THE PUBLIC:

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

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

CONSENT AGENDA:

Item 1 – Internal – Consideration and action approving the March 21, 2019 Planning and Zoning Commission Minutes.

Chair Keating made a motion to approve the March 21, 2019 Planning and Zoning Commission Minutes as presented. Commissioner Chapman seconded the motion. Motion passes with 7 votes in favor.

REGULAR AGENDA ITEMS REQUIRING A PUBLIC HEARING:

Item 2 – District 1 – Consideration and action on a Preliminary Plat for Heritage Asante Parcel 3 generally located west of 163rd Avenue and north of Grand Avenue.

Commissioner Krous recused himself as the company he works for is working on the project.

Sergio Angulo, Planner, presented item 2 to the Commission.

Chair Keating opened the call to the public

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

The Commission discussed the following:

- Open space

Vice Chair Bash made a motion to recommend approval to the Mayor and City Council on a Preliminary Plat for Heritage Asante Parcel 3 generally located west of 163rd Avenue and north of Grand Avenue. Commissioner Rosenbaum seconded the motion. Motion passes with 6 votes in favor.

Item 3 – District 1 – Consideration and action on a Preliminary Plat for Desert Oasis Parcel 9 located in the southwest corner of 163rd Avenue and Desert Oasis Boulevard; FS18-144.

Sergio Angulo, planner, presented item 3 to the Commission.

Chair Keating opened the call to the public.

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

The Commission discussed the following:

- Traffic
- Drainage

Commissioner Rosenbaum made a motion to recommend approval to the Mayor and City Council on a Preliminary Plat for Desert Oasis Parcel 9 located on the southwest corner of 163rd Avenue and Desert Oasis Boulevard subject to stipulations “A” through “F” as stated in the staff report. Vice Chair Bash seconded the motion. Motion passes with 7 votes in favor.

Item 4 – District 3 – Consideration and action regarding a Zone Change from Residential Ranch (“RR”) to approx. 17.9 acres of Medium Density Residential (RM-9-11 PUD) and 20.65 acres of RM-6-PUD with a Planned Unit Development (“PUD”) Overlay for Ryder Ranch at the southwest corner of Cotton Lane and Sweetwater Avenue, Ordinance 2019-10.

Hobart Wingard, planner, presented item 4 to the Commission.

Chair Keating opened the call to the public.

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

The Commission discussed the following:

- Expansion of Cotton Lane
- School Letter

- Outreach to residents
- Dedicated right and left hand turns

Commissioner Chapman made a motion to recommend approval of the Zone Change from Residential Ranch (RR) to approx. 17.91 acres of Medium Density Residential (RM-9-11 PUD) and 20.65 acres of RM-6-PUD with Planned Unit Development (PUD) Overlay to the Mayor and City Council, subject to stipulations “A” and “B” as stated in the staff report. Commissioner Norberg seconded the motion. Motion passes with 7 votes in favor.

Item 5 – District 3 – Consideration and action pertaining to the approval of the Preliminary Plat entitled, “Ryder Ranch Subdivision,” dated February 20, 2019, a property generally located on the southwest corner of Cotton Lane and Sweetwater Avenue; FS18-632.

Hobart Wingard, planner, presented item 5 to the Commission.

Chair Keating opened the call to the public.

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

The Commission had no comments.

Commissioner Norberg made a motion to recommend approval to the Mayor and City Council of the plat entitled “Ryder Ranch Subdivision,” dated February 20, 2019 subject to stipulations “A” through “G” as stated in the staff report. Commissioner Krous seconded the motion. Motion passes with 7 votes in favor.

Item 6 – District 3 – Consideration and action regarding a Zone Change from Residential Ranch (RR) and High Density Residential (RH) to 41.51 acres of Medium Density Residential (RM-6) with a Planned Unit Development (PUD) Overlay for Gehan at Cactus and 175th, Ordinance 2019-09.

Hobart Wingard, planner, presented item 6 to the Commission.

Chair Keating opened the call to the public.

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

The Commission discussed the following:

- School Letter
- Dedicated right and left hand turns

Commissioner Norberg made a motion to recommend approval of a Zone Change from Residential Ranch (RR) and High Density Residential (RH) to 41.51 acres of Medium Density Residential (RM-6) with a Planned Unit Development (PUD) Overlay for Gehan at Cactus and 175th to the Mayor and City Council, subject to stipulations “A” and “B” as stated in the staff report. Commissioner Rosenbaum seconded the motion. Motion passes with 7 votes in favor.

Item 7 – District 3 – Consideration and action pertaining to the approval of the Preliminary Plat entitled, “175th Avenue & Cactus Road,” dated February 13, 2019, a property generally located on the northeast corner of Cactus Road and 175th Avenue.

Hobart Wingard, planner, presented item 7 to the Commission.

Chair Keating opened the call to the public.

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

The Commission had no comments.

Commissioner Norberg made a motion to recommend approval to the Mayor and City Council a Preliminary Play entitled, "175th Avenue & Cactus Road," dated February 13, 2019, a property generally located on the northeast corner of Cactus Road and 175th Avenue. Commissioner Smith seconded the motion. Motion passes with 7 votes in favor.

OTHER BUSINESS:

Item 8 – INTERNAL - Discussion pertaining to future agenda items.

None.

ADJOURNMENT:

Hearing no further business, Chair Keating asked for a motion to adjourn the Planning and Zoning Commission meeting.

Vice Chair Bash made a motion to adjourn the meeting. Commissioner Smith seconded the motion. Motion passes 7 in favor.

Meeting adjourned at 6:45 p.m.

Eric Fitzer
Community Development Director

Matthew Keating
Planning and Zoning Commission Chair

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

ATTEST BY: _____
Lorraine Nevarez, Commission Secretary

DATE: _____



CITY OF SURPRISE
Planning and Zoning Commission

Council Meeting Date: April 18, 2019 Contact Person: Robert Kuhfuss
Submitting Department: Community Development District: District 3
Staff Recommendations:

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

Agenda Wording:

A rehearing to consider and action regarding the Zone Change from Residential Ranch (RR) to approx. 18.9 acres of Medium Density Residential (RM-6) with a Planned Unit Development (PUD) Overlay; approx. 22.0 acres of Medium Density Residential (RM-9) with a Planned Unit Development (PUD) Overlay; and approx. 23.0 acres of Residential High (RH-15) with a Planned Unit Development (PUD) Overlay for Rancho TruGold.

Motion:

Move to recommend approval of Ordinance 2019-06 to the City Council subject to stipulations “a” and “b”.

Background:

The Commission originally heard the subject Zone Change request on March 21, 2019; however, due to a site posting error, the matter must be reheard. The proposed project was once part of the Magnolia project, which the Planning and Zoning Commission reviewed in 2016. The Magnolia project never came to fruition and the various land owners are moving forward independently. The subject request involves the rezoning of approximately 64 acres of recently incorporated land from Residential Ranch (RR) to RM-6, RM-9, and RH-15, each with a PUD Overlay to allow modifications from the base development standards, modifications from certain development requirements, and to cap the maximum density.

Objective Analysis:

Policy Compliant:

Financial Impact:

All activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 00 FS18-386 Rancho TruGold Rezone 04-18-19 P&Z Staff Report
 2. 01 Rancho TruGold Joint Vicinity Map
 3. 02 FS18-386 Rancho TruGold Rezone Case Map
 4. 03 FS18-386 Rancho TruGold with Hancock Communities PUD Narrative
 5. 04 FS18-386 Citizen Participation Report (redacted)
 6. 05 Rancho TruGold Emails through 011419 (redacted)
 7. Public Engagement Form for Rancho TruGold
 8. Rancho TruGold Zone Change 04-18-19 P&Z Presentation
-

ZONE CHANGE

REPORT TO THE PLANNING AND ZONING COMMISSION

Case: FS18-386

Project Name: Rancho TruGold Rezone

Council District: 3

Meeting Date: *April 18, 2019 (rehearing of case originally heard on March 21, 2019)

Planner: Robert H. Kuhfuss, AICP

Owner: Truman Trust

Applicant: Andy Jochums of Beus Gilbert, PLLC on behalf of Truman Trust

Request: * Re-hearing regarding a Zone Change from Residential Ranch (RR) to approx. 18.9 acres of Medium Density Residential (RM-6) with a Planned Unit Development (PUD) Overlay; approx. 22.0 acres of Medium Density Residential (RM-9) with a Planned Unit Development (PUD) Overlay; and approx. 23.0 acres of Residential High (RH-15) with a Planned Unit Development (PUD) Overlay.

Site Location: Generally located along the Sweetwater Avenue alignment between Cotton Lane and 175th Avenue

Area and Density:

Proposed Zoning District	Lot Yield	Acreage	Gross Density
RM-6 PUD	55	18.9	2.9
RM-9 PUD	84	22.0	3.8
RH-15 PUD	244	23.0	10.6
Total	383	63.9	5.99

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

Support/Opposition: None known

Staff Recommendation: **Approve**, subject to stipulations 'a' and 'b'

(Changes since the March 21, 2019 Planning and Zoning Commission meeting indicated with an asterisk *)

36 **PROJECT DESCRIPTION:**

37
38 * This case is being reheard due to a site posting error.

39
40 The proposed project was once part of the Magnolia project, which the Planning and Zoning
41 Commission reviewed in 2016. The Magnolia project never came to fruition, and the various land
42 owners are moving forward independently.

43
44 The subject request involves the rezoning of approximately 64 acres of recently incorporated land
45 from Residential Ranch (RR) to RM-6, RM-9, and RH-15, each with a PUD Overlay to allow
46 modifications from the base development standards, modifications from certain development
47 requirements, and to cap the maximum density. These modifications are summarized below:

48
49 **RM Summary:**

- 50 • Removal of the Community Pool requirement for both RM districts
- 51 • Removal of the 3.5 acre minimum turf size for Recreational Fields for both RM districts
- 52 • Increase in maximum driveway width from 30% of lot width to 45% for both RM districts
- 53 • Increase in maximum driveway area from 30% of the front yard area to 45% for both RM
- 54 districts
- 55 • Reduction in gross density from 6 DU/Ac to 2.9 DU/Ac for RM-6
- 56 • Reduction in gross density from 9 DU/Ac to 3.8 DU/Ac for RM-9
- 57 • Increase in Lot Width from 50' to 60' for RM-6
- 58 • Increase in Lot Width from 40' to 50' for RM-9
- 59 • Increase in Open Space from 20% of Net Residential Area to 24% for both RM districts

60
61 In addition to the PUD Overlay associated with the two RM districts, the subject request includes a
62 PUD Overlay associated with the RH district. This PUD Overlay will amend certain development
63 standards, which are expressed in Table 2 of the zoning narrative and are summarized below:

64
65 **RH Summary:**

- 66 • Reduction in gross density from 15 DU/Ac to 10.61 DU/Ac
- 67 • Reduction in maximum building height from 35'/3-stories to 16'/1-story for primary
- 68 buildings and 20'/1-story for accessory buildings
- 69 • Reduction in Rear setback from 30' to 24'
- 70 • Reduction in width of landscape buffer from 24' to zero feet adjacent to RM and RL zoning
- 71 • Reduction in width of landscape buffer from 10' to zero feet adjacent to commercial
- 72 • Reduction in internal building separation from 25' to 10'
- 73 • Reduction in bicycle parking from 0.5 spaces per dwelling to zero spaces per dwelling.

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75 [Continued on following page.]

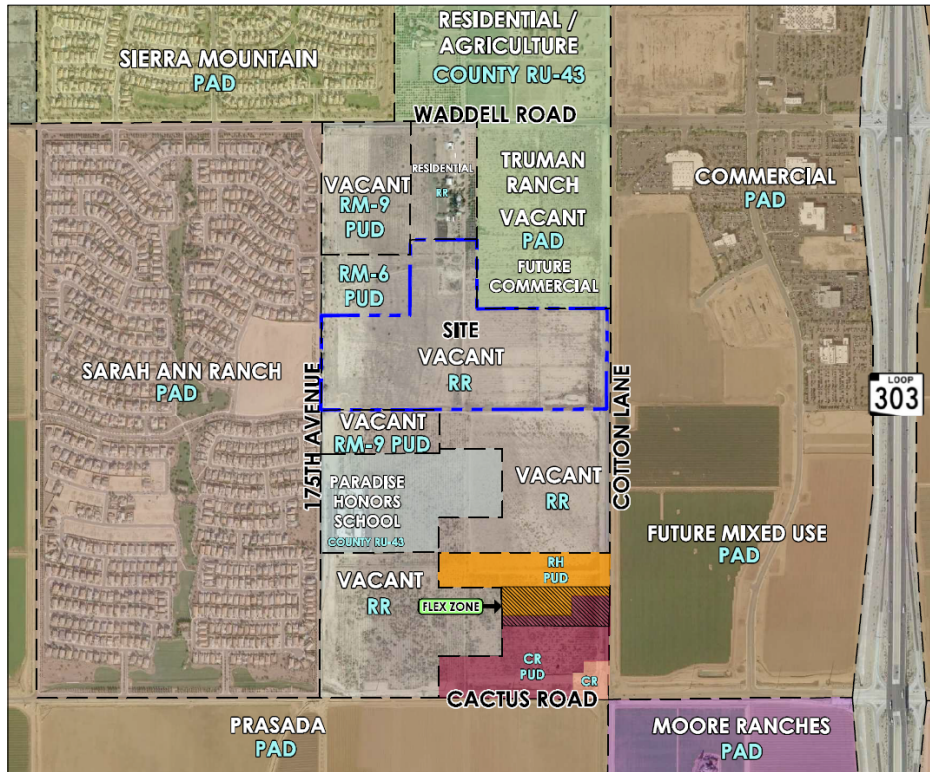
* The subject request is also one of four concurrent requests involving the subject property. These requests are summarized as follows. The Commission will only review and take action on the proposed Zone Change, which is the subject of this report.

- * **FS18-386: Rancho TruGold Rezone (subject case).** The Commission will review the subject Rezone case and make a recommendation to the City Council. (This case was first heard by the Commission on March 21, 2019 and received a favorable recommendation; however, due to an advertising error, the case must be reheard.)
- FS18-387: Rancho TruGold Final Plat (3-lot Final Plat). The Commission will not hear the Final Plat as this will be presented to the City Council only.
- * FS18-387: Hancock Communities at Rancho TruGold Site Plan (Site Plan covering Lot 3 of the aforementioned Final Plat). The Commission approved said Site Plan under separate cover on March 21, 2019. The stipulations of approval for the Site Plan included a provision that ties approval of the Site Plan to the subsequent approval of the subject Zone Change by the City Council; therefore, it is not necessary to re-visit the Site Plan as a result of the posting error.
- * FS18-434: Rancho TruGold Preliminary Plat (Preliminary Plat covering Lot 2 of the aforementioned Final Plat). The Commission recommended approval of said Preliminary Plat under separate cover on March 21, 2019. If the Council votes to deny the subject Zone Change request, the Council will also deny the Preliminary Plat as it will not be in compliance with the zoning of the property; therefore, it is not necessary to re-visit the Preliminary Plat as a result of the posting error.

EXISTING ZONING:

The following map, taken from Figure 1 of the subject Zone Change Narrative, depicts the existing zoning of the subject site and its surrounds.

[Continued on following page.]



126

127

128 **BACKGROUND:**

129

130 **September 12, 2016:** Mark Reddie of LVA Urban Design Studio filed a request for a Zone
 131 Change and Preliminary Plat for 175th & Sweetwater under case FS16-391.

132

133 **September 12, 2016:** Mark Reddie of LVA Urban Design Studio filed a request for Zone Change
 134 and Preliminary Plat for Magnolia under case FS16-392. Said case was subsequently
 135 withdrawn.

136

137 **September 28, 2016:** On behalf of the applicant, staff opened case FS16-427 relating to the
 138 annexation of the subject property.

139

140 **January 17, 2017:** The City Council approved the annexation of the subject property under case
 141 FS16-427.

142

143 **September 7, 2017:** The City Council approved a request for a Rezone relating to the 175th &
 144 Sweetwater project under case FS16-391.

145

146 **October 3, 2017:** Mark Reddie of LVA Urban Design Studio filed a request for a Zone Change and
 147 Preliminary Plat for Rancho TruGold under case FS18-583. Said case was subsequently withdrawn.

148

149 **October 5, 2017:** The City Council approved a request for a Preliminary Plat relating to the 175th &
150 Sweetwater project under case FS16-391.
151
152 **December 19, 2017:** The City Council approved a revised Preliminary Plat for 175th &
153 Sweetwater under case FS17-403.
154
155 **March 6, 2018:** The City Council approved a request for a Zone Change and related Preliminary Plat
156 covering the Heritage Farm project under case FS17-530.
157
158 **August 7, 2018:** Andy Jochums of Beus Gilbert filed a request for a Zone Change for Rancho
159 TruGold under case FS18-386.
160
161 **August 7, 2018:** Andy Jochums of Beus Gilbert filed a request for a Site Plan and Final Plat for
162 Hancock Communities at Rancho TruGold under case FS18-387.
163
164 **August 31, 2018:** Mark Reddie of RVi filed a request for a Preliminary Plat covering a portion of
165 Rancho TruGold under case FS18-434.
166
167 **September 18, 2018:** The City Council approved a request for a Final Plat for Heritage Farm under
168 case FS18-159.
169
170 **October 19, 2018:** Gehan Homes filed a request for Zone Change and Preliminary Plat for Gehan
171 Homes Cactus & 175th under case FS18-566.
172
173 **November 20, 2018:** Mark Reddie of RVi filed a request for a Zone Change and Preliminary Plat for
174 Ryder Ranch under Case FS18-632.
175
176 ***March 21, 2019:** The Commission recommended approval of the subject Zone Change request
177 under case FS18-386, subject to stipulations "a" and "b".
178
179 ***March 21, 2019:** The Commission approved the associated Site Plan request under case FS18-387,
180 subject to stipulations "a" through "i".
181
182 ***March 21, 2019:** The Commission recommended approval of the associated Preliminary Plat
183 request under case FS18-434, subject to stipulations "a" through "f".
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185 ***March 25, 2019:** Staff was advised of a site posting error relating to the subject request.
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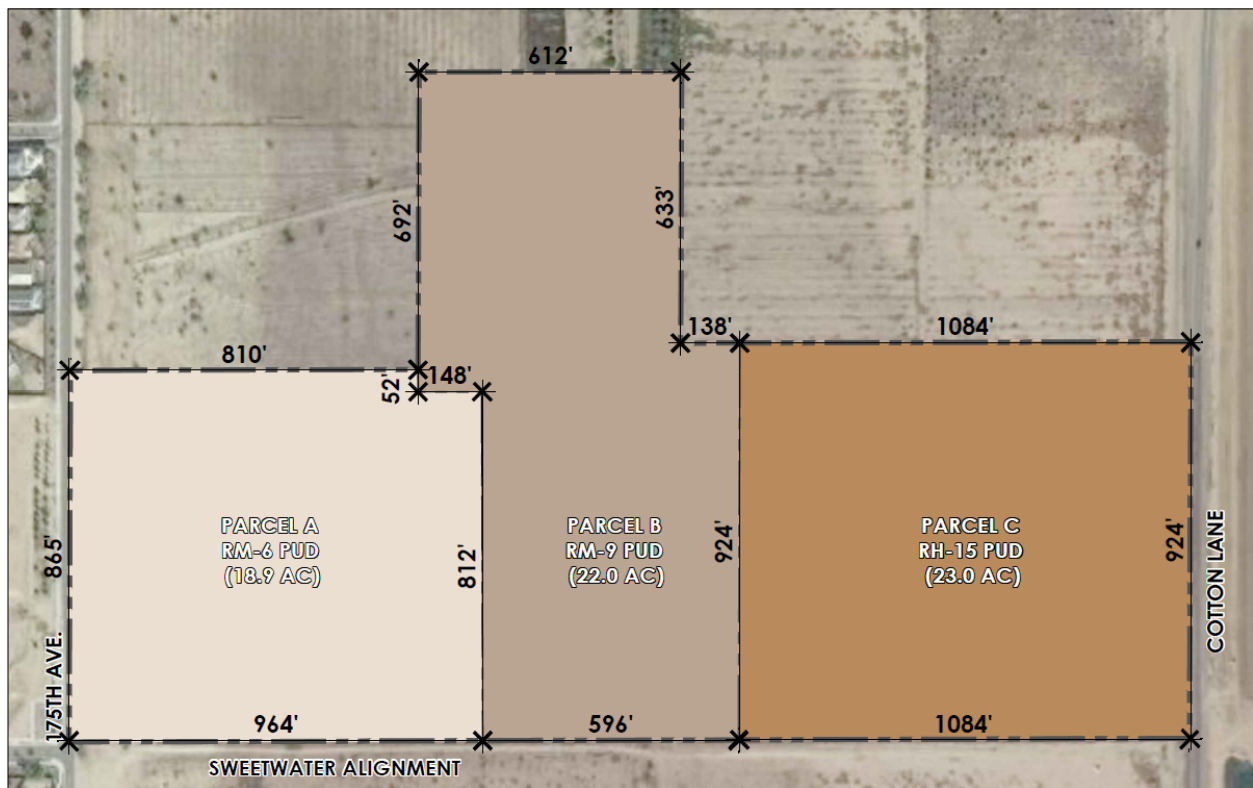
CITIZEN OUTREACH:

The applicant held a citizen outreach meeting on December 11, 2018, which was well attended. The results of that meeting are summarized in the attached Citizen Outreach Report. In addition, staff received several emails regarding this project, which are included as an attachment to this report. Staff also sent an email to the members of the public who were present at that meeting in response to comments relating to local traffic issues that were beyond the scope of this specific project.

* With respect to the Commission hearing, the site was not initially posted in accordance with the SUDC and state statute, which is the reason for the rehearing of this case. The site has since been properly posted. The City of Surprise advertised and sent notices via First Class mail in accordance with the SUDC and state statute as it pertains to both the original hearing date and the subject rehearing date.

ANALYSIS AND DISCUSSION:

The subject zone change request contemplates a change from RR to three (3) separate zoning districts; RM-6, RM-9, and RH-15 each with a PUD Overlay intended to modify development standards and limit density. The following image, taken from Figure 2 of the subject zoning narrative, shows the proposed zoning district boundaries.

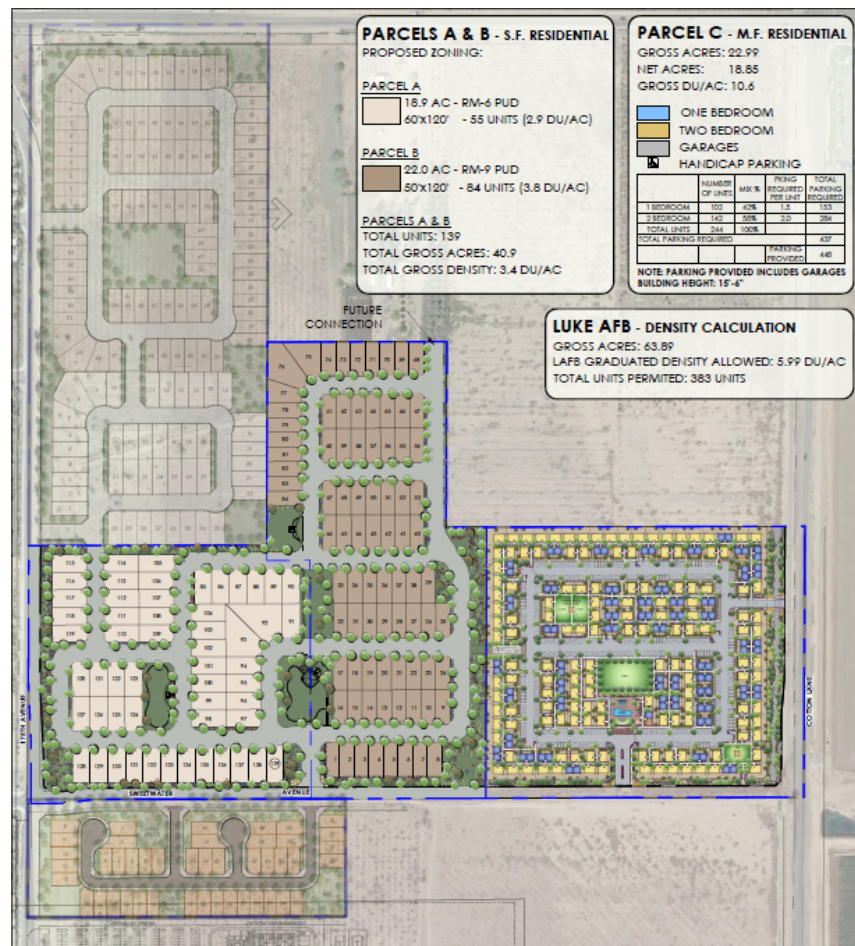


217 Parcel "A" anticipates 55 single-family residential lots over approx. 18.9 acres for a gross density of
 218 2.9 DU/Ac. Parcel "B" anticipates 84 single-family residential lots over approx. 22.0 acres for a gross
 219 density of 3.8 DU/Ac. Parcel "C" anticipates 244 dwelling units on a single lot of record of approx.
 220 23.0 acres for a gross density of 10.6 DU/Ac. Collectively, the project area will have a gross density
 221 of 5.99 DU/Ac.

222

223 The following image, taken from Figure 3 of the zoning narrative, depicts the anticipated lotting for
 224 the project, in the context of the two currently approved projects adjacent to the site. This lotting
 225 configuration is expressed in the related Preliminary Plat and Site Plan, which are discussed under
 226 separate cover.

227



228

229

230 The subject site is located along the outer edge of the 0-6 Du/Ac. ribbon of the Luke AFB Graduated
 231 Density Concept (GDC). While Parcel "C", at a density of 10.6 DU/Ac does not in and of itself meet
 232 the density guidelines, when combined with the balance of the project, the density is diluted to
 233 5.99 6 DU/Ac. overall, which is in keeping with the GDC.

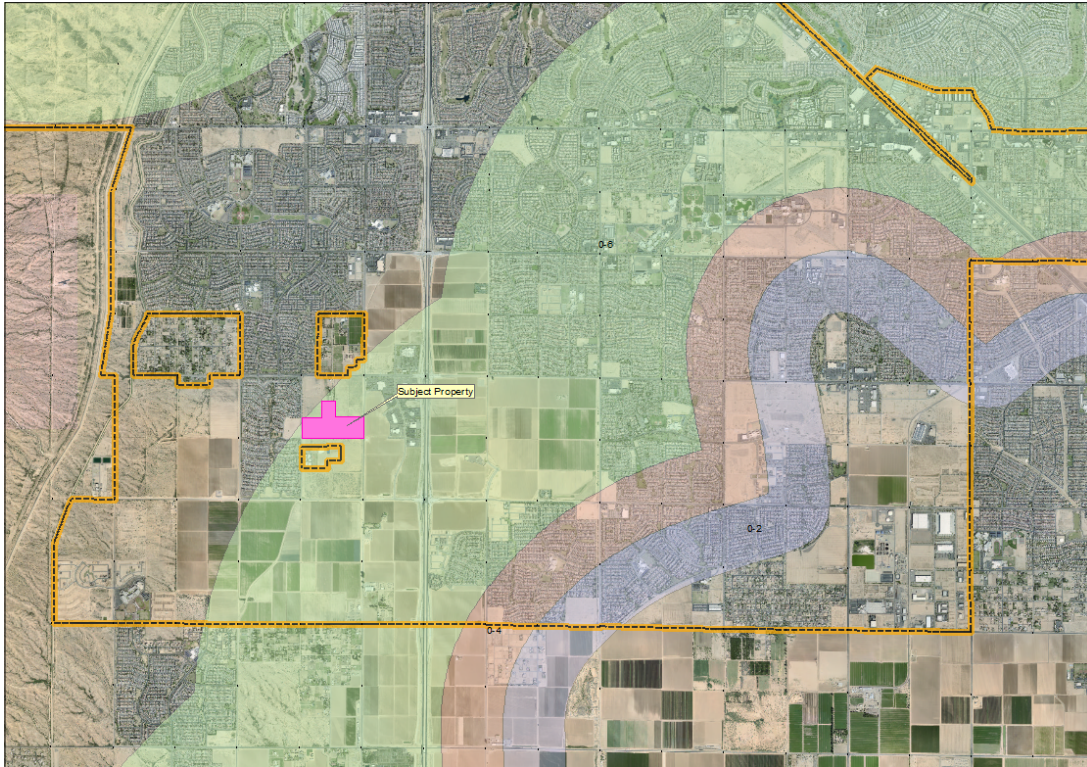
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[See map on following page.]



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240

241 Unlike typical “PAD” zoning, the subject request falls under the current Surprise Unified
242 Development Code (SUDC). As such, the uses associated with the proposed zoning district are per
243 Section 122-43 of the SUDC. The proposed PUD Overlays, however, will allow certain modifications
244 to the development standards. Since the request involves both Medium Density Residential and
245 High Density Residential zoning, the RM-6 PUD and RM-9 PUD are discussed separately from the
246 RM-15 PUD.

247

248 **RM-6 PUD and RM-9 PUD:**

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250 The following table is taken from the zoning narrative and expresses the proposed single-family
251 residential development standards applicable to Parcels “A” and “B”.

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Table 1: RM-6 PUD and RM-9 PUD Development Standards

Development Standard	RM-6 City Base Standard	Proposed RM-6 PUD Standard	RM-9 City Base Standard	Proposed RM-9 PUD Standard
Maximum Density	6.0	2.9 (decrease in density)	9.0	3.8 (decrease in density)
Minimum Lot Area (sf)	6,000	7,000 (increase in lot area)	4,500	5,900 (increase in lot area)
Minimum Lot Width (ft)	50	60 (increase lot width)	40	50 (increase lot width)
Minimum Lot Depth (ft)	100	100	100	100
Minimum Front Yard Setback (ft) (livable area/front-facing garage)	12/20	12/20	12/20	12/20
Minimum Side Yard Setback (ft)	TBD	5	TBD	5
Minimum Rear Yard Setback (ft)	20	20	20	20
Maximum Building Height (ft)	35	35	35	35
Driveway Width Percentage	30%	45%	30%	45%
Driveway Area Percentage	30%	45%	30%	45%

264

265

266 As noted in the narrative, Section 122-137(r) of the SUDC requires a community swimming pool for
 267 Medium Density Residential projects of 60 or more units. The applicant proposes the deletion of
 268 this requirement through the PUD Overlay. The rationale being that as a single-family development
 269 with 20' rear setbacks, ample space will be available on each lot to accommodate a private pool
 270 should that homeowner chose to do so. Staff does not object to the deletion of the pool
 271 requirement.

272

273 Also, there is a provision in the current SUDC which limits the width of a single-family residential
 274 driveway to 30% of the lot's width. The proposed minimum lot width is 60' for the RM-6 portion
 275 and 50' for the RM-9 portion. If limited to 30%, the driveways would only be 18' and 15' wide,
 276 respectively. Since a typical garage is 20' wide, increasing the allowable driveway width from 30%
 277 to some higher number make sense. The applicant proposes 45%, which would allow for a 27' wide
 278 driveway in the RM-6 portion, and 22.5' in the RM-9 portion.

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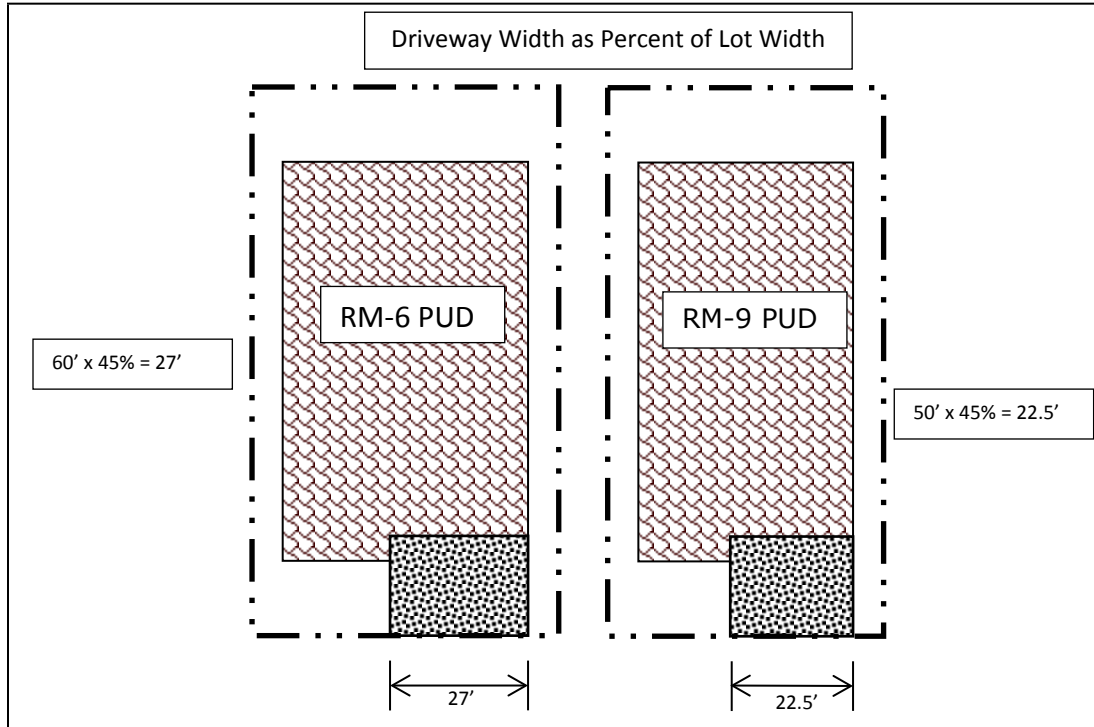
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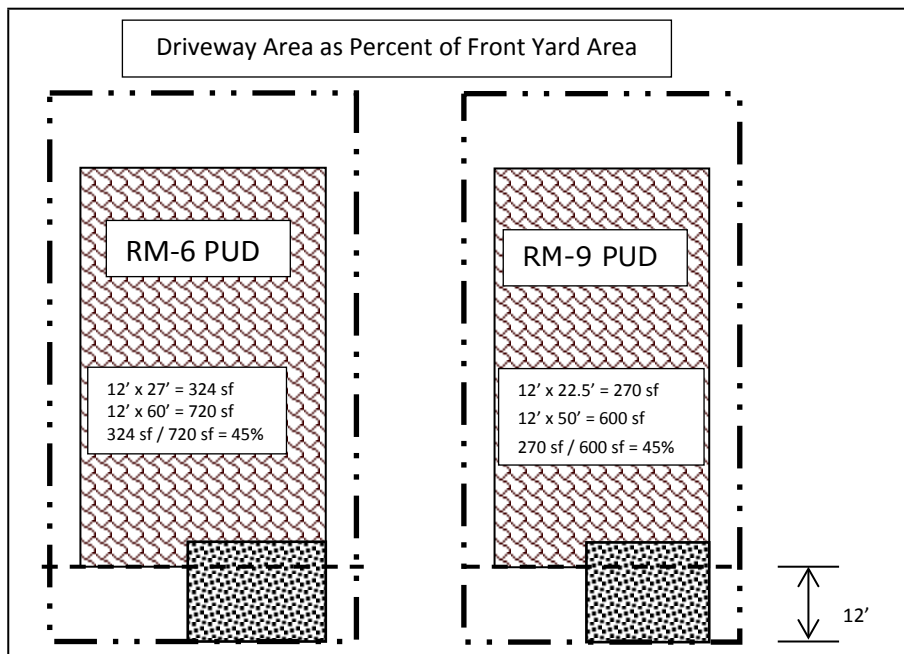


294

295

296 There is also a provision in the current SUDC which limits the area of a residential driveway to 30%
 297 of the required front yard area, which is that area located between the front setback line and the
 298 front lot line. Again, the proposed minimum lot widths are 60' and 50', while the proposed
 299 minimum front setback is 12'. 30% of the resulting area will not accommodate a driveway;
 300 however, increasing to 45% will accommodate the proposed driveway widths.

