



CITY OF SURPRISE
Planning and Zoning Commission Agenda
16000 N. Civic Center Plaza
Surprise, AZ 85374

Thursday, November 7, 2013 @ 6:00 PM
 COUNCIL CHAMBERS

* [Back](#) [Print](#)

CALL TO ORDER.

- A. Roll Call
- B. Pledge of Allegiance
- C. Current Events and Reports – Pursuant to A.R.S. §38-431.02(k) the chief administrator, presiding officer or a member of a public body may present a brief summary of current events without listing in the agenda the specific matters to be summarized, provided that 1) The summary is listed on the agenda; and 2) The public body does not propose, discuss, deliberate or take legal action at that meeting on any matter in the summary unless the specific matter is properly noticed for legal action.
- D. Staff Reports

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 on any item not 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.

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

CONSENT AGENDA:

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

ITEM #	DISTRICT #	ITEM DESCRIPTION	STAFF RECOMMENDATION/ PRESENTED BY
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- | | | | |
|----------------------------|-------------------|--|--|
| #1 | District Internal | <u>Nomination and selection of the Planning and Zoning Commission Chair.</u> | Approve
Jeff Mihelich,
Community &
Economic
Development |
| #2 | District Internal | <u>Nomination and selection of the Planning and Zoning Commission Vice Chair.</u> | Approve
Jeff Mihelich,
Community &
Economic
Development |
| #3 | District Internal | <u>Consideration and action on the October 3, 2013 Planning and Zoning Commission minutes.</u> | Approve
Deb Perry,
Community &
Economic
Development |
| #4 | District Citywide | <u>Presentation and discussion on current transportation projects within the city.</u> | No Action
Martin Lucero,
Community &
Economic
Development |
| #5 | District Internal | <u>Consideration and action on the Planning and Zoning Commissions Semi-Annual Report to City Council.</u> | Approve
Jeff Mihelich,
Community &
Econmic
Development |
|
OTHER BUSINESS: | | | |
| #6 | District Internal | <u>Discussion regarding Case FS09-246, a zoning text amendment of the Surprise Unified Development Code.</u> | No Action
Hobart Wingard,
Community &
Economic
Development |

ADJOURNMENT:

SHERRY ANN AGUILAR, CITY CLERK, CMC

POSTED: Oct. 30, 2013 at 5:10 p.m.

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



CITY OF SURPRISE
Planning and Zoning Commission

November 7, 2013 @ 6:00:00 PM

Back Print

Board Meeting Date:	November 7, 2013	Contact Person:	Jeff Mihelich, Community & Economic Development
Submitting Department:	CD Boards and Commissions	District:	Internal
Staff Recommendations:	Approve		

Consent	Regular	x	Public Hearing	Report/Discussion
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Agenda Wording:

Nomination and selection of the Planning and Zoning Commission Chair.

Motion:

I move to approve (nominees name here) to the position of Chair for the Planning and Zoning Commission.

Background:

Financial Impact Statement:

N/A

ATTACHMENTS:

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External Attachment Links:

Meeting Requirements:

Powerpoint	x	Video	White Board	Other	x
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Presentation Speaker Names (spelling and titles for TV captions):



COMMUNITY & ECONOMIC DEVELOPMENT

Date: November 7, 2013
To: Planning and Zoning Commissioners
From: Jeffrey J. Mihelich, Assistant City Manager
Re: Selection of Chair and Vice Chair

Introduction

The Planning and Zoning Commission members have the responsibility to elect a Chair and Vice Chair to preside over the meetings.

Please be prepared to discuss your interest and qualifications. Action will be taken during the meeting to elect a Chair and Vice Chair.

Recommendation

Selection of a Chair and Vice Chair



CITY OF SURPRISE
Planning and Zoning Commission

November 7, 2013 @ 6:00:00 PM

Back Print

Board Meeting Date:	November 7, 2013	Contact Person:	Jeff Mihelich, Community & Economic Development
Submitting Department:	CD Boards and Commissions	District:	Internal
Staff Recommendations:	Approve		

Consent	Regular	x	Public Hearing	Report/Discussion
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Agenda Wording:

Nomination and selection of the Planning and Zoning Commission Vice Chair.

Motion:

I move to approve (nominees name here) to the position of Vice Chair for the Planning and Zoning Commission.

Background:

Financial Impact Statement:

ATTACHMENTS:

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☐ [Staff Report](#)

External Attachment Links:

Meeting Requirements:

Powerpoint	x	Video	White Board	Other	x
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Presentation Speaker Names (spelling and titles for TV captions):



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CITY OF SURPRISE
Planning and Zoning Commission

November 7, 2013 @ 6:00:00 PM

Back Print

Board Meeting Date:	November 7, 2013	Contact Person:	Deb Perry, Community & Economic Development
Submitting Department:	CD Boards and Commissions	District:	Internal
Staff Recommendations:	Approve		

Consent	Regular	x	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on the October 3, 2013 Planning and Zoning Commission minutes.

Motion:

I move to approve the October 3, 2013 Planning and Zoning Commission minutes.

Background:

Financial Impact Statement:

N/A

ATTACHMENTS:

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☐ [Minutes](#)

External Attachment Links:

Meeting Requirements:

Powerpoint	x	Video	White Board	Other	x
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Presentation Speaker Names (spelling and titles for TV captions):

CITY OF SURPRISE

PLANNING AND ZONING COMMISSION 16000 North Civic Center Plaza Surprise, AZ 85374

October 3, 2013

MEETING MINUTES

CALL TO ORDER

Chair Jan Blair called the Planning and Zoning Commission Meeting to order at 6 p.m. at Surprise City Hall, 16000 North Civic Center Plaza, Surprise, Arizona 85374, on Thursday, October 3, 2013.

ROLL CALL

In attendance with Chair Blair were Vice Chair Steve Somers and Commissioners Matthew Bieniek, Ken Chapman, Dennis Smith and Jerry Hoyler.

PLEDGE OF ALLEGIANCE

CURRENT EVENTS REPORT

STAFF REPORT

Assistant City Manager Jeff Mihelich stated that the area northwest of 163rd and Grand Avenue development growth is on the rise.

General Plan election date is coming up, November 5th. Brochures have been developed to provide additional information.

CALL TO THE PUBLIC

Chair Blair called to the public to discuss any issues not noted on the agenda. Hearing no comments, Chair Blair closed the call to the public.

CONSENT AGENDA

All items listed with an asterisk (*) are considered to be routine by the Planning and Zoning Commission and were approved by one motion. There was no separate discussion of these items during this meeting.

REGULAR AGENDA ITEMS NOT REQUIRING A PUBLIC HEARING

- **Item 1: Planning and Zoning Commission Minutes for September 5, 2013.**

Commissioner Chapman made a motion to approve the **Planning and Zoning Commission Minutes for September 5, 2013**. Commissioner Smith seconded the motion. The motion passed with a vote of 4 ayes, 2 abstain (Somers, Bieniek) and 1 vacancy.

- **Item 2: FS13-392 – Consideration and Action – Native Sun Home Accents**

Planner Nikki Arbeiter presented the project to the Commission. Staff recommended approval of **FS13-392, a site plan for Native Sun Home Accents**.

In response to Commission questions, **Brad Jennings, applicant**, stated that the size of the paint booth is approximately 384-square-feet. He stated that there would be an exhaust fan and fire suppression system.

Commissioner Hoyler made a motion to recommend approval to the Mayor and City Council **FS13-392, a site plan for Native Sun Home Accents** and to adopt staff's findings. Commissioner Bieniek seconded the motion. The motion passed with a vote of 6 ayes and 1 vacancy.

- **Item 3: FS13-289 – Consideration and Action – WinCo Foods**

Planner Nikki Arbeiter presented the project to the Commission. Staff recommended continuance of **FS13-289, a site plan for WinCo foods**.

The Commission had a lengthy discussion regarding the project. Topics included:

- Lighting
- Protected pedestrian access from parking lot to the store
- Architectural enhancements
- Connectivity to neighboring store – vehicular and pedestrian
- Different location – closer to Loop 303

Chair Blair opened the Call to the Public.

Adam Trenk, representing the property owner, Bell Road and Loop 303 LLP, spoke in support of the project.

Robert Rebich, resident, spoke in opposition of the project and supports a continuance.

Paul Gilbert, Beus Gilbert, requested to use resident **Susan Hall's** time to speak and combine her 4 minutes with his 4 minutes.

Robert Hall, business owner, asked questions requiring the vehicular movements into the facility.

Heather Householder, resident, stated that she doesn't see the point of adding another grocery store, but would like to see more restaurants in the area.

Monica Mulenberg, resident, spoke in support of the project.

Brian Greathouse, Burchs and Cracchiolo, representing Surprise Coalition of Concerned Citizens, spoke in opposition of the project and supports a continuance.

Sterling Margetts, read a resident letter of support of the project.

Michelle Headen, resident, supports continuance of the project. Also surprised of the number of grocery stores and would like to see some variety.

Paul Gilbert, Beus Gilbert, representing Safeway, spoke in opposition of the project and supports a continuance.

Gordon Keig, read a support letter from Mid First Bank.

Jason Morris, Withey Morris, applicant, spoke in support of the project.

Joseph Villasenor, homeowner in Surprise Farms, spoke in opposition of the project and supports a continuance.

Andy Cepen, resident, spoke in support of the project.

Hearing no further comments, Chair Blair closed the call to the public.

Commission further discussed the following:

- Surrounding dirt areas
- Connectivity – vehicular and pedestrian
- Architecture

Commission discussed adding an additional condition to read as follows:

- j. Enhanced pedestrian and vehicular access point shall be provided between the WinCo site and the Safeway Shopping Center to provide a more direct connection between the two properties.

Commissioner Bieniek made a motion to approve **FS13-289, a site plan for WinCo foods**, subject to staff's recommended conditions 'a' through 'j', as amended with the following findings of fact:

- That the site plan is consistent with the Preliminary Development Plan approved by Ordinance 95-04.
- That the proposed grocery store use is a principally permitted use consistent with the C-2 Zoning District as noted in Exhibits F and G of the P.A.D., and further,
- That the site plan is consistent with the site plan standards so noted in the Surprise Municipal Code.

Commissioner Hoyler seconded the motion. The motion passed with a vote of 5 ayes, 1 nay (Chapman) and 1 vacancy.