301



302

Section 122-137(p)(1) requires one (1) turf recreational field per 700 residential units in single-family zoning, with each field having a minimum turf area of not less than 3.5 acres. The applicant proposes the removal of the 3.5 acre minimum size requirement, based on the proportional size of the field relative to the proposed single-family development. The applicant instead proposes four smaller fields that are spread out with the single-family portion of the development. Staff does not object to the removal of the 3.5 acre requirement.

The SUDC requires that not less than 20% of the “net residential acreage” be set aside as open space. The net residential acreage is essentially the total amount of land taken up by the individual lots combined with the total open space. The applicant proposes an increase to 24% of the net residential area as open space overall, which exceeds the 20% requirement set forth in the SUDC. Within that open space will be a pocket park with tot-lot, ramada, picnic area, turf play area, and landscaping.

RH-15 PUD:

The following table is taken from the zoning narrative and expresses the proposed multi-family residential development standards applicable to the site.

Standard	Existing RH-15 Conventional Character Pattern Requirement	Proposed PUD Modifications
Maximum Dwelling Units per Gross Acre	15 du/ac	10.61 du/ac (244 units max)
Maximum Height	35 feet (3 stories)	16 ft./1 story for primary buildings 20 ft./1 story for accessory buildings (office, fitness center, etc.) ⁽¹⁾
Minimum Building Setbacks: - Front (Sweetwater) - Side - Rear	30 feet 10 feet 30 feet	30 feet* ⁽²⁾ 10 feet* 24 feet
Minimum Landscape Buffers: - Adjacent to RM and RL	24 feet	Zero feet ⁽³⁾
- Adjacent to Commercial and other Districts	10 feet	Zero feet ⁽³⁾
Minimum Building Separation (one story buildings)	25 feet	10 feet
Bike Parking - Residential - Leasing Office	0.5 per dwelling 1 per 20 vehicle spaces	Zero per dwelling 1 per 20 vehicle spaces*

*Standard RH-15 Requirement. No Modification requested, listed for ease of reference.

(1) If an entry portico is provided, it shall be allowed at a height up to 30 feet for adequate emergency vehicles ingress and egress as well as appropriate architectural rooflines to match the primary buildings.

(2) For the purpose of SUDC section 122-136(b)(15)(d)(1), which discusses wall placement, the front yard shall be measured 25' from the Sweetwater Road property line and not the full 30' building setback.

(3) Minimum 24 foot deep private yards shall be provided with at least one tree per yard to act as buffering.

As noted in the above table, the applicant proposes a reduction in maximum building height from 35'/3-stories to 16'/1-story for primary buildings and 20'/1-story for accessory buildings. The rationale for this reduction is that the base development standards of the RH zoning district are geared towards a "pedestal" style apartment building as opposed to the proposed cottage style development. As such, the 30'/3-story standard is neither necessary nor appropriate. Reducing the maximum heights to those proposed reduces the impacts of the development on the neighboring residential properties and further helps to justify the larger request.

The applicant also proposes a reduction in rear setback from 30' to 24'. The 30' rear setback provision is in the context of a pedestal style apartment complex as opposed to a cottage style development and is intended to mitigate the effects of a 3-story building being adjacent to single-family development. In this case, the rear of the multi-family development will be adjacent to commercial development. Staff does not object to this reduction.

Related to the previous paragraph, there is a provision in the SUDC which requires a 24' landscape buffer along the perimeter of a multi-family project when adjacent to Medium Density Residential (RM) or Low Density Residential (RL) zoning. The applicant proposes a reduction in the depth of this perimeter landscape buffer from 24' to zero feet adjacent, in that the buffer is essentially being met via the private yards being created as a result of the 24' building setback as discussed in the previous paragraph.

There is also a provision in the SUDC that requires an internal building separation of 25' for multi-family projects, which again is consistent with pedestal-style apartment development. The applicant proposes reducing the internal building separation from 25' to 10' due to the cottage-style nature of the development. Staff does not object to this provision.

The proposed reduction in bicycle parking from 0.5 spaces per dwelling to zero spaces per dwelling stems from the cottage vs. pedestal style development. Under the cottage style development, residents will park their bicycles in their own secured back yards as opposed to in a bike rack located elsewhere on site. Staff does not object to this reduction.

UTILITY AND SERVICES TABLE:

Electric:	Arizona Public Service
Water:	EPCOR
Wastewater:	City of Surprise
Refuse:	City of Surprise
Natural Gas:	Southwest Gas
Irrigation:	Maricopa Water District
Schools:	Dysart USD

[Continued on following page.]

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. The proposed RM-6 PUD and RM-9 PUD zoning districts will generate a density of 2.9 and 3.8 DU/Ac, respectively, and is consistent with the existing and proposed single-family fabric in the area. The proposed RM-15 PUD component will be buffered from the RM-9 PUD component by a local roadway and open space, which demonstrates consistency with the General Plan.

*** REVIEWING AGENCIES:**

The subject request was routed to the standard reviewing agencies, who had not commented as of the writing of the original Commission report. Since that time, staff received comment as summarized below:

Maricopa Water District (MWD): MWD states the proposed project will impact their facilities and requires the developer to enter into a Development Agreement with the District.

Flood Control District of Maricopa County (FCDMC): FCDMC states the eastern portion of the site lies within FEMA Flood Zones A and X, which triggers a requirement for a Floodplain Use Permit, or a CLOMR/LOMR.

Maricopa County Department of Transportation (MCDOT): MCDOT indicates no objection to the request, but points out that no right-of-way exists in front of the Paradise Honors School. MCDOT further states their understanding is that Paradise Honors will be primary taking access from Sweetwater with secondary access from 175th Avenue, and points out the potential for traffic congestion at 175th Avenue and Cactus Road.

Arizona Department of Transportation Right-of-Way (ADOT-ROW): ADOT-ROW states they have no issues or concerns with the project, but states that ADOT Engineering may have additional comments.

[Continued on following page.]

SUMMARY:

The applicant seeks a Zone Change over the subject property, and seeks relief from certain aspects of the SUDC through the PUD Overlays. Said Zone Change is consistent with the Surprise General Plan and the rationale for the granting of the PUD Overlays stem from the developer's commitment to mitigate against the negative effects of the development through an increase in the minimum open space in the single-family portion, a reduction in density over that allowed under the base zoning districts, and the reduction of certain development standards which are not essential for the successful development of the site. The proposed development is compatible with the neighboring land uses, and the amenities included will provide recreational opportunities for the neighborhood residents. Further, much needed infrastructure will be constructed as part of this development.

FINDINGS:

- The proposed zone change is consistent with the Surprise General Plan 2035.
- The proposed development standards will allow the property to be reasonably developed.
- There are no objections to the request.

RECOMMENDATION:

Based on the findings noted above, staff recommends the Commission move to recommend **approval** of the subject rezone request to the City Council, subject to stipulations 'a' and 'b' as outlined below:

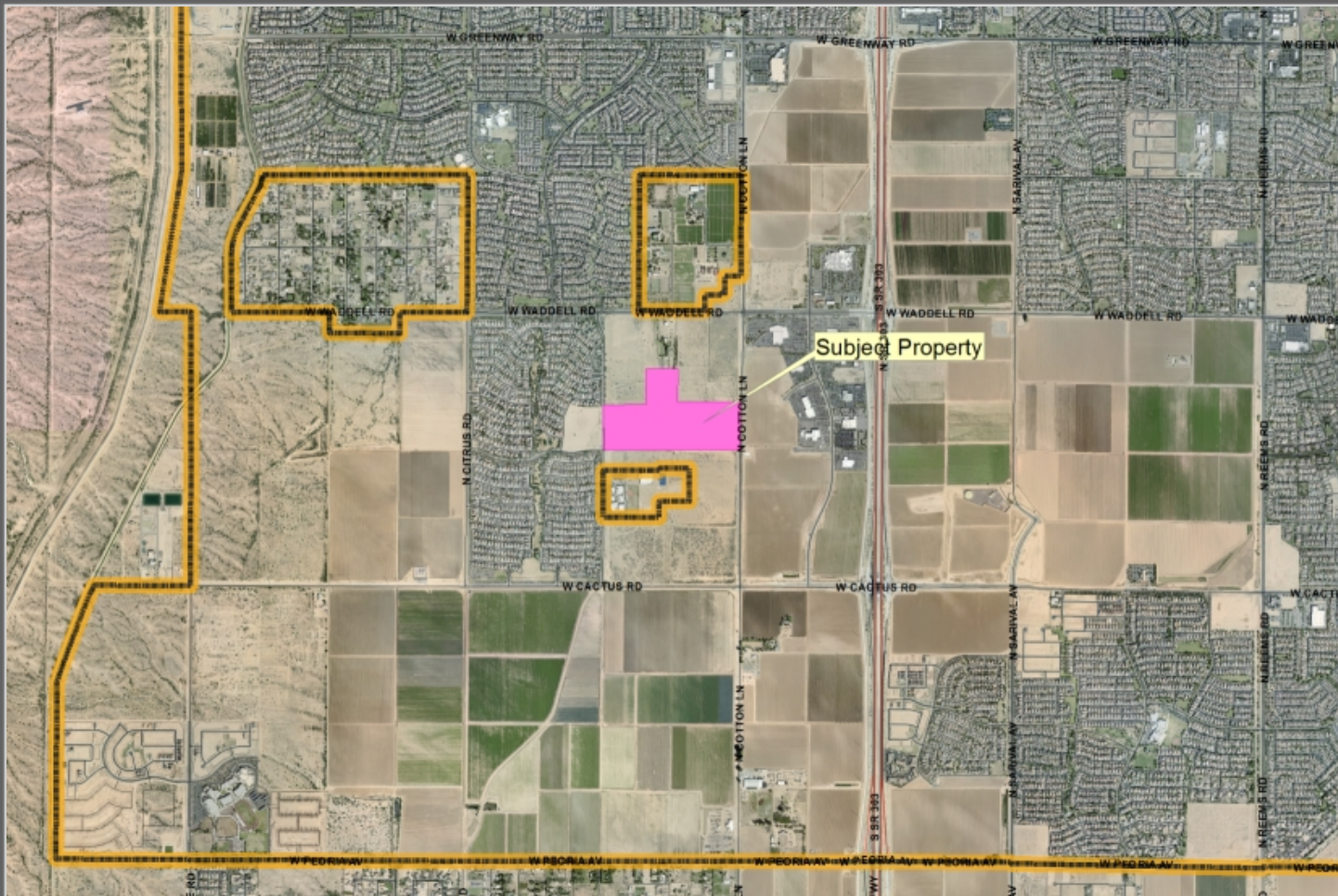
- a. Development and use of the site shall be in conformance with the Zone Change Narrative entitled "Rancho Trugold Featuring Hancock Communities", consisting of thirteen (13) pages plus exhibits, prepared by RVi Planning + Landscape Architecture and stamped received March 1, 2019.
- b. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.

However, should the Commission wish to recommend denial of the request, the Commission should make its own findings and base its decision on those alternative findings.

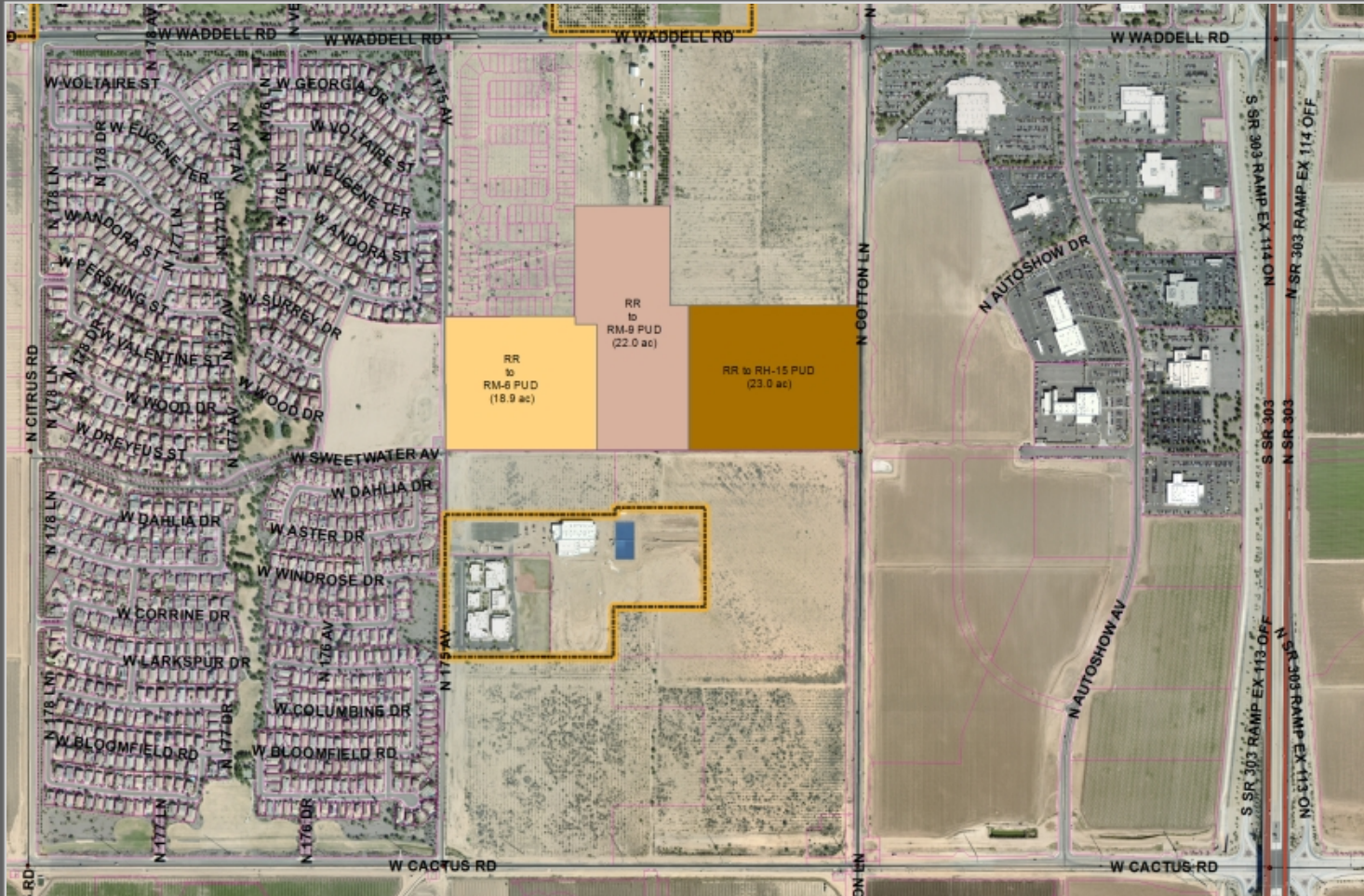
*** Attachments (included with March 21, 2019 packet):**

- 01 Rancho Trugold Joint Vicinity Map
- 02 Rancho Trugold Zone Change Case Map
- 03 Rancho Trugold Zone Change Narrative
- 04 Rancho Trugold Citizen Participation Report (redacted)
- 05 Rancho Trugold Outreach emails (redacted)
- 06 Rancho Trugold Zone Change Adopting Ordinance

Rancho TruGold Vicinity Map



Rancho TruGold Rezone Case Map



RANCHO TRUGOLD

FEATURING HANCOCK COMMUNITIES

A RESIDENTIAL DEVELOPMENT SURPRISE, ARIZONA

PUD ZONING APPLICATION

1ST SUBMITTAL: AUGUST 2018

2ND SUBMITTAL: NOVEMBER 2018

3RD SUBMITTAL: DECEMBER 2018

4TH SUBMITTAL: JANUARY 2019

5TH SUBMITTAL: MARCH 2019

CASE NUMBER: FS18-386

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- A. Legal Description
- B. Master Drainage Report (Separate Document)
- C. Master Water Report (Separate Document)
- D. Master Wastewater Report (Separate Document)

1.0 DESCRIPTION OF REQUEST

1.1 Introduction

On behalf of John C. & Helen G. Truman Trust, UAD 11/2/1978, RVI Planning + Landscape Architecture and Beus Gilbert PLLC is requesting a zone change from Residential Ranch (RR) to 18.9 acres of RM-6 PUD, 22.0 acres of RM-9 PUD, and 23.0 acres of RH-15 PUD for a 63.9-acre parcel of land located at the northwest corner of Cotton Lane and Sweetwater Avenue, called Rancho TruGold. The site is an irregular-shaped parcel located ½ mile west of the Loop 303 freeway, and is bounded by the Sweetwater Avenue to the south, Cotton Lane to the east, vacant land and a rural residential lot to the north, and 175th Avenue to the west. See **Figure 1, Vicinity Map** for the property boundary and general location and **Appendix A, Legal Description** for the legal boundaries of the property. Concurrent with this zone change, the applicant will also be submitting a site plan for the RH-15 PUD portion of the property which features a project by Hancock Communities.

1.2 Project Overview and Zoning Request

Rancho TruGold will be developed as a single-family and multi-family residential development within an active growth area of the City of Surprise. The residential zoning for the property is RM-6 PUD for the western 18.9 acres of the site, RM-9 PUD for the central 22.0 acres of the site, and RH-15 PUD for the eastern 23.0 acre portion of the site using the Conventional Character Pattern. See **Figure 2, Proposed Zoning Map** for the location of the zoning district boundary.

Rancho TruGold will include up to 383 residential units which translates to a maximum gross density of 6.0 dwelling units per acre for the project as a whole. This is consistent and at the midpoint of the 2-8 dwelling units per acre density range permitted within the Neighborhood General Plan Land Use designation. This is also within the requirements of the Luke Air Force Base Graduated Density Policy of 0-6 du/acre within this applicable zone. The RM-6 PUD district, shown as Parcel A in attached Figures 2 and 3, shall permit not more than 55 units or 2.9 du/ac. The RM-9 PUD district, shown as Parcel B in attached Figures 2 and 3, shall permit not more than 84 units or 3.8 du/ac. The RH-15 PUD district, shown as Parcel C in attached Figures 2 and 3, shall permit a maximum of 244 units or 10.6 du/ac (all based on gross acres). While actual unit mix and lot sizes may vary slightly within the single-family residential portion of the development, the concept plan includes 50' x 120' within the RM-9 PUD district and 60' x 120' within the RM-6 PUD district.

While multi-family in zoning, with multiple dwelling units on a single parcel, Hancock Communities functions more like a grouping of attached and detached single-family buildings and are akin to a compact single-family subdivision offering central amenities. Unlike the typical vertical apartment complexes that are two or more stories, horizontal communities like those developed by Hancock Communities are single story and are essentially small homes that are for rent. Buildings are grouped to create intimate courtyards, anchored by shade trees to support healthy neighborhood interaction.

1.3a RM-6 PUD and RM-9 PUD Zoning Designations and Development Standards

The residential zoning designation affiliated with the single-family portion of the property will use the Conventional Character Pattern in accordance with **Section 122-33** of the Surprise Unified Development Code as may be subsequently amended. The Planned

Unit Development (PUD) overlay designation shall be applied to the property to allow modification of certain RM-6 and RM-9 development standards within the Surprise Zoning Code.

Community Pool: The first modification is the removal of the requirement for a community pool per **Section 122-137(r)** of the Surprise Unified Development Code (SUDC) which states:

“Medium density residential projects containing 60 residential units or greater shall be provided a swimming pool amenity, unless there is a community pool included as part of the overall development.”

The justification for removal of this requirement is that proposed lot sizes will be large enough to accommodate pools within individual lots. The community pool standard is intended for small lot medium density residential product with lot sizes that cannot accommodate private pools within individual yards. This development will provide lot sizes large enough to accommodate pools within individual rear yards based on the proposed lot sizes and associated development standards defined within Table 1. See additional mitigation for this and other modified standards later in this section.

Recreational Field: The second modification is to the recreational fields standard within **Section 122-137(p)(1)** of the SUDC which states:

“There shall be a minimum of one turf recreational field provided by the developer for organized sporting activity in a low density or medium density residential project. In no case shall there be less than one turf recreational field per 700 units within a development. Any required recreational field shall have a minimum turf area of 3.5 acres.”

The modified standard for Section 122-137(p)(1) shall include removal of the last sentence that states: *“...Any required recreational field shall have a minimum turf area of 3.5 acres.”* Based on the size and scale of the single-family residential portion of the development at only 40.9 gross acres, a 3.5-acre turf field (which is roughly the size of three full-size professional football fields side by side by side) is out of scale and inappropriate for this development. While the overall project will exceed the open space requirement, the recreational field provided will be scaled appropriate for the development as shown on **Figure 3, Development Plan Concept**. The plan proposed three separate recreational turf fields that will also serve as retention during storm events. These fields range in size from approximately 20,000 square feet within the central amenity area to approximately 12,000 square feet in the secondary amenity areas and are sized to allow for a variety of recreational opportunities for residents. Additional mitigation regarding the overall open space plan is provided further below.

Driveway Width: The final modification is for driveway width standards within **Section 122-121(h)(3)c and d** of the SUDC which states:

“c. Driveways and other parking shall not comprise more than 30 percent of the front yard lot area of a detached single family home; nor 50 percent of the front yard lot area of a two or more family residential unit. Circular driveways and similar circulation shall be permitted within the front yard so long as no long term resident parking occupies such circular drive, and

the square footage for driveway, parking and other impervious surfaces combined does not exceed the allowable percentages shown herein.

d. Driveway entrances shall not comprise more than 30 percent of the front lot line of a single family, detached residential parcel, nor more than 50 percent of the front lot line of any multiple-family or non-residential parcel.”

Rancho TruGold includes 50’ wide and 60’ wide lots, which is the market demand in this area. In order to accommodate a two car garage and a 20’ wide driveway, this standard will be modified to state: “c. *Driveways and other parking shall not comprise more than 45 percent of the front yard lot area of a detached single family home.*” and “d. *Driveway entrances shall not comprise more than 45 percent of the front lot line of a single family, detached residential parcel.*” This revised standard will allow all homes within the subdivision to accommodate a two car garage and an appropriate width driveway.

Mitigation: As appropriate mitigation for the above modified development standards, the project will include reduced density limits, increased lot sizes, and increased common-area open space for the benefit of the residents and surrounding community. Detailed regarding the proposed mitigation to these modified development standards are discussed further below. Unless specifically modified herein, the development of the property shall comply with **Chapter 122** of the Surprise Municipal Code. In the event of a conflict between a development standard, provision or regulation between the rezoning application and the Surprise Municipal Code, the standard within this rezoning application shall prevail.

The western 18.9 acres of the property will be zoned RM-6 PUD, while the central 22.0 acres of the property will be zoned RM-9 PUD. As stated above, the purpose of the RM PUD overlay is to modify certain single-family residential development standard. As mitigation and additional justification for these modified development standards, the maximum allowable density for the RM PUD portion of the project will be reduced from 6.0 to 2.9 dwelling unit per acre for RM-6 PUD and from 9.0 to 3.8 dwelling units per acre for RM-9 PUD. Additionally, within the RM-6 PUD district, the minimum lot areas will be increased from 6,000 square feet to 7,000 square feet and the minimum lot width will be increased from 50’ wide to 60’ wide. For the RM-9 PUD district, the project will increase the minimum lot size from 4,500 square feet to 5,900 square feet and increase the minimum lot width from 40’ wide to 50’ wide. These increased development standards will ensure a lot size that is larger than the base district requirements for RM-6 and RM-9, and can accommodate backyard pools to mitigation the removal of the community pool requirement. The increased lot width will also help to mitigate the wider driveway percentage while still providing for livable areas of each home to face the street. These increased bulk development standards are defined within **Table 1, RM-6 PUD and RM-9 PUD Development Standards** below. Note that items in “red” on Table 1 are standards that have been modified as defined above.

As additional mitigation for the use of the PUD overlay, the development will provide for an increase in the required open space from 20% net residential area to 24% net residential area, which represents a 20% increase in required open space. This includes a large, central community open space area, a 40’ wide landscape setback along 175th Avenue, and a wide open space buffer adjacent to the RH-15 PUD multi-family

development to the east. Additional open space is provided within open space tracts throughout the development to accommodate multiple locations for active and passive recreation, landscaping and areas needed for retention within the development.

Table 1: RM-6 PUD and RM-9 PUD Development Standards

Development Standard	RM-6 City Base Standard	Proposed RM-6 PUD Standard	RM-9 City Base Standard	Proposed RM-9 PUD Standard
Maximum Density	6.0	2.9 (decrease in density)	9.0	3.8 (decrease in density)
Minimum Lot Area (sf)	6,000	7,000 (increase in lot area)	4,500	5,900 (increase in lot area)
Minimum Lot Width (ft)	50	60 (increase lot width)	40	50 (increase lot width)
Minimum Lot Depth (ft)	100	100	100	100
Minimum Front Yard Setback (ft) (livable area/front-facing garage)	12/20	12/20	12/20	12/20
Minimum Side Yard Setback (ft)	TBD	5	TBD	5
Minimum Rear Yard Setback (ft)	20	20	20	20
Maximum Building Height (ft)	35	35	35	35
Driveway Width Percentage	30%	45%	30%	45%
Driveway Area Percentage	30%	45%	30%	45%

1.3b RH-15 PUD Zoning Designations and Development Standards

The residential zoning designation affiliated with the multi-family portion of the property for Hancock Communities will use the Conventional Character Pattern in accordance with **Section 122-33** of the Surprise Unified Development Code as may be subsequently amended. The Planned Unit Development (PUD) overlay designation shall be applied to the property to allow modification of certain RH-15 PUD development standards within the Surprise Unified Development Code.

The traditional requirements of the City of Surprise development standards for multi-family are not applicable to the unique residential product used in Hancock Communities. Traditional multi-family zoning expects large buildings consisting of multiple units, thereby creating a large building mass. Hancock Communities at TruGold consists of one-story residential homes that are either fully detached (2 bedroom units) or duplex style (1 bedroom units).

As such this PUD Overlay proposes the following modifications the RH-15 Zoning District to support this unique proposed multi-family.

Reduction in Maximum Density
Reduction in Maximum Building Height
Reduction in Rear Yard Setback

Reduction in Landscape Buffer Yard
Reduction in Building Separation
Reduction in Bicycle Parking

Reduction in Maximum Density: The first modification is the reductions of the RH-15 development standard which allows a maximum density of 15 du/ac per **Section 122-33** of the Surprise Unified Development Code (SUDC)

In support of the other modifications and to ensure increased compatibility with the surrounding single-family, both within and outside of the Rancho TruGold project, as well as compatibility with the Luke Air Force Base GDC, Hancock Communities at TruGold is proposing a reduction of the permitted maximum density. The maximum of 10.61 du/ac helps justify the proposed reduced development standards.

Reduction in Maximum Building Height: The second modification is the reduction of the RH-15 development standards which allows a maximum height of 35'/3 stories density per **Section 122-33** of the Surprise Unified Development Code (SUDC) The limitation of maximum 1 story buildings helps justify the proposed reduced development standards for setbacks, buffers and building separation.

Reduction in Rear Yard Setback: The third modification is to the rear yard setback standard within **Section 122-33** of the SUDC which requires a 30' rear setback.

With this request, we are seeking a 24' minimum rear building setback. The base RH-15 Zoning District anticipates taller multi-family buildings with a mass larger than that of a typical single family home and as such requests a 30' minimum building setback. In contrast to those expectations, buildings within Hancock Communities at TruGold are all single-story and smaller than a typical single-family home. The density of the project, at 10.61 du/ac is also more in-line with medium density housing. If not for the fact that Hancock Communities at TruGold requires RH zoning because it is multiple residential buildings on a single parcel; we could utilize the RM-12 district that allows a 15' rear setback; less than that which we are proposing.

Reduction in Landscape Buffer Yards: The fourth modification is to the landscape buffer yards standard within **Section 122-136(b)(18)e** of the SUDC which requires a 24' landscape buffer between an RH zoning district and a RM or RL zoning district.

Hancock Communities at TruGold includes minimum 24 foot deep private rear yards along the common property lines. In lieu of providing a separate perimeter landscape buffer, which would normally be found in a multi-family apartment complex, we propose elimination of the separate perimeter landscape buffer requirement. The 24' deep rear yards, include landscaping, and function similar to that of a medium density single-family residential lot, which would not require the aforementioned perimeter landscaping and only require a 15' building setback. Additionally, the RM district to the west is providing for a landscape buffer that exceeds 24' between the two districts.

Reduction in Building Separation: The fifth modification is to the building separation requirements of **122-136(b)(18)g** wherein non-abutting one-story buildings within the same development must be located a minimum of 25' apart.

Traditional multi-family zoning expects large buildings consisting of multiple units, thereby creating a large building mass. Hancock Communities at TruGold consists of one-story residential homes that are either fully detached (2 bedroom units with 1,022 square feet under roof) or duplex style (1 bedroom units with a total of 1,336 square feet under roof for the two unit building.) Wherein building separation is typically

expected to maintain a 25' separation between buildings, we are requesting a 10' minimum separation. Given the small building mass, this reduced separation allows for a more pedestrian scale and provides an intimate experience in the walkways between the buildings.

Reduction in Bike Parking: The final modification is to Section 122-133(e) which requires a multi-family project to have .5 bike parking spaces per dwelling unit.

Because Hancock Communities at TruGold includes rear yards, it functions more like a single family community, which would not require dedicated bike parking. Because each unit will have room in this yard for secure bike parking, extra bike racks outside of the yards, within the common areas, is not necessary. Bike parking racks will still be provided in accordance with the SUDC next to the office and central amenities area.

Table 2: RH-15 PUD Development Standards

Standard	Existing RH-15 Conventional Character Pattern Requirement	Proposed PUD Modifications
Maximum Dwelling Units per Gross Acre	15 du/ac	10.61 du/ac (244 units max)
Maximum Height	35 feet (3 stories)	16 ft./1 story for primary buildings 20 ft./1 story for accessory buildings (office, fitness center, etc.) ⁽¹⁾
Minimum Building Setbacks: - Front (Sweetwater) - Side - Rear	30 feet 10 feet 30 feet	30 feet* ⁽²⁾ 10 feet* 24 feet
Minimum Landscape Buffers: - Adjacent to RM and RL	24 feet	Zero feet ⁽³⁾
- Adjacent to Commercial and other Districts	10 feet	Zero feet ⁽³⁾
Minimum Building Separation (one story buildings)	25 feet	10 feet
Bike Parking - Residential - Leasing Office	0.5 per dwelling 1 per 20 vehicle spaces	Zero per dwelling 1 per 20 vehicle spaces*

*Standard RH-15 Requirement. No Modification requested, listed for ease of reference.

(1) If an entry portico is provided, it shall be allowed at a height up to 30 feet for adequate emergency vehicles ingress and egress as well as appropriate architectural rooflines to match the primary buildings.

(2) For the purpose of SUDC section 122-136(b)(15)(d)(1), which discusses wall placement, the front yard shall be measured 25' from the Sweetwater Road property line and not the full 30' building setback.

(3) Minimum 24 foot deep private yards shall be provided with at least one tree per yard to act as buffering.

1.4 Residential Development Plan Concept

The development plan concept represented in **Figure 3** is non-regulatory and subject to change without triggering an amendment to the zoning, but has been provided to graphically illustrate how the property may be developed, including roadway access and connectivity, relationship between surrounding properties, general lot configuration, and general location and size of open spaces. The development plan concept identifies three development parcels, including 60' x 120' single-family residential for the western portion of the development, 50' x 120' single family residential for the central portion of the development, and Hancock Communities' single-story multi-family rental community for the eastern portion of the development.

Within the single-family development, a large, common open space amenity is provided within the central portion of the development, and is strategically located to provide high visibility and access for all residents. The primary entry into the development terminates at this park, creating an attractive visual experience for residents and visitors as they enter the community. Two additional active and passive recreational open space areas are provided within each of the development parcels, providing further opportunities for residents to recreate within close proximity of their homes. Additional detail will be provided at the time of a Preliminary Plat.

Within Hancock Communities at TruGold, there is a communal area for recreation central to the development consisting of a community swimming pool and spa, a covered ramada, and turf for recreation. This area accounts for almost an acre of land and is centrally located, a short walk from any residence. Smaller amenity areas are provided throughout the community, connected by a series of pathways, offering another acre of active recreation space. Additional detail is provided with the Site Plan request.

Access to the community for the single-family residential development will be provided from Sweetwater Avenue and 175th Avenue through an access agreement with the Heritage Farm property to the north, with a future roadway connection planned to the north when that property is developed. Internal circulation includes a series of looped streets, providing various choices for residents while minimizing potential for cut-through traffic from surrounding developments. Perimeter setbacks include a wide, 40' landscape setback on 175th Avenue, and a 15' landscape setback along Sweetwater. Access for the Hancock Communities multi-family development will be provided on Sweetwater Avenue and a secondary access on Cotton Lane. An emergency access will be provided, connecting east into the single-family residential development. A 60' landscape setback will be provided along Cotton Lane, and a 25' setback will be provided along Sweetwater.

1.5 Circulation Plan

The site is bounded by 175th Avenue to the west, Sweetwater Avenue to the south, and Cotton Lane to the east. 175th Avenue and Sweetwater Avenue are both classified as Residential Collector streets with a 40' half street right-of-way. Cotton Lane is designated as a major arterial street with a 68' half street.

Primary access to the property will be from Sweetwater Avenue for all development parcels, with a connected, looped local street system connecting the single-family residential property. Sweetwater Avenue will ultimately be constructed from 175th

Avenue to Cotton Lane, providing access from both Cotton Lane and 175th Avenue to the property. An additional access point to the single-family development is planned at 175th immediately north of the property through the Heritage Farm project. The applicant is coordinating with that property owner to the north and the connection will be constructed by either Heritage Farm or Rancho TruGold, whichever development is constructed first. A future local roadway connection is also planned to connect to the property at the north end, providing for additional connectivity when the northern property is developed. The right-of-way for this connection will be dedicated with the plat for this development, but improvements will be provided by the adjacent property owner when the north property is developed. For the Hancock Todd Communities multi-family development parcel, a secondary access location is provided along Cotton Lane, with a 3rd emergency only access location provided into the single-family residential development to the west.

Bicycle lanes will be provided on Sweetwater Avenue and 175th Avenue in accordance with the City's standard detail for Residential Collector Streets to facilitate bicycle movements within and adjacent to the property. Pedestrian circulation will include setback sidewalks along public streets, and a connection to the central open space amenity.

1.6 Open Space, Trails and Amenities Plan

The community will provide perimeter and internal open spaces, a central community amenity area within both the single-family and multi-family developments, and setback sidewalks that will encourage walking and pedestrian connectivity within the development and adjacent surrounding community. A 40' wide perimeter setback will be provided along 175th Avenue and will include landscaping, retention and community signage. A 15' landscape setback is provided along Sweetwater Avenue, with wider open spaces at the corners of the single-family development and within the central entry to the development, creating an attractive entry experience as residents and visitors enter the community. This will also be a location for residential monument signs. A 60' wide landscape setback will be provided on Cotton Lane, providing an attractive buffer between the development and the street.

Within the single-family RM-PUD parcels, a central neighborhood park will include active and passive recreational amenities such as a tot lot, sports court, shaded seating, picnic areas, informal play field, trails, retention areas and landscaping to serve the residents within the development. This has been located at the termination of the primary entry into the community, and is centrally located to provide excellent access and visibility for all residents. Two additional open spaces are provided within the western and central portions of the development, providing secondary active and passive recreational amenities for residents. Within the RM-PUD portion of the development, the property will provide a minimum of 24% net residential acreage open space, a 20% increase in open space requirements per **Section 122-137(d)(2)**, Conventional Character Pattern of the City's Zoning Code.

Within the multi-family RH-15 PUD parcel, there is communal area for recreation consisting of a community swimming pool and spa, a covered ramada, turf for recreation and a network of walking paths. When combined with the rear yards, the RH-15 PUD portion of the development, will provide recreational open space in excess of the 35% minimum per **Section 122-33**, Conventional Character Pattern of the City's Zoning Code.

1.7 Landscape Theme and Community Character

The overall landscape theme will use elegant and traditional trees and shrubs that are found on the low-water use plant list. Primary trees may include Oak and Ash, with secondary trees including Evergreen Elm, Vitex, Bauhinia, and/or pollen free Swan-Hill Olive trees, among others. Plants may include Lantana, Indian Hawthorn, Boxwood, Lady Bank's Rose, Myrtle, Rosemary, Guara, and Verbena. A complete list of plant materials will be provided at the time of site plan and preliminary plat, and shall conform to Chapter 122 of the Surprise Unified Development Code as may be subsequently amended.

The property's character and hardscape elements will include natural earth tones and elegant simplicity that are characteristic of the site's agrarian history. Theme walls and signage may use simple forms of stucco, single scored block, wood, cast stone and/or ornamental iron. To provide a pleasing contrast with the many shades of color present in the plant materials, the hardscape color scheme will be designed to complement the landscape palette, and will be accented with bright bursts of color at focal points and in site furniture. See **Figure 4, Wall Details** for the design concept for the primary theme wall and view fence proposed within the development. **Figure 5, Community Monuments**, show a preliminary concept for community entry monuments located within the primary entries to the single-family and multi-family developments along Sweetwater Avenue.

1.8 Drainage Master Plan

The site is generally sloping in a southeasterly direction. 175th Avenue is an improved half street adjacent to the site. There is street median with full section fronting the school site and there is full section at the intersection of 175th Avenue and Waddell Road. The road slopes generally in a southerly direction and there is a large catch basin south of the intersection of 175th Avenue and Waddell Road that captures the street runoff into the street storm drain system. Cotton Lane is partially improved with no curb and gutter and slopes in a southerly direction.

The site is located mostly in Zone X according to FIRM Panel 04013C1660L, revised October 2013. Portion of the site along Cotton Lane is located in Zone A. The design team is in the process of preparing a Conditional Letter of Map Revision to be submitted to the Maricopa County Flood Control District (MCFCD) and to the City of Surprise and after approval, it will be submitted to FEMA. The CLOMR application is based on the fact that the drainage conditions in the area have changed with the development upstream and there is currently less flow impacting the site. The site will have drainage channel traversing the eastern boundary, along Cotton Lane, to account for the offsite flow reaching the site.

The intent of the grading design is to convey the runoff generated onsite during a 100-year 2-hour storm event or smaller into retention basins for the single family housing portions to the west of the site and convey the runoff to underground storage for the multifamily portion on the east side of the site. The roadways will convey the street runoff to the different basins, proposed in different locations of the site. When the street capacity is exceeded catch basins with storm drain system will be installed to allow the runoff to stay within the street right way of way section.

The finish floor elevations for the site will be set higher than the adjacent 100-year water elevations and the cascading outfall elevations for the site in case of storm events beyond the 100-year storm events.

1.9 Water & Sewer Master Plans

Water

The water in the area of the site is in two zones, zone 2 and zone 3 per EPCOR description. The zone 2 is in the Northeastern corner of the project, and the zone 3 is in the western part of the project. Zone 2 connects to an existing 12" water line, approximately 700 feet south of Waddell Road on Cotton Lane. The proposed waterline continues, southerly down Cotton Lane to Sweetwater Avenue and continuing east for approximately 1200 feet to an existing 10" connection. An 8" internal loop will serve the RH-15 PUD portion of the site with two connection points in Cotton Lane.

Zone 3 will connect to an existing 12" water Line at Sweetwater Avenue and 175th Avenue. The proposed waterline continues easterly along Sweetwater Avenue approximately 950 feet. Then an 8" loop will head north and west through the subdivision until it connects to the existing 12" water line approximately 500 feet north of Sweetwater Avenue on 175th Avenue. An 8" loop will continue to serve the balance of the project.

Sewer

The project sewer system will connect to the existing 12" sewer stub, at the corner of Cactus Road and Cotton Lane. The proposed 12" sewer will head north along Cotton Lane, entering the TruGold subdivision at approximately 2,650 feet north of the Cotton and Cactus Intersection. The sewer in Sweetwater Ave is a 10" main that can provide service to the proposed single-family subdivision and multi-family parcel with this rezoning, and future developments to the north.

1.10 Future Owner's Responsibility

The Rancho TruGold community will include two separate entities responsible for future maintenance. A home owners association (HOA) will be formed for the single-family development and the owner for the multi-family development will retain a property management company. These independent groups will maintain all common community amenities, including signage, parks, trails, open space tracts, and other common areas within each respective development. The HOA will include a formal governance structure to be established by the HOA bylaws and community Covenants, Conditions and Restrictions (CC&R's). In the early phases of the single-family project, the HOA will be managed by the owner, master developer or homebuilder until such time as there are enough homeowners take over the management responsibilities. The purchasers of property within the single-family community will automatically become members of the HOA and will be required to pay annual dues for the ongoing operation and maintenance of community facilities owned by the HOA.

2.0. EXISTING CONDITIONS ANALYSIS

2.1 Property Location and Description

The proposed site is located on the northwest corner of Cotton Lane and Sweetwater Avenue alignment within the City of Surprise. More specifically, the property is an irregular-shaped parcel generally bounded by 175th Avenue to the west, vacant land and a large lot residential parcel to the north, Cotton Lane to the east, and Sweetwater Avenue alignment to the south. The subject site is defined in **Appendix 1, Legal Description**.

The following Assessor Parcel Numbers are included with this zoning application:

502-04-006D, John and Helen Truman Trust
 502-04-005D, John and Helen Truman Trust
 502-04-006A, John and Helen Truman Trust
 502-04-004B, John and Helen Truman Trust
 502-04-022A (north half), John and Helen Truman Trust.
 502-04-022D, James and Carol Truman

2.2 Existing Land Use, General Plan Designation and Zoning

The subject property is currently vacant land that was once used for agricultural purposes. Properties surrounding the site include vacant land and a single family residence to the north, developing commercial land to the east, vacant land to the south, and existing and future single family residential property to the west. See **Table 3** below and **Figure 1, Vicinity Map** for the existing land uses on the site and surrounding area.

The site is currently designated as *Neighborhood Character Area* with the City of Surprise 2035 General Plan. The site is also within the *Residential (Citrus and Cactus) Growth Area* as defined within the Anticipated Growth map in the General Plan. The Neighborhood land use designation allows for densities up to 8+ dwelling units per acre and supports a wide variety of residential development opportunities. The proposed zoning is in conformance with the Neighborhood General Plan designation, and will utilize the *Suburban Development Type* (2-8 du/ac) throughout the community. See **Table 3** below and **Figure 6, Existing General Plan Land Use Map** for the General Plan land use designation on the site and surrounding area.

Currently, the property is zoned Residential Ranch in the City of Surprise, permitting 1 dwelling units per acre, however much of the land surrounding this property has been rezoned to suburban and commercial land uses. See **Table 3** below and **Figure 7, Existing Zoning Map** for the existing zoning on the site and surrounding area.

Table 3: Existing Land Use, General Plan Designation and Zoning

	LAND USE	GENERAL PLAN	ZONING DESIGNATION
SITE	Vacant	Neighborhood	RR
NORTH	Vacant, Residential & Future Commercial	Neighborhood	RR, PAD & RM-6 PUD
EAST	Vacant, Future Commercial	Commerce/Office & Transit Oriented Development District	PAD and RM-9 PAD
SOUTH	Vacant	Neighborhood	RR, RM-9 PUD
WEST	Vacant & Residential	Neighborhood	PAD

2.3 Regional Facilities and Services

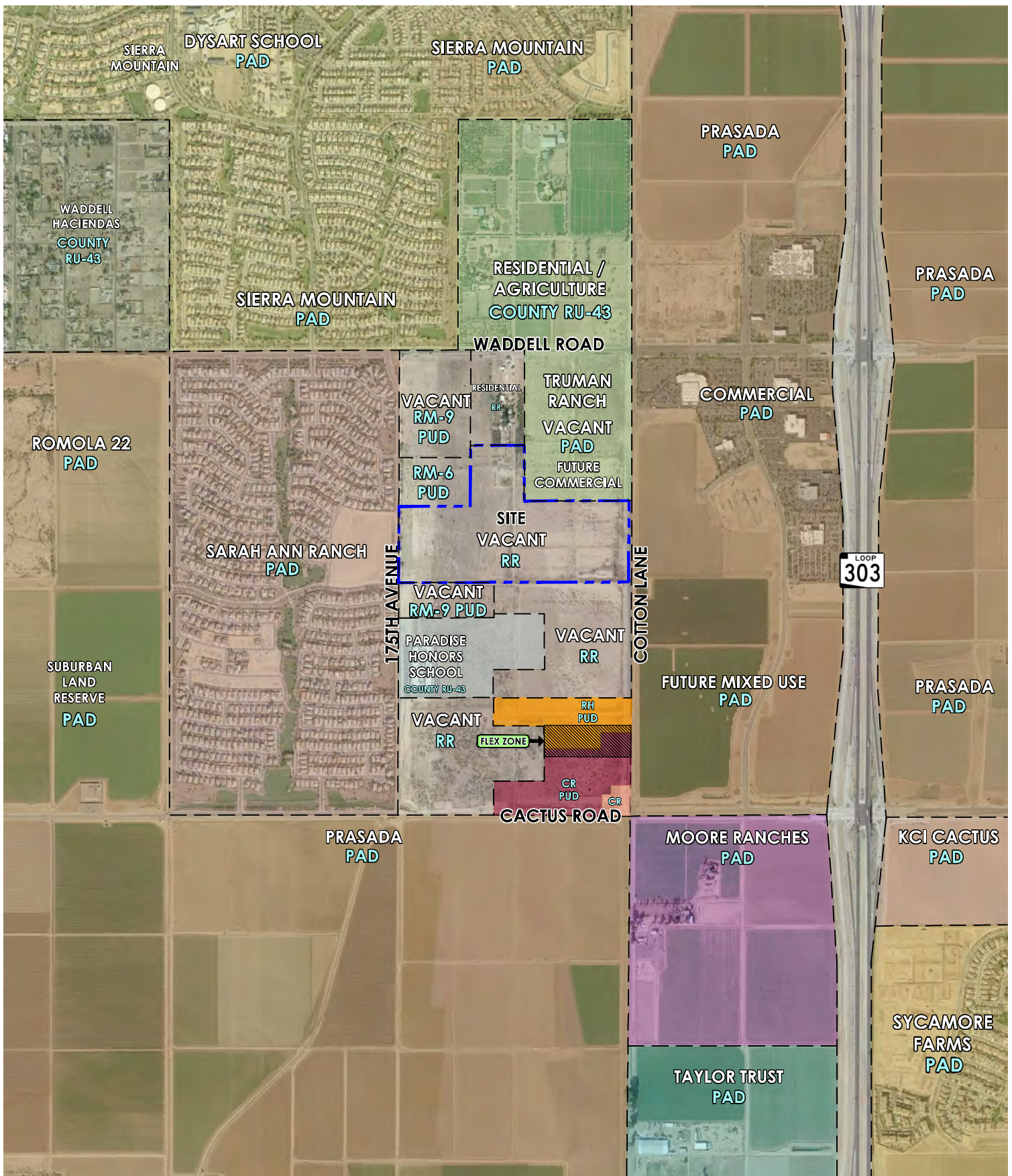
The site has been annexed into the City of Surprise, and as such is within the City of Surprise Municipal Planning Boundary. **Figure 1**, *Vicinity Map* shows the jurisdictional limits of the City of Surprise city limits in relation to lands within unincorporated Maricopa County.

The proposed property is approximately ½ mile west of the Loop 303 Freeway, with direct access to both the Cactus Road and Waddell Road interchanges, providing excellent access to the site along the regional freeway system. The site is bounded by Cotton Lane, 175th Avenue, and the future Sweetwater Avenue alignment.

The subject property is within the Dysart Unified School District (DUSD). The property is within the boundary of the Sonoran Heights Elementary School, located at 11405 N. Greer Ranch Parkway, and the Shadow Ridge High School, located at 10909 N. Perryville Road. Paradise School, a K-12 charter school, is also located just south to the property at 12775 N. 175th Avenue.

Since the property has been annexed into the City of Surprise, fire & emergency services, law enforcement services will all be provided by the City. The nearest fire station, Surprise Fire-Medical Station #307, is located 2 miles east of the site near Sarival Avenue and Cactus Road. The nearest Police Station is located in Surprise City Hall, approximately 6 miles northeast of the site.

Refuse collection for the single-family will be provided by the City of Surprise; however collection for the multi-family will be provided by a private commercial hauler.

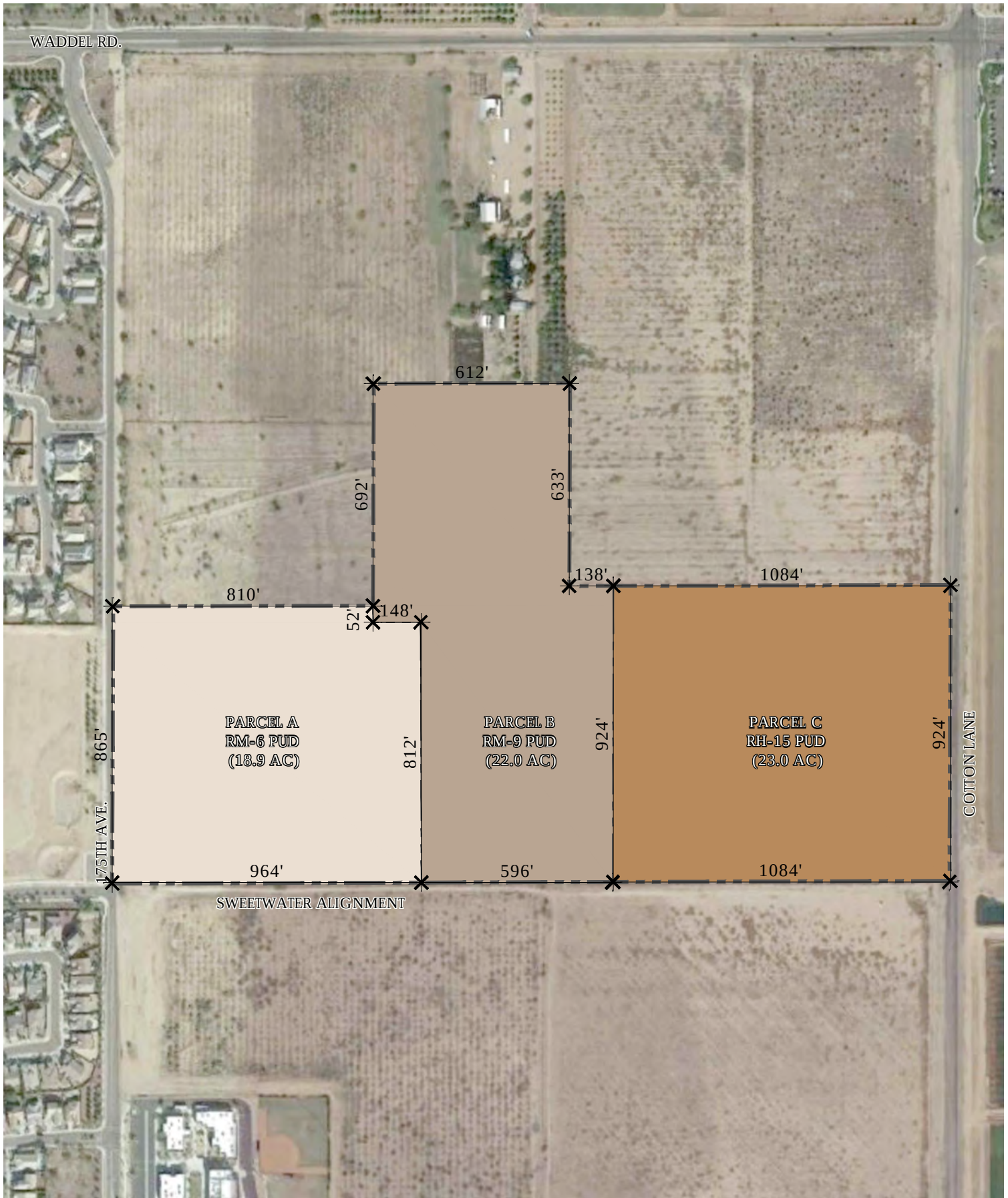


SCALE: NTS 

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TRUGOLD**
SURPRISE, AZ

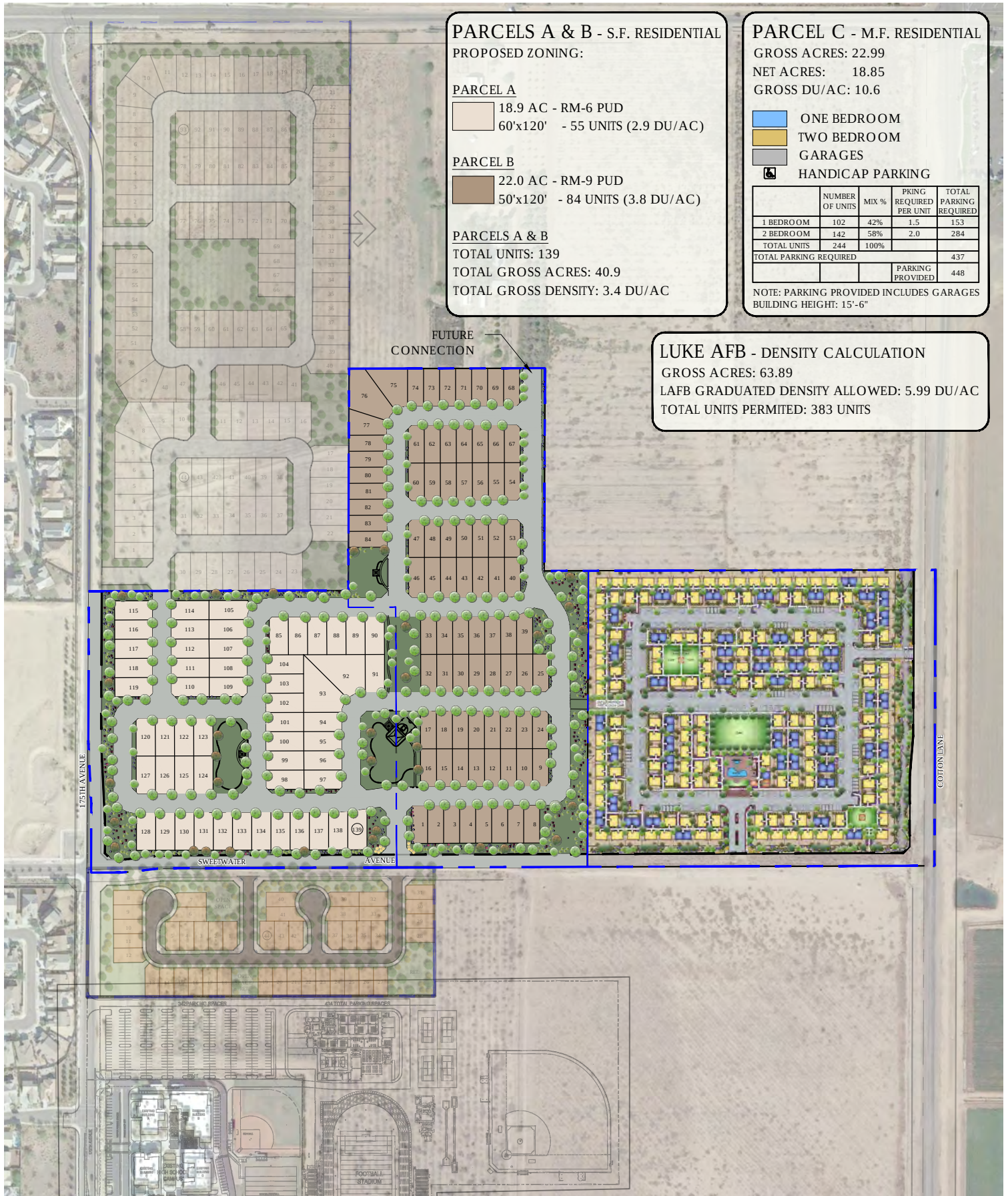
FIGURE I-VICINITY MAP
11/14/18

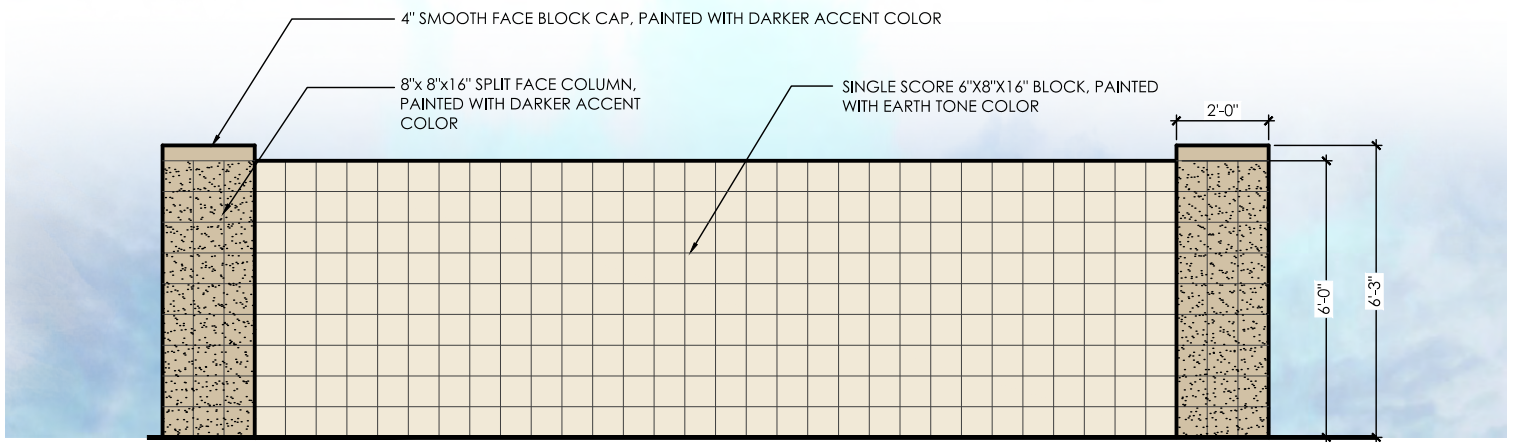




0' 200' 400' 800'

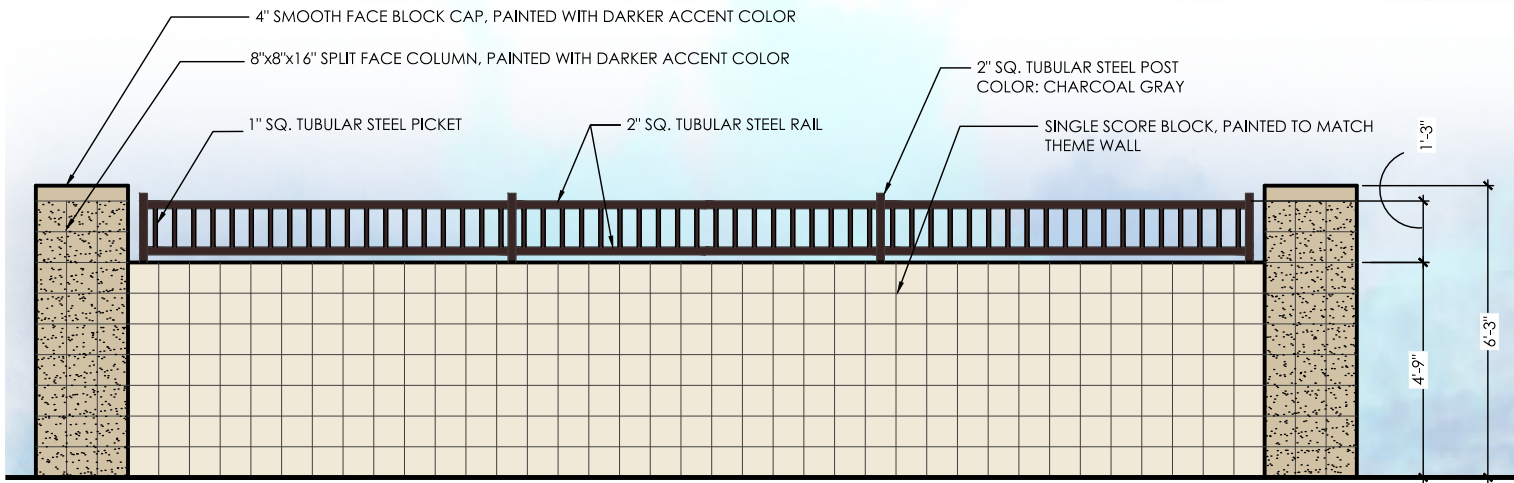






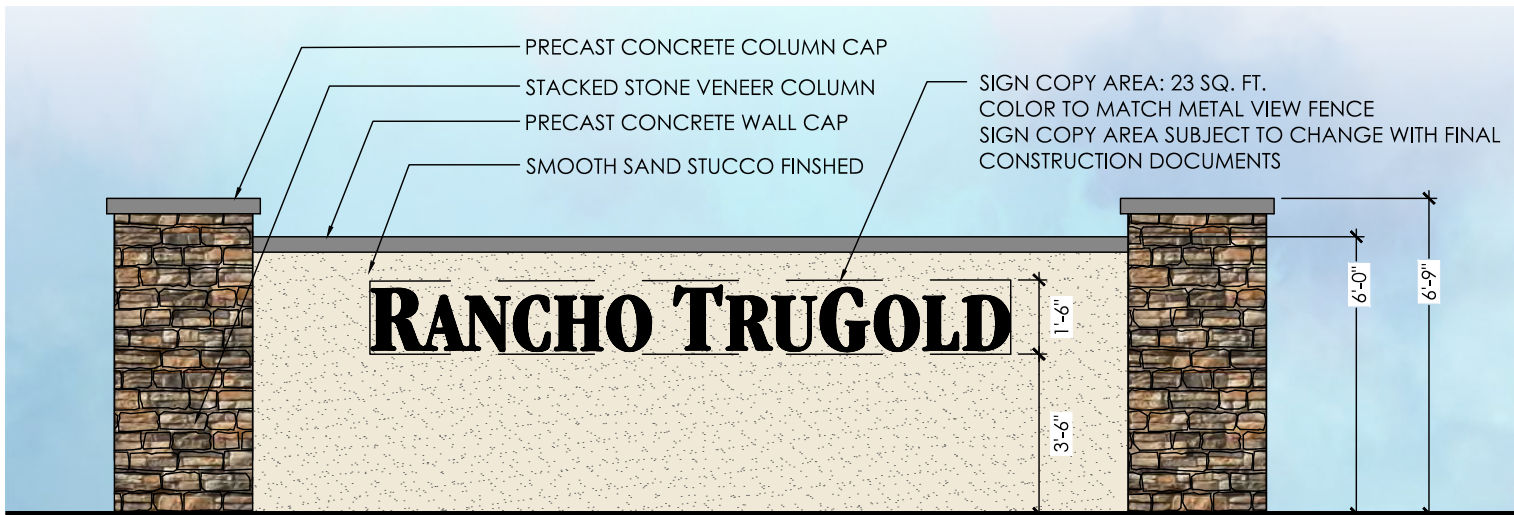
4a THEME WALL/COLUMN

SCALE: 1/2" = 1'-0"



4b PARTIAL VIEW FENCE

SCALE: 1/2" = 1'-0"

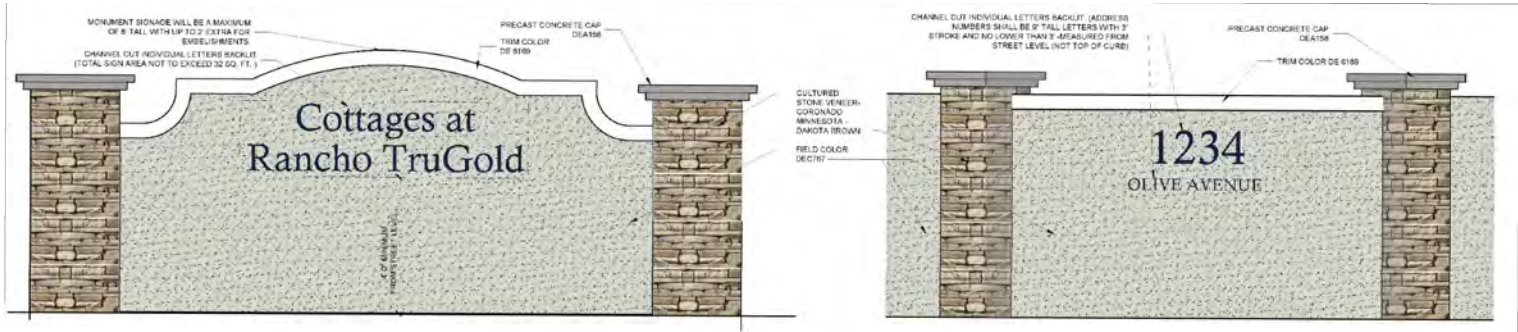


4c ENTRY MONUMENT

SCALE: 1-1/2" = 1'-0"

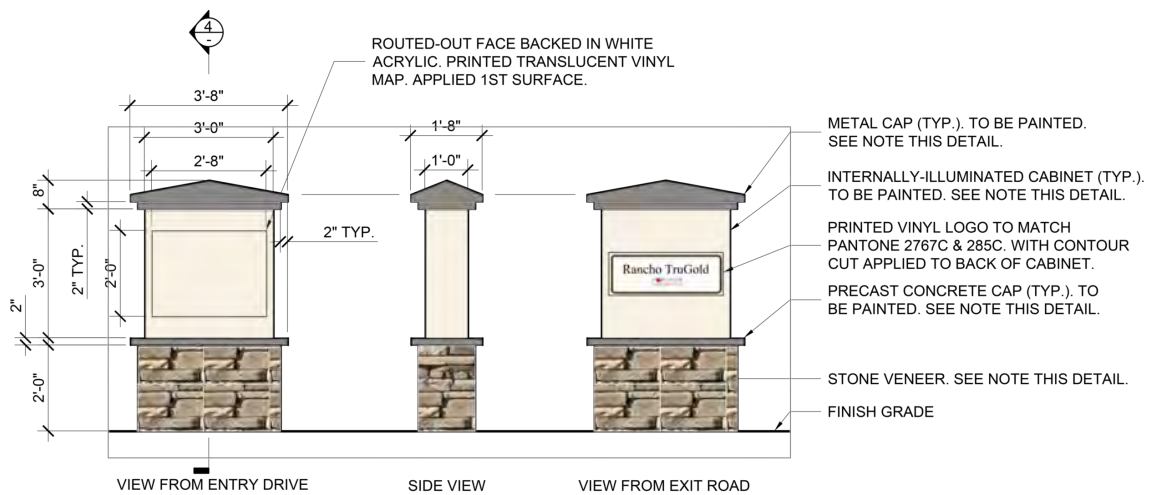
ENTRY MONUMENTS SHALL COMPLY WITH ALL REQUIREMENTS FOR A CLASS V MONUMENT

- COPY AREA FOR MONUMENT SIGNAGE WILL BE A MAXIMUM OF 32 SQ. FT.
- MONUMENT SIGNAGE WILL BE A MAXIMUM OF 8' TALL WITH UP TO 2' EXTRA FOR EMBELLISHMENTS.
- BOTTOM OF SIGN COPY TO BE NO LOWER THAN 4'- MEASURED FROM STREET LEVEL (NOT TOP OF CURB)
- ADDRESS SHALL BE 9" TALL LETTERS WITH 3" STROKE AND NO LOWER THAN 3'-MEASURED FROM STREET LEVEL (NOT TOP OF CURB)



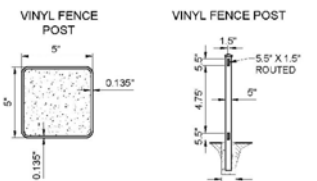
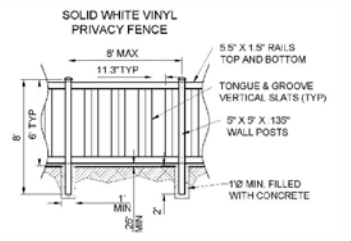
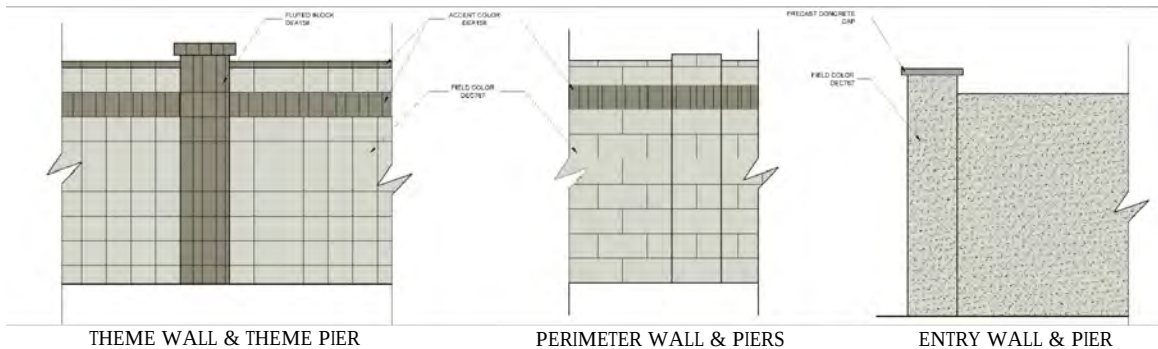
5a ENTRY MONUMENT

SCALE: N.T.S.



5b SITE MAP MONUMENT

SCALE: N.T.S.



SOLID WHITE VINYL PRIVACY FENCE

TRIM COLOR- DUNN EDWARDS MILK MUSTACHE DE6169
FIELD COLOR- DUNN EDWARDS RIVER BED DEC767
CAP COLOR- ON COLUMNS DUNN EDWARDS NORTHERN TERRITORY DEA158
STONE VANEER- CORONADO MINNESOTA FIELD STONE- DAKOTA BROWN

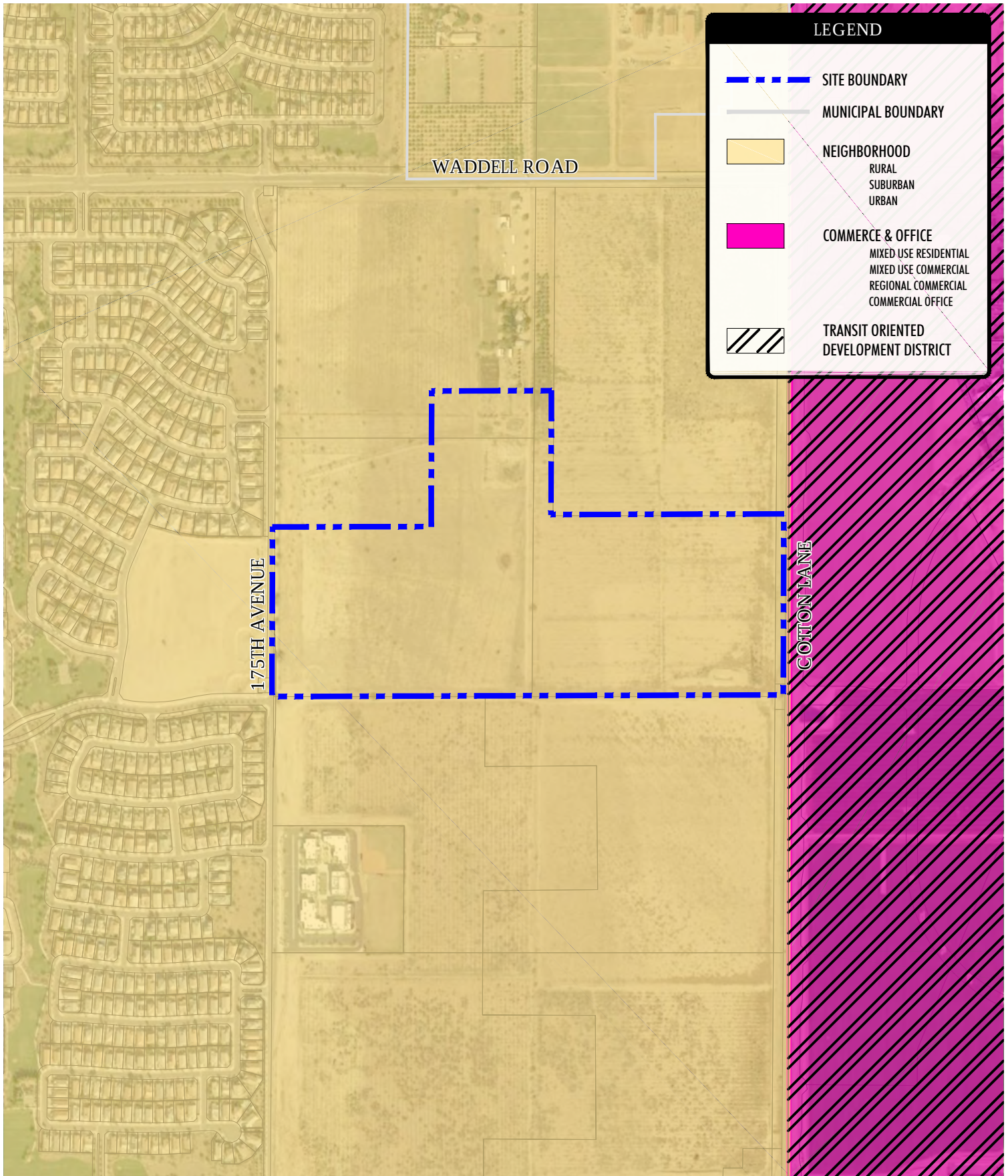
5c WALL DETAILS

SCALE: N.T.S.