REGULAR AGENDA ITEMS REQUIRING A PUBLIC HEARING

- **Item 4: FS13-300 – Consideration and Action – Desert Streams Worship and Community Center**

Planner Nikki Arbeiter presented the project to the Commission. Staff recommended approval of **FS13-300, a planned unit development overlay and site plan for Desert Streams Worship and Community Center.**

Commission discussed the following items:

- Recreational items have site plans come back to commission for approval.
- Commercial use of recreation elements or community use
- Time lines
- Hours of operation

In response to Commission questions, Jerry Houston, applicant, stated that there would be a charge to use the facilities to cover the maintenance costs. It is all covered under a 501 (c) 3 and isn't for profit.

Commission discussed adding an additional condition to read as follows:

- f. Separate site plans shall be submitted to the Planning and Zoning Commission for review and approval for all uses other than phases 1 and 2.

Chair Blair opened the Call to the Public.

Pastor Kevin Ruffcorn, resident, spoke in support of the project.

Hearing no further comments, Chair Blair closed the call to the public.

Commissioner Smith made a motion to recommend approval to the Mayor and Council **FS13-300, a Planned Unit Development Overlay and approval of a site plan for Desert Streams Worship and Community Center,** and to adopt staff's findings and conditions 'a' through 'f', as amended. Commissioner Bieniek seconded the motion. The motion passed with a vote of 6 ayes and 1 vacancy.

- **Item 5: FS13-204 – Consideration and Action – Skyway Commons**

Planner Bart Wingard presented the project to the Commission. Staff recommended approval of **FS13-204, a planned unit development overlay and site plan for Skyway Commons.**

Sherman Cawley, architect, stated that there are potential tenants for the retail center.

In response to Vice Chair Somers, Planner Wingard stated that there is not a pedestrian cross walk at the exit of the high school that is located across the street.

Chair Blair opened the Call to the Public. Hearing no comments, Chair Blair closed the call to the public.

Commissioner Bieniek made a motion to recommend approval to the Mayor and Council **FS13-300, a Planned Unit Development Overlay and approval of a site plan for Skyway commons**, and to adopt staff's findings and conditions 'a' through 'b'. Commissioner Chapman seconded the motion. The motion passed with a vote of 6 ayes and 1 vacancy.

OTHER BUSINESS

ADJOURNMENT

Hearing no further business, Chair Blair adjourned the Planning and Zoning Commission meeting at 8:39 p.m.

STAFF PRESENT:

City Manager Chris Hillman, Assistant City Manager Jeff Mihelich, City Attorney Misty Leslie, Security Officer Gina Busby, Planner Hobart Wingard, Planner Nichole Arbeiter, Sr. Management Analyst Jay Baughman, and Planning and Zoning Commission Secretary Deb Perry.

COUNCIL MEMBERS PRESENT: None

Jeff Mihelich
Assistant City Manager

Jan Blair, Chair
Planning and Zoning Commission



CITY OF SURPRISE
Planning and Zoning Commission

November 7, 2013 @ 6:00:00 PM

Back Print

Board Meeting Date:	November 7, 2013	Contact Person:	Martin Lucero, Community & Economic Development
Submitting Department:	CD Boards and Commissions	District:	Citywide
Staff Recommendations:	No Action		

Consent	Regular	x	Public Hearing	Report/Discussion
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Agenda Wording:

Presentation and discussion on current transportation projects within the city.

Motion:

Discussion only

Background:

Numerous transportation planning activities are underway within the City. These projects are currently led by regional and state agencies and will have an effect on the City of Surprise.

Financial Impact Statement:

N/A

ATTACHMENTS:

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External Attachment Links:

Meeting Requirements:

Powerpoint	x	Video	White Board	Other	x
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Presentation Speaker Names (spelling and titles for TV captions):

Martin Lucero, Transportation Planning Manager



COMMUNITY AND ECONOMIC DEVELOPMENT

Date: November 7, 2013

To: Planning and Zoning Commission

From: Jeffrey J. Mihelich, Assistant City Manager
Martin Lucero, Transportation Planning Manager
martin.lucero@surpriseaz.gov, 623-222-3142

Re: Transportation Update

Background

Numerous transportation planning activities are underway within the City. These projects are currently led by regional and state agencies and will have an effect on the City of Surprise. It is important that the City stay abreast of all of these efforts in order to ensure that the City's interests and the City's transportation priorities are being met. This presentation is to brief the Planning and Zoning Commission on transportation projects and activities affecting the City.

Presentation Summary – Current Active Projects

- Currently Funded Projects
- Planned Transportation Projects in Surprise
- The need for preserving connectivity

Future Steps

Future reports will be provided to the Commission to update them on transportation planning in/for the City and highlight key projects.

Recommendation

No action is necessary; information and discussion only.



CITY OF SURPRISE
Planning and Zoning Commission

November 7, 2013 @ 6:00:00 PM

Back Print

Board Meeting Date:	November 7, 2013	Contact Person:	Jeff Mihelich, Community & Econmic Development
Submitting Department:	CD Boards and Commissions	District:	Internal
Staff Recommendations:	Approve		

Consent	Regular	x	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on the Planning and Zoning Commissions Semi-Annual Report to City Council.

Motion:

I move to approve the Planning and Zoning Commission Semi-annual Report to Council.

Background:

Per the Boards/Commissions Handbook, each board/commission shall provide a report to the City Council semi-annually identifying major topics of discussion, recommendations made and areas of concern for each.

Financial Impact Statement:

N/A

ATTACHMENTS:

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☐ [Semi Annual Report](#)

External Attachment Links:

Meeting Requirements:

Powerpoint	x	Video	White Board	Other	x
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Presentation Speaker Names (spelling and titles for TV captions):



COMMUNITY & ECONOMIC DEVELOPMENT

Date: November 7, 2013
To: Planning and Zoning Commission
From: Jeffrey J. Mihelich, Assistant City Manager
Re: Semi-Annual Planning and Zoning Commission Update

Summary

Per the Boards and Commissions handbook and by request of the Mayor and City Council, a semi-annual update is being provided regarding the activities of the Planning and Zoning Commission from March 7, 2013 to present.

Commission Progress

The Planning and Zoning Commission has met six (6) times since March of 2013 and has acted upon fourteen (14) applications, which include:

- Conditional Use Permits – 3
- Site Plans – 5
- Preliminary Plats – 2
- Planned Unit Development Overlays – 4
- Zoning Text Amendments – 1
- General Plan and SUDC Updates - 5
- CAPER – 1
- CDBG - 2

Commission Items

Outlined below are the tasks completed by the Planning and Zoning Commission since March of 2013:

Month	Task
March 7, 2013	• Grand Community Baptist Church Site Plan • Marley Park Phase III Preliminary Plat • Text Amendment regarding Recycling Facilities • CDBG Funding Recommendations

	• CDBG Action Plan • Discussion on General Plan 2035 Update
April 4, 2013	• Marley Park Meineke Conditional Use Permit (CUP) • Discussion on General Plan 2035 Update
June 6, 2013	• Moon Valley Nursery Signage Overlay • Discussion on Unified Development Code Update
August 1, 2013	• Boulevard at Surprise Point, Building 'H-1' CUP • Discussion on Unified Development Code Update
September 5, 2013	• Surprise Farms Parcel 12 Preliminary Plat • Tropical Smoothie CUP • Consolidated Annual Performance Evaluations Report (CAPER) 2012-2013 • SUDC (Surprise Unified Development Code)
October 3, 2013	• Native Sun Home Accents Site Plan and Overlay • WinCo Foods Site Plan • Desert Streams Worship and Community Center Site Plan and Overlay • Skyway Commons Site Plan and Overlay



CITY OF SURPRISE
Planning and Zoning Commission

November 7, 2013 @ 6:00:00 PM

Back Print

Board Meeting Date:	November 7, 2013	Contact Person:	Hobart Wingard, Community & Economic Development
Submitting Department:	CD Boards and Commissions	District:	Internal
Staff Recommendations:	No Action		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Discussion regarding Case FS09-246, a zoning text amendment of the Surprise Unified Development Code.

Motion:

Discussion only

Background:

After several years of use, it has been determined by staff that an update of the Surprise Unified Development Code (SUDC) would be required. This workshop will focus on Articles 6 (General Regulations), 7 (Development Review Procedures), and 8 (Enforcement).

Financial Impact Statement:

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

ATTACHMENTS:

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- ☐ [Staff Report](#)
- ☐ [Article 6](#)
- ☐ [Article 7](#)
- ☐ [Article 8](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

Presentation Speaker Names (spelling and titles for TV captions):

Hobart Wingard, Planner, Community & Economic Development



COMMUNITY AND ECONOMIC DEVELOPMENT

Date: November 7, 2013

To: Planning and Zoning Commission

From: Jeffrey J. Mihelich, Assistant City Manager
Chris Boyd, Assistant Director
Debbie White, Development Services Manager
Hobart Wingard, Planner

Re: FS09-246, Text Amendment for the Surprise Unified Development Code (SUDC)

Introduction

The Surprise Unified Development Code (SUDC) is a zoning document used by the city to help shape the built environment through the regulation of land uses, including size, appearance, and permitted uses of property and structures. The City of Surprise utilizes this document to ensure smart growth and other conditions that impact our city.

Background

In 2009, the Mayor and Council approved an ambitious project to perform a complete update of the city's zoning code. This effort, termed the SUDC, was intended to integrate land use regulations, design standards, and environmental concerns into a comprehensive document that would provide a better relationship between the General Plan and zoning restrictions while integrating with the streamlined process that was introduced concurrently. After several years of use, staff has determined that the streamlined process has been operating successfully, and the SUDC is in need of an update to allow improved coordination between the two.

Items of Analysis

At this workshop, staff will be discussing Articles 6 (General Regulations), 7 (Development Review Procedures), and 8 (Enforcement).

- Article 6 - General Regulations – This article provides design requirements for items such as site and building design, landscaping, perimeter walls, parking lots, open space, parking and loading and lighting.
- Article 7 - Development Review Procedures – The purpose of this section is to establish standardized decision-making procedures for reviewing development applications enabling 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 manner.

- Article 8 - Enforcement – The purpose of this article is to establish the enforcement authority of the SUDC and process for the transfer of property in violation of this chapter.

Outreach

The outreach process will include the following:

- A website to publish draft sections of the code that are to be amended. This site will encourage feedback from residents, developers, home builders, and those in the development industry during the public review period.
- Surprise Channel 11 will be utilized to provide information and encourage feedback to those who watch our local channel.
- Specific stakeholders such as Valley Forward and MAG will be contacted to solicit their input to the update.