RANCHO
TRUGOLD
SURPRISE, AZ

FIGURES 5 - MULTI-FAMILY WALL DETAILS
01/28/19





SCALE: NTS

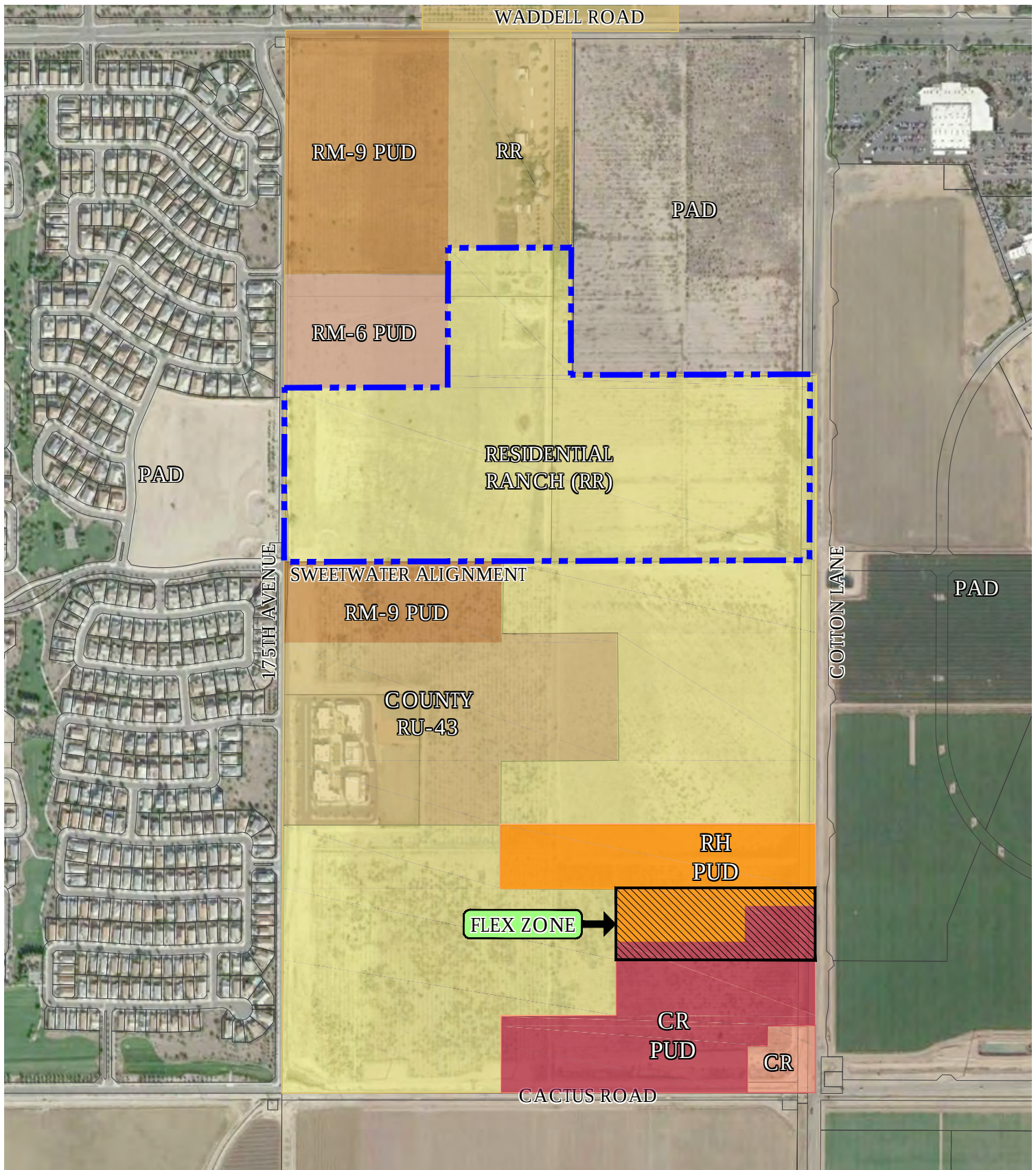


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SURPRISE, AZ

FIGURE 6-EXISTING GENERAL PLAN DESIGNATION MAP

10/23/18





SCALE: NTS

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SURPRISE, AZ

FIGURE 7-EXISTING ZONING MAP
10/23/18



Appendix A



Legal Description RANCHO TRUGOLD GROSS BOUNDARY LEGAL DESCRIPTION

Job No. 18-363

January 15, 2019

A PORTION OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

BEGINNING AT A BRASS CAP FLUSH AT THE EAST QUARTER-CORNER OF SAID SECTION 14, FROM WHICH A BRASS CAP FLUSH AT THE CENTER QUARTER-CORNER OF SAID SECTION 14 BEARS SOUTH 89 DEGREES 48 MINUTES 53 SECONDS WEST, 2643.93 FEET;

THENCE ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, SOUTH 89 DEGREES 48 MINUTES 53 SECONDS WEST, 2643.93 FEET TO THE CENTER QUARTER-CORNER OF SAID SECTION 14;

THENCE ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF SECTION 14, NORTH 0 DEGREES 12 MINUTES 48 SECONDS EAST, 865.41 FEET;

THENCE NORTH 89 DEGREES 50 MINUTES 33 SECONDS EAST, 810.02 FEET;

THENCE NORTH 0 DEGREES 12 MINUTES 48 SECONDS EAST, 692.41 FEET;

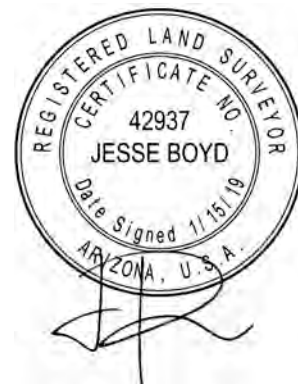
THENCE NORTH 89 DEGREES 50 MINUTES 33 SECONDS EAST, 611.78 FEET;

THENCE SOUTH 0 DEGREES 12 MINUTES 26 SECONDS WEST, 633.00 FEET;

THENCE NORTH 89 DEGREES 50 MINUTES 33 SECONDS EAST, 1221.86 FEET TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 14;

THENCE ALONG SAID EAST LINE, SOUTH 0 DEGREES 12 MINUTES 04 SECONDS WEST, 923.54 FEET TO THE POINT OF BEGINNING.

CONTAINS 63.8768 ACRES, MORE OR LESS.



**Rancho TruGold featuring Hancock Communities
Rezoning, Site Plan, and Final Plat
FS18-386 and FS18-387**

Citizen Outreach Report

REVIEW MEETING DETAILS

DATE: Tuesday, December 11, 2018
TIME: 6:00 PM to 7:00 PM
LOCATION: Paradise Honor High School
12775 N. 175th Avenue, Surprise

Notice was sent by the City of Surprise to all residents and HOA's within 300 feet of the property. It was also published in the paper and 2 signs reflecting the meeting schedule were put on the property. (See attached notice and affidavit of posting)

Applicant Representatives:

James Truman – Property Owner
Greg Hancock – Hancock Communities
Bruce Larson – Bowman Consulting
Annie Voss – RVi Planning + Landscape Architecture
Paul Gilbert – BeusGilbert PLLC
Andy Jochums – BeusGilbert PLLC

City of Surprise Representative

Current Planning Supervisor Robert Kuhfuss

Neighbor Participants

See attached Sign-in Sheet

The following is a list of questions/concerns posed at the meeting and the answers provided.

1. Will there be green belts?

The various open spaces as part of the Hancock multi-family site plan were detailed and the conceptual locations for open space as part of the future preliminary plat for the single family was discussed.

2. Understand the single family residential but concerned with “C” grade rentals. They start off nice and then go downhill.

Cost of the rental community project and the rental rates were discussed. It was explained that given the uniqueness of the project and the lower density, the rental rates will remain high, and should actually be higher per square foot than any single family rentals in Sarah Ann Ranch.

3. What is traffic?

An overall summary of the proposed traffic generation for the project was presented by the engineer as well as an explanation of the roadway improvements that would be added to the area as a result of the project.

4. Complaint on number of schools.

5. What is the timeframe of building the adjacent streets?

It was shared that the development would be responsible for the ½ street in front of the project and that that street would need to be completed before opening. Sweetwater for example, will be one lane in each direction and then when the developer to the south builds, a median and bike lanes will be added.

6. Why is the multi-family entrance off Sweetwater and not Cotton?

With the drainage channel along Cotton and other limitations, such as median access points, it was determined that the best location for the access would be Sweetwater. Most of the multi-family traffic will head east to Cotton Lane and utilize the future traffic signal for turning movements.

7. When will that signal be put in?

We will pay 25% to City. The actual timing for installation is up to the City based on warrants.

8. Statement that a Traffic light would be better at 175th and Cactus.

9. What happened to the Magnolia project?

The Magnolia project was a collaboration of several large property owners to design and zone a cohesive development. It fell through at the last minute. We didn't handle it, so we can't give any more detail than that. Suffice to say, the development of the Magnolia property has proceeded, just individually in its various smaller parts, such as Rancho TruGold.

10. What is proposal for start for Hancock?

Start July 2019 with 15 months for construction

11. When will Sweetwater on west be built?

Hancock will be the east half as part of our project. The western phase will be up to the single family homebuilder.

12. A playground should be added. I don't want kids to use the Sarah Ann Ranch basketball court and parks.

An overview of the pool amenities and grass recreation area of the Hancock Communities was provided. It was also explained that because of the cottage sizes and design, we expect very few children.

13. Walls, what will they look like?

Wall designs were shown.

14. Can I buy?

No, all cottage units are for rent only.

15. Statement that it will "eventually goes downhill".

16. What support is provided police and fire?

It was explained that upon building permits, the developer will pay Impact fees for immediate monies for emergency services. Unlike ownership, a rental project like Hancock Communities actually pays more to the City as there is a property tax paid by the owner and sales tax paid by the renters monthly.

There were several questions and comments from the participants related to regional traffic concerns, unrelated to the proposed rezoning. As a follow-up to the attendees, Robert Kuhfuss sent an email to those who provided emails on the mailing list to address some of those traffic concerns. That email, dated January 2, 2019, is attached.

Andy Jochums

From: Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>
Sent: Wednesday, January 2, 2019 4:55 PM
To: Robert Kuhfuss
Cc: Andy Jochums; Wendy Peterson; Martin Lucero; Dana Owsiany; Lloyd Abrams
Subject: Rancho Trugold Outreach questions
Attachments: 175th_Ave.pdf

Greetings everyone. Hope the New Year finds you well.

I am following up on the many questions regarding traffic issues raised during the Neighborhood Outreach meeting held by the applicant on December 11, 2018. I was able to pose those questions to our Traffic Engineering and Transportation Planning Divisions. The following are their collective responses. Please see also the attached diagram that depicts the median configuration along 175th related to the 2nd question and related response.

- Timing of street improvements overall. Is there a way that road construction for the various developments can be coordinated in such a manner as to minimize impacts to the existing neighborhood?
 - o We have asked that the developments to work together on all the improvements. However, we have not required any one developer to make all the improvements in coordination with a buyback agreement.
- Extent of street improvements along 175th Avenue. Need to confirm that the ultimate cross section will be 1M1 with a raised and landscaped median. Also, is 1M1 sufficient to handle the traffic especially given the school and its recent expansion?
 - o The ultimate improvements along 175th Avenue will be a 1m1 with median access control (see exhibit). As far as increasing capacity, we will not add additional travel lanes to this corridor due to the limited right-of-way.
- Can/has Traffic and Transportation do/done traffic counts to see the effects of the school traffic on the neighborhood since Paradise Honors opened up the middle school?
 - o There are pre and post traffic counts that were completed as part of the traffic impact studies from the school and all of the adjacent developments. The side by side left turns were added to provide adequate turning movements to the school and the development. These same types of improvements are planned for Sweetwater and the northern most driveway of the school. Also, a new right turn lane for the school's southern driveway will be constructed by Rancho Tru-Gold using in-lieu fees collected from the school.
- What is the timing of the traffic signal at Sweetwater and 175th?
 - o Signalization is dependent upon warrants being met. We are keeping an eye on this intersection. We are asking for the developers proportional share of the signal.
- What is the timing of the traffic signal at Sweetwater and Cotton?
 - o Signalization is dependent upon warrants being met. We are keeping an eye on this intersection. We are asking for the developers proportional share of the signal.
- What is the timing of the traffic signal at Cactus and Cotton?
 - o Signalization is dependent upon warrants being met. We are working with Toll Brothers for improvements to this intersection.
- What is the timing of the traffic signal at Cactus and 175th?
 - o Signalization is dependent upon warrants being met. We are keeping an eye on this intersection.

- Is there something that the City can do to force additional access points to Paradise Honors?
 - o The school is still within Maricopa County's jurisdiction. Surprise is still waiting for right-of-way dedication for the 175th Avenue roadway improvements.
- What can be done to correct the blind spot at 175th and Sweetwater?
 - o This property is owned and controlled by MWD. At the time that the signal warrants are met, there will have to be a CIP project established to relocate the MWD facilities. Currently, there is no schedule or funding for these improvements.
- Can the City install an interim 3-way stop at 175th and Sweetwater?
 - o Traffic control is dependent upon stop warrants being met. Currently, this warrant is not met.

I hope this addresses your concerns. Please let me know if I can help you with anything further.

Thank You

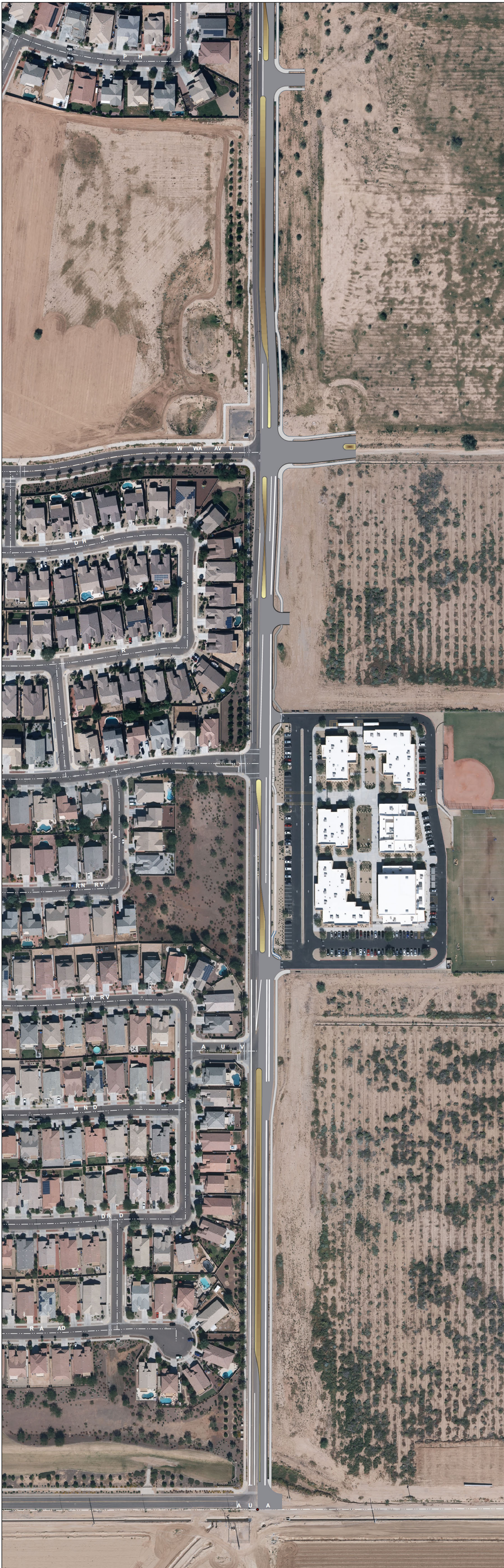
Robert H. Kuhfuss, AICP, MPA
 Current Planning Supervisor
 City of Surprise Community Development Department
 16000 North Civic Center Plaza
 Surprise, AZ 85374-7470
 O: 623-222-3137 | F: 623-222-3001
robert.kuhfuss@surpriseaz.gov

City of Surprise offices open at 8 a.m. and close at 5 p.m. Monday through Friday. More info at www.surpriseaz.gov.

This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under Arizona law, e-mail communications and e-mail addresses may be public records.

0.1

02 Jan 2019 23:54:57 -0000





AFFIDAVIT OF POSTING

Application No: FS18-386
Applicant Name: Beus Gilbert
Location: NEC 175th Ave and Sweetwater Ave
Date Site Posted: November 27, 2018

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior to** the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

Such notice shall be clearly legible and placed at a prominent location on the site – Generally adjacent and perpendicular to the public right-of-way. It shall be the *responsibility of the applicant* to erect and to maintain the sign on the subject property and to maintain the hearing information on the sign until final disposition of the case.

It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

Meghan Liggett 11/27/18
Applicant/Representative Signature Date

This instrument was acknowledged before me on this 27 day of November,

2018, and by Meghan Liggett. I witness whereof I hereunto

set my hand and official seal.



Marybeth Conrad
Notary Public
10-25-20
My commission expires

Neighborhood Meeting

Sign-In Sheet

Tuesday, December 11, 2018, 6:00 p.m., Paradise Honor High School, 12775 N. 175th Avenue, Surprise, AZ

Rezone: Rancho TruGold featuring Hancock Communities—Change from Residential Ranch to 18.9 acres of Medium Density Residential with a PUD Overlay; 22.0 acres of Medium Density Residential with a PUD Overlay; and 23.0 acres of Residential High with a PUD Overlay

Location: Approximately 64 acre parcel located on the north side of the Sweetwater Road alignment spanning between 175th Avenue on the west and Cotton Lane on the east.

This Sign-In Sheet is a Public Record

PLEASE PRINT

Name	Noah Moore
Name	Susan & Randy Nachtigall
Name	Larry Ellis
Name	JEAN E. BRILLHART
Name	Sonia Najalca
Name	FRED KAMINSKA

Neighborhood Meeting

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This Sign-In Sheet is a Public Record

PLEASE PRINT

Name DAVE OPSAHL

Name Ken Strauss

Name BLAISE COSENTINO

Name Melanye Larremore

Name KATHLEEN SEGRESS

Name Masilem Immoensen

Neighborhood Meeting

Sign-In Sheet

Tuesday, December 11, 2018, 6:00 p.m., Paradise Honor High School, 12775 N. 175th Avenue, Surprise, AZ

Rezone: Rancho TruGold featuring Hancock Communities—Change from Residential Ranch to 18.9 acres of Medium Density Residential with a PUD Overlay; 22.0 acres of Medium Density Residential with a PUD Overlay; and 23.0 acres of Residential High with a PUD Overlay

Location: Approximately 64 acre parcel located on the north side of the Sweetwater Road alignment spanning between 175th Avenue on the west and Cotton Lane on the east.

This Sign-In Sheet is a Public Record

PLEASE PRINT

Name	Robert + Jacqueline Beehler
Name	Dave + Barbara Taylor
Name	Luis Flores
Name	JOSEPH W. JERZBINSKI
Name	STUART WOOD
Name	Charlen Wood

Neighborhood Meeting

Sign-In Sheet

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PLEASE PRINT

Name

Judith Chiccarillo

Name

Anaela Hackney

Name

Patricia Whorton

Name

Sheila Norris

Name

HANNA & LECH KURCZYN

Name

Becky Xourafas

Neighborhood Meeting

Sign-In Sheet

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Location: Approximately 64 acre parcel located on the north side of the Sweetwater Road alignment spanning between 175th Avenue on the west and Cotton Lane on the east.

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PLEASE PRINT

Name <i>Andy Cepon</i>		
[Redacted]		
Name <i>James Truman</i>		
[Redacted]		
Name		
Address & Zip	Phone	E-mail
[Redacted]		
Name		
Address & Zip	Phone	E-mail
[Redacted]		
Name		
Address & Zip	Phone	E-mail
[Redacted]		
Name		
Address & Zip	Phone	E-mail
[Redacted]		

Robert Kuhfuss

From: Dcn. Dave Opsahl [REDACTED]
Sent: Tuesday, December 11, 2018 7:48 PM
To: Robert Kuhfuss
Subject: Sweet/175

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

Robert:

Thank you for speaking with the Sarah Ann Ranch group last night at Paradise Honors School. You have a tough job.

Will you please see if a three - way stop is scheduled to go in at the intersection of N 175th Av and W Sweetwater Ln?

Respectfully,

Dave and Karen Opsahl
[REDACTED]

Sent from my T-Mobile 4G LTE device

Robert Kuhfuss

From: Robert Kuhfuss
Sent: Wednesday, December 12, 2018 5:24 PM
To: 'Dcn. Dave Opsahl'
Subject: RE: Sweet/175

Thank you for the email. I am reaching out to our Traffic and Transportation people to find out if this is possible and will get back to you as soon as I get an answer. Thanks again.

Robert H. Kuhfuss, AICP, MPA
Current Planning Supervisor
City of Surprise Community Development Department
16000 North Civic Center Plaza
Surprise, AZ 85374-7470
O: 623-222-3137 | F: 623-222-3001
robert.kuhfuss@surpriseaz.gov

From: Dcn. Dave Opsahl [REDACTED]
Sent: Tuesday, December 11, 2018 7:48 PM
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Respectfully,

Dave and Karen Opsahl
[REDACTED]

Sent from my T-Mobile 4G LTE device

Robert Kuhfuss

From: Dcn. Dave Opsahl [REDACTED]
Sent: Wednesday, December 12, 2018 9:47 PM
To: Robert Kuhfuss
Subject: Re: Sweet/175

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

Thank you!
Dave

Sent from my T-Mobile 4G LTE device

----- Original message-----

From: Robert Kuhfuss
Date: Wed, Dec 12, 2018 5:23 PM
To: Dcn. Dave Opsahl;
Cc:
Subject: RE: Sweet/175

Thank you for the email. I am reaching out to our Traffic and Transportation people to find out if this is possible and will get back to you as soon as I get an answer. Thanks again.

Robert H. Kuhfuss, AICP, MPA
Current Planning Supervisor
City of Surprise Community Development Department
16000 North Civic Center Plaza
Surprise, AZ 85374-7470
O: 623-222-3137 | F: 623-222-3001
robert.kuhfuss@surpriseaz.gov

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Subject: Sweet/175

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13 Dec 2018 00:23:46 -0000

Robert Kuhfuss

From: Dcn. Dave Opsahl [REDACTED]
Sent: Wednesday, January 02, 2019 6:27 AM
To: Robert Kuhfuss
Subject: Sarah Ann Ranch

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

Robert:

I spoke with you a few weeks ago regarding a 3-way stop at the intersection of Sweetwater and N 175th Ave. How are the prospects of that coming along? Thank you.

The very best in the New Year for you.

Dave Opsahl
[REDACTED]

Sent from my T-Mobile 4G LTE device

Robert Kuhfuss

From: Robert Kuhfuss
Sent: Wednesday, January 02, 2019 4:55 PM
To: Robert Kuhfuss
Cc: Andy Jochums; Wendy Peterson [REDACTED] Martin Lucero; Dana Owsiany; Lloyd Abrams
Subject: Rancho Trugold Outreach questions
Attachments: 175th_Ave.pdf

Greetings everyone. Hope the New Year finds you well.

I am following up on the many questions regarding traffic issues raised during the Neighborhood Outreach meeting held by the applicant on December 11, 2018. I was able to pose those questions to our Traffic Engineering and Transportation Planning Divisions. The following are their collective responses. Please see also the attached diagram that depicts the median configuration along 175th related to the 2nd question and related response.

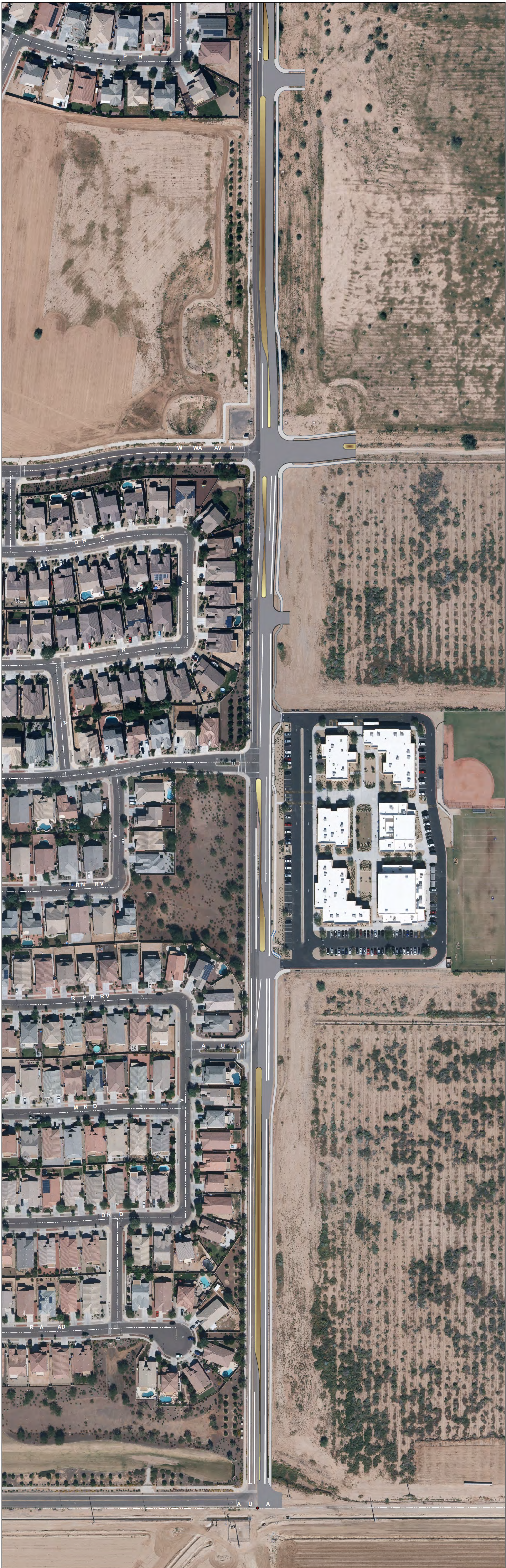
- Timing of street improvements overall. Is there a way that road construction for the various developments can be coordinated in such a manner as to minimize impacts to the existing neighborhood?
 - o We have asked that the developments to work together on all the improvements. However, we have not required any one developer to make all the improvements in coordination with a buyback agreement.
- Extent of street improvements along 175th Avenue. Need to confirm that the ultimate cross section will be 1M1 with a raised and landscaped median. Also, is 1M1 sufficient to handle the traffic especially given the school and its recent expansion?
 - o The ultimate improvements along 175th Avenue will be a 1m1 with median access control (see exhibit). As far as increasing capacity, we will not add additional travel lanes to this corridor due to the limited right-of-way.
- Can/has Traffic and Transportation do/done traffic counts to see the effects of the school traffic on the neighborhood since Paradise Honors opened up the middle school?
 - o There are pre and post traffic counts that were completed as part of the traffic impact studies from the school and all of the adjacent developments. The side by side left turns were added to provide adequate turning movements to the school and the development. These same types of improvements are planned for Sweetwater and the northern most driveway of the school. Also, a new right turn lane for the school's southern driveway will be constructed by Rancho Tru-Gold using in-lieu fees collected from the school.
- What is the timing of the traffic signal at Sweetwater and 175th?
 - o Signalization is dependent upon warrants being met. We are keeping an eye on this intersection. We are asking for the developers proportional share of the signal.
- What is the timing of the traffic signal at Sweetwater and Cotton?
 - o Signalization is dependent upon warrants being met. We are keeping an eye on this intersection. We are asking for the developers proportional share of the signal.
- What is the timing of the traffic signal at Cactus and Cotton?
 - o Signalization is dependent upon warrants being met. We are working with Toll Brothers for improvements to this intersection.
- What is the timing of the traffic signal at Cactus and 175th?
 - o Signalization is dependent upon warrants being met. We are keeping an eye on this intersection.

- Is there something that the City can do to force additional access points to Paradise Honors?
 - o The school is still within Maricopa County's jurisdiction. Surprise is still waiting for right-of-way dedication for the 175th Avenue roadway improvements.
- What can be done to correct the blind spot at 175th and Sweetwater?
 - o This property is owned and controlled by MWD. At the time that the signal warrants are met, there will have to be a CIP project established to relocate the MWD facilities. Currently, there is no schedule or funding for these improvements.
- Can the City install an interim 3-way stop at 175th and Sweetwater?
 - o Traffic control is dependent upon stop warrants being met. Currently, this warrant is not met.

I hope this addresses your concerns. Please let me know if I can help you with anything further.

Thank You

Robert H. Kuhfuss, AICP, MPA
Current Planning Supervisor
City of Surprise Community Development Department
16000 North Civic Center Plaza
Surprise, AZ 85374-7470
O: 623-222-3137 | F: 623-222-3001
robert.kuhfuss@surpriseaz.gov



Robert Kuhfuss

From: Robert Kuhfuss
Sent: Wednesday, January 02, 2019 5:04 PM
To: 'Dcn. Dave Opsahl'
Subject: RE: Sarah Ann Ranch

Mr. Opsahl, Thank you for the follow up. I just sent an email to the larger group in response to this and several other questions and you were included in that mass email. In short, I am told that in order to get a 3-way stop sign, certain "warrants" must be met and that those warrants have not been met at this time. I know this is not the answer you were looking for, but if you would like further clarification, I can put you in touch with Traffic and Transportation.

Thank you again.

Robert H. Kuhfuss, AICP, MPA
Current Planning Supervisor
City of Surprise Community Development Department
16000 North Civic Center Plaza
Surprise, AZ 85374-7470
O: 623-222-3137 | F: 623-222-3001
robert.kuhfuss@surpriseaz.gov

From: Dcn. Dave Opsahl [REDACTED]
Sent: Wednesday, January 02, 2019 6:27 AM
To: Robert Kuhfuss
Subject: Sarah Ann Ranch

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

Robert:

I spoke with you a few weeks ago regarding a 3-way stop at the intersection of Sweetwater and N 175th Ave. How are the prospects of that coming along? Thank you.

The very best in the New Year for you.

Dave Opsahl
[REDACTED]

Sent from my T-Mobile 4G LTE device

Robert Kuhfuss

From: Noah Moore [REDACTED]
Sent: Wednesday, January 02, 2019 5:12 PM
To: Robert Kuhfuss
Cc: Andy Jochums; Wendy Peterson [REDACTED]; Martin Lucero; Dana Owsiany; Lloyd Abrams
Subject: Re: Rancho Trugold Outreach questions

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

Thank you. I believe these planned improvements will far exceed the expectations of my concerned neighbors.
-Noah

On Jan 2, 2019 16:55, "Robert Kuhfuss" <Robert.Kuhfuss@surpriseaz.gov> wrote:

Greetings everyone. Hope the New Year finds you well.

I am following up on the many questions regarding traffic issues raised during the Neighborhood Outreach meeting held by the applicant on December 11, 2018. I was able to pose those questions to our Traffic Engineering and Transportation Planning Divisions. The following are their collective responses. Please see also the attached diagram that depicts the median configuration along 175th related to the 2nd question and related response.

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I hope this addresses your concerns. Please let me know if I can help you with anything further.

Thank You

Robert H. Kuhfuss, AICP, MPA

Current Planning Supervisor

City of Surprise Community Development Department

16000 North Civic Center Plaza

Surprise, AZ 85374-7470

O: 623-222-3137 | F: 623-222-3001

robert.kuhfuss@surpriseaz.gov

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Robert Kuhfuss

From: Dcn. Dave Opsahl [REDACTED]
Sent: Wednesday, January 02, 2019 5:35 PM
To: Robert Kuhfuss
Subject: Re: Sarah Ann Ranch

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Robert:
I would appreciate speaking with Traffic and Transportation. Thank you,
Dave Opsahl
[REDACTED]

Sent from my T-Mobile 4G LTE device

----- Original message-----

From: Robert Kuhfuss
Date: Wed, Jan 2, 2019 5:04 PM
To: Dcn. Dave Opsahl;
Cc:
Subject: RE: Sarah Ann Ranch

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16000 North Civic Center Plaza
Surprise, AZ 85374-7470
O: 623-222-3137 | F: 623-222-3001
robert.kuhfuss@surpriseaz.gov

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Subject: Sarah Ann Ranch

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The very best in the New Year for you.

Dave Opsahl



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03 Jan 2019 00:04:13 -0000

Robert Kuhfuss

From: Robert Kuhfuss
Sent: Thursday, January 03, 2019 8:28 AM
To: Martin Lucero; Dana Owsiany
Subject: FW: Sarah Ann Ranch

Martin/Dana – Could one of you give Mr. Opsahl a call to discuss the 3-way stop sign option at 175th & Sweetwater? Can you please let me know the gist of that conversation? Thanks

Robert H. Kuhfuss, AICP, MPA
Current Planning Supervisor
City of Surprise Community Development Department
16000 North Civic Center Plaza
Surprise, AZ 85374-7470
O: 623-222-3137 | F: 623-222-3001
robert.kuhfuss@surpriseaz.gov

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Sent: Wednesday, January 02, 2019 5:35 PM
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[REDACTED]

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03 Jan 2019 00:04:13 -0000

Robert Kuhfuss

From: Robert Kuhfuss
Sent: Thursday, January 03, 2019 8:29 AM
To: 'Dcn. Dave Opsahl'
Subject: RE: Sarah Ann Ranch

I forwarded your request to them Thanks

Robert H. Kuhfuss, AICP, MPA
Current Planning Supervisor
City of Surprise Community Development Department
16000 North Civic Center Plaza
Surprise, AZ 85374-7470
O: 623-222-3137 | F: 623-222-3001
robert.kuhfuss@surpriseaz.gov

From: Dcn. Dave Opsahl [REDACTED]
Sent: Wednesday, January 02, 2019 5:35 PM
To: Robert Kuhfuss
Subject: Re: Sarah Ann Ranch

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[REDACTED]

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03 Jan 2019 00:04:13 -0000

Robert Kuhfuss

From: Martin Lucero
Sent: Thursday, January 03, 2019 10:08 AM
To: [REDACTED]
Cc: Dana Owsiany; Robert Kuhfuss
Subject: RE: Sarah Ann Ranch

Good Morning Mr. Opsahl,

I have received your email concerning your request for consideration of a three way stop sign implementation for the intersection of Sweetwater and N 175th Ave. I would be happy to discuss the matter with you. At your convenience feel free to contact me at 623-222-3142.

Sincerely,

Martin Lucero

Transportation Planning Manager
City of Surprise | 16000 N. Civic Center Plaza | Surprise, AZ 85374
phone: 623.222.3142 | fax: 623.222.3001

From: Dcn. Dave Opsahl [REDACTED]
Sent: Wednesday, January 02, 2019 5:35 PM
To: Robert Kuhfuss
Subject: Re: Sarah Ann Ranch

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Dave Opsahl
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Date: Wed, Jan 2, 2019 5:04 PM
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[REDACTED]

Sent from my T-Mobile 4G LTE device

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03 Jan 2019 00:04:13 -0000

Robert Kuhfuss

From: Dcn. Dave Opsahl [REDACTED]
Sent: Monday, January 14, 2019 11:58 AM
To: Robert Kuhfuss
Subject: Re: Rancho Trugold Outreach questions

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

Robert:

Thank you for your work and Martin's expertise on the N 175th Ave road improvement proposals between Waddell and Cactus.

Dave Opsahl
Sarah Ann Ranch Home Owner
17637 W Dahlia Dr
Surprise, AZ 85388

From: Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>
Sent: Wednesday, January 2, 2019 5:54 PM
To: Robert Kuhfuss
Cc: Andy Jochums; Wendy Peterson [REDACTED]; Martin Lucero; Dana Owsiany; Lloyd Abrams
Subject: Rancho Trugold Outreach questions

Greetings everyone. Hope the New Year finds you well.

I am following up on the many questions regarding traffic issues raised during the Neighborhood Outreach meeting held by the applicant on December 11, 2018. I was able to pose those questions to our Traffic Engineering and Transportation Planning Divisions. The following are their collective responses. Please see also the attached diagram that depicts the median configuration along 175th related to the 2nd question and related response.

- Timing of street improvements overall. Is there a way that road construction for the various developments can be coordinated in such a manner as to minimize impacts to the existing neighborhood?
 - o We have asked that the developments to work together on all the improvements. However, we have not required any one developer to make all the improvements in coordination with a buyback agreement.
- Extent of street improvements along 175th Avenue. Need to confirm that the ultimate cross section will be 1M1 with a raised and landscaped median. Also, is 1M1 sufficient to handle the traffic especially given the school and its recent expansion?
 - o The ultimate improvements along 175th Avenue will be a 1m1 with median access control (see exhibit). As far as increasing capacity, we will not add additional travel lanes to this corridor due to the limited right-of-way.
- Can/has Traffic and Transportation do/done traffic counts to see the effects of the school traffic on the neighborhood since Paradise Honors opened up the middle school?
 - o There are pre and post traffic counts that were completed as part of the traffic impact studies from the school and all of the adjacent developments. The side by side left turns were added to provide adequate turning movements to the school and the development. These same types of improvements are planned for Sweetwater and the northern most

driveway of the school. Also, a new right turn lane for the school's southern driveway will be constructed by Rancho Tru-Gold using in-lieu fees collected from the school.

- What is the timing of the traffic signal at Sweetwater and 175th?
 - o Signalization is dependent upon warrants being met. We are keeping an eye on this intersection. We are asking for the developers proportional share of the signal.
- What is the timing of the traffic signal at Sweetwater and Cotton?
 - o Signalization is dependent upon warrants being met. We are keeping an eye on this intersection. We are asking for the developers proportional share of the signal.
- What is the timing of the traffic signal at Cactus and Cotton?
 - o Signalization is dependent upon warrants being met. We are working with Toll Brothers for improvements to this intersection.
- What is the timing of the traffic signal at Cactus and 175th?
 - o Signalization is dependent upon warrants being met. We are keeping an eye on this intersection.
- Is there something that the City can do to force additional access points to Paradise Honors?
 - o The school is still within Maricopa County's jurisdiction. Surprise is still waiting for right-of-way dedication for the 175th Avenue roadway improvements.
- What can be done to correct the blind spot at 175th and Sweetwater?
 - o This property is owned and controlled by MWD. At the time that the signal warrants are met, there will have to be a CIP project established to relocate the MWD facilities. Currently, there is no schedule or funding for these improvements.
- Can the City install an interim 3-way stop at 175th and Sweetwater?
 - o Traffic control is dependent upon stop warrants being met. Currently, this warrant is not met.

I hope this addresses your concerns. Please let me know if I can help you with anything further.

Thank You

Robert H. Kuhfuss, AICP, MPA
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City of Surprise Community Development Department
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Surprise, AZ 85374-7470
O: 623-222-3137 | F: 623-222-3001
robert.kuhfuss@surpriseaz.gov

City of Surprise offices open at 8 a.m. and close at 5 p.m. Monday through Friday. More info at www.surpriseaz.gov.

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PUBLIC ENGAGEMENT FORM

PROJECT TITLE: Rancho Trugold

OVERALL PUBLIC INVOLVEMENT LEVEL:

This activity will follow the citizen outreach and public hearing notification processes as outlined in state statute and the SUDC.

IDENTIFY STAKEHOLDERS:

Impacted residents; schools; churches; businesses; public at-large; property owners?

OBJECTIVES:

What is the purpose of the project/service/program and why is it needed? What are the impacts if the project/service/program is not achieved?

PUBLIC ENGAGEMENT STRATEGIES & TOOLS:

Public Engagement & Project timeline:

Public outreach time frame (when to when) 11/13/17

Future Council Work Session/Meetings target dates Planning and Zoning 03/01/, City Council 04/3/18

Election dates (if applicable)

Project start/completion dates

Communication Tools and Technique options: (which do you plan to use?)

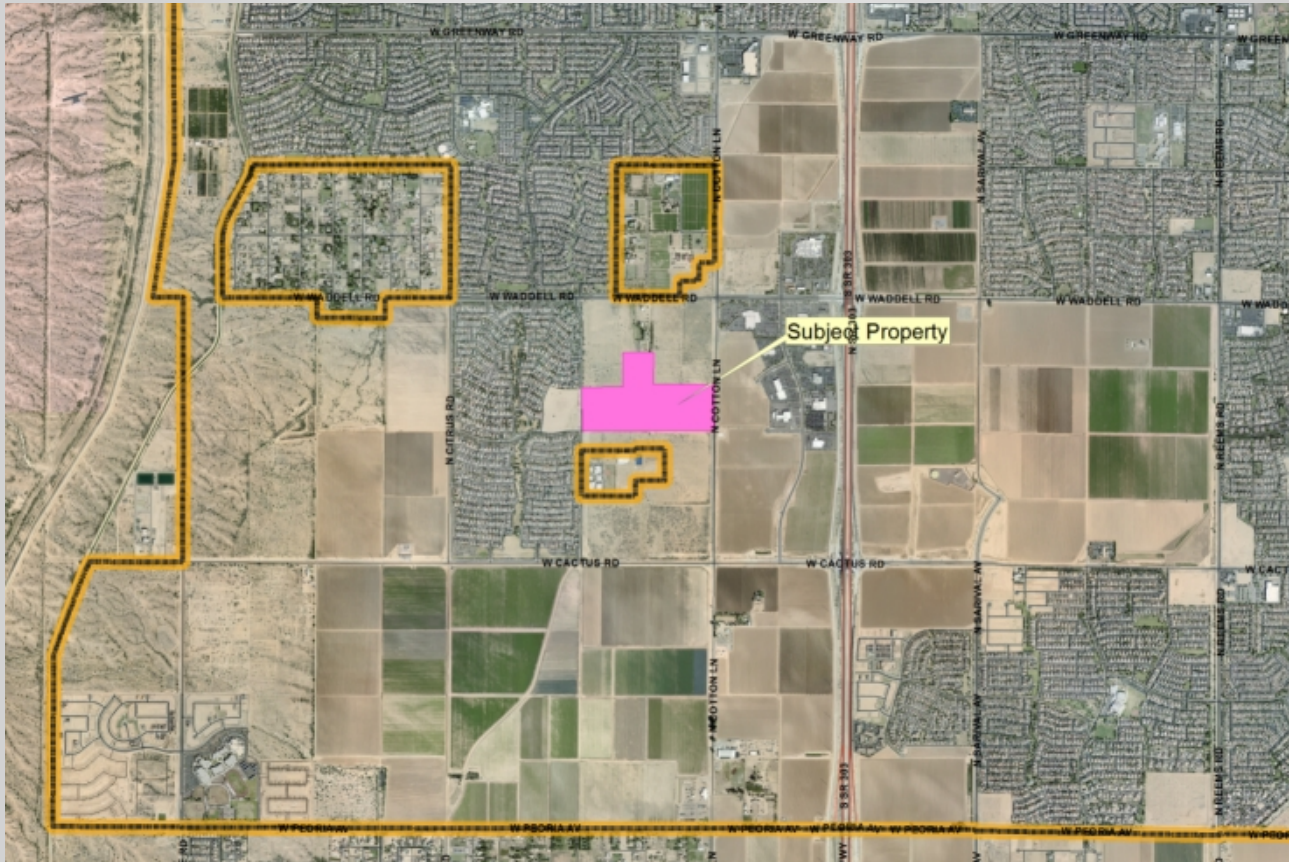
- ☐ Press releases
- ☐ Public meetings (video/photos, poster boards, fact sheet(s) *do you need Spanish version?)
- ☒ Presentations to boards and commissions, other interested community partners/stakeholders
- ☐ Third-party consultant/moderator (pending budget)
- ☐ Survey (online/paper/both?)
- ☐ Social media
- ☐ Surprise 11
- ☐ Notify Me email/ Council newsletters (opt-in audience)
- ☐ Paid advertising (pending budget)
- ☐ Surprise Progress (mailed quarterly and tied to print deadlines)
- ☐ Booth at city events
- ☐ Paid mailings (pending budget)
- ☐ Creation of a subcommittee/task force
- ☐ Youth/adult activities, registration, or orientation (HOA Academy)
- ☐ Website updates



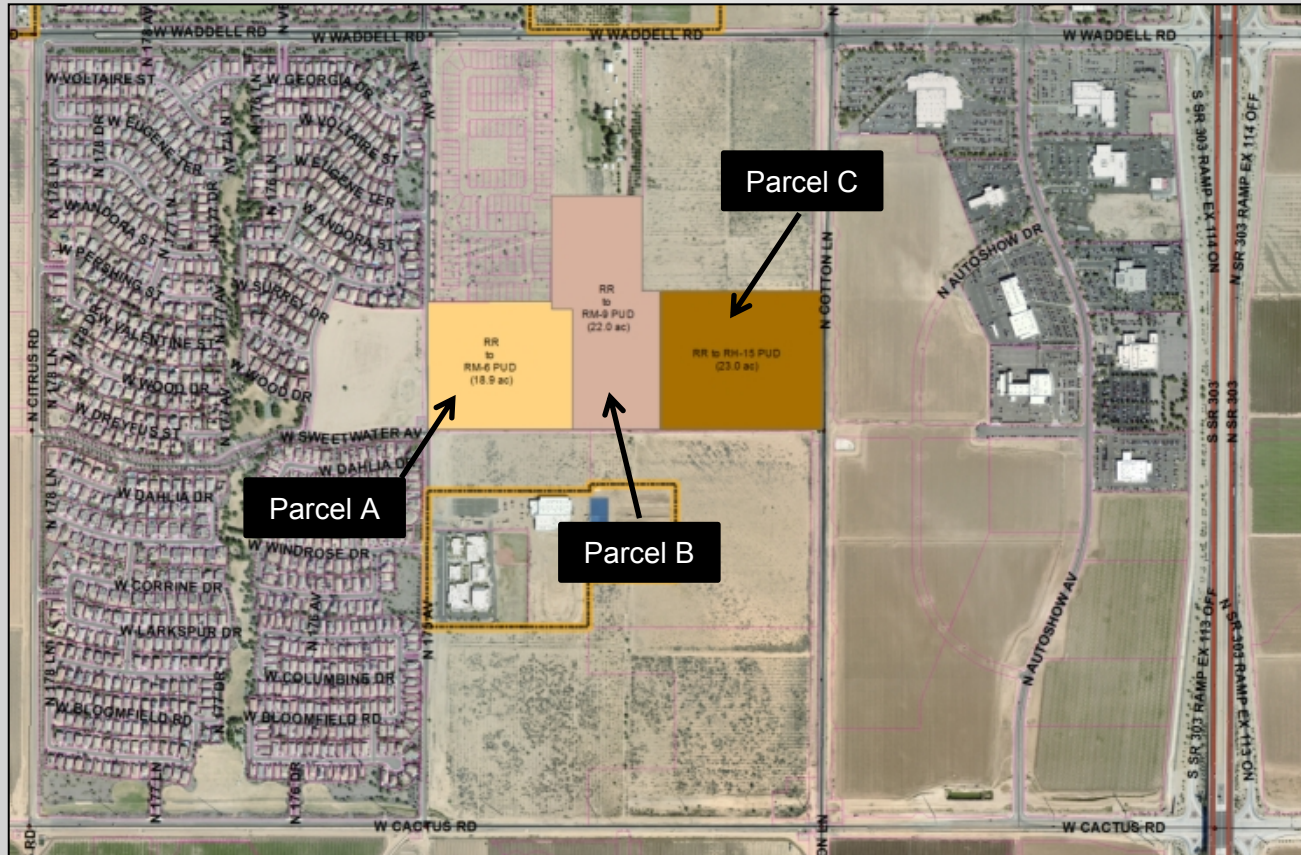
Planning & Zoning Commission
April 18, 2019 (originally heard March 21, 2019)

Rancho TruGold Zone Change

Rancho TruGold Vicinity Map



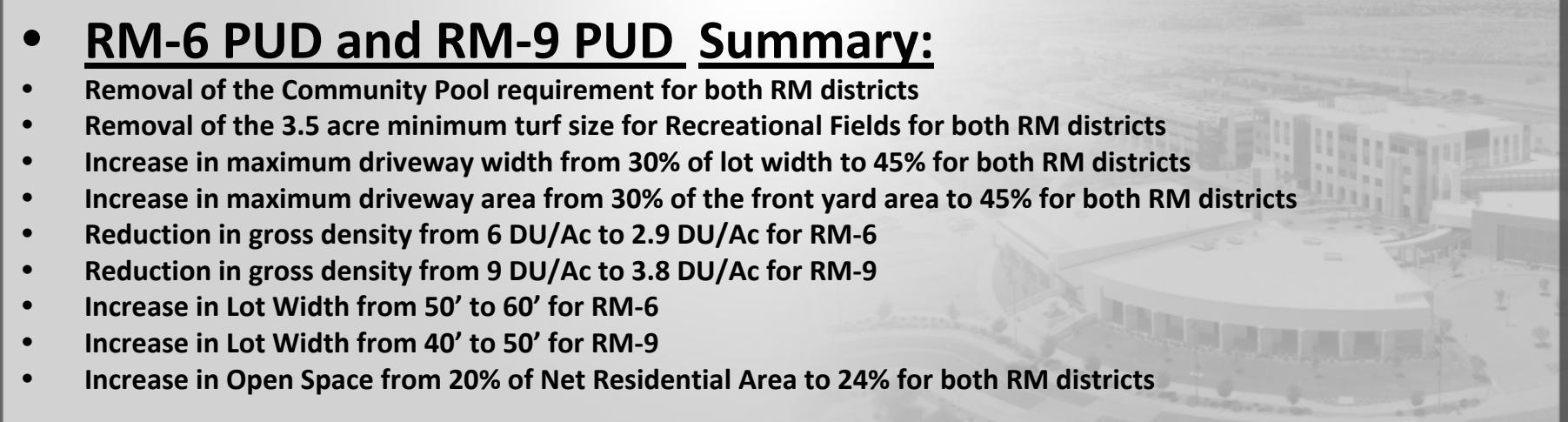
Rancho TruGold Rezone Case Map



[illegible]

- Development (PUD) Overlay;
(RR) to approx. 22.0 acres of Medium
Development (PUD) Overlay;
(RR) to approx. 23.0 acres of
Development (PUD) Overlay.

- **RM-6 PUD and RM-9 PUD Summary:**
 - Removal of the Community Pool requirement for both RM districts
 - Removal of the 3.5 acre minimum turf size for Recreational Fields for both RM districts
 - Increase in maximum driveway width from 30% of lot width to 45% for both RM districts
 - Increase in maximum driveway area from 30% of the front yard area to 45% for both RM districts
 - Reduction in gross density from 6 DU/Ac to 2.9 DU/Ac for RM-6
 - Reduction in gross density from 9 DU/Ac to 3.8 DU/Ac for RM-9
 - Increase in Lot Width from 50' to 60' for RM-6
 - Increase in Lot Width from 40' to 50' for RM-9
 - Increase in Open Space from 20% of Net Residential Area to 24% for both RM districts

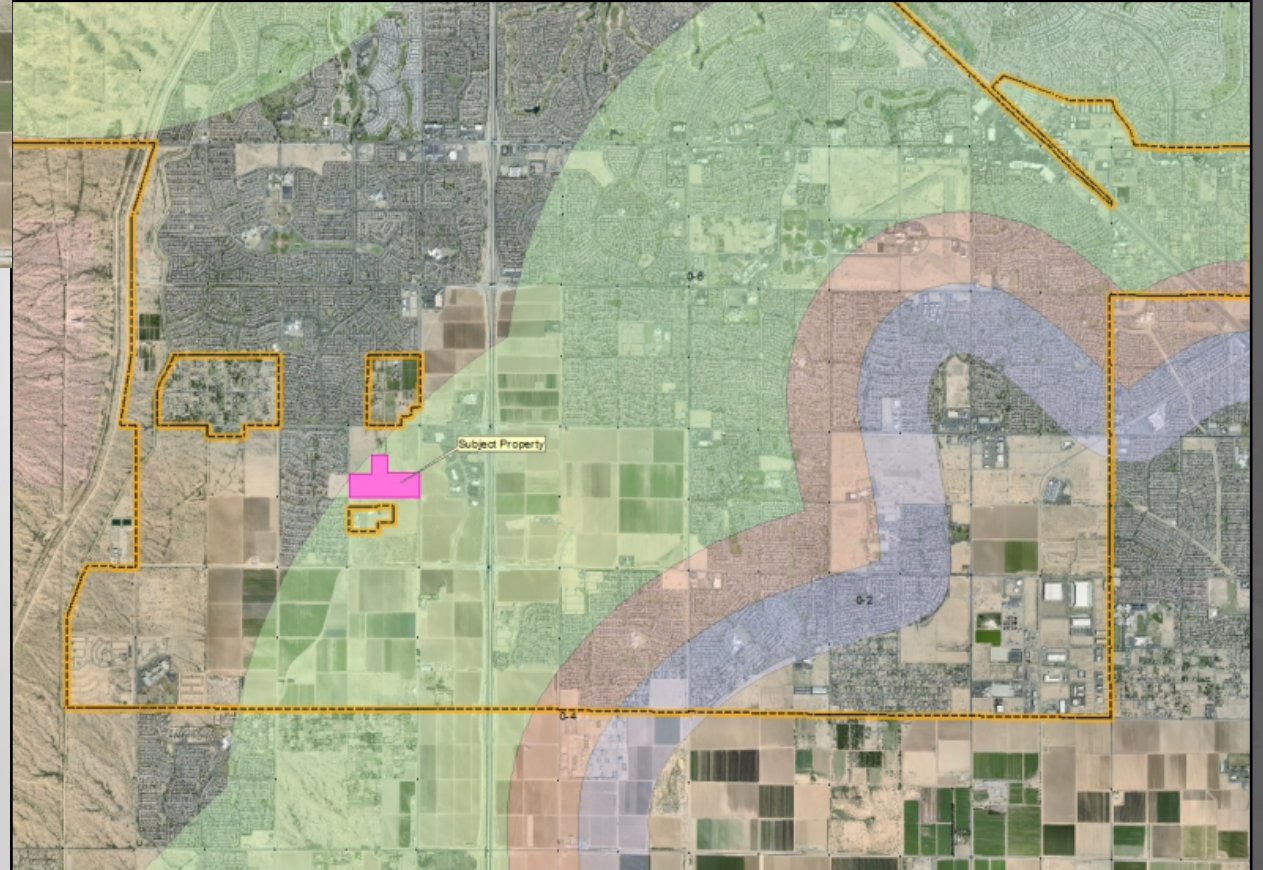
- 
- **RM-6 PUD and RM-9 PUD Summary:**
 - Removal of the Community Pool requirement for both RM districts
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 - Reduction in gross density from 6 DU/Ac to 2.9 DU/Ac for RM-6
 - Reduction in gross density from 9 DU/Ac to 3.8 DU/Ac for RM-9
 - Increase in Lot Width from 50' to 60' for RM-6
 - Increase in Lot Width from 40' to 50' for RM-9
 - Increase in Open Space from 20% of Net Residential Area to 24% for both RM districts

-

Rancho TruGold Rezone



Graduated Density Concept





Rancho TruGold Rezone

Table 1: RM-6 PUD and RM-9 PUD Development Standards

Development Standard	RM-6 City Base Standard	Proposed RM-6 PUD Standard	RM-9 City Base Standard	Proposed RM-9 PUD Standard
Maximum Density	6.0	2.9 (decrease in density)	9.0	3.8 (decrease in density)
Minimum Lot Area (sf)	6,000	7,000 (increase in lot area)	4,500	5,900 (increase in lot area)
Minimum Lot Width (ft)	50	60 (increase lot width)	40	50 (increase lot width)
Minimum Lot Depth (ft)	100	100	100	100
Minimum Front Yard Setback (ft) (livable area/front-facing garage)	12/20	12/20	12/20	12/20
Minimum Side Yard Setback (ft)	TBD	5	TBD	5
Minimum Rear Yard Setback (ft)	20	20	20	20
Maximum Building Height (ft)	35	35	35	35
Driveway Width Percentage	30%	45%	30%	45%
Driveway Area Percentage	30%	45%	30%	45%



Rancho TruGold Rezone

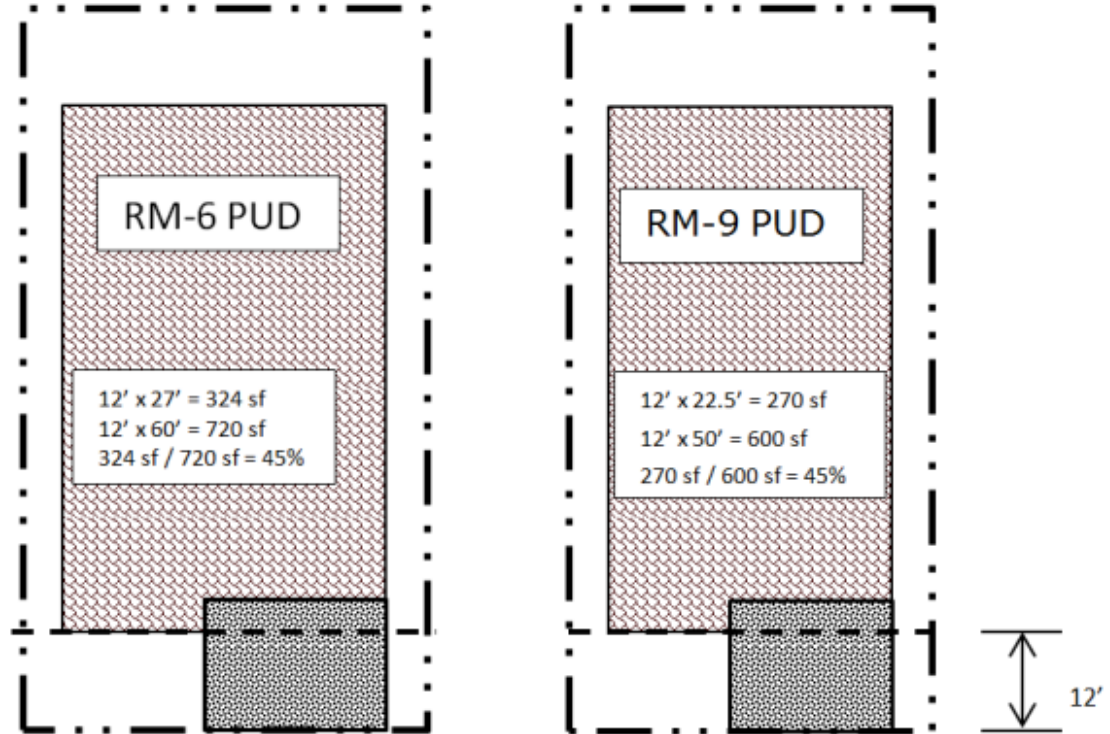
Driveway Width as Percent of Lot Width





Rancho TruGold Rezone

Driveway Area as Percent of Front Yard Area





Rancho TruGold Rezone

Table 2: RH-15 FUD Development Standards

Standard	Existing RH-15 Conventional Character Pattern Requirement	Proposed FUD Modifications
Maximum Dwelling Units per Gross Acre	15 du/ac	10.61 du/ac (244 units max)
Maximum Height	35 feet (3 stories)	16 ft./1 story for primary buildings; 20 ft./1 story for accessory buildings (office, fitness center, etc.) ⁽¹⁾
Minimum Building Setbacks: - Front (Sweetwater) - Side - Rear	30 feet 10 feet 30 feet	30 feet* ⁽²⁾ 10 feet* 24 feet
Minimum Landscape Buffers: - Adjacent to RM and RL	24 feet	Zero feet ⁽³⁾
- Adjacent to Commercial and other Districts	10 feet	Zero feet ⁽³⁾
Minimum Building Separation (one story buildings)	25 feet	10 feet
Bike Parking - Residential - Leasing Office	0.5 per dwelling 1 per 20 vehicle spaces	Zero per dwelling 1 per 20 vehicle spaces*

*Standard RH-15 Requirement. No Modification requested, listed for ease of reference.

(1) If an entry portico is provided, it shall be allowed at a height up to 30 feet for adequate emergency vehicles ingress and egress as well as appropriate architectural rooflines to match the primary buildings.

(2) For the purpose of SUDC section 122-136(b)(15)(d)(1), which discusses wall placement, the front yard shall be measured 25' from the Sweetwater Road property line and not the full 30' building setback.

(3) Minimum 24 foot deep private yards shall be provided with at least one tree per yard to act as buffering.

Citizen Outreach:

December 11, 2018

Staff Recommendation (Zone Change):

Zone Change: **Approve** subject to stipulations “a” and “b”



QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE
Planning and Zoning Commission

Council Meeting Date: April 18, 2019 Contact Person: Joshua Mike
Submitting Department: Community Development District: Citywide
Staff Recommendations:

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

Agenda Wording:

Presentation and discussion regarding Chapters 101 and 102 of the Land Development Ordinances code update.

Motion:

N/A

Background:

Staff is preparing changes to the Land Development Ordinances that will implement the General Plan 2035.

Objective Analysis:

Policy Compliant:

Financial Impact:

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

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 00 FS18-296 LDO Code Update Memo - 4.18.19
 2. 01 FS18-296 LDO Ch 101-Admin Provisions DRAFT
 3. 02 FS18-296 LDO Ch 102-Review Process DRAFT
 4. 04 Code Update Presentation 4-18-2019
-

LDO Update Discussion

Case:	FS18-296
Project Name:	Land Development Ordinances Update – Chapters 101 and 102
Council Districts:	Citywide
Meeting Date:	April 18, 2019
Planner:	Joshua Mike
Attachments:	DRAFT Chapters 101 and 102

Background:

It's been 9 years since the City has completed a comprehensive update and to the existing Surprise Unified Development Code (SUDC), which effectively acts as the City's Zoning Code. Based on previous discussions with City Council and the Planning and Zoning Commission, Community Development has been working with City Staff to research updates that will better implement the vision of the General Plan 2035.

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

Draft Language:

Staff has also drafted new regulations and standards for uses and development scenarios the City is beginning to see but lacks standards to address. In such cases, staff reviewed and borrowed "better practices" from other community's if those practices addressed an issue that Surprise is/or will be grappling with, and new ideas to which the development community might be open to try, if they reflected the City's vision.

In order to create a comprehensive review, draft language is being reviewed by City Departments, distributed to stakeholders within the development community, and made available for the public. On the City's website (www.surpriseaz.gov/developnext), staff has published the Planning and Engineering Design Standards (PEDS) Volume 1 and the first 6 chapters (101-106).

Discussion and Input:

In order to properly work through the full draft LDO, staff will present a couple chapters at time to give each proposed change a quality discussion in the public setting. Chapters 101 and 102 are administrative components of the code such as the general provisions, definitions, and development review process.

Chapter 101: Administrative Provisions

Chapter 101 contains the legal establishment of the City’s development regulations, the purpose and interpretation of the regulations, and the definitions of the specific terms. The majority of this text is currently in multiple Articles within the SUDC and will be consolidated into one chapter of the LDO.

The majority of the proposed revised text in the LDO is within the definitions section. Below are highlights of some of the revised, added, or deleted terms. Some of the deleted terms are commonly understood or not used in the LDO update. Some of the revised terms have new definitions to provide clear interpretation to implement the LDO. Some of the new terms are added to match the terminology in the LDO and proposed Land Use Matrix.

- The black text is currently in the SUDC
- The ~~strikethrough~~ text is to be deleted
- The red text is to be added

Term	Definition
Abbreviations	
FAR	Floor Area Ratio
TUP	Temporary Use Permit
ARS	Arizona Revised Statutes
PEDS	Planning and Engineering Design Standards
CD	Community Development
Terms	
Accessory building/structure.	A subordinate structure or portion of the principal structure located on the same lot as the principal structure that is customarily incidental and subordinate to the principal structure. Where part of an accessory structure is connected to part of the principal structure in a substantial manner such as by a roof, the accessory structure shall be counted as part of the principal structure. Individual public utility installations aboveground are considered accessory structures. A structure, building, or use that is customarily incidental and subordinate to the principal structure, building, or use.
Acre.	Forty three thousand five hundred sixty square feet of land area.
Adjoining.	The condition of two or more land parcels having a common property line.
Amateur Radio Tower/Antenna:	A free standing or building-mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio (HAM) License issued by the Federal Communications Commission.
Amendment:	A change in the wording, application, or substance of this Ordinance or the Surprise General Plan, or any change, deletion, or addition in the zoning district boundaries or classifications of the zoning map.

Term	Definition
Animal Boarding Facility:	Any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding, or care of household pets, but excluding livestock.
Animal Clinic:	Any facility maintained or used by a licensed veterinarian to provide preventative medical care, minor and preventative procedures, and short-term boarding for animals.
Animal Hospital:	Any full-service facility maintained or used by a licensed veterinarian with in-hospital capabilities, services, and machines for diagnostic procedures to provide medical care and short-term boarding for animals.
Animal Shelter:	A facility used for the confinement, maintenance, safekeeping, and control of animals that are found by a citizen or come into the custody of the animal enforcement officer and that is owned, operated, or maintained by a public body, or organization devoted to the welfare, protection, and humane treatment of animals.
Apartment building.	A building, other than a hotel or motel, containing five or more dwelling units that have primary entrances from common hallways. A type of multi-family dwelling unit.
Bar/Nightclub:	A business primarily devoted to the on-site serving and consumption of alcoholic beverages licensed (Series 6 or 7 licenses) by the proper State agencies and City departments where the service of food and providing of entertainment may be ancillary.
Big box building.	A large single, stand-alone building (50,000 square feet or larger) normally having a rectangular shape and a single use.
Buffer Area:	An area of land which separates incompatible land uses that is used to mitigate any potentially negative impacts.
Building:	Any structure having enclosed space and a roof for the housing and/or enclosure of persons, animals or chattels, except mobile homes, recreational vehicles and mobile offices. Building includes "structure". Also building can be any structure built for support, shelter or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure. Any <i>structure</i> having a roof that is supported by poles, columns, or walls for the housing and/or enclosure of persons, animals, or personal property.
Cabinet or Carpenter Shop, Millwork and Wood Product Manufacturing:	A business that specializes in a craftsman trade which processes wood materials to form end-user products used in the construction or maintenance of buildings or creates furniture and a variety of other objects.
Caliper:	The size of a tree as determined by the diameter which is measured using a fixed arm scale and movable arm tool.

Term	Definition
Catering Service:	An establishment where the preparation of food and meals on the premises, are delivered to another location for consumption, not including food manufacturing. Catering Services may be a primary use or ancillary to a restaurant.
Change of Use:	A formal change of a building's classification use or principal land use on a lot from one type to another.
Church. Place of Worship:	A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. Any building or portion thereof, used for nonprofit purposes by an established religious organization where such building is primarily intended to be used as a place of worship. The term includes, but is not necessarily limited to, church, temple, synagogue, and mosque
Commerce center:	A development designed as a group of buildings and uses planned with shared circulation, parking, utilities, drainage, and landscaping that is unified through open space, pedestrian connections, and architectural style regardless of the number of parcels or <i>pad sites</i> .
Community Facility:	A noncommercial use established primarily for the benefit and service of the population of the community in which it is located (typically includes social, entertainment, athletic, or recreational uses and may also include business office associated with the community such but not limited to Homeowners Association or apartment rental office).
Convenience food restaurant.	An establishment whose principal business is the sale of foods, frozen desserts or beverages to the consumer in a ready-to-eat state for consumption either within the premises or for carry-out with consumption either on or off the premises and whose design or principal method of operation include both of the following characteristics: 1. Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic or other disposable containers. 2. The customer is not served food at his/her table by an employee but receives it at a counter, window or similar facility for carrying to another location for consumption either on or off the premises.
Dwelling.	A building or portion thereof, used primarily for residential occupancy, including single-family, two-family, multiple-family dwellings and group homes, but not including hotels, motels or tourist homes. A building or portion thereof that contains one (1) <i>dwelling unit</i> that is occupied primarily for residential living purposes but not including hotels, motels, mobile homes or RV's.

Term	Definition
<i>Dwelling, multifamily.</i>	A building, or portion thereof, used for occupancy by three or more families living independently of each other, with the units completely separated by a common wall, floor and/or ceiling. A building or lot containing four (4) or more <i>dwelling units</i> used for residential occupancy by four (4) or more families living independently of each other (commonly known as <i>Apartments</i>).
<i>Dwelling, single-family.</i>	A building used for residential occupancy by one family.
<i>Dwelling Unit, accessory (ADU):</i>	A secondary dwelling unit independent of the primary dwelling unit on the same property; provided it meets specific standards.
<i>Entertainment Establishment, Indoors:</i>	An establishment that provides participant or spectator recreation to the general public, excluding public park and recreation facilities. Entertainment uses typically includes but are not limited to roller rink, rock/climbing gym, bowling alley, pool hall, shooting/archery/ range, movie theaters, arcade games.
<i>Entertainment Establishment, Outdoors:</i>	An establishment that provides participant or spectator recreation to the general public, excluding public park and recreation facilities. Entertainment uses typically includes but are not limited to typically water parks, go-cart track, batting cages, miniature golf, paintball course, drive-in theaters, and disc golf.
<i>Environmental Buffer Area:</i>	An area of land retained in its natural state which protects and/or surrounds an <i>environmentally sensitive feature</i> or <i>cultural resource</i> with the purpose of mitigating any potentially negative impacts to the feature or resource.
<i>Family.</i>	One or more persons related by blood, marriage or adoption or not more than three unrelated persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, motel, club, fraternity, sorority, lodging house or nursing home. A group of people living together as a single housekeeping unit, within a single <i>dwelling unit</i> as distinguished from a group occupying a hotel, motel, club, dormitory, fraternity, sorority, lodging house or nursing home.
<i>Fence:</i>	An artificially constructed barrier of wood, stone, masonry, metal or combination of materials erected to screen, separate, protect, confine, or enclose; not including landscaping or other natural growth. The term fence shall include all walls, except those as part of building and excludes <i>view fence</i> .
<i>Fence Return:</i>	The portion of a <i>fence</i> parallel or approximately parallel to the front line that is between the dwelling and side lot line.