Timeline

The timeline for the adoption of the revised SUDC is anticipated to be as follows:

- November 19, 2013 – City Council Work Session.
- December 2013 – Rollout website and stakeholders group for a 60 day comment period.
- February 2014 – Final revisions to draft.
- March 2014 – Planning and Zoning Commission and City Council workshop.
- April 2014– Planning and Zoning Commission and City Council consideration and action.

Article VI - Design

Division 1 - Site and Building Design

Section 122-601 - Residential Home Product

- (a) Home products submittals shall include 75 percent non-garage dominant architecture with the exception of R2 and R3 zoning districts.
- (b) The standards for non-garage dominant architecture are:
 - (1) Garage doors must not comprise more than 45 percent of the total linear frontage of the front elevation of the home.
 - (2) The garage space shall be flush with or recessed behind the plane of the forward most or street side living space façade of the home.
 - (3) Garage doors located may be located on any side of the structure as long as the entry drive to the garage space is made from an adjacent local or private street or alley.
- (c) Side-entry homes are only permitted on corner lots.
- (d) A minimum of three (3) elevations per plan that reflect distinct architectural styles shall be provided.
- (e) New single-family residential plans shall include multiple roof truss configurations for each plan with each elevation to include: gable, hip, clipped-hip, shed, flat, or a combination thereof, etc.
- (f) Provide multiple roofing material styles such as flat tile, barrel (S) tile, etc.
- (g) Door and window-casing treatments and building massing elements located on front elevations shall be continued to all subsequent elevations for all plans.
- (h) Horizontal bands, wainscots, columns and/or pilasters, or any other architectural element and decorative materials applied to any front building elevation must wrap around corners onto adjoining walls of the structure to a terminating point no closer than ten (10) feet of the front face of the structure.
- (i) Homes shall include rear covered patios that integrate architecturally with the roof of the home.
- (j) One (1) elevation per plan must include a front porch or covered entry-way as standard. Required front porches and covered entry-ways must be at minimum six (6) feet by ten (10) feet.
- (k) The builder shall provide at least two (2) energy saving features for each home product such items as solar products, low-e windows, etc.
- (l) Roof-top plumbing, vents, ducts, air conditioning and heating equipment, communication antennae and any other mechanical or electric equipment shall be located away from public view and screened in a manner so as not to be visible from any angle or any height outside a building. The use of a parapet wall for screening

purposes is permitted; however the height of the parapet wall must be equal to or greater than the height of any mechanical equipment.

- (m) Solar panels located on rooftops shall be placed consistent with roof pitch, and sized so as to appear as an integral part of the overall roof design.
- (n) Metal or wood siding may be used as an exterior finish material as long as utilized in combination with non-metal/masonry construction materials.
- (o) Windows in residential development above first floors shall generally have a pattern similar to that of the first floor to unify the façade of the structure. Group mailboxes for new residential development shall not be freestanding, but placed into an architectural form that is strategically and conveniently located throughout the development as a part of the development's pedestrian open space and circulation system. All mailbox areas are to be well illuminated. When on street parking is not provided, a recessed parking bay shall be provided adjacent to the mailbox structure.
- (p) Street layout shall be designed to accommodate automatic side load style sanitation collection vehicles. Uninhibited access shall be provided to the containers used for trash and recycling collection. Stub streets, "T" Streets, or dead end streets may require residents to transport their containers to an area of an adjacent street where sanitation access is available. Alleys, streets, and cul-de-sac layout shall accommodate the width and turning radius of side load style sanitation trucks. On street parking shall be designed to accommodate uninhibited access for curbside sanitation collection.

Section 122-602 - Commercial

- (a) Commercial developments that utilize decorative paving may include colored concrete or the use of various textured surfaces. These textured surfaces shall be designed to avoid excessive vibration. There shall not be gaps of more than 1/4" on any form of decorative concrete or pavers. If heavier textured decorative paving is utilized, this shall only be in an area outside of the walkway to ensure a smooth pedestrian walking surface.
- (b) Commercial/industrial buildings and site details related to utility boxes, transformers, generators, chiller farms, mailboxes, trash bins, and air-conditioning units shall be integrated into the overall design of the building and development.
- (c) When allowed in the zoning district, all outdoor storage shall be screened by a minimum six (6) foot high solid masonry wall. No construction vehicles or machinery shall be placed within ten (10) feet of the wall.

Division 2 - Landscaping

Section 122-603 - General Provisions

- (a) Significant site features such as large rock outcroppings, natural ground forms, washes, and view corridors shall be incorporated in all site plans for new development to shape the identity and character of the development.
- (b) Street furniture including but not limited to benches, trash receptacles, and newspaper/magazine/advertisement dispensers must be thematically integrated with the design elements in adjacent properties.
- (c) Any subsequent alteration from an approved landscape plan shall require the approval of the City Manager or designee.

Section 122-604 – Single Family Residential

- (a) Individual low density and medium density residential lots shall have a front yard landscape package, provided by the homebuilder, included with the purchase price of the home. For each individual single family lot in a new residential development, and for a residential infill lot in an existing neighborhood, basic front yard landscaping shall be provided by the developer. Individual lot front yard landscaping will be reviewed, and approved by city staff.
 - (1) All front yards are required to have a minimum of one (1) 24 inch box trees for every 25 feet of frontage exclusive of the tree requirement for the landscaped area between the curb and sidewalk.
 - (2) The landscaping shall include a minimum of one (1) five (5) gallon shrub or accent plant and one (1) one (1) gallon shrub, accent or groundcover plant per 125 square feet of landscapable area. Plants must be installed on both sides of the driveway. If turf is not installed in the front yard or is less than 20 percent of the total front and side yard landscapable areas, excluding walkways, driveways or patios, one (1) additional one (1) gallon groundcover plant per 125 square feet of landscapable area will be required in addition to the required shrubs and accent plants.
 - (3) 90 percent of the plant material is to be included on the Arizona Department of Water Resources (ADWR) low water use list. Xeriscape design concepts are encouraged.
 - (4) Plant sizes shall be based on Arizona Nurseryman's Association (ANA) standards.
 - (5) Inorganic ground cover, consisting of decomposed granite or other rock, shall be provided in all landscapable areas. The groundcover shall be a minimum one half (1/2) inch size.
 - (6) An automatic irrigation system appropriate for the plant material shall be provided.
- (b) A minimum ten (10) foot wide landscape tract is required for all lots that side a local residential street in low density residential zoning districts.
- (c) Side Yard Landscape Tracts

- (1) Trees with a minimum of 24 inch box size shall be planted at the rate of one (1) tree per 35 feet of linear street frontage, not including area within the sight visibility triangle.
- (2) Five (5) gallon shrubs shall be planted at a rate of two and a half (2½) shrubs per 20 linear feet outside of the sight visibility triangle.
- (3) Areas within the sight visibility triangle shall be planted with one (1) gallon ground covers at a rate of one ground cover per four (4) linear feet of landscape buffer. Required groundcovers may be clustered to provide a dense covering.

Section 122-605 - Landscape Materials

(a) Surface Materials:

- (1) All disturbed landscaped areas shall be finished with a natural surface material which may include, but not limited to, turf, groundcover, planting, decomposed granite, river rock, and boulders.
- (2) When decomposed granite is utilized as a surface material, it shall be applied to a minimum depth of two (2) inches.

(b) Concrete Headers

- (1) Other than on individual single-family residences, all turf areas and landscaped areas shall be separated from areas of natural surface materials by a minimum six (6) inch wide concrete header.
- (2) All drainage scuppers, spillways, energy dissipation pads, and drywells that contain rip rap or river rock shall be separated from landscape with natural surface materials with a six (6) inch concrete header.

(c) Plant Materials

- (1) All trees shall have a minimum caliper size as specified in the "Recommended Tree Specification" list, published by the Arizona Nursery Association (ANA).
- (2) All trees, shrubs and cactus having spines or thorns shall be placed at least ten (10) feet from all public sidewalks, pathways and gathering spaces. However, plants with a mature height less than ten (10) feet may be located a distance equal to the mature height of the plant, but not closer than two (2) feet of any pedestrian route.

(3) Landscape Coverage

- (1) Single-family zoning districts shall provide 100 percent landscape coverage for common areas including tracts adjacent to side yards.
- (2) Multi-family residential shall provide a minimum of 30 percent landscape coverage of the net site area.
- (3) Commercial zoning districts shall provide a minimum of 20 percent landscape coverage of the net site area.

- (4) Industrial zoning districts shall provide a minimum of 10 percent landscape coverage of the net site area.
- (4) Commercial and industrial projects shall plant a minimum of one (1) tree and five (5) shrubs for every 400 square feet of landscape area.
- (5) Shrubs in commercial and industrial projects shall be a minimum of 5 gallon size while groundcover must be a minimum of 1 gallon size. As long as the minimum quantity and sizes are satisfied, then additional shrubs may be installed at a smaller size.
- (6) Commercial and industrial projects are required to provide the following tree size ratio. As long as the minimum quantity and sizes are satisfied, then additional trees may be installed at a smaller size:
 - a. 50% 24 inch box
 - b. 30% 36 inch box
 - c. 20% 48 inch box
- (7) Landscaping plans shall illustrate plant material at full maturity.
- (8) Plant material shall not be located within a three (3) feet circumference around fire hydrants.

Section 122-606 – Fences, Walls, and Gates

(a) General Provisions

- (1) Every fence shall be maintained in a condition free of disrepair, damage, or blight.
- (2) Walls and fences shall be constructed with any combination of the following materials:
 - a. Integrally-colored, split-face, or ground-face concrete masonry units (CMU)
 - b. Concrete masonry units that have been painted, stuccoed, or faced with another permitted material
 - c. Stone (natural or simulated)
 - d. Brick
 - e. Wrought-iron or other decorative metal
 - f. Plastic or vinyl
 - g. Wood (painted or stained)
- (3) Fences and walls that restrict access from the front to the rear yard shall provide access a minimum of three (3) feet in width. The location shall be positioned at any point paralleling the front lot line between the side lot property line and the principal structure.

(4) Any fence with only one finished elevation shall be erected such that the finished elevation of the fence is exposed to the adjacent property.