Term	Definition
Health care Facility institution.	Every place, institution, building or agency, whether organized for profit or not, that provides facilities with A building or portion thereof that provides outpatient personal care services in the form of medical services, medical imaging and laboratory clinic, nursing services, behavioral health services, health screening services, other health-related services, supervisory care services, personal care services or directed care services; including but not limited to medical offices, walk-in clinics, outpatient surgical facility, outpatient laboratory facility, urgent care. Health Care Facility excludes hospitals, trauma centers with ambulatory services, testing laboratory facility, and medical marijuana. and includes home health agencies as defined in A.R.S. § 36-151, outdoor behavioral health care programs and hospice service agencies.
Light Fleet-Based Services.	Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of 3 or more vehicles. This classification includes parking, dispatching, and offices for uses such as but not limited to taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This classification does not include towing operations or taxi or delivery services with 2 or fewer fleet vehicles on-site.
Lot coverage.	The percentage of the lot area covered by buildings and/or other allowed roofed structure used for protection or shielding from the elements or weather.
Mixed-use development.	A single building containing more than one type of land use; or a single development project having more than one building and land use in which the different land uses are located in close proximity to one another, the project is planned and designed as a unified total project, and the development is functionally integrated to enable the use of shared vehicular and pedestrian access and parking areas. A building or lot containing more than one (1) type of land use by integrating residential with non-residential uses that is planned as a whole, and functionally share vehicular and pedestrian access and parking areas.
Out parcel. Pad Site	A separate, leased or owned, land parcel that is part of a larger planned commercial, office or industrial center that has been set aside, usually along street frontage, for purposes of developing a freestanding restaurant, bank, gasoline service station, drug store or other support service use to supplement the primary uses in the center. A freestanding lot located within a larger development and typically requires shared vehicle access from the street and coordinated architectural and site design elements (commonly known as Out Parcel).

Term	Definition
<i>Place of Assembly:</i>	A building or a portion of a building used for people to gather for regularly scheduled programming, including, but not limited to, dance halls, public meeting halls, conference center meeting and exhibit rooms, and live action theaters.
<i>Plant nursery, wholesale.</i>	A facility where live plants are grown or propagated for sale to retail operators. The use of land, buildings, or structures for the growth, outdoor display, and/or sale of flowers, plants, shrubs, trees and may include the sale of commonly used materials such as containers and fountains, soil, rock, bark, or mulch materials.
<i>Portable Storage Container:</i>	A device in the shape of a rectangular solid; constructed of metal, consisting of four vertical walls, a floor and a ceiling and in which at least one vertical end is designed as a door and not permanently affixed to the ground. Portable storage containers include devices initially designed to facilitate the shipping of containerized cargo and constructed entirely of steel in a manner consistent with ISO 6346, and are being reused to facilitate secure storage, but not designed as habitable space as defined in the City of Surprise Building Code unless converted through the permit process.
<i>Principal Use.</i>	The main or primary use on any lot or parcel that establishes the basic land use characteristics of the property, as opposed to an <i>accessory use</i> . In some instances, a property may have more than one (1) principal use.
<i>Public amenities:</i>	Any resources, conveniences, facilities or benefits continuously offered to the general public for their use and/or enjoyment, with or without charge (e.g., restrooms, information displays, public telephones, rain shelters, drinking fountains, etc.)
<i>Public facility:</i>	Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity or a private organization that contributes to the municipal infrastructure system.
<i>Qualifying commercial and/or industrial developments.</i>	New or expanding developments that will be: • Legal and conforming upon project completion; • In possession of all required development approvals pursuant to city process, procedures and policies; • Occupying vacant property or replacing dilapidated buildings, or if expanding will comply with the criteria for expanding existing businesses.
<i>Recreational facility, outdoor.</i>	A long-term facility providing outdoor amusement and entertainment, including, but not limited to miniature golf, skateboard park, amusement park, go-cart race track, and batting cages.

Term	Definition
Repair Service:	Establishments primarily engaged in the provision of repair services for household appliances and other personal property including, but not limited to, shoe, jewelry or watch repair; excluding automotive equipment.
Warehouse, residential storage (mini-warehouse)-Self-Storage Facility	Residential storage warehouse (mini-warehouse)" means a building or group of buildings in a controlled access and fenced or screened compound that contains relatively small storage spaces of varying sizes and/or spaces for recreational vehicles or boats, having individual, compartmentalized and controlled access for the dead storage of excess personal property of an individual or family generally stored in the residential accessory structures, when such building or group of buildings are not located on the lot of the residence. A property or building used for renting or leasing individual storage spaces in which the renters or lessees customarily store and remove their own personal property on a self-service basis; may include a screened outdoor storage component. Front office may include ancillary retail sales.
Sign and/or Signage:	Any device providing identification, advertising or directional information for a specific business, service, product, person, organization, place or building. Included in this definition are graphic devices such as logos, attention attracting media such as banners or logo sculpture and obtrusive colored fascia or architectural elements. See Chapter 108 for all definitions related to signs and/or signage.
Structure.	Anything constructed or erected which requires location above or below ground. Anything constructed or erected with a permanently secured location on the ground or attached to something having a permanently secured location on the ground.
Tourist home Bed and breakfast	A building in which more than one, but not more than five, guest rooms are used to provide or offer overnight accommodations for transient guests for compensation.
Wall:	A fence made of a solid material such as CMU block, stone, bricks, or river rock; except those as part of building
Wholesale Shopping Establishment.	An establishment or place of business primarily engaged in selling and/or distributing merchandise to other businesses other than the direct to the consumer, excluding bulk merchandise, direct to the consumer businesses.
Yard.	On the same lot with a principal building, which is open and unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar structures, and unobstructed by structures, except as otherwise provided in this title. An open area of a residential lot that is at grade level between the dwelling and the adjoining lot lines, except as otherwise provided in this Ordinance

Chapter 102 describes the development review process and the variety of development applications offered by the City of Surprise. The LDO update will maintain the “Procedure Type” regulations that currently make up the SUDC but will provide a revised description of each procedure and the relevant applications.

Procedure Types: The procedure type assigned to each application governs the requirements of a public meeting, public hearing, public outreach, public notifications, and the authoritative body, except to the extent otherwise required by applicable state or federal law. There are three (3) types of decision-making procedures.

1. Type 1 is for primarily administrative decisions
2. Type 2 is for public meetings that requires limited outreach,
3. Type 3 is for public hearings that generally require full public notice

Development Applications: The variety of development applications are listed in a table that 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.

The remaining sections outline the submittal process; identifying the formal Public Outreach process and providing further details for applications associated with each Procedure Type.

Table 102-2a: Application Type, Procedure, and Decision Authority Summary

	Public Outreach				Community Development Director	Planning & 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		
CD Director Waiver								
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		X	X	R	R	D	
Final Plats	X				R		D	
General Plan Annual Review	X					R	D	
Original Townsite Incentive	X				R		D	
Development Agreement	X				R		D	
Hillside Cut/Fill Waiver	X			X	R	D		
Contiguity/Congruency Waiver	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	R	D	
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		R = Reviews and recommends action to decision-making body						
(1) = 1 st Class Letter not required		D = Decision-making body						
		A = Appeal authority						

CHAPTER 101 - ADMINISTRATIVE PROVISIONS

ARTICLE 1 - IN GENERAL

101-1.1 TITLE & Effect

- A Part II of the City of Surprise Municipal Code shall be known as and may be cited as the Surprise Land Development Ordinance (LDO) and may be referred to herein as “this code”, “this ordinance”, or the “LDO”.
- B The Surprise LDO shall be effective on _____

101-1.2 Authority

- A The Surprise LDO is adopted pursuant to the authority contained in the Arizona Revised Statutes (A.R.S.) Title 9, Arizona Revised Statutes (“A.R.S.”), Chapter 4, Articles 6 and 7 and general laws in order to conserve and promote the public health, safety, and general welfare of the present and future citizens of the City of Surprise.
- B All ordinances or portions of ordinances adopted before the effective date of the LDO, with the exception of vested Planned Area Developments, in conflict with this Ordinance, or inconsistent with the regulations of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect. Approved and vested Planned Area Developments that have not expired may retain entitlements, densities, plats, and regulations specifically granted in the adopting ordinance(s). It is the intent that the LDO shall supersede any reference to standardized regulations associated with the previous land development ordinances.

101-1.3 Purpose & Applicability

- A. The purpose of this ordinance is to implement the goals and policies of the General Plan and other related plans and documents of the City by providing the minimum requirements to ensure consistency and compatibility between the General Plan and the Zoning Districts, particularly in the following ways:
 - (1) Providing for a range of uses and intensities with orderly growth and development by dividing the City into specific zoning districts to promote an efficient use of land resources and ensure compatibility between land uses.
 - (2) Direct growth with priority to those areas where infrastructure and urban services already exist or can be economically provided.

- (3) Ensuring the protection of the natural, historic, economic, cultural, and scenic resources of the City by establishing standards regulating the use and physical development of land.
 - (4) Promoting development that further protects the public's investment in multi-modal transportation and infrastructure, recreation, open space, and other public facilities.
 - (5) Promoting a high level of quality in the design and function of both new and existing development in accordance with the Planning and Engineering Design Standards ("PEDS") .
 - (6) Promoting safety from fire, flood, and other natural or man-made disasters.
 - (7) Providing for coordination of land uses with, other municipalities, counties, the state, regional associations, and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond municipal boundaries or have a direct impact on that municipality.
 - (8) Providing for efficient review of development proposals, to clarify the approval process.
 - (9) Providing for procedures that respond uniformly and consistently to development proposals.
 - (10) Promote the conservation of natural resources and energy by encouraging techniques such as building orientation and site planning, energy-efficient building construction, use of active and passive solar energy systems, on-site transportation management, and other energy and natural resource saving technologies into development projects.
- B. The land use regulations and general development standards provided herein shall be applicable to and govern the development and use, whether new or existing, of all buildings, structures and land within the corporate limits of the City of Surprise.

101-1.4 Interpretation

- A. Interpretation and application of the provisions of this ordinance shall be regarded as the basic and minimum requirements for the protection of public health, safety, and welfare. Whenever any provision of this ordinance or any provision of any other applicable law, rule, contract, resolution or regulation of the City, state agency, or the federal government contains certain standards, covering the same subject matter, the more restrictive requirement(s) or higher standard(s) shall control.

- B. This Ordinance also is not intended to interfere with, abrogate, or annul any private agreements between persons, such as easements, deeds, covenants, except that if this Ordinance imposes higher standards or a greater restriction on land, buildings or structures than an otherwise applicable provision of a law, ordinance, or a private agreement, the provisions of this Ordinance shall prevail.
- C. This Ordinance, upon its adoption, amends and supersedes the text of all other zoning ordinances previously adopted by the City, except where an earlier zoning ordinance is to apply pursuant to a Development Agreement or other land development agreement that expressly requires such.
- D. In case of any difference of meaning or implication between the text of this ordinance and any figure or graphic, the text shall control.

101-1.5 Severability Clause

- A. It is declared to be the intention of the City that the provisions of the LDO are separable in accordance with the following:
 - (1) If any court of competent jurisdiction shall adjudge any provision of Part II of the Surprise Municipal Code to be invalid, such judgment shall not affect any other provisions of the LDO not specifically included in said judgment.
 - (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of Part II of the Surprise Municipal Code to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

101-1.6 Permits and Approvals

- A. No development activity shall occur on any property within the City until all applicable reviews, permits, approvals, and certificates have been issued and approved by the staff and/or officials with the authority to act upon said action.

ARTICLE 2 - RULES OF INTERPRETATION AND GLOSSARY OF TERMS

101-2.1 Rules for Measurement

- A. Measuring Distances. All distances are measured along a horizontal plane not by following the topography or slope of the land.
- B. Calculations: When any requirement of this Ordinance results in a fraction of a unit, that fraction will be disregarded and rounded to the nearest whole number to apply the more restrictive regulation.

101-2.2 Glossary of Terms

- A General Terms. For the purpose of carrying out the intent of this Ordinance, all words shall have their normal and customary meanings, unless specifically defined as follows:
 - (1) The word “day” shall mean calendar day for calculation of time, unless specifically defined otherwise.
 - (2) Words used in the present tense include the future, words used in the singular include the plural, and words used in the plural include the singular, except where the natural construction of the writing indicates otherwise.
 - (3) The words "shall" and “will” are mandatory and the word “may” is permissive.
 - (4) Words or phrases are expressed using *italics* shall assume the meaning as ascribed in within the LDO. Words or phrases not expressed in italics shall assume the common meaning of the word or phrase.
- B. **Abbreviations.** The following abbreviations and/or acronyms shall have the following meaning:
 - ADA Americans with Disabilities Act
 - CIP Capital Improvement Plan
 - SUDC Surprise Unified Development Code
 - PAD Planned Area Development
 - TUP Temporary Use Permit
 - ARS Arizona Revised Statutes

PEDS Planning and Engineering Design Standards

CD Community Development

- C. **Definitions.** The following additional words and phrases shall, for the purpose of this Ordinance, have the following meanings:

A

Abandoned: The discontinuation of use for more than 90 days.

Abandoned or Inoperable Motor Vehicle: A motor vehicle or any major portion thereof that is unlicensed and is incapable of movement under its own power and will remain so without major repair, including but not limited to repair of the differential, transmission, head, engine block, or oil pan.

Abut: A property having a common boundary or lot line not separated by a street.

Access: A place, way, or means that is physically accessible for vehicular or non-vehicular entry to or exit from a property.

Accessory: A structure, building, or use that is customarily incidental and subordinate to the principal structure, building, or use.

Adaptive Reuse: The conversion of a historic or obsolescent building(s) from its original or most recent use to a permitted new use.

Adjacent: To lie near, border on, not distant or far from, or near but not necessarily touching or abutting.

Adult Foster Care Home: A residential setting that provides room and board and adult foster care services for at least one and no more than four adults who are participants in the Arizona long-term care system or contracts for services with the United States Department of Veterans Affairs and in which the sponsor or the manager resides with the residents and integrates the residents who are receiving adult foster care into that person's family.

Agricultural Animals: . Agricultural animals, whether kept and maintained for production and sale, family food production, education, or for personal enjoyment, are classified below:

1. Livestock: horses, donkeys and mules, miniature horses, cattle, sheep, goats, ox, or other similar domesticated farm or ranch animal .
2. Rodent: rabbits, chinchillas, and other similar mammals.
3. Fowl: chickens, ducks, turkeys, pigeons, ostriches, peacocks and other similar birds.
4. Bees: honey bees

Agricultural Facility: Agricultural facilities shall include, but are not limited to: cotton gins, other than those gins that manufacture or process by-products; the storage, mixing and/or blending, sale, and distribution of agricultural chemicals, but not the manufacture thereof;

custom meat processing plants including slaughtering, butchering, and temporary storage of products, but not including rendering or refining of by-products; storage of offal, tanning or storage of hides, and wholesale or retail sales; agricultural buildings for the storage of hay, grain, or other horticultural products and large scale breeding and keeping of poultry or livestock and maintenance of specialized agriculture machinery and equipment.

Agricultural Operation: Farming, including plowing, tillage, cropping, and installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products, wholesale landscape nursery stock, and the breeding, boarding, and pasturing of agricultural animals (Also known as *Farming or ranching*).

Alley: A permanent thoroughfare providing a secondary means of access to abutting lands.

Alter: To change or cause to change in character or composition the structural elements, use, or other features of a building or site that requires a permit under this Ordinance or the Building Code.

Amateur Radio Tower/Antenna: A free standing or building-mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio (HAM) License issued by the Federal Communications Commission.

Ambulance Service Facility: A building or portion thereof used for the purpose of housing emergency medical care personnel and/or vehicles.

Amendment: A change in the wording, application, or substance of this Ordinance or the Surprise General Plan, or any change, deletion, or addition in the zoning district boundaries or classifications of the zoning map.

Amenity: A natural or created feature that enhances the aesthetic quality, visual appeal, activity, or attractiveness of an area.

Amusement or Theme Park: An outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including, but not limited to, rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

Animal Boarding Facility: Any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding, or care of household pets, but excluding livestock.

Animal Clinic: Any facility maintained or used by a licensed veterinarian to provide preventative medical care, minor and preventative procedures, and short-term boarding for animals.

Animal Hospital: Any full-service facility maintained or used by a licensed veterinarian with in-hospital capabilities, services, and machines for diagnostic procedures to provide medical care and short-term boarding for animals.

Animal Shelter: A facility used for the confinement, maintenance, safekeeping, and control of animals that are found by a citizen or come into the custody of the animal enforcement officer

and that is owned, operated, or maintained by a public body, or organization devoted to the welfare, protection, and humane treatment of animals.

Apartment : A residential dwelling; a type of multi-family dwelling unit.

Applicant: The owner or their authorized representative/person submitting any type of *development* application on behalf of the owner and who is authorized to receive any notices on their behalf for any action taken by the city regarding the development application.

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

As-Built Plan: Construction and/or engineering plans prepared after the completion of construction, by the engineer of record, in such a manner as to accurately identify and depict the location of all on-site improvements, off-site and right-of-way improvements which includes but is not limited to all structures, parking facilities, detention/ retention areas, curbs, gutters, sidewalks, and utilities.

Assisted Living Center: An assisted living facility that provides resident rooms or resident units to eleven (11) or more residents.

Assisted Living Facility: A residential care institution, including an *adult foster care home*, that provides or contracts to provide supervisory care services, personal care services, or directed care services on a continuous basis.

Assisted Living Home: An assisted living facility conducted within a single-family dwelling unit that provides resident rooms to ten (10) or fewer residents.

Athletic Center: See *Fitness Center*.

Authorized Agent. A person who is a principal executive officer or other corporate officer with signatory powers as per the company's by-laws or per a vote of the directors if the company is a corporation; a general partner or proprietor if the company is a partnership or sole proprietorship respectively; or a duly authorized representative, the individual designated on the permit application or permit cover page, if such representative is responsible for the overall operation of the facility and has the authority to sign contracts, permits, permit applications, monitoring results and other documents in the company's name and otherwise bind the company.

Auction: The public sale of goods, wares, merchandise, or equipment to the highest bidder.

Auto Salvage Yard: A *junkyard* primarily containing inoperable vehicles.

B

Bank: A business, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

Bar/Nightclub: A business primarily devoted to the on-site serving and consumption of alcoholic beverages licensed (Series 6 or 7 licenses) by the proper State agencies and City departments where the service of food and providing of entertainment may be ancillary.

Bed and Breakfast: A single-family dwelling in which the owners or occupants of the dwelling provide, for compensation, short term lodging and meals for guests, occupying not more than five (5) guest rooms, located within the same principal *dwelling* or *accessory dwelling unit*. Any dwelling in which more than five (5) guest rooms are provided shall be deemed a *hotel*.

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

Block: Land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, or boundary lines of municipalities.

Buffer Area: An area of land which separates incompatible land uses that is used to mitigate any potentially negative impacts.

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

Building: Any *structure* having a roof that is supported by poles, columns, or walls for the housing and/or enclosure of persons, animals, or personal property.

Building, attached: A *building* having one (1) or more party walls in common with another building when the principal use of each building is independent of the other and when no interior access exists from one building to another.

Building, detached: A building having no party wall in common or structural connection with another building.

Building, nonconforming: An existing building which fails to comply with the regulations set forth in this Ordinance applicable to the zone in which the building is located.

Building Envelope: That area of a lot lying between the front, rear, and side setback lines available for construction.

Building Height: The vertical distance from the lowest contact ground level of the *building* to the highest point of roofline or parapet.

Building Permit: A fee based document issued by the City provided by an authoritative body with the purpose of granting permission to do work on a regulated *building* in compliance with City building codes.

Business: *Engaging* in the purchase, sale, barter, or exchange of goods, wares, merchandise, or service; the maintenance or operation of offices or recreational or amusement enterprises.

C

Cabinet or Carpenter Shop, Millwork and Wood Product Manufacturing: A business that specializes in a craftsman trade which processes wood materials to form end-user products used in the construction or maintenance of buildings or creates furniture and a variety of other objects.

Caliper: The size of a tree as determined by the diameter which is measured at 4'6" from the ground using a fixed arm scale and movable arm tool.

Campground: Any area of land specifically designed and designated to temporarily accommodate two or more camping parties, including cabins, tents, recreational vehicles or other camping outfits.

Carport: A roofed structure not more than seventy-five percent (75%) enclosed by walls and attached to the main building for the purpose of providing shelter for one or more motor vehicles.

Catering Service: An establishment where the preparation of food and meals on the premises, are delivered to another location for consumption, not including food manufacturing. Catering Services may be a primary use or ancillary to a restaurant.

Cemetery: Land used for the burial of the dead (human and animal) and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

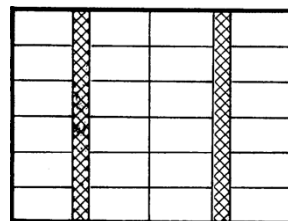
Change of Use: A formal change of a building's classification use or principal land use on a lot from one type to another.

Clinic: A facility that provides medical, dental, psychiatric, or surgical service for sick or injured patients (human and/or animal) exclusively on an out-patient basis, including urgent care treatment, diagnostic services, training, and administration.

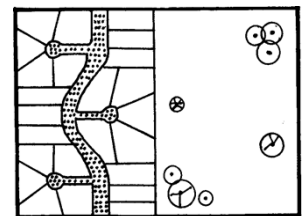
Club, private: An association which owns, hires or leases a building, or a portion thereof, and the use of such premises (including but not limited to uses allowed in the same zoning district) being restricted to persons who are bona fide members paying annual dues and their bona fide guests; excluding membership based retail businesses.

Cluster Development/Subdivision: The development technique that concentrates buildings and/or lots to allow the remaining land for recreation, preserving open space, and/or conservation of environmentally sensitive features and where possible and practical, support connectivity

Commerce center: A location designed as a with shared circulation, parking, and utility facilities



24 Conventional Lots
No Open Space



24 Clustered Lots
50% Open Space

servicing multiple structures where economic, social, cultural, and administrative services are provided regardless of the number of parcels or *pad sites*. A commerce center is a contiguous facility and does not cross public streets.

Common Area Open Space: An outdoor area that is designed and developed as shared use, including but not limited to features such as parks plazas, terraces, courtyards, patios, stormwater retention, trails, and pedestrian ways.

Common Wall: A dividing partition between two (2) contiguous buildings or between two adjacent lots shared by the neighboring occupants.

Community Correctional Facility: A public building used for the confinement of people convicted of crimes.

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

Community Garden: Land gardened collectively by a group of people. Gardening may include, but is not limited to, all types of horticulture such as flowers, vegetable or field crops, and orchards containing berry, bush or tree crops.

Community Open Space System: The community's parks, playgrounds, active and passive recreational areas, natural features, and environmentally sensitive land areas that collectively provide a continuous and integrated system of open space.

Conditional Use: A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in this Ordinance.

Construction Plan: The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the City of Surprise as a condition of the approval of the plat.

Contractor's Yards. Outdoor storage of materials, equipment, and surplus goods associated with services provided by related business, including but not limited to construction, landscaping, air conditioning, plumbing, and/or remodeling services.

Cottage Industry: A small business, owned and operated by the residential occupant, in a residential area conducted within the dwelling or in an accessory building. The business may have employees and customers but must be clearly incidental and secondary to the use of the property for single-family residential purposes as well as adhere to the use specific standards in Section 106-10.14 herein.

Cul-de-Sac: A local street with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic movement.

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

Curb Bulb: Generally rounded extensions of a curb located at a street intersection that narrow the street by widening the sidewalk and/or the landscaped parking strip in order to make pedestrian street crossings shorter and easier, and to provide a visual narrowing along the roadway to help increase driver awareness and slow the movement of traffic in heavy pedestrian areas.

Curb-Separated Sidewalk: A sidewalk that is separated from the street by a landscaped area that is measured from the back of the street curb and runs continuously along the length of the street.

D

Daycare Center: A use where care, supervision, and guidance are provided for pay for five or more minor or adult persons unrelated to the proprietor subject to the requirements of the State of Arizona.

Deep Root Barrier: A mechanical barrier that redirects tree root growth downward, eliminating the surface rooting that damages hardscapes such as sidewalks, driveways, and street paving.

Density, gross: The number of residential dwelling units per acre of land.

Density, net residential: The average number of residential dwelling units per acre of land for residential only purposes, including parks, open space, and recreational areas, but excluding any land used or to be used as arterial or collector street rights-of-way, school/public site reservations, and nonresidential uses. For calculating net residential density, the following formula shall apply:

$$D = \frac{du}{A - (c+i+s+a)}$$

Where: D = Residential density

du = Total number of dwelling units in project

A = Total site area (acres)

c = Total commercial land area (acres)

i = Total industrial land area (acres)

s = school/public sites reservations

a = arterial or collector rights-of-way (acres)

Developer: The owner, or representative of the owner, of land proposed to be subdivided.

Development: Any man-made change to improve or alter real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

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

Display Lot or Area: Outdoor area where active sales and display of goods occurs.

Donation Bin: Any container, storage unit, or structure, other than a primary building or accessory building(s) that is used for the collection of charitable or for-profit donated items from the general public, including but not limited to clothing, household goods, toys, books, and newspapers.

Drive-in Business: Any business in which people are provided a service or a product, where the point of sale or service is provided from a drive lane or parking space, without the customer being required to leave the vehicle.

Drive-through Facility: An establishment which provides service and/or goods at a window or door that the customer drives past without being required to leave the vehicle.

Driving Range: An area equipped with distance markers, clubs, balls, and tees for practicing golf drives, and which may include a snack-bar and pro-shop, but excludes miniature golf courses.

Duplex: See *Dwelling, two-family*

Dwelling: A building or portion thereof that contains one (1) *dwelling unit* that is occupied primarily for residential living purposes but not including hotels, motels, mobile homes or RV's.

1. **Dwelling, live/work:** A building, or portion thereof, or a group of buildings that combines a *dwelling unit* with the work space (office, commercial, or retail) for uses permitted in the zoning district in which the unit is located; more than a home occupation.
2. **Dwelling(s), multi-family:** A building or lot containing four (4) or more *dwelling units* used for residential occupancy by four (4) or more families living independently of each other (commonly known as *Apartments*).
3. **Dwelling, single-family:** One *dwelling unit* on a single lot of record.
4. **Dwelling, two-family:** A building or lot containing two (2) *dwelling units* used for residential occupancy by two (2) families living independently of each other (commonly known as *Duplex*).
5. **Dwelling, three-family:** A building or lot containing three (3) *dwelling units* used for residential occupancy by three (3) families living independently of each other (commonly known as *Triplex*).

6. **Dwelling Unit:** A single unit as a whole building or portion thereof, providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
7. **Dwelling Unit, accessory (ADU):** A secondary dwelling unit independent of the primary dwelling unit on the same property; provided it meets specific standards.

E

Elevation: A scale drawing of the front, rear or side of a building- showing the relationship of the site grade to floor level, and such features as design, construction materials, height, dimensions, windows and doors.

Entertainment Establishment, Indoors: An establishment that provides participant or spectator recreation to the general public, excluding public park and recreation facilities. Entertainment uses typically includes but are not limited to roller rink, rock/climbing gym, bowling alley, pool hall, shooting/archery/ range, movie theaters, arcade games.

Entertainment Establishment, Outdoors: An establishment that provides participant or spectator recreation to the general public, excluding public park and recreation facilities. Entertainment uses typically includes but are not limited to typically water parks, go-cart track, batting cages, miniature golf, paintball course, drive-in theaters, and disc golf.

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

Environmentally Sensitive Features: Elements in the landscape that play a particularly large role in supporting wildlife and plant diversity, and at the same time are especially sensitive to degradation.

1. **Floodplains:** The area along a perennial or ephemeral stream or river that runs continuously or fills with water periodically. Floodplains can include riparian areas and sometimes have a distinct vegetative community that includes water-loving plants. However, in Maricopa County, many floodplains are simply characterized by dry river or streambeds. (See the SUDC for Floodplain Management Regulations.)
2. **Hillside Development Area:** Those lands where the natural terrain has an average cross slope of ten percent (10%) or greater. However, a fifteen (15%) percent or greater slope, created by a natural wash on land that otherwise would not be classified as hillside land shall be exempt from the hillside regulations.
3. **Important Habitat:** Habitat that supports plant or animal species protected by the federal Endangered Species Act and/or other federal or Arizona laws or regulations. .

4. **Riparian Areas:** The ecosystem located along a perennial or ephemeral river, which is usually \ characterized by water-loving plants and trees that run parallel to streams and rivers.
5. **Rivers/Streams:** The lowest point within a watershed where water moves downstream. Streams and rivers in Maricopa County can be perennial or ephemeral.
6. **Springs/Seeps:** Fixed locations where groundwater emerges from the earth perennially or ephemeral. These features usually have a distinct water-loving plant community associated with them which can include mesic grasses, reeds, rushes, sedges, cattails and a variety of shrubs and trees.
7. **Steep Slopes and Ridgelines:** Prominent topographic features that are used by raptors to orient, nest and/or catch thermals; unimproved land, parcel, or tract of land, where the existing natural terrain has an average cross-slope of twenty-five (25%) percent or greater and where the natural state of such warrants conservation as open space.
8. **Wetlands:** An area that is saturated by water perennially or ephemeral and has a distinct vegetation community associated with water. The term wetlands encompasses both the aquatic environment associated with the water saturated area and the distinct vegetative community around the periphery which can be characterized by mesic grasses, reeds, rushes, sedges and/or cattails.
9. **Wildlife Corridors:** As defined by the Arizona Game and Fish Department.

Equestrian Center: Commercial horse, donkey, and/or mule facilities including: horse ranches, boarding stables, riding schools and academies, and horse exhibition facilities . This land use includes barns, stables, corrals, and paddocks accessory and incidental to the above uses.

Escrow: A deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond.

F

Façade: The exterior wall(s) of a building that is exposed to public view.

Factory-built Building: A multi-sectional unit manufactured off-site in accordance to the Uniform Building Code (UBC) and/or International Building Code (IBC), as adopted by the City, that when joined together forms a dwelling unit.

Fairgrounds: A developed use including but not limited to: agricultural related buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, that may include recreational vehicle overnight parking and camping areas. .

Family: A group of people living together as a single housekeeping unit, within a single *dwelling unit* as distinguished from a group occupying a hotel, motel, club, dormitory, fraternity, sorority, lodging house or nursing home.

Farm: See *Agricultural Operations*.

Farm Stand: An establishment only for the sale of fruits, vegetables, flowers, containerized house plants, eggs, honey, dates, nuts, and other agricultural food products that are grown and/or produced on-site.

Fence: An artificially constructed barrier of wood, stone, masonry, metal or combination of materials erected to screen, separate, protect, confine, or enclose; not including landscaping or other natural growth. The term fence shall include all walls, except those as part of building and excludes *view fence*.

Fence Return: The portion of a *fence* parallel or approximately parallel to the front line that is between the dwelling and side lot line.

Final Plat: The map or plan or record of a subdivision and any accompanying material, as described in this Ordinance.

Financial Assurance: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the city council and meeting the requirements expressed elsewhere in the Surprise Municipal Code.

Fitness Club: An establishment that provides exercise facilities, including but not limited to running, jogging, aerobics, weight lifting, sports courts, and swimming, and may also include locker rooms, showers, massage rooms, saunas and related accessory uses (commonly known as *Athletic or Health Club*).

Flood (terms specifically related to floods/flooding)

1. **Area of Shallow Flooding:** A designated AO zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.
2. **Base Flood, five hundred year:** A flood event having a two-tenth (0.2) percent chance of occurring each year. .
3. **Base Flood, one hundred-year:** The flood event having a one percent chance of being equaled or exceeded in any given year.
4. **Flood Insurance Rate Map (FIRM):** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
5. **Flood Insurance Study:** The official report in which the Federal Insurance Administration has provided flood profiles as well as the flood boundary-floodway map and the water surface elevation of the base flood.
6. **Floodplain:** The area along a perennial or ephemeral stream or river that fills with water periodically and can include riparian areas that have a distinct vegetative

community that includes water-loving plants; may also be characterized by dry river or streambeds.

7. **Floodproofing:** Any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage or potential flood damage to lands, utility facilities, structures and their contents.
8. **Floodway, one hundred-year:** The channel of a river or other watercourse and the adjacent land areas which must be kept free of encroachment in order to carry and discharge a flood of one hundred-year magnitude without substantial increases in flood height.

Freight Depot/Distribution Center: A location or facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck or rail. Included in the use type would be express or other mail and package distribution facilities, including such facilities operated by the U.S. Post Office and includes related administrative offices, fueling facilities, dispatch operations and loading facilities.

Frontage: That side of a structure, building, or lot abutting on a legally accessible street right-of-way.

Funeral Home/Mortuary: An establishment providing services such as preparing the human dead for burial and arranging and managing funerals, and may include limited caretaker facilities, excluding a cemetery, crematorium, and columbarium.

G

Gallery : A room or structure in which original works of art or limited editions of original art are bought, sold, loaned, appraised, or exhibited to the general public.

Garage, private: A *building*, or portion thereof, designed for the storage of vehicles, boats, and/or trailers and is located on the same property as the *dwelling unit* it serves.

Garage, public: A *building*, other than a *private garage*, designed and used for the short term parking of motor vehicles and is available for use by the general public.

General Plan: The comprehensive plan pursuant to A.R.S. §9-461.05, providing for the future growth and improvement of the City of Surprise and for the general location of streets, schools and recreation areas, public building sites, and other physical development, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

Governmental Use: Any use by the federal government, state or any political subdivision of the state for a governmental purpose, including but not limited exclusively to, parks, schools, administrative offices, police or fire departmental use, water storage, pumping or recharge, sewage collection and treatment, maintenance yards, court facilities, libraries, community centers, youth centers, or public recreational facilities.

Grade: The surface of the ground, paving or sidewalk at any point abutting a structure or fence/wall.

Gross Area: The total sum of square footage or acreage within a parcel or development.

Group Home: A single, residential structure having common kitchen facilities occupied by persons having physical, mental, emotional or social problems and living together for the purpose of training, observation and/or common support.

A single dwelling unit shared as their primary residence by handicapped and/or elderly persons living together as a single housekeeping unit in which staff persons provide on-site care, meals, supervision, and other support services for the residents. Group homes shall not include assisted living facilities, nursing homes, shelter care facilities, recovery homes, community correctional facilities, or homes for the developmentally disabled as regulated by the Arizona Revised Statutes

H

Health Club: See *Fitness Club*.

Health Care Facility: A building or portion thereof that provides outpatient personal care services in the form of medical services, medical imaging and laboratory clinic, behavioral health services, health screening services, other health-related services, supervisory care services, or directed care services; including but not limited to medical offices, walk-in clinics, outpatient surgical facility, outpatient laboratory facility, urgent care. *Health Care Facility* excludes hospitals, trauma centers with ambulatory services, medical laboratory facility, and medical marijuana.

Home Occupation: A business activity conducted in whole or part and is clearly an accessory or incidental use and subordinate to a *dwelling unit*.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities providing such institution is operated by, or treatment is given, under direct supervision of a physician licensed to practice by the State of Arizona.

Hotel or motel: A building or portion thereof, or a group of buildings, in which lodging accommodations are provided and offered to transient guests for compensation and may not serve as a dwelling unit or a person's primary residence.

I

Impound Lot: A lot or parcel used for the storage of vehicles that have been towed.

Indoor Shooting/Archery Range: Any building, or portion therein, where there are facilities for the firing of handguns, rifles, other firearms, or arrows inside.

Ingress/Egress: The location of entry and exit to a structure or property.

Infill development: New development which is placed within an existing and already developed site or area.

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

J

Junkyard: Any lot or parcel, structure, or building used in whole or in part for the storage, processing, reuse, resale, or disposal of personal property, but not including a landfill, transfer station, or other solid waste disposal site (see also *wrecking yard, auto salvage yard*)

K

Kennel: Any lot or premise with an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions; does not include *Animal Boarding Facility, Animal Hospitals and/or Clinics, nor Animal Shelter*.

L

Laboratory: See *Research Facility*

Land Use Compatibility: The avoidance of placing physical impact land uses that are known to or might happen to generate odors, noise, dust, excessive light and glare, adjacent to, or in close proximity of, more sensitive land uses already located in an area.

Landscape Strip: The landscaped area between sidewalk and curb along a public street, parking lot, or driveway (aka Park Strip).

Light Fleet-Based Services. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of 3 or more vehicles. This classification includes parking, dispatching, and offices for uses such as but not limited to taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This

classification does not include towing operations or taxi or delivery services with 2 or fewer fleet vehicles on-site.

Loading Bays: The off-street area, separate from drive aisles or parking spaces, used for the receipt or distribution of material or merchandise by vehicles.

Lot: A piece, parcel, plot, tract or area of land occupied or capable of being occupied by one or more principal buildings, and the accessory buildings or uses customarily incidental to them, and including the open spaces required under this title, and having its principal lot frontage on a street.

Lot: A single piece of property located in a recorded subdivision. A lot also includes a parcel of land, shown in the records of the Maricopa County Assessor's Office, divided to be used separately from other parcels of property by description, as on a recorded survey map, or by metes and bounds, pursuant to all City requirements for the development and proposed use of that property.

1. **Lot, corner:** A lot at a junction of and fronting on two or more intersecting streets.
2. **Lot, flag:** A lot with the buildable area of the lot set back from the street behind another lot, with limited street frontage.
3. **Lot, interior:** A lot other than a corner or through lot.
4. **Lot, key:** A lot where the side lot line *abuts* the rear lot line of an abutting lot.
5. **Lot, reverse corner:** A lot at a junction of and fronting on two or more intersecting streets.
6. **Lot, through:** A lot having frontage on two parallel or approximately parallel streets.

Lot Coverage: The percentage of the lot area covered by a building and/or other allowed roofed structure used for protection or shielding from the elements or weather.

Lot Ground Level: For buildings having walls fronting on only one street, the elevation at the front lot line at the center of a wall fronting on the street; for buildings having walls fronting on more than one street, the average of the elevation of the front lot line at the center of all walls fronting on the streets; for buildings having no walls fronting on the street, the average level of the ground adjacent to the exterior walls of the building.

Lot Improvement: Construction of any building, structure, work of art, or man-made development of the land on which they are situated constituting a physical betterment of real property.

Lot Line: The boundary that sets the border of a lot.

1. **Lot Line, front:** The narrowest lot line abutting the street.

2. **Lot Line, rear:** The *lot line* which is opposite and most distant from the *front lot line* and, in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the chord of front lot line.
3. **Lot Line, side:** Any lot line not a front *lot line* or a *rear lot line*.

M

Manufactured Home: A residential *dwelling* unit built in accordance with and certified as a manufactured home under the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, and the laws of the State of Arizona Office of Manufacture Housing.

Manufactured Housing Subdivision: A development, that meets the Land Division Standards in **Chapter 108**, that is specifically designed and intended for the sale of lots for residential occupancy by *manufactured homes* in compliance with the use specific standards in this Ordinance.

Manufacturing: The creation of products either with machinery or by hand according to an organized plan and with a division of labor.

Medical Marijuana Dispensary: A not-for-profit entity defined in A.R.S. § 36-2801(11), that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells, dispenses, or otherwise provides medical marijuana or related supplies and educational materials to cardholders as defined in A.R.S. § 36-2801(2).

Medical Marijuana Dispensary Offsite Cultivation Facility: An enclosed, locked facility where marijuana is cultivated by a *medical marijuana dispensary* as referenced in A.R.S. § 36-2804(B)(1)(b)(ii).

Medical Marijuana Infusion Facility: A facility that incorporates medical marijuana into consumable/edible goods by the means of cooking or blending.

Microbrewery/Distillery/Winery: A business primarily devoted to the on-site producing and serving and consumption of alcoholic beverages licensed (Series 3, 13, and/or 18 licenses) by the proper State agencies and City departments where the service of food, retail sales, and providing of entertainment may be incidental.

Mixed Use: A building or lot containing more than one (1) type of land use by integrating residential with non-residential uses that are planned as a whole, and functionally share vehicular and pedestrian access and parking areas.

Mining: The extraction of sand, gravel or other material from the land in the amount of 400 cubic yards or more and the removal thereof from the site.

Mobile Home: A residential dwelling that was fabricated or built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (effective June 15, 1976).

Mobile Office: A factory-assembled structure or structures exceeding eight feet in width, originally equipped with the necessary service connections, and originally made so as to be readily movable as a unit or units on its (their) own running gear and designed to be used as an office without a permanent foundation, whether or not said running gear has been removed.

Mobile Vending: df

Model Home: A dwelling unit used initially for display purposes which typifies the units that will be constructed in the subdivision and may incorporate sales or rental offices for the subdivision prior to residential occupancy.

Motel: also known as a hotel

Multi-Modal: One or more means of traveling within or through a community to include automobiles, buses, trolley, rail, bicycles, pedestrian walkways and path and trail systems, and any other means of moving persons and goods by a surface, overhead or underground means of transportation.

N

Net Area: The specific square footage or acreage within a parcel or development, excluding any land used or to be used as rights-of-way

New Construction: Structures for which the "start of construction" commenced on or after the effective date of the ordinance codified in this chapter.

Nonconforming Lot: A parcel of land having less minimum area, frontage or dimensions than required in the district in which it is located.

Nonconforming Structures: A building or structure, or portion thereof, lawfully erected or altered that, no longer conforms to a subsequently established district or district regulation applicable to where the building or structure is located.

Nonconforming Uses: (see **Chapter 103**) A use of land that:

1. Legally existed before its current zoning or land use category designation; and
2. Has been maintained continuously since the time the applicable regulations governing the land changed; and
3. Because of subsequent changes, does not conform to this Ordinance or General Plan provisions that now govern the land.

Noxious Matter or Material: Material capable of causing injury to living organisms by chemical reaction or capable of causing detrimental effects on the physical or economic well-being of individuals.

Nursing Care Facility: A building, or portion thereof, that provides inpatient beds or resident beds and *nursing services* to persons who need continuous *nursing services* but who do not require a hospital or direct daily treatment from a physician.

Nursing Services: Those services that pertain to the curative, restorative, and preventive aspects of treatment and care that are performed at the direction of a physician by or under the supervision of a registered nurse licensed in this state.

O

Off-site: Any structure or use located outside the property of the principal use.

Office: A building, or portion thereof, used for conducting the affairs of a business, profession, service industry, or government and internal storage of supplies customary and incidental to the use.

Open Sales (or rental) Lot: Any land used or occupied for the purpose of retail or wholesale buying, selling or renting for use away from the premises, any goods, materials or merchandise, and for the exterior storing and display of same prior to sale or rental.

Open Space: Land and/or water areas , improved or unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment as active and passive recreational areas or for environmental, scenic, or conservation purposes.

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

Open Space, passive: Land and water areas that are either partially improved, undeveloped or in a natural state that are intended for scenic, environmental, conservation, and/or resource protection; and include such resource-based activities as nature study, nature trails, and any other activities requiring a natural condition that cannot easily be duplicated by human actions.

Ordinance: Any legislative action of a local government, which has the force of law, including any amendment or repeal of any ordinance.

Outdoor Lighting: Artificial illuminating device that includes the complete lighting unit of a lamp or lamps and ballast(s) (when applicable) together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply; whether permanent or portable, a device used for illumination or advertisement including, but are not limited to, search, spot or flood lights for buildings and structures, recreational areas,

parking lot lighting, landscape lighting, signage and street lighting. (specific regulations found in Chapter 107 of the LDO).

1. **Adaptive Controls:** Devices such as motion sensors, timers and dimmers used in concert with outdoor lighting equipment to vary the intensity or duration of operation of lighting.
2. **Ambient Light Level:** The general overall level of background lighting in an area.
3. **Bulb or Lamp:** The source of electric light; to be distinguished from the whole assembly (see luminaire). Lamp often is used to denote the bulb and its housing.
4. **Cut Off Angle of a Luminaire:** The angle, measured up from the nadir (i.e. straight down), between the vertical axis and the first line of sight at which the bare source (the bulb or lamp) is not visible.
5. **Direct Illumination:** Illumination resulting from light emitted directly from a lamp or *luminaire*, not light diffused through translucent signs or reflected from other surfaces (such as the ground, building faces, or artistic structure).
6. **Fixture::** The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.
7. **Floodlight::** A fixture designed to “flood” a well-defined area with light.
8. **Full Cut-Off:** Attribute of a *luminaire* from which no light is emitted by the fixture, either directly from the lamp or indirectly from the fixture, at or above a horizontal plane drawn through the highest light-emitting portion of the *luminaire* and no more than 10% of the lamp’s intensity is emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the *luminaire*. A full-cutoff *luminaire*, by definition, also is “fully shielded.”
9. **Fully Shielded Luminaire::** A *luminaire* constructed and installed in such a manner that all light emitted by the *luminaire*, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the *luminaire*, is projected below the horizontal plane through the *luminaire*’s lowest light-emitting part.
10. **HID Lamp::** In a discharge lamp, the emitted energy (light) is produced by the passage of an electric current through a gas. High-intensity discharge (HID) include metal halide and high-pressure sodium lamps. Other discharge lamps are low pressure sodium (LPS) and fluorescent. Some such lamps have internal coatings to convert some of the ultraviolet energy emitted by the gas discharge into visual output.
11. **High Pressure Sodium (HPS) Lamp:** A *HID lamp* where radiation is produced as a “point source” from sodium vapor at relatively high partial pressures (100 torr) commonly used in street lighting; emits an amber color.

12. **LED:** Light emitting diode.
13. **Light Spill:** Unwanted spillage of light onto adjacent areas and may affect sensitive receptors particularly residential properties and ecological sites.
14. **Light Trespass:** Excessive light that spills onto adjacent property, typically produced by stray light coming from street lighting fixtures, illuminated signage and other outdoor lighting sources.
15. **Low-Pressure Sodium (LPS) Lamp:** A HID lamp where the light is produced as a “tube source” by radiation from sodium vapor at a relatively low partial pressure (about 0.001 torr) commonly used in street lighting; emits a monochromatic light.
16. **Lumen:** A measurement of the total amount of ambient light emitted by a source.
17. **Metal Halide Lamp:** An HID lamp where the light source is produced by radiation from metal-halide vapors commonly used for street lighting; emits a good quality white light.
18. **Opaque:** Impervious to the passage of light and not reflecting light.
19. **Nit:** The industry standard for measuring the specific light intensity (brightness) of Electronic Messaging Center (EMC) signs or one candela per square meter.
20. **Partially Shielded:** Fixtures that are shielded in such a manner that the bottom edge of the shield is below the plane of the center line of the lamp reducing light above the horizontal.
21. **Photometry:** The quantitative measurement of light level and distribution.
22. **Shield:** An opaque material permanently installed and/or attached that blocks the transmission or emission of light as a means of controlling or directing the light emitted from an outdoor lighting fixture to provide for full cut-off photometric performance.
23. **Spotlight:** A fixture designed to light only a small, well-defined area.
24. **Stray Light:** Emitted light that falls away from the area where it is needed or wanted (see also *Light Trespass*).
25. **Temporary Lighting:** Lighting that is intended for uses that, by their nature are of limited duration, e.g. holiday decorations, civic events or construction projects.
26. **Wallpack:** A luminaire, typically affixed to the side of a structure, used for area lighting or security lighting.

Out Parcel: See *Pad Site*.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under this ordinance.

P

Pad Site: A freestanding *lot* located within a larger development and typically requires shared vehicle access from the street and coordinated architectural and site design elements (commonly known as *Out Parcel*).

Parapet Wall: That part of any wall extending above the roof line that generally runs around the perimeter of a flat roof building at the roofline.

Parcel: Any legally described *lot* created by a partition, subdivision, deed, or other instrument recorded with the appropriate recorder.

Park and Ride: An off-street parking facility designed or intended to provide peripheral collection and storage of vehicles to accommodate transit centers where persons then board a train, bus, or other multi passenger mode of transportation.

Park: Any public or private land available for recreational, educational, cultural, or aesthetic uses.

Parking Area: Any land area containing one (1) or more *parking space*.

Parking Aisle: The travel way by which cars enter and depart parking spaces.

Parking Bay: A paved parking area used for on-street parking on local residential streets that is placed on alternating sides of the street within a modified street right-of-way, and designed to accommodate three (3) to four (4) cars.

Parking Space: Any land area designated and used for parking of one motor vehicle.

Parking Space, off-street: A *parking space* not on the right-of-way or alley but accessible from a street or alley.

Parking Structure: Any structure, except those defined herein as a *private garage*, used for the storage of motor vehicles; or where such vehicles are kept for rental, hire or sale (also referred to as *Garage, public*).

Party Wall: See *Common Wall*.

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

Perimeter Street: Any existing street to which the parcel of land to be subdivided abuts on only one side. **Personal Care Services:** Assistance with activities of daily living that can be performed by persons without professional skills or professional training and includes the coordination or provision of intermittent *nursing services* and the administration of medications and treatments by a nurse who is licensed pursuant to A.R.S. Title 32, Chapter 15 or as otherwise provided by law.

Personal Services: Businesses offering non-medical services directly to the customer that may include customary and incidental retail sales.

Persons: Includes any individual or group of individuals, corporations, partnerships, associations, or any other organized group of persons, including state and local governments and agencies thereof.

Place of Assembly: A building or a portion of a building used for people to gather for regularly scheduled programming, including, but not limited to, dance halls, public meeting halls, conference center meeting and exhibit rooms, live action theaters, and places of worship.

Place of Worship: Any building or portion thereof, used for nonprofit purposes by an established religious organization where such building is primarily intended to be used as a place of worship. The term includes, but is not necessarily limited to, church, temple, synagogue, and mosque

Plant Nursery and Greenhouses: The use of land, buildings, or structures for the growth, display, and/or sale of flowers, plants, shrubs, trees, for transplanting or wholesale and may include, as accessory activities, the sale of commonly used materials such as containers and fountains, soil, rock, bark, or mulch materials.

Plat: A map, survey, plan or replat certified by a licensed, registered land survey containing a description of the subdivided land with ties to permanent monuments that provides for changes in land use or ownership.

1. **Final Plat:** A final map of all of a subdivision, including supporting data, in substantial conformance to an approved preliminary plat and all conditions placed upon it by the Planning and Zoning Commission or the City Council, prepared by a registered land surveyor, in accordance with this Ordinance and the Arizona Revised Statutes.
2. **Preliminary Plat:** A preliminary map, including supporting data, approved by the Planning and Zoning Commission and the City Council, indicating a proposed subdivision design, prepared by a registered civil engineer and a registered land surveyor, in accordance with this Ordinance and the Arizona Revised Statutes. A preliminary site plan for a condominium development shall be considered a preliminary plat.

Portable Storage Container: A device in the shape of a rectangular solid; constructed of metal, consisting of four vertical walls, a floor and a ceiling and in which at least one vertical end is designed as a door and not permanently affixed to the ground. Portable storage containers include devices initially designed to facilitate the shipping of containerized cargo and constructed entirely of steel in a manner consistent with ISO 6346, and are being reused to

facilitate secure storage, but not designed as habitable space as defined in the City of Surprise Building Code.

Principal Use. The main or primary use on any lot or parcel that establishes the basic land use characteristics of the property, as opposed to an *accessory use*. In some instances, a property may have more than one (1) principal use.

Printing Plant: A commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing.

Protected Development Right: The right to undertake and complete the development and use of property under the terms and conditions of a Protected Development Right Plan, without compliance with subsequent changes in zoning regulations and development standards during the term of the Protected Development Right, except as provided by A.R.S. §9-1204.

Protected Development Right Plan: A development plan identified as a Protected Development Right Plan at the time of the Landowner's submission that, if approved by the Council, grants to the Landowner a Protected Development Right to undertake and complete development and use of the property as shown thereon for a specified period of time.

Public amenities: Any resources, conveniences, facilities or benefits continuously offered to the general public for their use and/or enjoyment, with or without charge (e.g., restrooms, information displays, public telephones, rain shelters, drinking fountains, etc.)

Public facility: Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity or a private organization that contributes to the municipal infrastructure system.

Public Improvement: Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the City of Surprise may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement where the responsibility rests with the City of Surprise.

Q

R

Rail Yard: An area of land, a portion of which is covered by a system of tracks, that provides for the making up of trains by one or more railroads or private industry concerns; functions of a rail yard include but are not limited to the classifying, switching, storing, assembling, distributing, consolidating, moving, repairing, weighing, or transferring of cars, trains, engines, locomotives, and rolling stock.

Ranch: A *Lot*, or portion thereof, designed and used for the breeding and raising of horses and large *agricultural animals*; but not an *agricultural operation*.

Recovery Residence (aka Sober Living, Addiction Recovery Homes): A residential setting that provides alcohol-free or drug-free housing for persons who need or find benefit in a supervised living environment that provides structure and some level of guidance, behavioral health services, and in-house recovery programs.

Recreational Vehicle (RV): A vehicular type portable structure, which can be towed, hauled or driven, primarily designed as temporary living accommodation for recreational, camping, and travel use and not designed for permanent residential or commercial purposes that: contains its own motive power, or drawn by another vehicle or is mounted on another vehicle.

Recreational Vehicle (RV), park model: A *Recreational Vehicle* built on a single chassis, mounted on wheels, has a gross trailer area not exceeding 400 square feet in the set -up mode, and is certified by the manufacturer as complying with the ANSI A119.5 standard for recreational park trailer.

Recreational Vehicle (RV) Park: An integrated land-lease development, in accordance with the provisions of this Ordinance, where recreational vehicles are used for temporary living or vacation purposes.

Recycling Collection Facility: A *lot* or structure, or portions thereof where the public may donate, redeem, or sell recyclable materials with limited processing activities.

Recycling Processing: Baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, re-manufacturing, shredding, and/or preparation for shipment of recyclable materials.

Recycling Processing Facility: A structure or enclosed space used for the collection and processing of recyclable materials for shipment.

Recycling Reverse Vending Machines: An automated mechanical device which accepts at least one or more type of empty beverage containers including, but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip.

Research Facility: A building, or portion thereof, that is used for research, development, and testing laboratories that shall not violate any odor, dust, smoke, gas, noise, radiation, vibration, or similar pollution standard as specified herein, excluding mass fabrication, or any manufacturing, processing, or sale of products.

Residential care institution: A *health care institution* other than a hospital that provides resident beds or residential units, supervisory care services, personal care services, behavioral health services, directed care services or health-related services for persons who do not need continuous nursing services.

Restaurant: A commercial establishment where food and beverages are primarily prepared, served, and consumed on the premises.

Restaurant, limited/takeout: A small scale restaurant which primarily utilizes window and/or counter service allowing customers to pick up food for on or off-premise consumption. Typical establishments include but are limited to coffee, juices, or sodas shops, bagel or donut eatery, or lunch cafes.

Repair Service: Establishments primarily engaged in the provision of repair services for household appliances and other personal property including, but not limited to, shoe, jewelry or watch repair; excluding automotive equipment.

Retention Area: A stormwater storage facility that stores surface runoff.

Right-of-Way: A designated or otherwise legally established strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, trees, or for another special use.

Roadway: That portion of a street or alley right-of-way that is improved and intended for driving or parking.

S

School: An institution providing regular academic instruction traditionally associated with a program of study at the primary, secondary, and tertiary levels equivalent to or greater than standards prescribed by the State Board of Education or the State Board of Regents.

School, vocational: Schools offering instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technician schools and similar commercial establishments operated by a nongovernmental organization.

Screening: A solid or nearly solid barrier (i.e., wall, fence, plantings) constructed or installed for the purpose of visual separation to shield, protect or conceal.

Self-Storage Facility: A building used for renting or leasing individual storage spaces in which the renters or lessees customarily store and remove their own personal property on a self-service basis; may include a screened outdoor storage component. Front office may include ancillary retail sales.

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

Setback: The minimum distance by which any building or structure must be separated from street right-of-way or *lot line*.

Setback, front: The minimum *setback* line parallel to the *Front Lot Line*.

Setback, rear: The minimum *setback* line parallel to the *Rear Lot Line*.

Setback, side: The minimum *setback* line parallel to any *Side Lot Line* between the *Front* and *Rear Setbacks*.

Setback, street side: The minimum *setback* line parallel to the *Side Lot Line* that abuts a street between the *Front* and *Rear Setbacks*.

Sewer, public: Any sanitary sewer line owned and maintained by the city, whether or not installed by the city.

Sewer System, community: Any sanitary sewer system, whether treatment plant, septic tank or lagoon, designed with a sewer collection system to be used by a legally constituted association of property owners. The system may or may not be a public system.

Sexually Oriented Business: This term is synonymous with “adult oriented business” and means an *adult arcade, adult bookstore, adult cabaret, adult motel, adult novelty store, adult theater, adult motion picture theater, adult video store, escort agency, nude model studio, or sexual encounter center*.

1. **Adult Arcade:** Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matters depicting, describing or exhibiting *specified sexual activities* or *specified anatomical areas*.
2. **Adult Bookstore, Adult Novelty Store or Adult Video Store:** A commercial establishment that has as a significant or substantial portion of its stock-in-trade, or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space for sale or rental for any form of consideration any one or more of the following:
 - a. Books, magazines, periodicals or other printed matter, or photographs, films, computer simulations, holograms, motion pictures, video reproductions, compact discs, slides, or other visual representations, which are characterized by their emphasis upon the depiction, description, exhibition or display of *specified sexual activities* or *specified anatomical areas*; or
 - b. Instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of the user or others.
3. **Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features:
 - a. Persons who appear in a state of nudity or semi-nude; or

- b. Live performances that are characterized by the exposure of *specified anatomical areas* or by *specified sexual activities*; or
 - c. Films, motion pictures, computer simulations, holograms, video cassettes, slides, or other photographic reproductions, which are characterized by the depiction, description, exhibition or display of *specified sexual activities* or *specified anatomical areas*.
4. **Adult Motel:** A hotel, motel, or similar commercial establishment that:
- a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, computer simulations, holograms, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction, description, exhibition or display of *specified sexual activities* or *specified anatomical areas*; and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions; and, either
 - b. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
5. **Adult Motion Picture Theater:** A commercial establishment where, for any form of consideration, films, holograms, computer simulations, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown that are characterized by the depiction or description of *specified sexual activities* or *specified anatomical areas*.
6. **Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear nude or semi-nude, or in live performances characterized by the exposure of *specified anatomical areas* or by *specified sexual activities*.
7. **Adult Video Store:** See *Adult Bookstore*, *Adult Novelty Store* **or** *Adult Store*.
8. **Escort:** A person who, for consideration, and for another person, agrees or offers to act as a companion, guide, date or to privately model lingerie or to privately perform a striptease.
9. **Escort Agency:** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
10. **Nude, Nudity** or a **State of Nudity:** The showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

11. **Nude Model Studio:** Any place where a person (or persons) who appears semi-nude, in a state of nudity or displays “specified anatomical areas” and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. A nude model studio does not mean a modeling class, or the facility for such class, operated:
 - a. By a proprietary school licensed by the State of Arizona; a college, junior college, or university supported entirely or partly by taxation;
 - b. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
 - c. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing.
12. **Semi-Nude** or in a **Semi-Nude Condition:** The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.
13. **Sexual Encounter Center:** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration: a place where two (2) or more persons may congregate, associate, or consort for the purpose of *specified sexual activities*. The definition of sexual encounter center or any sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.
14. **Specified Anatomical Areas:** Human genitals in a state of sexual arousal.
 - a. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - b. Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.
15. **Specified Sexual Activities:** Any of the following:
 - a. The fondling or other erotic touching of human genitals, pubic region, anus, or female breasts;
 - b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
 - c. Excretory functions as part of, or in connection with, any of the activities set forth in subdivisions (1) through (2) above.

Shared Parking: When two or more land uses (such as a retail store, office, restaurant, or other similar user) share the same parking spaces rather than each having their own dedicated parking area.

Shelter Care Facility: A facility where short-term *residential care services*, including, but not limited to, temporary lodging, meals, and counseling, are provided to individuals and groups such as the homeless, pregnant teenagers, victims of domestic violence, neglected children, and runaways, for a time typically less than 30 days.

Shopping Center: A development that is of unified design and management whether on a single lot or on abutting lots under multiple or single ownership and whether contained in one building or multiple buildings, with shared access and parking and potentially multiple land uses.

Showroom/Sales Office: A building or portion thereof where merchandise is exhibited or where samples are displayed and the sale of services and related products are conducted, excluding storage of retail goods or service merchandise. Typical uses include but are not limited to flooring, decor, remodeling services, and other contractors. Showrooms/sales offices may be ancillary within another use or as a primary use.

Sign and/or Signage: See Chapter 108 for all definitions related to signs and/or signage.

Site Plan: A drawing showing the accurate location of all structures, streets, alleys and parking areas existing and proposed on subject property or any other information as may be required by the City of Surprise Procedural Manual.

Stable: A lot or buildings, corals, pens and other ancillary features uses that may also include boarding of horses and limited livestock, breeding or training programs, or arenas; private stables are for use of the owner or occupant of the lot and commercial stables are where horses are kept for remuneration, hire or sale

Street: A general term used to describe a paved right-of-way, municipally or privately owned, serving as a means of multi-modal travel, usually affording the principal means of access to abutting property.

1. **Street, arterial (major and minor):** Streets designed to carry large amounts of traffic across or through the city and designated as such by the Surprise General Plan.
2. **Street, collector:** A street connecting local residential streets to each other, to community facilities and to *arterial streets*.
3. **Street, dead-end.** A street or a portion of a street with only one vehicular-traffic outlet.
4. **Street, local:** A street intended to serve and provide access exclusively to the properties abutting thereon, and not connecting with other streets in such a manner as to encourage through traffic.
4. **Street, private:** Any street that is not dedicated to the public and is to be maintained by a private entity.

5. **Street, public:** Any street which has been dedicated or is otherwise publicly owned by the city.
6. **Street, service:** A street running parallel to a freeway, expressway or other roadway, and serving abutting properties. Also called frontage road.

Street Frontage: Any property line separating a lot from a street.

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

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

Structural Alteration: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any change in the exterior walls or the roof.

Structure: Anything constructed or erected with a permanently secured location on the ground or attached to something having a permanently secured location on the ground.

Sub Area Plan or Master Plan: A planning policy document officially adopted by the Surprise City Council which provides for the development of the city and which indicates the desired character and general locations recommended for major roadways, parks, public utilities and buildings, and/or other uses.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, excluding those solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement is started; or
2. If the structure has been damaged and is being restored, the value before the damage occurred

Subdivide: The act of dividing land into two or more parts by platting, or by metes and bounds description, into tracts of less than 36 acres for the purpose of sale, lease, building purposes, subdivision or resubdivision.

Subdivider: The individual, firm, corporation, or partnership, association, limited liability company, syndicate, trust or other legal entity that files the application and initiates proceedings for the subdivision of land in accordance with the provisions of this Ordinance and statutes of the State of Arizona; except that an individual serving as representative for such legal entity is not a *developer*; and said *developer* need not be the owner of the property as

defined by this Ordinance. The City Council may itself prepare or have prepared a plat for the subdivision of land under municipal ownership. (see also *Developer*)

Subdivision: Improved or unimproved land or lands divided for the purpose of financing, sale, lease, or conveyance whether immediate or future, into four (4) or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into two (2) or more parts. “*Subdivision*” also includes any condominium, cooperative, community apartment, townhouse or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.

“*Subdivision*” does not include the following:

1. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
2. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
3. The leasing of apartment, offices, stores or similar space within a building or RV park, nor mineral, oil, or gas leases.

Subdivision Agent: Any person who represents or acts for or on behalf of a *subdivider*.

Supervisory Care Services: General supervision, including daily awareness of resident functioning and continuing needs, the ability to intervene in a crisis, and assistance in the self-administration of prescribed medications.

T

Temporary Improvement: Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

Townhouse: A type of residential dwelling that is often, but not necessarily, an attached product type (see also *Dwelling*).

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

Triplex: See *Three-Family Dwelling*.

Truck: A vehicle weighing 18,000 or more pounds, or a combination of vehicles weighing in excess of 26,000 pounds, or a box truck or semi-trailer cab

U

Use: The employment or occupation of a building, structure, or land for a person's service, benefit or enjoyment.

1. **Use, nonconforming:** An existing use of a building, structure or land which fails to comply with the requirements set forth in this Ordinance applicable to the district in which such use is located.
2. **Use, permitted:** A use which is lawfully established in a particular district or districts and which conforms to all requirements, regulations and performance standards of such district(s).
3. **Use, principal:** A land use that is the predominant primary or major use of the *lot* on which it is located.
4. **Use, temporary:** A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period as regulated by this Ordinance.

Use Permit: A permit required by this Ordinance for uses that may be permissible under the circumstances of a specific case, but where the use in general may not be permitted.

V

Variance: A modification or variation of the development standards in Chapter 106 of the LDO as applied to a specific piece of property. Dimensional variances only may be allowed; no variance regarding use of property shall be permitted; no variance decreasing lot area requirements shall be allowed.

Vehicle, Fueling Station: A convenience use having pumps and storage tanks or other facilities from which gasoline, diesel or alternative fuels are dispensed into motor vehicles.

Vehicle Sales: The use of any building, land area, or other premises for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreational vehicles and including any warranty repair work and other repair service conducted as an accessory use.

Vehicle Service, major repair: The alteration, rebuilding, reconditioning, upholstery, and collision service, including body, frame, or fender repair or painting of vehicles.

Vehicle Service, minor repair: Servicing of motor vehicles including tire repair, battery changing, engine rebuilding and transmission repair, storage of merchandise and supplies related to the servicing of motor vehicles, sale of lubricants, automobile washing and lubrication but not including any operation specified under "*Vehicle Service, major repair*".

View Fence: A fence that is constructed in a manner that allows for a clear view of an area beyond the fence from any angle.

Visibility Triangle: The area at the intersection of streets in which a motorist's view must remain free from any visual obstruction.

W

Wall: A fence made of a solid material such as CMU block, stone, bricks, or river rock; except those as part of *building*

Warehouse: An enclosed building designed and used primarily for the storage of goods and materials

Wholesale Shopping Establishment. An establishment or place of business primarily engaged in selling and/or distributing merchandise to other businesses other than the direct to the consumer, excluding bulk merchandise, direct to the consumer businesses.

Wireless Communication Facility: Any facility that transmits and/or receives signals by electromagnetic or optical means, including antennas, microwave dishes, horns, or similar types of equipment, towers or similar structures supporting such equipment, and equipment buildings but not direct-to-home satellite services.

1. **Alternative Tower Structure:** An innovative wireless tower design, such as a clock tower, grain silo, bell tower, false chimney, steeple, light pole, flag pole, windmill, and similar design mounting structures, that camouflage or conceal the presence of wireless antennae or towers. Alternative tower structures may also include utilization of a traffic signal streetlight pole or similar structure, or freestanding structure within a public right-of-way as approved by the city manager or designee on a case-by-case basis.
2. **Amateur Radio Antenna:** A freestanding or building-mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for airway communications purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Telecommunications Commission (FCC).
3. **Antenna:** Communications equipment that transmits or receives electromagnetic radio frequency signals and that is used in providing wireless services.
4. **Backhaul:** The connection from a wireless facility base station to the core network of the internet.
5. **Base Station:** The structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment and a communications network. The term does not encompass a *tower* or *monopole* as defined herein or any equipment associated with a *tower* or *monopole*:
 - a. The term includes, but is not limited to, equipment associated with wireless communications services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services.
 - b. The term includes, but is not limited to, radio transceivers, *antenna*, coaxial or fiber-optic cable, regular and backup power supplies, and comparable

- equipment, regardless of technological configuration (including distributed antenna systems and *small-cell networks*).
- c. The term includes any structure other than a *tower* or *monopole* that, at the time the relevant *wireless facility* application is filed with the city , supports or houses equipment, and that has been reviewed and approved under the applicable zoning or siting process, or under another state, county or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
 - d. The term does not include any structure that, at the time the relevant *wireless facility* application is filed with the city , does not support or house equipment described in subsections (a) and/or (b) above.
6. **Cell on Wheels (COW):** A mobile cell site that consists of a cellular antenna tower and electronic radio transceiver equipment on a truck or a trailer designed to be part of a cellular network and temporary in nature.
7. **Co-locate or Co-location:** To install, mount, maintain, modify, operate, or replace *wireless facilities* on, within, or adjacent to a wireless support structure or utility pole.
- a. **Collocation, major:** A collocation of a *wireless facility* where the proposed wireless facility equipment exceeds ten feet above the supporting structure and/or exceeds 50 feet above ground level.
 - b. **Collocation, minor:** A collocation of a *wireless facility* where the proposed wireless facility equipment does not exceed ten feet above the supporting structure and does not exceed 50 feet above ground level.
8. **Conceal or Concealment:** *Wireless facilities* designed or disguised to look like something other than a wireless facility or base station (see also *Alternative Tower Structure*).
9. **Microcell:** A device that is connected to aerial facilities and used solely for transmitting, processing, and receiving voice and data wireless telecommunications services, without any associated ground mounted equipment. The device is often referred to as an "ASME" (aerial strand mounted equipment).
10. **Monopole:** A wireless support structure composed of a single spire used to support communications equipment and having no guy wires or ground anchors. A monopole shall not be greater than 40 inches in diameter at ground level and shall have all of the *wireless facilities* mounted on the pole and wiring contained inside of the pole. Includes monopalms, monocactus, monopines, and monobroadleaf wireless towers.
11. **Rooftop Mounted Wireless Facility:** A *wireless facility* with the *antennae* located on the roof of a building or on top of a structure and consisting of *antennae*, support structures, and accessory equipment which are adequately screened so as not to appear as stand-alone devices above the top of the roof line.

12. **Small Cell Network:** A collection of interrelated small cell facilities designed to deliver personal wireless services.
13. **Small Wireless Facility ("SWF"):** A wireless facility that meets both of the following qualifications:
- a. All *antennae* are located inside an antenna enclosure of no more than six cubic feet in volume or, in the case of antennae that have exposed elements, the antennae and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and
 - b. All other wireless equipment associated with the facility is cumulatively not more than 28 cubic feet in volume or 50 cubic feet in volume if the equipment was ground mounted before the effective date of this Ordinance. The following types of associated ancillary equipment are not included in the calculation of equipment volume pursuant to this subsection:
 - i. An electric meter.
 - ii. Concealment elements.
 - iii. A telecommunications demarcation box.
 - iv. Grounding equipment.
 - v. A power transfer switch.
 - vi. A cutoff switch.
 - vii. Vertical cable runs for the connection of power and other services.
14. **Structure Mounted Wireless Facility:** A *wireless facility* with the *antennae* located on the wall or roof of a building or on the side or top of a structure, including *co-locating* on an existing freestanding *wireless facility* and consisting of *antennae*, support structures, and accessory equipment.
15. **Transmission Equipment:** Equipment that facilitates transmission for any wireless communication service licensed or authorized by the FCC, including, but not limited to, radio transceivers, antennae, coaxial or fiber-optic cable, and regular and back-up power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
16. **Tower:** Any structure built for the sole or primary purpose of supporting any antennae and their associated facilities, licensed or authorized by the FCC, such as structures that are constructed for wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and the associated site.

17. *Wireless Facility:*

- a. Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including both of the following:
 - i. Equipment associated with wireless communications.
 - ii. Radio transceivers, antennae, coaxial or fiber-optic cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration.
- b. Includes SWFs.
- c. Does not include the structure or improvements on, under, or within which the equipment is collocated, wireline backhaul facilities, coaxial or fiber-optic cable that is between wireless support structures or utility poles, or coaxial or fiber-optic cable that is otherwise not immediately adjacent to, or directly associated with, an *antenna*.
- d. Does not include Wi-Fi radio equipment described in A.R.S. § 9-506(I) or *microcell* equipment described in A.R.S. § 9-584(E).