(5) Fence Height

- a. Height of fences, gates, or walls shall be measured from the side that has the highest grade to the uppermost point of the fence, gate, or wall.
- b. Fence, gate, or wall height is restricted to (6) six feet on the side with the highest grade except as provided herein.
- c. Fence height not to exceed (8) eight feet on the side with the lower grade except as provided herein.
- d. Fences, gates, or walls in all commercial and industrial districts shall not exceed (10) ten feet in height except that boundary line fences abutting residential districts shall not be greater than (6) six feet in height. When adjacent to arterial and/or parkways, the maximum height of the wall shall be eight (8) feet.

(6) In all parts of the city zoned residential, no fence or wall shall be erected or maintained more than six (6) feet in height.

(7) Single-family zoning district front yard fences:

- a. Maximum allowable height is (4) four feet. Two (2) foot high seat walls will be allowed.
- b. Front yard fences that are adjacent to streets shall be 50% transparent.
- c. Fences gates, or walls which are erected in any side yard and which run parallel or approximately parallel to the front line of a building shall be set back from the front line of the building a minimum of five (5) feet.

(8) Multi-family zoning districts:

- a. No fence or wall shall be allowed in any required front yard with the exception of decorative wrought iron fence material not to exceed four (4) feet in height.

(9) Theme walls for residential developments:

- a. Theme walls are required for developments over (10) ten acres.
- b. Theme walls shall be used in the following circumstances:
 - 1. Walls adjacent to all streets.
 - 2. Walls adjacent to or fronting a common area or open space.
 - 3. Any block wall adjacent to, or across the street from, a common open space area.
- c. Theme walls shall meet the following requirements:
 - 1. Provide a break in the vertical plane every 200 feet through staggering or a change of elevation, material, color, or pattern.

- d. View wrought-iron or other decorative metal fencing may substitute for a theme wall.
 - e. Theme columns shall be situated in the following locations:
 - 1. A change in the direction of the wall.
 - 2. At the termination point of a theme wall or where a theme wall meets any other type of wall or fence.
 - 3. On perimeter view fences, theme columns shall be located at a maximum spacing of 80 feet.
 - 4. On view fences that front open space or common areas, theme columns shall be located at a maximum spacing of 180 feet.
 - 5. Minimum widths shall be two (2) feet by two (2) feet.
- (10) Chain link, open wire, electrical, and barbed/razor wire fencing:
- a. Chain link fences are prohibited with the following exceptions:
 - 1. Within industrial zoning districts.
 - 2. Permitted as a temporary use.
 - 3. For use as an animal enclosure. Chain link animal enclosures shall be located a minimum of ten (10) feet from a property line.
 - 4. For use in a sport court or backstop.
 - 5. For use in schools and other public facilities when necessary for safety or restraint of occupants.
 - 6. Chain link fencing is prohibited on commercial and residential development sites, except as necessary to ensure public safety during approved construction activities on the site.
 - b. Link or wire fences shall be constructed in such a manner that no barbed ends are located along the top of the fence.
 - c. Open wire fencing is only permitted within R1-43 zoning district.
 - d. Electrical fencing is only allowed in R1-43 zoning districts to contain livestock.
 - e. Barbed/razor wire fences are only allowed in industrial districts and are prohibited in required front yard and below a height of eight (8) feet above finish grade.

Section 122-607 - Parking Lots

- (a) All landscaping within a surface parking lot shall be placed in raised planting beds with a minimum of two (2) trees for every six (6) spaces and distributed evenly throughout the parking lot.

- (b) One (1) parking lot island with raised concrete curbing shall be provided for every ten (10) parking spaces. In addition, landscape islands shall be provided at the end of each parking row.
- (c) Where wheel stops are not used, and vehicles extend over the pedestrian/landscape area, the planting area shall be increased by a minimum width of two (2) feet.
- (d) All surface parking lots shall be screened at their perimeter by utilizing one or more of the following screening methods:
 - (1) Landscaped earth berms that are a minimum of three (3) feet above the top of the adjacent parking curb line.
 - (2) Masonry walls that are a minimum of three (3) feet above the top of the adjacent parking curb line.
 - (3) Evergreen hedges that create an opaque screen and are a minimum of three (3) feet above the top of the adjacent parking curb line.
- (e) Parking lots shall have a minimum of 15 percent landscape area within the parking area. Each landscape island shall be a minimum width of six (6) feet, measured from the interior curb line and equal the length of the parking stalls.
- (f) Parking landscaped medians shall be provided for all double rows of parking which exceeds 30 total spaces. Each median shall be a minimum width of seven (7) feet of which a two (2) foot parking overhang on both sides may be included. Curb breaks may be allowed to accommodate drainage flows.
- (g) Each parking landscape island shall contain a minimum of one (1) tree and three (3) shrubs.
- (h) Landscape parking medians shall contain one (1) shrub for every five (5) linear feet of landscaping. A minimum of one tree shall be provided between landscape islands.
- (i) Shrubs within a landscape island or median shall be maintained to a maximum height of three (3) feet, and all trees at maturity within said planters shall maintain a minimum clearance of seven (7) feet from the lowest branch to the adjacent grade elevation.
- (j) Tree species located in surface parking lots shall adhere to the following selection:

(1) Coolibah	- Eucalyptus microtheca
(2) Evergreen Elm	- Ulmus parvifolia
(3) Fruitless Olive	- Olea europaea
(4) Live Oak	- Quercus virginiana
(5) Sissoo	- Dalbergia sissoo
(6) Thornless Mesquite	- Prosopis hybrid
(7) Thornless Palo Verde	- Cercidium hybrid

Section 122-608 - Buffering and Screening

- (a) Landscape buffers free of structures along the frontage of all projects will be required as follows:
 - (1) Local Streets will be 20 feet.
 - (2) Collector Streets will be 25 feet.
 - (3) Arterial and Parkways will be 35 feet.
- (b) Electrical transformers, backflow prevention devices, large water standpipes, telephone panel boxes and any other electrical or mechanical device that is installed as a part of, or results from, a new development project shall be screened from view through the use of landscaping, screening walls, or by placement underground. Where such devices currently exist at the front of a site, they shall be screened by substantial landscaping and/or an architectural barrier. Screening shall be placed away from any equipment distance as per utility provider.
- (c) All on-site parking areas shall be screened from street view by a landscaped berm or decorative wall not less than three (3) feet in height. The required height of the berm or wall shall be measured from the highest finished grade of the adjacent on-site parking area or adjacent finished grade of the street, whichever is greater. Intermittent breaks in a screen wall is permitted, provided the cumulative breaks in the wall span does not exceed 25 percent of the required length of screening and such areas are supplemented with evergreen shrub materials.
- (d) Outdoor storage areas for materials, trash, equipment, vehicles or other similar items shall be screened with a masonry screening wall six (6) feet in height.

Section 122-609 - Parks and Open Space

- (d) All play equipment and amenities located within a retention basin must be located above the high water line of the 50 year, two (2) hour storm event.
- (e) There shall be a minimum of one (1) tot lot area provided by the developer in low density or medium density residential developments. In no case shall there be less than one tot lot recreational area per 500 dwelling units within a development.
- (f) A tot lot area shall, at a minimum, be comprised of the following amenities:
 - (1) One (1) shade covered play structure
 - (2) One (1) swing set
 - (3) Three (3) benches
 - (4) Two (2) trash receptacles
 - (5) One (1) drinking fountain
 - (6) Two (2) ramadas
 - (7) Two (2) picnic tables
 - (8) Two (2) barbeque grills

- (g) There shall be a minimum of one (1) 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 dwelling units within a development. Any required recreational field shall have a minimum turf area of 3.5 acres and shall be augmented with shade trees around the perimeter of the field area to provide shading for spectators.
- (h) There shall be a minimum of one (1) sport court provided by the developer in low density or medium density residential developments. In no case shall there be less than one (1) sport court per three hundred (300) dwelling units within a development.
- (i) Medium density residential Projects containing sixty (60) residential units or greater shall be provided a swimming pool amenity, unless there is community pool included as part of the overall development.
- (e) Pedestrian Pathways:
 - (1) The minimum width for a pedestrian-only walking path shall be not less than five (5) feet, with a grade not to exceed five (5) percent and constructed with a nonslip, walking surface consisting low-maintenance, hard surface, permanent material.
 - (2) Where pathways intersect and cross streets, entries to the pathway shall be designed to prevent motor vehicle access by installing bollards that are spaced wide enough to provide wheelchair passage.
- (f) Multi-use pathways:
 - (1) The multi-use path shall be designed to accommodate two-way pedestrian and bicycle movements with either a single or split pathway having a minimum hard-surface width of five (5) feet for pedestrians and five (5) feet for bicycles.
 - (2) Where pathway corridors are also used by joggers and equestrians, the minimum width of the total pathway right-of-way, including a minimum landscaped area of five (5) feet shall be twenty (20) feet, with the additional five (5) foot portion devoted to joggers and equestrians constructed of a softer-surface treatment consisting of finely ground gravel or other compatible material.
 - (3) A lateral clearance of three (3) feet on both sides of the multi-use path shall be provided.

Section 122-610 - Utility Areas

(a) Landscape in Utility Easements

- (1) If a power line utility easement is included as part of the open space of a project, the corridor must be fully landscaped with native and drought tolerant tree materials which will not exceed a height of 25 feet.
- (2) The destruction or removal of landscape material, walls, lighting or other material located in a public utility easement, water easement or sewer easement resulting from installation or maintenance by a service provider shall be replaced in

accordance with the approved landscape plan by the adjacent property owner or home owners association.

(b) *Floodways*

- (1) Floodways and washes throughout the city shall be developed as linear parks containing pedestrian, bicycle and equestrian ways, all of which shall connect to, and be an integral part of, the community open space system.
- (2) Where a floodway or wash traverses a development site, the floodway or wash shall be set aside as open space and improved using environmentally sensitive channel and bank stabilization techniques to provide a naturally appearing restored, enhanced and stabilized floodway or wash. Under no circumstance shall the channel or sides of a floodway or wash be paved.

(c) *Retention Basins and Drainage Channels*

- (1) Basins shall be developed and landscaped to accommodate active or passive recreation and located and oriented to tie to other open space areas of the development and connect either physically, functionally, and/or visually with open space in adjoining developments.
- (2) Gunnite or concrete lining of a drainage channels is strictly prohibited unless approved by the City Manager or designee. Linear drainage channels shall be completely landscaped with the application of decomposed granite siding with a river rock bottom. The channel will be lined with trees and shrubs..
- (3) Provide three (3) foot transition area where retention basins or drainage channels are adjacent to rights-of-way and sidewalks. Transition area shall be less than six-to-one (6:1) slope.
- (4) Retention basin layout will be irregular in shape, contoured and designed as an integral part of the landscaping theme.
- (5) Retention areas shall not occupy more than 50 percent of the on-site street frontage landscape area unless approved by the City Manager or designee.
- (6) Provide landscaping in all areas of the retention basin.
- (7) Maximum of 50 percent of retention basin perimeter, measured at the high waterline, may be retaining walls. The maximum height of the retaining walls is 36 inches.

Section 122-611 - Maintenance

- (a) The maintenance of landscaping in the public right-of-way shall be the responsibility of the adjacent property owner. Maintenance of medians and median landscaping on arterial roads and parkways shall be the responsibility of the city after acceptance.
- (b) No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies or merchandise.

- (c) Landscaping, irrigation systems, walls, screening devices, curbing, lighting, and other equipment required in this section shall be maintained in accordance with the approved site and landscape plan.
- (d) Landscaping shall be kept free of trash, debris, weeds, and dead plant material.
- (e) The removal or destruction of landscaping previously approved by the city is prohibited. All dead or removed plants shall be replaced with plants of the same variety, and size in accordance with approved plans.
- (f) Tree limbs within and adjacent to public rights-of-way shall remain a minimum vertical distance of 13 feet from the top of road pavement.

Division 4 - Parking and Loading

Section 122-612 - General Provisions

- (a) With the exception of single family residential, minimum vehicle space dimensions are:
 - (1) 90 degree angled parking will require a nine (9) foot wide and 18 foot deep vehicle space. The minimum aisle width is 25 feet.
 - (2) 75 degree angled parking will require a nine (9) foot wide and 19 foot deep vehicle space unless adjacent to a wall where the minimum depth increases to 20 feet. The minimum aisle width is 22 feet.
 - (3) 60 degree angled parking will require a nine (9) foot wide and 18 foot deep vehicle space unless adjacent to a wall where the minimum depth increases to 20 feet. The minimum aisle width for one-way operation is 16 feet and 20 feet for two-way operation.
 - (4) 45 degree angled parking will require a nine (9) foot wide and 16 foot deep vehicle space unless adjacent to a wall where the minimum depth increases to 19 feet. The minimum aisle width for one-way operation is 12 feet and 19 feet for two-way operation.
 - (5) 30 degree angled parking will require a nine (9) foot wide and 13 foot deep vehicle space unless adjacent to a wall where the minimum depth increases to 17 feet. The minimum aisle width for one-way operation is 12 feet and 19 feet for two-way operation.
- (b) With the exception of single-family residential, the minimum number of required off-street parking spaces will be reduced by the number of on-street parking spaces abutting the property lines of the lot or parcel.
- (c) Parking is prohibited in landscaped areas.
- (d) Off-street parking will be utilized solely for licensed and operable vehicles.
- (e) Vehicle parking spaces that exceed the minimum number of spaces permitted may be designed utilizing pervious pavement. Pervious pavement will comply with the following conditions:

- a. Pervious pavement will be located only on soils having a permeability rating of moderate rapid to very rapid.
 - b. Pervious pavement will not be located in soils with an apparent or perched high-water table or a depth to bedrock of less than ten (10) feet, as set forth in the Maricopa County Soil Survey.
 - c. Pervious pavement will not be located on any slope exceeding 10 percent over 20 feet.
- (f) With the exception of single family residential, off-street parking facilities will be constructed, maintained, and operated in accordance with the specifications described below:
 - (1) Parking, loading, and driveway areas will be paved with asphalt, brick, turf-block, concrete, or other surfaces of comparable durability.
 - (2) Parking, loading, and driveway areas will be properly graded and drained in order to dispose of all surface water. Parking drainage facilities will be surfaced with concrete, or asphalt.
 - (3) Boundary or perimeter areas of parking areas will be provided with continuous curbing located so that no part of parked vehicles will extend beyond the property line of the parking area.
- (g) Parking areas adjacent to properties zoned for single family residential will be provided with a six (6) foot high block wall.
- (h) Accessory or multiple uses within a structure or multiple structures will meet the minimum required parking standards as required of each use. This does not apply to the shared parking section of this article.
- (i) The gross area of any parking garage within a building will not be included within the gross floor area (GFA) of the building.
- (j) Only spaces designed in accordance with this section will be considered toward the minimum parking spaces required.
- (k) With the exception of a shared parking agreement, no part of a parking or loading space required for any property to comply with this article will be included as part of a parking or loading space required for another property.
- (l) All parking areas containing three (3) or more parking spaces will include a turnaround that is designed and located so that vehicles can enter and exit the parking area without backing onto a public right-of-way.
- (m) A maximum of 30 percent of the required parking spaces may be designated for use by compact vehicles with minimum dimensions of eight (8) feet in width and 16 feet in length. Compact vehicle parking areas will be identified by individually marking each parking space surface with "Compact Only" lettering a minimum of six (6) inches in height.
- (n) Residential parking and driveway areas will be constructed maintained, and operated in accordance with the specifications described below:

- (1) Minimum vehicle space for single-family residential will be 18 feet long by 9 feet wide.
 - (2) Additional parking spaces for single-family and duplex may be added but all parking and maneuvering areas will not exceed 45 percent of the required front yard.
 - a. When side property lines are not parallel, an area equal to the required front yard setback times the average lot width will determine the maximum area for parking and maneuverability.
 - (3) Will be located on a dust-proof surface.
 - (4) Vehicles in excess of 15,000 pounds gross vehicle weight rating (GVWR) are prohibited.
- (o) Any use not in compliance with the requirements of this section will be a violation of this ordinance.

Section 122-613 – Shared Parking

- (a) Parking spaces required under this section may be provided cooperatively for two (2) or more uses in a development or for two (2) or more individual uses, subject to the requirements of this section.
- (b) Off-street parking requirements of a given use may be met with off-site, off-street parking facilities of another use when, and if, all of the following conditions are met:
 - (1) The parking demands of the individual uses are such that the total parking demand of all the uses at any one time is less than the total parking stalls required.
 - (2) A written agreement between the owners and lessees will be executed for a minimum of 20 years, approved by the City Manager or designee.
 - a. The application will be recorded with the Maricopa County Recorder.
 - b. Should the lease expire or terminate, the uses for which the off-site parking was provided will no longer be considered compliant with this article and their continuation will be prohibited.
 - (3) A shared parking plan will be provided by the owner(s) of the property(s) to be included within the shared parking plan. The owner(s) of all structures then existing on such property(s), and all parties having a legal interest in such property(s) and structures. Sufficient evidence to establish the status of applicants as owner(s) of parties in interest will be provided. The application will include plans showing the location of the uses or structures for which off-street parking facilities are required, the location of the off-street parking facilities, and the schedule of times used by those sharing parking in common.
 - (4) Pursuant to the same procedure and subject to the same limitations and requirements by which the shared parking plan was approved and registered, any such plan may be amended or withdrawn, either partially or completely, if all

land and structures remaining under such plan comply with all the conditions and limitations of the plan, and all land and structures withdrawn from such plan comply with the regulations of this chapter.

- (c) Developments that contain a mix of uses on the same parcel, as set forth in Table 6-1, may reduce the amount of required parking in accordance with the following methodology:
- (1) Determine the minimum parking requirements in accordance with Tables 6-2 and/or 6-3 for each use as if it were a separate use.
 - (2) Multiply each amount by the corresponding percentages for each of the four (4) time periods set forth in Columns (A) through (D) of Table 4-1.
 - (3) Calculate the total for each time period.
 - (4) Select the total with the highest value as the required minimum number of parking spaces.

Table 6-1 Shared Parking Standards

Use	Weekday		Weekend	
	Column A Daytime 6 AM – 5 PM	Column B Evening 5 PM – 6 AM	Column C Daytime 6 AM – 5 PM	Column D Evenings 5 PM – 6AM
Office/Industrial	100%	10%	20%	5%
Retail	60%	90%	100%	5%
Hotel	75%	100%	75%	75%
Restaurant	50%	100%	100%	10%
Commercial	40%	100%	100%	10%
Assembly	10%	75%	100%	100%

- (d) Any use not in compliance with the requirements of this section will be a violation of this ordinance.

Section 122-614 – Bicycle Parking

- (a) Bicycle spaces will be provided at the rate of one (1) bicycle space for every 20 vehicle parking spaces with the exception of single family residential.
- (b) Bicycle parking spaces will be provided in accordance with the specifications described below:
- (1) Bicycle racks and other fixtures must be securely affixed to the ground and allow for the bicycle to be locked and chained.
 - (2) Bicycle spaces will be located within 50 feet of the primary entrance.

- (c) Any use not in compliance with the requirements of this section will be a violation of this ordinance.

Section 122-615 - Off-Street Loading

- (a) Loading facilities are required for all structures containing uses related to commercial, industrial, office, and multi-family residential.
- (b) Structures that have been enlarged, expanded, or changed, will provide the adequate number of loading spaces consistent with this section.
- (c) Off-street loading adjacent to residentially zoned areas will only be utilized between the hours of 6 AM to 9 PM.
- (d) Loading areas adjacent to properties zoned for single family residential will be provided with a six (6) foot high block wall.
- (e) Off-street loading spaces will have an overhead clearance of at least 14 feet, will be at least 12 feet wide, and will be at least 30 feet long, exclusive of access or maneuvering area, platform, and other appurtenances.
- (f) The number of off street loading facilities will be provided at the following rate:
 - (1) Commercial and industrial facilities will provide one (1) loading space for every 25,000 square feet of gross floor area (GFA).
 - (2) Office facilities will provide one (1) loading space for the initial 25,000 square feet of GFA and an additional space for every 50,000 additional square feet of GFA.
 - (3) Multi-family residential structures with ten (10) or less dwelling units will not require off-street loading facilities. Structures with 11 to 50 dwelling units will provide one (1) loading space. For each additional 100 dwelling units, an additional space will be provided.
- (g) The required loading and unloading spaces will in all cases be on the same lot as the use they are intended to serve. In no case will required loading and unloading spaces be part of the area used to satisfy the parking requirement.
- (h) Requirements for the provision of off-street loading facilities with respect to two (2) or more structures on the same lot may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common truck loading facility. The total number of spaces designated in a common truck loading facility will be at least the sum of the individual requirements.