18. *Wireless Facility Monopole Modification, major:* A modification of an existing wireless facility monopole where the proposed monopole and base station exceeds the greater of either:

- a. An increase in height of the tower greater than ten feet; or
- b. An increase of base station area greater than ten percent of the existing facility.

19. *Wireless Facility Monopole Modification, minor:* A modification of an existing wireless facility monopole where the proposed monopole and base station does not exceed the greater of either:

- a. An increase in height of the monopole less than ten feet; or
- b. An increase of base station area less than ten percent of the existing facility.

20. *Wireless Support Structure:* A freestanding structure such as a monopole, a tower (either guyed or self-supporting), a sign or billboard, or any other existing or proposed structure designed to support, or capable of supporting *wireless facilities*. It does not include a utility pole.

Wrecking Yard: See *Junk Yard*.

Y

Yard: An open area of a residential lot that is at grade level between a building and the adjoining lot lines, except as otherwise provided in this Ordinance

1. **Yard, front:** A *yard* extending between two *side lot lines* and the depth of which is the distance between the street and the primary *building* or *fence return*.
2. **Yard, rear:** A *yard* extending between two *side lot lines* and the depth of which is the distance between the *rear lot line* and the primary *building*.
3. **Yard, side:** A *yard* extending between the *fence return* or front yard and rear yard and the depth of which is the distance between the *side lot line* and the primary *building*.
4. **Yard, street side:** A *side yard* which is along the *side lot line* that abuts a *street*.

Z

Zoning: The dividing of the City into districts or zones and the establishment of regulations for governing the use, placement, spacing, and size of land and buildings within each zone or district.

Zoning Clearance: The approval by the Zoning Administrator of a plan that is in conformance with this Ordinance.

Zoning District: A portion of the City within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

CHAPTER 102 - REVIEW PROCESS AND APPLICATIONS

ARTICLE 1 - IN GENERAL

102-1.1 Purpose

- A. The purpose of this section is to establish standardized decision-making procedures for reviewing development applications within the City of Surprise. It enables the City, the applicant, and all interested parties to reasonably review applications, and participate in the local decision-making process in a timely and effective way. More specifically, this section is intended to:
1. Assure prompt review of development applications through the application of clear and specific standards.
 2. Provide opportunities for public review and comment on development applications that may have an impact on the community.
 3. Establish procedures to determining whether development applications are consistent with applicable codes, policies, regulations, and standards

102-1.2 Applicability

- A. The provisions of this section shall apply to all proposed development projects within the City's municipal boundaries.

102-1.3 Development Procedures Manual

- A. The Development Procedures Manual is the consolidation of the Community Development Department requirements for the various procedure types and development applications including: the application forms, submittal checklists for the various application types, specific procedural steps, review timelines, necessary approvals, and communication expectations.
- B. All development applications in the City of Surprise shall follow the requirements outlined in the Development Procedures Manual, which is available online or may be picked up at the Development Services Counter.

102-1.4 Concurrent Review

- A. When a development proposal requires more than one (1) application for the approval of a given development, multiple applications may be submitted for concurrent review. If the applications are not submitted concurrently, the subsequent applications may not be submitted until previous applications have completed the review procedures, unless this provision is waived by the Community Development Director or designee.
- B. When more than one (1) application is submitted for a given development, and those applications are subject to different types of procedure, then all of the applications are conditioned to the highest type of procedure that applies to any

of the applications; however, each development application shall be only subject to the relevant criteria applicable to that particular development application. For example, a development proposal for a preliminary plat (a Type 2 procedure) and rezoning of the property (a Type 3 procedure) shall be wholly dependent upon the approval of the Type 3 application, but the Type 2 portion of the development proposal shall be decided according to the relevant approval criteria applicable to the Type 2 application.

102-1.5 Exempt Activities

- A.** The following development activities are exempt from the procedural requirements of this chapter:
1. Landscaping or landscape alterations, unless such landscaping or alterations would require approval pursuant to this Chapter for Site Plan Review or modify or violate an approved site plan, plat or a condition of approval.
 2. Emergency repair or maintenance of public or private buildings, structures, landscaping or utilities.
 3. A change of any legally-established use except if the change of use requires an amendment to the approved site plan, such as increased parking requirements, or additional approvals, such as an Administrative Use Permit or Conditional Use Permit.
 4. Building permits required pursuant to the City-adopted building code for construction not requiring a development application.
 5. On-site utility permits not obtained in conjunction with a specific development application, including but not limited to sewer hook-ups, water hook-ups, right-of-way permits, grading permits, and fire department permits.
 6. Business Licenses.
 7. Sign permits; except for Comprehensive Sign Program approval.

102-1.6 Expiration of Approvals

- A.** All approvals, excluding Temporary Use Permits, shall expire one (1) year after the date of approval unless vested by means of recorded Final Plat, commencement of construction, or establishment of the allowed use. An extension may be granted by the Community Development Director, but will be contingent upon subsequent applications listed herein and/or permit activity. The request for an extension shall be made in writing prior to the above-mentioned one year expiration.

ARTICLE 2 - PROCEDURE TYPES and SUBMITTALS

102-2.1 Procedure Types

- A.** All development applications shall be decided by using one (1) of the procedure types listed in this Chapter. The procedure type assigned to each application governs the requirements of a public meeting, public hearing, public outreach, public notifications, and the authoritative body, except to the extent otherwise required by applicable state or federal law. There are three (3) types of decision-making procedures, as follows:
1. **Type 1.** This procedure is for interpretative and administrative applications without a public outreach process, public meeting, or public hearing required. Type 1 applications are processed as administrative review decisions by the Community Development Director. Decisions by the Community Development Director may be appealed to either the Board of Adjustment or the Planning and Zoning Commission as outlined in **Table 102-2a**.
 2. **Type 2.** This procedure is for applications that only require a public meeting and therefore only require the limited public outreach of posting the meeting agenda; unless otherwise indicated in the following table. Type 2 applications are administrative actions. Applications where the approval authority lies with the Planning and Zoning Commission may be appealed to the City Council as outlined in **Table 102.2a**. Applications where the approval authority lies with the City Council may be appealed in a manner prescribed by law.
 3. **Type 3.** This procedure is for applications that generally are legislative in nature requiring a public hearing per A.R.S § 9-462.04 and require Public Notice in the form of “Agenda Posting”, “Newspaper Publication”, “Letter by 1st Class Mail”, and “Site Posting” according to this Chapter. Decisions of the City Council or Board of Adjustment regarding Type 3 applications may be appealed in a manner prescribed by law.
- 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.

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

Table 102-2a: Application Type, Procedure, and Decision Authority Summary

	Public Outreach				Community Development Director	Planning & 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		
CD Director Waiver								
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		X	X	R	R	D	
Final Plats	X				R		D	
General Plan Annual Review	X					R	D	
Original Townsite Incentive	X				R		D	
Development Agreement	X				R		D	
Hillside Cut/Fill Waiver	X			X	R	D		
Contiguity/Congruency Waiver	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	R	D	
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								

102-2.2 Submittal Process

- A.** Pre-Application Meetings. The Surprise Community Development Department offers multiple pre-application meetings for the purpose of acquainting City and other agency staff with a sufficient level of detail about the proposed development. The intent is to enable staff to advise the applicant as to the applicable City requirements and to identify issues and concerns in advance of a formal application. These meetings are not intended to be a comprehensive review of all the potential issues relating to a development proposal.
1. **Due Diligence Meeting.** This is an optional pre-application meeting for proposed projects that are in the most basic phase of development. This meeting may be used by prospective buyers and/or developers in order to better measure the feasibility of a proposed project with informal discussions to identify potential points of conflicts and gain an understand of specific public objectives.
 2. **Concept Review Meeting.** This is a required pre-application meeting for all proposed projects prior to making a formal application submittal. This meeting will include the City's complete development review team in order to determine the required Procedure Type and submittal checklist.
 3. **Concept Review Waiver.** The Community Development Director or designee may waive the Concept Review meeting only if the proposal is determined to be relatively simple (e.g. has few, if any, development-related issues), or it involves subsequent phases of an existing approved development where requirements are known, or an application is substantially similar to a prior proposal affecting the same property.
- B.** Formal Application Submittal. Following the Concept Review meeting the applicant shall submit, to the Surprise Community Development Department, a completed City application, all the requested plans and information, required studies and reports, and the required fees. The City may, at its discretion, request additional materials and/or studies if found necessary to adequately review the application.

ARTICLE 3: PUBLIC OUTREACH and PUBLIC NOTIFICATION

102-3.1 Public Outreach

- A. When public outreach is required, it will involve one or more of the following forms depending on the procedure type or complexity of a project (see **Table 102-2a**). Pursuant to A.R.S., General Plan Amendments and Rezoning for land that is located within the vicinity of a military airport or ancillary military facility have additional notification requirements. *(For more detailed content and process requirements on the three (3) notification types listed below refer to the Development Procedures Manual).*
1. Legal ad
 2. Mail-out
 3. Site Posting
 4. Neighborhood Meeting
- B. The Public Outreach Process.– Although it is not intended to produce complete consensus on all applications the intent of any form of public outreach is to:
1. Ensure that applicants pursue early and effective public participation in conjunction with their applications, giving them the opportunity to understand and potentially mitigate any real or perceived impacts their application may have on the community;
 2. Ensure the public and neighboring property owners have adequate opportunity to learn about applications that may affect them at an early stage in the process; and
 3. Facilitate ongoing communication between the applicant and interested public, neighbors, City staff, and elected officials throughout the application review process.
- C. Public Notification Methods. Depending on the procedure type, one or more of the following methods of public notification may be required.
1. Agenda Posting: Posting the agenda at City Hall at least twenty-four (24) hours prior to a public meeting (Type 2 Procedure) and/or a public hearing (Type 3 Procedure), in accordance with Arizona open meeting law.
 2. Legal Ad: In a newspaper of general circulation in the City of Surprise, a Public Notice shall be published at least fifteen (15) for all other applications, prior to the public hearing.
 3. Mail-out by 1st Class Mail: An informational letter mail, to all real property owners and the head of any homeowners association or

registered neighborhood within a 300-foot radius of the parcel boundaries and any other potentially affected citizens as determined by the Community Development Director or designee at least or at least fifteen (15) days for all other applications, prior to the public hearing.

4. Site Posting: When proposed development requires Public Notice in the form of Site Posting, the applicant shall be responsible for posting the subject property (*see Procedures Manual for examples*).
 - a. Posting shall be in no less than two on-site locations, no less than fifteen (15) days prior to the meeting/hearing; annexations require 3 locations. For large sites, sites with multiple street frontages, and sites with no frontages, modified locations may be approved by the Community Development Director.
 - b. A completed Affidavit of Site Posting form which includes a minimum of two (2) photographs of each installed sign together with a map showing the locations of the site postings.
 - c. The applicant shall remove all signage and submit a completed affidavit of removal within seven (7) days after the date of the final public meeting/hearing.
4. Content of Public Notice. When required a public notice in the form of “Newspaper Publication”, “Letter by 1st Class Mail”, or “Site Posting” of the proposed project will include the following:
 1. The project case number;
 2. The name of the applicant requesting the action;
 3. The date, time and location of Neighborhood Meeting, when required;
 4. A vicinity map of the project location;
 5. A brief description of the request;
 6. The date, time and location of upcoming public hearing(s) or meeting(s);
 7. A map of the project area.

D. Neighborhood Meetings. 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:

- a. Conducted by the applicant, developer, and/or property owner;
 - b. Held Monday through Thursday; shall not conflict with City Council or P&Z meetings;
 - c. Begin by 6pm and hosted for at least one hour or more;
 - d. Provide safety, parking, lighting for meeting attendees;
 - e. Provide signage to guide attendees to the meeting according to the temporary signage and other regulations of Chapter 109.
2. Public notice of the Neighborhood Meeting is required and shall include both “Newspaper Publication” and “Letter by 1st Class Mail” as outlined above. The notice shall also be transmitted to the planning agency of any adjacent municipalities and unincorporated areas of the county.
- E.** The applicant shall provide a written report that describes the specific actions taken by the applicant to meet the Public Outreach requirements. The report shall be submitted to the City thirty (30) days prior to public hearing. If public outreach continues beyond that deadline, a supplemental report may be required prior the public hearing. *(For more detailed information on content requirements for the Public Outreach Report refer to the Development Procedures Manual).*

ARTICLE 4: TYPE 1 APPLICATION AND REQUESTS

102-4.1 Uses, Interpretations, and Administrative Decision

- A. The Community Development Director, pursuant to A.R.S.§9-462.05, is responsible for the administration of this Ordinance and may establish rules and procedures for the implementation of the LDO.
- B. The Community Development Director may not make changes in the specific uses permitted in any zoning districts, or make changes in the terms of the Ordinance; however, any use not appearing in this code which is similar to, and not more detrimental than the uses permitted herein, as determined by the Community Development Director, may be permitted based on a code interpretation and similar use ruling.
- C. The Community Development Director shall base his/her decision, to either approve or reject Type 1 applications and to prescribe such conditions as deemed necessary, on the definitions and other provisions contained in this Code, relevant city policy, and/or any applicable State or Federal law or case law.
- D. The Community Development Director may, at his/her discretion, refer a Type 1 application to the Commission for a decision.
- E. Code interpretations and similar use rulings shall be treated as a Substantive Policy Statement.

102-4.2 Minor Site Plan Amendment

- A. Minor Site Plan Amendments are requests to alter or modify an approved site plan described in Section **102-5.1** herein by no more than ten percent (10%) in comparison to the most recent site plan approved by Planning and Zoning Commission and/or City Council and which typically has no significant changes to infrastructure, buildings and structures, circulation, or grading and drainage. Provided the requested changes otherwise meet the requirements of the zoning district in which the property is located, modifications approved under a Minor Amendment may include, but are not limited to, an increase or decrease in floor area; building height; building setbacks; or, the number and location of parking spaces but not their size.

102-4.3 Minor Land Division/Lot Split/Plat Corrections

- A. Minimal changes to any existing lot, parcel, tract of land or combination thereof in the form of Minor Land Division, Lot Split, Parcel Assemblage, and Plat Corrections pursuant to **Chapter 108** of the LDO.

102-4.4 Use Permits (Administrative and Temporary)

- A.** Those uses that are allowed under an Administrative Use Permit (AUP) and/or a Temporary Use Permit (TUP) in either the Land Use Matrix of **Table 106-1a** or in the Accessory Use Matrix of **Table 106-1b**, of this LDO, shall be authorized by the Community Development Director.
- B.** Administrative Use Permit (AUP). Administrative uses are those uses that are generally compatible with the land uses permitted by right in a zoning district, but require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district.
- C.** Temporary Use Permit (TUP). Temporary uses allow for activities that may be appropriate, on an interim basis such as seasonal or transient uses not otherwise permitted. A Temporary Use Permit shall be for a specific use on a specific property and not for a particular person or company. The Community Development Director, when reviewing applications, shall have the authority to require conditions of approval.
- D.** Criteria. Approval of an AUP and/or TUP shall be based on the applicant's ability to demonstrate the following:

 - 1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;
 - 2. The proposed use conforms to the purposes, intent, and policies of the General Plan and any applicable area, neighborhood, or other plan adopted by the City Council;
 - 3. The proposed use conforms to the conditions, requirements, or standards of LDO and any other applicable local, state, or federal requirements;
 - 4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.
- E.** Validity Limit.

 - 1. The Use Permit shall be valid for the use for which the permit was granted for the length of time indicated on the permit as long as the use is in compliance with the conditions of approval and other applicable ordinances.
 - 2. Time extensions for a Temporary Use Permit shall be processed in the same manner as the original permit.

102-4.5 Home Product Review

- A.** For any residential development that proposes to utilize, market, sell, and/or construct based off standard plans, an application for a Home Product Review shall be required to be submit to and approved by the Community Development Director (*see Procedures Manual for details on submittal requirements*).
- B.** Approval of any Home Product Review application shall be based on the adherence to and compliance with the Planning Design Standards of the PEDS, and the zoning district in which the Home Product will be utilized.

102-4.6 Administrative Waivers

- A.** PED Deviations and Waivers. Per **Section 107-1.2** of the LDO, the Community Development Director or City Engineer may approve a deviation to the standards or may approve, on a case-by-case basis, a waiver for a study, report, or an analysis that may otherwise be required by the PEDS.
- B.** Slope Category Analysis Waivers. Per **Section 104-2.8.A.** of the LDO, applications seeking a waiver for the requirement to submit a Slope Category Analysis may be submitted to and approved by the Community Development Director or City Engineer.

ARTICLE 5: TYPE 2 APPLICATION AND REQUESTS

102-5.1 Site Plan Review

- A. Initial Site Plan. In order to first establish a design, to develop a currently undeveloped property, or redevelop a property, a Site Plan Review shall be required to be approved for all development occurring within every zoning district; except for interior tenant improvements and single-family residential subdivisions, but not including Home Product Reviews (*see Procedures Manual for submittal requirements and process*).
- B. At the discretion of the Community Development Director, the applicant may be required to hold a neighborhood meeting if in the opinion of the Director the project may impact the adjacent neighborhood.
- C. Major Site Plan Amendment. Substantial amendments or modifications to an approved site plan shall be processed in the same manner as the original application. The cumulative effect of multiple Minor Site Plan Amendments that exceed the collective change greater than ten percent (10%) from the most recent site plan approved by Planning and Zoning Commission and/or City Council will require a Major Site Plan Amendment.
- D. Landscape Plan. A Landscape Plan is focused on plant palette, locations, and/or irrigation pursuant to Chapter 107. Landscape Plans may be approved concurrently with other applications or processed separately under a separate application.
- E. Validity Limits. Approval of a site plan or amendments thereto, shall run with the land and may continue to be valid upon a change of ownership of the site or structure for a period of two (2) years following the date of approval.

102-5.2 Protected Development Rights Plan, Preliminary, and Final Plats

- A. For details on the specific processing (from pre-application, project construction, and acceptance of improvements) and the necessary submittal requirements and standards refer to the Planning and Engineering Design Standards (PEDS) and Chapter 108 of the LDO.

102-5.3 Original Townsite Incentive

- A. The Original Townsite Incentive, pursuant to **Chapter 111** of the LDO, is a request for financial incentives available as a means to encourage redevelopment within the area of Surprise known as the Original Townsite.

102-5.4 Development Agreements

- A. A development applicant and the city may enter into a development agreement if it is agreed to be mutually beneficial by both parties. The requirements for participation in a development agreement shall comply with A.R.S. § 9-500.05. Entering such agreement is at the City’s discretion and the burden is upon the applicant.
- B. A preliminary discussion regarding establishment of a development agreement will take place at the Concept Review Meeting. Subsequent discussions for the purpose of continued negotiations will be scheduled by the City as needed.
- C. Unless determined as impractical by the Community Development Director or designee, the development agreement shall be considered by City Council concurrent with consideration of the applicable rezone or site plan.

102-5.5 Appeals and Waivers

- A. Cut & Fill Waivers (Hillside Development Areas). Per **Section 104-2.8 C.** of the LDO, the Planning and Zoning Commission may, on a site-by-site basis, amend the development limitations outlined throughout the LDO.
- B. Contiguity/Congruency Waiver. Per **Section 104-1.3.B. & C.** of the LDO, the City Council may consider an application to waive or make exceptions to these requirements.

ARTICLE 6: TYPE 3 APPLICATION AND REQUESTS

102-6.1 General Plan Amendments and Specific Area Plans

- A. Amendments or changes to the Surprise General Plan may be initiated by the City Council, Planning and Zoning Commission, Community Development Director, or by a property owner or the property owner's authorized representative. Any change to the maps or text of the General Plan is an amendment to the General Plan.
1. Major Amendment. An application for a Major Amendment to the General Plan must be filed prior to April 1st of the calendar year and must be heard by the City Council on the first available Council meeting in December of the calendar year the request was submitted. Any Major Amendment must first be submitted for Commission review and recommendation. Major Amendments shall require an affirmative vote of at least two-thirds (2/3) of the Council.
 2. Minor Amendment. A Minor General Plan Amendment may be submitted independently at any time during the calendar year or processed concurrently with a development or rezoning application subject to the procedures herein.
 3. Specific/Sub-Area Plans. Establishing and/or amending a Specific or Sub-Area Plan and its regulations shall be done in accordance with A.R.S. §9-461.06, the Development Procedures Manual, and the provisions described in the Surprise General Plan.
- B. In the event that an application for an amendment to the General Plan, or a Specific or Sub-Area Plan, is denied by the City Council, or that the application is withdrawn after the Planning and Zoning Commission hearing, the City shall not accept another application for the same plan and/or amendment within twelve (12) months after the date of withdrawal or Planning and Zoning Commission hearing unless the applicant's request is approved by a super majority three-fourths (¾) vote of the City Council.
- C. It shall be the burden of the party requesting the General Plan Amendment to prove that the change constitutes an improvement to the General Plan. It shall not be the burden of the City to provide a reason that an amendment should be denied.

102-6.2 Rezoning Requests & Zoning Text Amendments

- A. In accordance with the provisions of Arizona Law (A.R.S. § 9-462.01, et. seq.), the City Council may amend the regulations and boundaries of zoning districts set forth in this Code whenever deemed necessary to best serve the public interest, and the health, comfort, convenience, safety, and general welfare of the city.

- B.** Applicability. All applications for LDO text amendments and rezoning of property shall only be made through the adoption of an amending ordinance by the City Council; except for those guidelines and codes adopted herein by reference. Requests may be made as follows:
1. An application for a change in zoning district boundaries (rezoning) may be initiated by a owner of real property within the City and/or by that owner's authorized representative.
 2. An application for an amendment to the text of this LDO ordinance may be requested by any person.
 3. The Planning and Zoning Commission or the City Council, by its own motion at a public meeting, may also initiate such amendments.
- C.** Criteria and Procedure. The City, in accordance with A.R.S., and after following the public outreach outlined in **Table 102-2a** herein shall conduct the required public hearing(s) and cause the following to occur:
1. The Planning and Zoning Commission shall render a recommendation for: 1) approval, 2) approval with conditions, or 3) denial of the petitioned rezoning or zoning text amendment, which shall be forwarded to the Mayor and City Council in writing by the Community Development Department unless withdrawn in writing by the applicant.
 2. The City Council shall: 1) approve, 2) approve with conditions as the council deems applicable in order to fully carry out the provisions and intent of this Code, or 3) deny the rezoning or zoning text amendment request. Approval of a request to rezone land may not be enacted as an emergency measure, but shall become effective thirty (30) calendar days after City Council approval, unless a petition referring the matter to the voters is received prior to the 30th day in a manner consistent with ARS.
- D.** Reversion. The City may approve a change of zone which is conditioned upon a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, the City may schedule a public hearing before the City Council to take action to extend or remove the development schedule, or determine compliance with the schedule for development, or take legislative action to cause the property to revert to its former zoning classification.

102-6.3 Conditional Use Permits

- A.** Conditional uses are those uses that are generally compatible with the land uses permitted by right in a zoning district, but require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district.

- B.** Uses which may be permitted subject to a Conditional Use Permit (CUP) are those uses enumerated as (CUP) in either the Land Use Matrix of **Table 106-1a** or in the Accessory Use Matrix of **Table 106-1b**, of this LDO, only after review and recommendation by the Planning and Zoning Commission, and subsequent review and approval by the City Council.
- C.** Approval of a CUP shall become effective immediately. The Conditional Use Permit shall become null and void if the use permit has not been exercised and the use established within twelve (12) months of the approval date. A CUP is exercised when the use has been established or when a building permit has been issued, construction commenced, and the building permit remains valid. A CUP may be granted for a specified period of time, determined by the City Council, as a term of conditions of the use permit.
- D.** If such use is abandoned or discontinued for a period of ninety (90) consecutive days, it may not be re-established unless reauthorized by the City Council.
- E.** Amendments to Conditional Use Permits shall be processed in the same manner as the original permit, except that Minor Amendments meeting the requirements of 104.4.2 of this Code may be authorized by the Community Development Director.

102-6.4 Comprehensive Sign Program

- A.** Applicability. The purpose of Comprehensive Sign Programs is to provide a mechanism by which a specific set of sign criteria may be approved for a specific property or geographic area in a manner that is appropriate to the character of the community in which the Comprehensive Sign Program will apply.
- B.** Criteria. Comprehensive Sign Programs must comply with regulations pursuant to Section **113-15** of the LDO.

102-6.5 Variances

- A.** Purpose. This section provides the potential for relief from the zoning development standards, but not to the permitted uses, densities, or guidelines, of this code. Notification for variance requests shall follow the requirements set forth in A.R.S. §9-462.06 and the provisions outlined in this Chapter.
- B.** Applicability. The granting of a variance is not a right. It may be granted at the discretion of the Board of Adjustment only if the applicant establishes compliance with all hardship criteria established in A.R.S. §9-462.06 and the following hardship criteria:
 - 1. There are existing special circumstances or conditions applicable to the property referred to in the application, including its size, shape,

topography, location, or surroundings, to which the strict application of this Ordinance will deprive such property of privileges enjoyed by other properties of the same classification in the same zoning district.

2. The above special circumstances or conditions are preexisting and are not created or self-imposed by the owner or applicant.
 3. The variance is necessary for the preservation of substantial property rights. Without a variance the property cannot be used for purposes otherwise allowed in this zoning district.
 4. The variance authorization will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, or to the neighborhood or the public welfare.
 5. The variance shall not constitute a grant of special privilege.
- C.** Conditions of Approval. Any variance granted may be subject to such conditions deemed applicable by the Board of Adjustment. Variances shall become void if the subject property does not conform to all conditions, requirements, and standards prescribed by the Board of Adjustment as a condition for approval of the variance.
- D.** Validity Limit. Variance approvals shall be void if an application for a building permit involving the structure that was the subject of the variance has not been submitted within six (6) months of the granting of the variance or within the time stipulated by the Board of Adjustment. An expiration of the building permit application will result in expiration of the variance. A variance that is not exercised within the time limits specified shall become null and void.



Presentation: Updating the Development Code

Planning and Zoning Commission
April 18, 2019

Code Update

Changes to the overall code must follow 3 principles:

1. Easy to Read

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

2. Easy to Administer

- Straightforward interpretation for staff when reviewing projects

3. Easy to Enforce

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

Today's Discussion

Land Development Ordinances (LDO)

- Chapter 101: Administrative Provisions
 - Legal establishment of the City's development regulations
 - Purpose and interpretation of the regulations
 - Definitions of the terms specific terms.
- Chapter 102: Review Process and Applications
 - Describes the development review process the process and the variety of development applications offered by the City of Surprise.

Chapter 101

- Currently in multiple Articles within the SUDC
- Will be consolidated into one chapter of the LDO.
- Majority of the proposed revised text is within the definitions section
 - Deleted terms are commonly understood or not used in the LDO update
 - Revised terms provide clear interpretation to implement the LDO
 - New terms match the terminology in the LDO and proposed Land Use Matrix

Chapter 101

Term	Definition
Building:	Any structure having enclosed space and a roof for the housing and/or enclosure of persons, animals or chattels, except mobile homes, recreational vehicles and mobile offices. Building includes "structure". Also building can be any structure built for support, shelter or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure. Any <i>structure</i> having a roof that is supported by poles, columns, or walls for the housing and/or enclosure of persons, animals, or personal property.
Structure.	Anything constructed or erected which requires location above or below ground. Anything constructed or erected with a permanently secured location on the ground or attached to something having a permanently secured location on the ground.
Accessory building/structure.	A subordinate structure or portion of the principal structure located on the same lot as the principal structure that is customarily incidental and subordinate to the principal structure. Where part of an accessory structure is connected to part of the principal structure in a substantial manner such as by a roof, the accessory structure shall be counted as part of the principal structure. Individual public utility installations aboveground are considered accessory structures. A structure, building, or use that is customarily incidental and subordinate to the principal structure, building, or use.

Chapter 101

Term	Definition
Dwelling.	A building or portion thereof, used primarily for residential occupancy, including single family, two family, multiple family dwellings and group homes, but not including hotels, motels or tourist homes. A building or portion thereof that contains one (1) <i>dwelling unit</i> that is occupied primarily for residential living purposes but not including hotels, motels, mobile homes or RV's.
Dwelling, multifamily.	A building, or portion thereof, used for occupancy by three or more families living independently of each other, with the units completely separated by a common wall, floor and/or ceiling. A building or lot containing four (4) or more <i>dwelling units</i> used for residential occupancy by four (4) or more families living independently of each other (commonly known as <i>Apartments</i>).
Guest House-Granny Flat <i>Dwelling Unit, accessory (ADU):</i>	A secondary dwelling unit independent of the primary dwelling unit on the same property; provided it meets specific standards.
Yard.	On the same lot with a principal building, which is open and unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar structures, and unobstructed by structures, except as otherwise provided in this title. An open area of a residential lot that is at grade level between the dwelling and the adjoining lot lines, except as otherwise provided in this Ordinance

Chapter 101

Term	Definition
Family.	One or more persons related by blood, marriage or adoption or not more than three unrelated persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, motel, club, fraternity, sorority, lodging house or nursing home. A group of people living together as a single housekeeping unit, within a single <i>dwelling unit</i> as distinguished from a group occupying a hotel, motel, club, dormitory, fraternity, sorority, lodging house or nursing home.
Apartment building.	A building, other than a hotel or motel, containing five or more dwelling units that have primary entrances from common hallways. A type of multi-family dwelling unit.
Mixed-use development.	A single building containing more than one type of land use; or a single development project having more than one building and land use in which the different land uses are located in close proximity to one another, the project is planned and designed as a unified total project, and the development is functionally integrated to enable the use of shared vehicular and pedestrian access and parking areas. A building or lot containing more than one (1) type of land use by integrating residential with non-residential uses that is planned as a whole, and functionally share vehicular and pedestrian access and parking areas.

Chapter 101

Term	Definition
Fence:	An artificially constructed barrier of wood, stone, masonry, metal or combination of materials erected to screen, separate, protect, confine, or enclose; not including landscaping or other natural growth. The term fence shall include all walls, except those as part of building and excludes view fence.
Fence Return:	The portion of a fence parallel or approximately parallel to the front line that is between the dwelling and side lot line.
Out parcel. Pad Site	A separate, leased or owned, land parcel that is part of a larger planned commercial, office or industrial center that has been set aside, usually along street frontage, for purposes of developing a freestanding restaurant, bank, gasoline service station, drug store or other support service use to supplement the primary uses in the center. A freestanding lot located within a larger development and typically requires shared vehicle access from the street and coordinated architectural and site design elements (commonly known as Out Parcel).
Sign and/or Signage:	Any device providing identification, advertising or directional information for a specific business, service, product, person, organization, place or building. Included in this definition are graphic devices such as logos, attention attracting media such as banners or logo sculpture and obtrusive colored fascia or architectural elements. See Chapter 108 for all definitions related to signs and/or signage.

Chapter 101

Term	Definition
Recreational facility, outdoor.	A long term facility providing outdoor amusement and entertainment, including, but not limited to miniature golf, skateboard park, amusement park, go cart race track, and batting cages.
Entertainment Establishment, Indoors:	An establishment that provides participant or spectator recreation to the general public, excluding public park and recreation facilities. Entertainment uses typically includes but are not limited to roller rink, rock/climbing gym, bowling alley, pool hall, shooting/archery/ range, movie theaters, arcade games.
Entertainment Establishment, Outdoors:	An establishment that provides participant or spectator recreation to the general public, excluding public park and recreation facilities. Entertainment uses typically includes but are not limited to typically water parks, go-cart track, batting cages, miniature golf, paintball course, drive-in theaters, and disc golf.
Bar/Nightclub:	A business primarily devoted to the on-site serving and consumption of alcoholic beverages licensed (Series 6 or 7 licenses) by the proper State agencies and City departments where the service of food and providing of entertainment may be ancillary.
Big box building.	A large single, stand alone building (50,000 square feet or larger) normally having a rectangular shape and a single use.

Chapter 101

Term	Definition
Church:	A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
Place of Worship:	Any building or portion thereof, used for nonprofit purposes by an established religious organization where such building is primarily intended to be used as a place of worship. The term includes, but is not necessarily limited to, church, temple, synagogue, and mosque
Place of Assembly:	A building or a portion of a building used for people to gather for regularly scheduled programming, including, but not limited to, dance halls, public meeting halls, conference center meeting and exhibit rooms, and live action theaters.
Community Facility:	A noncommercial use established primarily for the benefit and service of the population of the community in which it is located (typically includes social, entertainment, athletic, or recreational uses and may also include business office associated with the community such but not limited to Homeowners Association or apartment rental office).

Chapter 101

Term	Definition
<i>Public amenities:</i>	Any resources, conveniences, facilities or benefits continuously offered to the general public for their use and/or enjoyment, with or without charge (e.g., restrooms, information displays, public telephones, rain shelters, drinking fountains, etc.)
<i>Public facility:</i>	Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity or a private organization that contributes to the municipal infrastructure system.
<i>Commerce center:</i>	A development designed as a group of buildings and uses planned with shared circulation, parking, utilities, drainage, and landscaping that is unified through open space, pedestrian connections, and architectural style regardless of the number of parcels or <i>pad sites</i> .

Chapter 102

- Development review process
- Variety of development applications
- Maintain the “Procedure Type” from the SUDC
 - Revised description of each procedure and the relevant applications
- Remaining sections outline
 - Submittal process
 - Formal Public Outreach process
 - Further details for applications associated with each Procedure Type

Chapter 102

- Procedure Types: Governs the requirements of a the authoritative body. There are three (3) types of decision-making procedures.
 1. Type 1 is for primarily administrative decisions
 2. Type 2 is for public meetings that requires limited outreach,
 3. Type 3 is for public hearings that generally require full public notice
- Development Applications: A table that describes the level of public outreach required, decision-making authority, and the appeal authority.

Chapter 102

Table 102-2a: Application Type, Procedure, and Decision Authority Summary

	Public Outreach				Community Development Director	Planning & 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		
CD Director Waiver								
<u>Key:</u> 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

Table 102-2a: Application Type, Procedure, and Decision Authority Summary

Table 102-2a: Application Type, Procedure, and Decision Authority Summary								
	Public Outreach				Community Development Director	Planning & Zoning Commission	City Council	Board of Adjustment
	Agenda Posting	Notice Letter & Newspaper	Neighborhood Meeting	Site Posting				
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		X	X	R	R	D	
Final Plats	X				R		D	
General Plan Annual Review	X					R	D	
Original Townsite Incentive	X				R		D	
Development Agreement	X				R		D	
Hillside Cut/Fill Waiver	X			X	R	D		
Contiguity/Congruency Waiver	X				R		D	
<u>Key:</u> 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

Table 102-2a: Application Type, Procedure, and Decision Authority Summary

Table 102-2a: Application Type, Procedure, and Decision Authority Summary								
	Public Outreach				Community Development Director	Planning & Zoning Commission	City Council	Board of Adjustment
	Agenda Posting	Notice Letter & Newspaper	Neighborhood Meeting	Site Posting				
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	R	D	
Comprehensive Sign Program	X	X	X	X	R	R	D	
Variances Requests	X	X		X	R			D
Annexation	X	X	X	X	R		D	
<u>Key:</u>		R = Reviews and recommends action to decision-making body						
X = Required		D = Decision-making body						
(1) = 1 st Class Letter not required		A = Appeal authority						

Next LDO Update Presentation

- Chapter 103: Enforcement
 - Establishment of the City's enforcement authority, violations, and penalties
 - Regulates nonconforming uses and structures
- Chapter 104: Fundamental Development Requirements
 - Describes the regulations and performance standards, which apply to any development, redevelopment and/or improvement of public and private property within the City .



QUESTIONS OR COMMENTS?

Thank You