Section 122-616 – Minimum Off-Street Parking Requirements

- (a) The City Manager or designee will determine the parking requirement for uses that do not correspond to the categories listed in Tables 6-2 and 6-3. In such instances, the applicant will provide adequate information by which the proposal can be reviewed, which includes but may not limited to the following:

- (1) Type of use(s).
- (2) Number of employees.
- (3) Building design capacity.
- (4) Square feet of sales area and service area.
- (5) Parking spaces proposed on site.
- (6) Parking spaces provided elsewhere.

Table 6-2 Residential Off-Street Parking Standards

Proposed Use	Minimum Vehicle Spaces
Agricultural Operation	To be determined by site plan review
Animal Hospital, Clinic, Boarding Facility, and/or Shelter	One (1) space per two hundred 200 square feet gross floor area (GFA), excluding indoor and outdoor kennel areas
Assisted Living and/or Congregate Care Facility	One (1) space per two (2) beds
Bed and Breakfast Establishment	One (1) space for each sleeping room
Cemetery, Columbarium, and/or Mausoleum	One (1) space per 25 burial plots, columbarium, and/or mausoleum units unless a private street system is provided and designed to allow on-street parking
Day Care Facility – Child and/or Adult	One (1) space per 375 gross square feet
Community Facility	One (1) space per 100 gross square feet
Dwelling – Multi-Family with Five (5) or More Units	One and one half (1.5) spaces per studio or one (1) bedroom unit Two (2) spaces per two (2) bedroom unit Two and one half (2.5) spaces per three (3) or more bedroom unit
Dwelling – Single Family Attached and Multi-Family up to Four (4) Units	Two (2) spaces per dwelling unit
Dwelling – Single Family Detached	Two (2) spaces
Equestrian Center, Stable, and/or Riding Academy	To be determined by site plan review
Group Home/Residential Setting Care Facility	Two (2) spaces per dwelling unit
Manufactured Home Subdivision	Two (2) spaces per dwelling unit

Park, Recreation, Athletic Field, and/or Open Area	Three (3) spaces for each acre of park area
Public Building	One (1) space per 250 gross square feet
Public Works Facility	To be determined by site plan review
School - Kindergarten through Grade 8	Two (2) spaces per classroom
School – High School	One (1) space per six (6) students
Solar Collection Facility	To be determined by site plan review
Wireless Communication Facility (excluding co-location)	One (1) space per facility
Worship Facility	One (1) space for every (4) occupants based on maximum permitted occupant load

Table 6-3 Non-Residential Off-Street Parking Standards

Proposed Use	Minimum Vehicle Spaces
Airport	To be determined by site plan review
Alcohol Beverage Retail Sales	One (1) space per 300 square feet of gross floor area (GFA)
Ambulance Service	To be determined by site plan review
Ammunition and Firearm Sales	One (1) space per 300 square feet of GFA
Amusement and/or Theme Park	One (1) space per 3000 gross square feet
Animal Hospital, Clinic, Boarding Facility, and/or Shelter	To be determined by site plan review
Appliance Repair	One (1) space per 300 square feet of GFA
Archery Range – Outdoor	To be determined by site plan review
Art Gallery	One (1) space per 300 square feet of GFA
Athletic or Fitness Club and/or Commercial Recreation Facility	One (1) space per 200 square feet of GFA
Auction House	To be determined by site plan review
Bank	One (1) space per 250 GFA
Bar, Tavern, or Microbrewery	One (1) space per 60 square feet of GFA, plus one (1) space per 200 gross square feet of outdoor patio
Bicycle Sales and Service	One (1) space per 300 square feet of GFA
Bingo Hall	One (1) space per 200 square feet of GFA

Bowling Alley, Dance Hall, and/or Pool Hall	Four (4) spaces for each lane, plus two (2) for any pool table, plus one (1) space for watch five (5) seats
Building Materials Sales Yard including Sand and Gravel	One (1) parking space for each 300 square feet gross sales and display area
Bulk Fuel Storage	One (1) space per 2,000 gross square feet
Cabinet or Carpenter Shop, Millwork and Wood Product Manufacturing	One (1) parking space for each 500 square feet of GFA
Call Center	One (1) space per 150 square feet of GFA
Campground	One (1) per four (4) camp sites, plus 2 per laundry and shower facilities
Cemetery, Columbarium and/or Mausoleum	To be determined by site plan review
Community or Recreational Facility	One (1) space per 200 square feet area
Contractor and/or Utility Storage Yard	One (1) parking space for each 800 square feet of GFA
Convention Facility	One (1) space per 100 square feet GFA
Copy Shop	One (1) space per 300 square feet of GFA
Correctional Facility	1 space per 300 square feet of office area and one (1) space per three (3) employees in jail area and one (1) space per five (5) beds
Crematorium	To be determined by site plan review
Dance and/or Gymnastics Studio	One (1) space per 200 square feet of GFA
Day Care Facility – Child and/or Adult	One (1) space for each employee, plus one (1) space for every 15 attendees, plus one (1) space for each company vehicle
Drive-In Movie Theatre	To be determined by site plan review
Driving Range, Miniature Golf, and/or Batting Cage - Indoor	One (1) space per 60 square feet of batting area and one and one half (1.5) spaces for each hole and one (1) space per sixty (60) square feet of game room area
Dwelling - Live / Work Unit	Three (3) spaces per each dwelling unit
Equipment Rental	One (1) space for each 300 square feet gross site area of sales and display area
Fairground and/or Stadium	One (1) space per four (4) seats
Farm and Landscape Equipment Sales and/or Service	One (1) space for each 300 square feet gross site area of sales and display area

Farmer's Market	One (1) space for each 300 square feet gross site area of sales and display area
Feed Store	One (1) space per 250 square feet of GFA
Freight Depot	To be determined by site plan review
Frozen Food Locker	To be determined by site plan review
Funeral Home and/or Mortuary	One (1) space per four (4) seats
Gaming Facility	One (1) space per 100 square feet GFA
Golf Course, Driving Range, Miniature Golf, Go-Cart Track, or Batting Cage - Outdoor	One (1) space for each 200 square feet GFA in any main building plus one (1) space for every two (2) practice tees in the driving range, plus four (4) spaces for each green in the playing area
Graining, Milling, and/or Drying	One (1) space per each 500 square feet of GFA
Group Home/Residential Setting Care Facility	One (1) space per two (2) resident beds
Gunsmith	One (1) space for each 300 square feet gross site area of sales and display area
Home Improvement Center	One (1) space per 375 square feet GFA of building and outdoor sales area
Hotel	One and one half (1.5) spaces per bedroom unit
Ice Manufacturing	One (1) parking space for each 500 square feet of GFA
Junk and/or Salvage Yard	One (1) space per 3000 gross square feet
Laboratory – Research and Testing	One (1) space per 300 square feet of GFA
Landscaping Materials Sales	One (1) space per 300 square feet of GFA
Laundry - Bulk Operation	One (1) parking space for each 800 square feet GFA
Laundry - Dry Cleaning Laundry Service	One (1) parking space for each 250 square feet GFA
Laundry - Self Serve	One (1) parking space for each 250 square feet GFA
Library	One (1) space per 200 square feet GFA and one (1) space per three (3) employees
Manufactured Home and Oversized Vehicle Sales, and/or Service	To be determined by site plan review

Manufacturing	One (1) space for each 500 square feet of GFA
Massage – Therapeutic	One (1) space per 300 square feet of GFA
Medical and/or Dental Office	One (1) space per 150 square feet of GFA
Medical Hospital	One (1) per 400 square feet of GFA
Medical Marijuana Dispensary	One (1) space per 300 square feet of GFA
Medical Marijuana Dispensary Offsite Cultivation Facility	To be determined by site plan review
Medical Outpatient or Surgery Center	One (1) space per 200 square feet of GFA
Medical Specialized Healthcare Center	One (1) space per 200 square feet of GFA
Mining and Mineral Extraction	To be determined by site plan review
Mobile/Manufactured Home Park	Two (2) spaces per dwelling unit
Motion Picture Studio, Radio, and/or Television Broadcast Studio (Not Including Transmission Tower)	One (1) space per 500 square feet GFA, plus one (1) space per each company vehicle
Motel	One and one half (1.5) spaces per bedroom unit
Motor Vehicle Auction	To be determined by site plan review
Motor Vehicle Fueling Station	One (1) space per 500 square feet GFA, including service bays, wash tunnels, and retail areas
Motor Vehicle Inspection Facility	To be determined by site plan review
Motor Vehicle Rental Facility	One (1) space per 250 square feet of interior display space and office plus three and one-half (3.5) spaces per vehicle service bay
Motor Vehicle Sales Facility	One (1) space per 250 square feet of interior display space and office plus three and one-half (3.5) spaces per vehicle service bay
Museum	One (1) space per 60 square feet of public area and One (1) space per 300 square feet of retail and office
Office - General	One (1) space per 250 square feet GFA
Park and Ride	To be determined by site plan review
Park, Recreation, Athletic Field and/or Open Area	Three (3) spaces for each acre of park area
Pawn/Resale Store	One (1) space per 300 square feet GFA

Performing Arts Facility	1 space per 4 seats and 1 space per sixty (60) square feet. of area in public assembly
Plant Nursery - Retail	One (1) parking space for each 300 square feet site area of sales and display area
Plant Nursery - Wholesale	One (1) parking space for each 800 square feet of GFA
Personal Services Establishment	One (1) space per 300 square feet GFA
Portable Building Sales	To be determined by site plan review
Post Office	One (1) space per 200 square feet GFA
Printing Plant	One (1) space for each 500 square feet of GFA
Public Transportation Terminal	To be determined by site plan review
Public Works or Utility Service Yard	One (1) space for each 500 square feet of service yard area
Racetrack	To be determined by site plan review
Rail Facilities	To be determined by site plan review
Recreational Vehicle Park	One (1) space for every recreational vehicle space plus one (1) space for each 300 square feet of GFA of
Recycling Facility	One (1) space for each 500 square feet of service yard area and GFA
Restaurant	One (1) space per 50 square feet of public serving area plus one (1) space per 200 square feet of preparation area
Restaurant With Drive-Through	One (1) space per 250 square feet GFA
Retail Shopping	One (1) space per 300 square feet GFA
Sand and Gravel Operation/ Batch Plant	To be determined by site plan review
Sanitary Landfill and/or Solid Waste Facility	To be determined by site plan review
School – Kindergarten through Grade 12	One (1) space per classroom plus one (1) space for each 200 square feet of floor area of administrative offices
School – College, University, or Trade	One (1) space per 200 square feet GFA
Self-Service Storage Facility	One (1) space per 50 storage spaces
Sexually Oriented Business	One (1) space for each 300 square feet of GFA

Sheltered Care Facility	One and one half (1.5) spaces per bedroom unit
Shooting Range - Indoor	One and one half (1.5) spaces per shooting lane
Skate Park	One (1) space per 400 square feet of track and public viewing area
Skating Rink – Ice or Roller Skating	One (1) space for each 300 square feet of GFA
Solar Collection Facility	To be determined by site plan review
Stone Mason Establishment and/or Monument Manufacturing	One (1) space per 500 square feet of GFA
Stone Monument – Retail and Wholesale	One (1) space per 800 square feet of GFA
Swap meet/Flea Market	One (1) space per 300 square feet of office and one (1) space per leasable vender space
Tattoo and/or Body Piercing Establishment	One (1) space per 500 square feet of GFA
Taxi/Limo Service – Parking and Dispatch	To be determined by site plan review
Taxidermist	One (1) space per 300 square feet of GFA
Theater – Indoor Including Dinner Theater	One (1) parking space per four (4) seats
Tire Sales, Repair, and/or Maintenance	One (1) per 500 sf GFA, including service bays and retail areas
Truck Stop – Full Service and Repair	Two (2) spaces per service bay (Pump islands, standing areas and interior circulation areas shall not be counted as parking areas)
Truck and Heavy Equipment Auction	To be determined by site plan review
Truck Terminal	To be determined by site plan review
Utility Plant	To be determined by site plan review
Motor Vehicle Service	One (1) per 500 sf GFA, including service bays, wash tunnels, and retail areas
Motor Vehicle Towing Facility	To be determined by site plan review
Motor Vehicle Washing Facility	One (1) per 500 square feet GFA, including service bays, wash tunnels, and retail areas
Warehouse	One (1) space per 500 square feet of gross floor area for the first 10,000 square feet plus one (1) space per 5,000 square feet for remaining warehouse plus one (1) space per 250 square feet of office space

Wastewater Treatment Facility	To be determined by site plan review
Welding Shop	To be determined by site plan review
Wholesale Shopping	One (1) parking space for each 800 square feet of gross floor area
Wireless Communications Facility (excluding co-location)	One (1) space per facility
Wireless Communication Facility on Municipal Property (excluding co-location)	One (1) space per facility
Worship Facility	One (1) space for every (4) occupants based on maximum permitted occupant load

(7) Any use and/or requirement not in compliance with the standards for each zoning district will be a violation of this ordinance.

Division 4 – Exterior Lighting

Section 122-617 – General Provisions

- (a) Pole-mounted light fixtures shall not exceed 25 feet in height measured from finished grade to the top of the light fixture.
- (b) Pole-mounted light fixtures within 50 feet of a residential zoning district shall not exceed 16 feet in height measured from finished grade to the top of the light fixture.
- (c) Parking area lighting shall be located in landscaped areas such as planting islands and buffers.
- (d) All exterior light fixtures shall be full cut-off design. Alternative technology luminaries that provide the same photometric results as full cut-off fixtures may be considered.
- (e) The use of mercury vapor lamps is prohibited.
- (f) Lighting installations shall be served by underground power service.
- (g) The style of light fixtures shall be consistent with the style of architecture of the development site.
- (h) The base of pole-mounted light fixtures shall be finished to match the color palate of the architecture of the development site.
- (i) Lighting intensity at property lines and/or adjoining public rights-of-way shall not exceed a maximum lighting intensity of 0.5 footcandles.
- (j) Any requirement not in compliance with the standards in this section will be a violation of this ordinance.

Section 122-618 - Open Space/Park Lighting

- (a) Pedestrian and bicycle pathway lighting shall consist of pole-mounted, bollard, in-place step, and building-mounted light fixtures are directed so any changes in the elevation or direction of the pathway are discernible.
- (b) Bollard-type fixtures shall not exceed four (4) feet in height as measured from finished grade to the top of the fixture. Bollards are to be constructed primarily of concrete or other materials of equivalent durability.
- (c) Pole-mounted light fixtures for pedestrian and bicycle pathways shall not exceed 12 feet in height, measured from finished grade to the top of the fixture.
- (d) The maximum height of outdoor lighting for small scale recreational facilities will not exceed 25 feet measured from finished grade to the top of the light fixture.
- (e) Light fixtures for athletic fields for baseball, football, soccer, and other nighttime field sports shall not exceed 80 feet in height, measured from finished grade to the top of the fixture.
- (f) Any requirement not in compliance with the standards in this section will be a violation of this ordinance.

Section 122-619 - Street Lighting

- (a) Pole-mounted light fixtures shall be placed within the landscaped areas between the curb and sidewalk.
- (b) The distance of a pole-mounted light fixture from the curb shall be located so that the centerline of each pole is not more than three (3) feet from the face of the curb.
- (c) Lighting along local and collector streets serving residential areas shall reflect the overall design and characteristics of the development.
- (d) Any requirement not in compliance with the standards in this section will be a violation of this ordinance.

Section 122-620 - Architectural and Landscape Lighting

- (1) Light fixtures shall be located, directed, and shielded so that illumination is focused exclusively on the building façade, plantings, and/or other site features.
- (2) Light fixtures shall be located on the building, adjacent ground, and/or on ornamental features. These fixtures shall be arranged such that they are not visible.
- (3) Any requirement not in compliance with the standards in this section will be a violation of this ordinance.

Section 122-621 - Canopy Lighting

- (a) Areas under canopies shall not exceed 50 footcandles on the underlying surface.
- (b) Lighting under canopies shall include one (1) or more of the following:

- (1) Recessed fixtures incorporating a lens cover that is either recessed or flush with the bottom surface of the canopy.
 - (2) Surface mounted cutoff fixture
 - (3) Indirect lighting shall be shielded such that direct illumination is focused exclusively on the underside of the canopy.
- (c) Any requirement not in compliance with the standards in this section will be a violation of this ordinance.

Section 122-622 - Exposed String Lighting

- (a) Lights that are blinking and/or chasing are not permitted in non-residential zoning districts.
- (b) Permanently mounted string lights are permitted in commercial areas provided that all of the following criteria are satisfied:
- (1) Shall be a white light with a clear bulb.
 - (2) When located on landscape features, lighting should be secured so that the skin of the plant will not be punctured.
- (c) Any requirement not in compliance with the standards in this section shall be a violation of this ordinance.

ARTICLE VII - DEVELOPMENT REVIEW PROCEDURES

Division 1 - Review and Approval

Section 122-701 - Purpose and Applicability

- (a) The purpose of this section is to establish standardized decision-making procedures for reviewing development applications enabling 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 manner by:
 - (1) Facilitating prompt review of development applications through clear and specific standards.
 - (2) Providing for public review and comment on development applications which impact the community.
 - (3) Establishing procedures to ensure that development applications are consistent with applicable standards.
 - (4) Ensuring adverse impacts on surrounding land uses are minimized, while encouraging flexibility and innovation in the design and layout of site improvements and buildings.
- (b) The provisions of this section will apply to all proposed development projects within the city's municipal boundaries except as otherwise indicated as exempt pursuant to this section.

Section 122-702 - Annexation

- (a) A request for annexation will be in accordance with ARS§9-471.
- (b) The City Manager or designee will file a blank (unsigned) petition containing the legal description and an accurate map of all the exterior boundaries of the area proposed to be annexed with the County Recorder.
- (c) The City Council will hold a public hearing within the last ten (10) days of the required thirty (30) day waiting period following the filing of the blank petition. Notice of the public hearing regarding the proposed annexation will be provided at least six (6) days before the hearing:
 - (1) Publication at least once in a newspaper of general circulation, within the territory proposed to be annexed, at least fifteen (15) days before the end of the thirty (30) day waiting period.
 - (2) Posting in at least three (3) conspicuous public places within the territory proposed to be annexed.

- (3) Notice by first class mail sent to the Chairman of the Maricopa County Board of Supervisors and to each owner of real and personal property subject to taxation by the city within the proposed annexation, with an accurate map and description of the area to be annexed.
- (4) Within one (1) year after the last day of the thirty (30) day waiting period a petition signed by the owners of one-half ($\frac{1}{2}$) or more in value of the real and personal property and more than one-half ($\frac{1}{2}$) of the persons owning real and personal property may be circulated and filed in the office of the County Recorder.
- (d) Within one (1) year after the last day of the thirty day (30) waiting period an annexation petition signed by the owners of one-half or more in value of the real and personal property and more than one-half ($\frac{1}{2}$) of the persons owning real and personal property that would be subject to taxation by the city in the event of annexation, as shown by the last assessment of the property may be signed and presented to the Community and Economic Development Department.
- (e) After the signatures on the annexation petition are verified, the City Council will consider an ordinance for annexation.
- (f) The annexation will be in effect thirty (30) days after the adoption of the ordinance.

Section 122-703 - Development Procedure Types

- (a) All development applications will be categorized within one of the following procedure types. The procedure type assigned to each action governs the decision-making procedure for that application, except to the extent otherwise required by applicable state or federal law.
- (b) The four development application types are as follows:
 - (1) Type I procedures apply to ministerial projects which are decided at the department director level without public notice prior to the decision and without a public hearing.
 - (2) Type II procedures apply to quasi-judicial projects which could contain discretionary criteria. These applications are decided by the Planning and Zoning Commission without public notice prior to the decision and without a public hearing.
 - (3) Type III procedures apply to quasi-judicial projects that predominantly contain discretionary approval criteria. These applications are decided by the Planning and Zoning Commission or Board of Adjustment with public notice and an opportunity to comment; unless the application includes a preliminary or final plat which may be considered by the Planning and Zoning Commission with a final decision made by the City Council without public notice as required by ARS § 9-463.
 - (4) Type IV procedures apply to legislative matters which involve the creation, revision, or large-scale implementation of public policy. These applications are considered initially by the Planning and Zoning Commission with final decisions made by the City Council.

- (c) When the city must approve more than one application for a given development, all applications required for the development pursuant to this section may be submitted for review at one time. When more than one application is submitted for a given development, and those applications are subject to different types of procedure, then all of the applications are subject to the highest type of procedure that applies to any of the applications; provided, however, that each development application will be only subject to the relevant criteria applicable to that particular development application.

For example, a development proposal that includes a Type II application and a Type III application will be wholly subject to the procedures applicable to a Type III application, but the Type II portion of the development proposal will be decided according to the relevant approval criteria applicable to the Type II application.

- (d) Table 12-1 summarizes the various development applications by the type of decision making procedure.

Table 7-1 Summary of Projects by Type

Type	Development Application	Authoritative Body
I	Minor Site Plan Amendment	Administrative Approval
	Model Home Complex	Administrative Approval
II	Major Site Plan Amendment	Planning and Zoning Commission
	Site Plan	Planning and Zoning Commission
III	Administrative Appeal	Board of Adjustment
	Conditional Use	Planning and Zoning Commission
	Final Plat	City Council
	Minor Zoning Amendment	Planning and Zoning Commission
	Original Town Site Infill Incentive	City Council
	Preliminary Plat	Planning and Zoning and City Council
	Variance	Board of Adjustment
IV	Annexations	City Council
	Development Agreements	City Council
	General Plan Amendments	Planning and Zoning and City Council
	Major Zoning Amendment	Planning and Zoning and City Council

	Overlay District	Planning and Zoning and City Council
	Planned Unit Development	Planning and Zoning and City Council
	Rezone	Planning and Zoning and City Council
	Text Amendments	Planning and Zoning and City Council

Section 122-704 - Exempt Activities

- (a) The following development activities are exempt from the procedural requirements of this section unless otherwise required in the Surprise Municipal Code:
- (1) Landscaping, unless such landscaping would require approval pursuant to this chapter or modify an approved plan, plat, or 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 increase in the number of parking spaces provided, requires a conditional use permit, requires Type I or Type II site plan approval, or is otherwise classified in this section as a Type I, II, III, or IV action.
 - (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 water, wastewater, rights-of-way, grading and drainage permits, and fire department permits.
 - (6) Home occupation permits.
 - (7) Sign permits.

Section 122-705 - Type I Procedures

- (a) A concept review meeting is not required for any Type I application except those involving land located within a floodplain or floodway as defined by the Flood Control District of Maricopa County or best known data available, prior to submittal of an application.
- (b) Applications will be made on forms provided by the city. Applications will include the information and documentation set forth in the development review application packet and/or concept review meeting summary, and address the relevant criteria applicable

to the request in sufficient detail for review and action, and be accompanied by the required fees.

- (c) At the time of application submittal, the city will make a determination of counter-complete status pursuant to this section.
- (d) No later than five (5) business days after receipt of a counter-complete application, the project coordinator will notify the applicant as to the completeness of the application. The city will make a determination of fully-complete status pursuant to this section. An application will not be deemed fully-complete until all information required by the Surprise Development Directives, applicable to the type of application, is submitted.
- (e) The development review team will approve with conditions or deny an application within twenty-five (25) business days after the date the application was accepted as fully complete provided that an applicant may agree in writing to extend the time in which the city will issue a recommendation. Time spent by the applicant to revise plans or provide additional studies or materials requested by the city will not be included in the twenty-five (25) day period. The development review team may consider new evidence the applicant introduces with or after such a written request for extension.
- (f) *Final Decision.* The project coordinator will provide a notice of decision, made by the development review team which contains the following information:
 - (1) A statement of the applicable criteria and standards pursuant to the development code or other applicable law.
 - (2) A statement of facts demonstrating how the application does or does not comply with applicable approval criteria.
 - (3) The reasons for a conclusion to approve with conditions or deny the application.
 - (4) The decision to approve with conditions or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with applicable law.
 - (5) Submittal requirements for administrative approval. Signatures for administrative approval will be determined by the City Manager or designee.
- (g) No later than two (2) business days after receipt of the documentation requested, the project coordinator will notify the applicant and provide them with all signed approved copies of the documentation provided.

Section 122-706 - Type II Procedures

- (a) A concept review meeting is required for all Type II applications prior to submittal of a development application, unless waived in accordance with requirements listed in the concept review waiver portion of this section.
- (b) *Application Requirements and Submittal Information.* Applications will be made on forms provided by the city. Applications will include the information and documentation set forth in the development review application packet and/or concept review meeting

summary, and address the relevant criteria applicable to the request in sufficient detail for review and action, and be accompanied by the required fees.

- (c) *Counter-complete Determination.* At the time of application submittal, the city will make a determination of counter-complete status pursuant to this section.
- (d) *Fully-complete Determination.* No later than five (5) business days after receipt of a counter-complete application, the project coordinator will notify the applicant as to the completeness of the application. The city will make a determination of fully-complete status pursuant to this section. An application will not be deemed fully-complete until all information required by the Surprise Development Directives, applicable to the type of application, is submitted.
- (e) *Development Review Team.* The development review team will determine whether to recommend approval with conditions, or deny an application within twenty-five (25) business days after the date the application was accepted as fully complete provided that an applicant may agree in writing to extend the time in which the city will issue a recommendation. Time spent by the applicant to revise plans or provide additional studies or materials requested by the city will not be included in the twenty-five (25) day period. The development review team may consider new evidence the applicant introduces with or after such a written request for extension.
- (f) *Recommendation.* The project coordinator will provide the team recommendation to the applicant which contains the following information:
 - (1) A statement of the applicable criteria and standards pursuant to the development code or other applicable law.
 - (2) A statement of facts demonstrating how the application does or does not comply with applicable approval criteria.
 - (3) The reasons for a conclusion to approve with conditions or deny the application.
 - (4) The decision to approve with conditions or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with applicable law.
 - (5) If applicable, the Planning and Zoning Commission, City Council, and/or Board of Adjustment meeting date, time and location if all conditions are accepted.
 - (6) The next step in the process including additional information and/or documentation required.
- (g) *Post Decision Review.* Once the applicant receives recommendation from the project coordinator, the project will be subject to post decision review requirements per Section 122-715.

Section 122-707 - Type III Procedures

- (a) *Concept Review.* A concept review meeting is required for all Type III applications prior to submittal of a development application, unless waived in accordance with requirements listed in the concept review waiver portion of this section.

- (b) *Application Requirements and Submittal Information.* Applications will be made on forms provided by the city. Applications will include the information and documentation set forth in the development review application packet and/or concept review meeting summary, and address the relevant criteria applicable to the request in sufficient detail for review and action, and be accompanied by the required fees.
- (c) *Counter-complete Determination.* At the time of application submittal, the city will make a determination of counter-complete status pursuant to this section.
- (d) *Fully-complete Determination.* No later than five (5) business days after receipt of a counter-complete application, the project coordinator will notify the applicant as to the completeness of the application. The city will make a determination of fully-complete status pursuant to this section. An application will not be deemed fully-complete until all information required by the Surprise Development Directives, applicable to the type of application, is submitted.
- (e) *Citizen Review Process, Public Hearing Notification and Legal Advertising.* If the project is subject to citizen review, public hearing, public notice, and/or legal advertising, the applicant will be notified at determination of fully-complete status of the notification requirements as indicated in the citizen review portion of this article.
- (f) *Development Review Team.* The development review team will determine whether to recommend approval with conditions, or deny an application within twenty-five (25) business days after the date the application was accepted as fully-complete provided that an applicant may agree in writing to extend the time in which the city will issue a recommendation. Time spent by the applicant to revise plans or provide additional studies or materials requested by the city will not be included in the twenty-five (25) day period. The development review team may consider new evidence the applicant introduces with or after such a written request for extension.
- (g) *Recommendation.* The project coordinator will provide the team recommendation to the applicant which contains the following information:
 - (1) A statement of the applicable criteria and standards pursuant to the development code or other applicable law.
 - (2) A statement of facts demonstrating how the application does or does not comply with applicable approval criteria.
 - (3) The reasons for a conclusion to approve with conditions or deny the application.
 - (4) The decision to approve with conditions or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with applicable law.
 - (5) If applicable, the Planning and Zoning Commission and/or City Council meeting date, time, and location if all conditions are accepted.
 - (6) The next step in the process including additional information and/or documentation required.

- (h) *Post Decision Review.* Once the applicant receives recommendation from the project coordinator, the project will be subject to post decision review requirements per Section 122-715.

Section 122-708 - Type IV Procedures

- (a) *Concept Review.* A concept review meeting is required for all Type IV applications prior to submittal of a development application, unless waived in accordance with requirements listed in the concept review waiver portion of this section.
- (b) *Application Requirements and Submittal Information.* Applications will be made on forms provided by the city. Applications will include the information and documentation set forth in the development review application packet and/or concept review meeting summary, and address the relevant criteria applicable to the request in sufficient detail for review and action, and be accompanied by the required fees.
- (c) *Counter-complete Determination.* At the time of application submittal, the city will make a determination of counter-complete status pursuant to this section.
- (d) *Fully-complete Determination.* No later than five (5) business days after receipt of a counter-complete application, the project coordinator will notify the applicant as to the completeness of the application. The city will make a determination of fully-complete status pursuant to this section. An application will not be deemed fully-complete until all information required by the Surprise Development Directives, applicable to the type of application, is submitted.
- (e) *Citizen Review Process, Public Hearing Notification and Legal Advertising.* If the project is subject to citizen review, public hearing, public notice, and/or legal advertising, the applicant will be notified at determination of fully-complete status of the notification requirements as indicated in the citizen review portion of this article.
- (f) *Development Review Team.* The development review team will determine whether to recommend approval with conditions, or deny an application within twenty-five (25) business days after the date the application was accepted as fully-complete provided that an applicant may agree in writing to extend the time in which the city will issue a recommendation. Time spent by the applicant to revise plans or provide additional studies or materials requested by the city will not be included in the twenty-five (25) day period. The development review team may consider new evidence the applicant introduces with or after such a written request for extension.
- (g) *Recommendation.* The project coordinator will provide the team recommendation to the applicant which contains the following information:
- (1) A statement of the applicable criteria and standards pursuant to the development code or other applicable law.
 - (2) A statement of facts demonstrating how the application does or does not comply with applicable approval criteria.
 - (3) The reasons for a conclusion to approve with conditions or deny the application.

- (4) The decision to approve with conditions or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with applicable law.
 - (5) The Planning and Zoning Commission and/or City Council meeting date, time, and location if all conditions are accepted.
 - (6) The next step in the process including additional information and/or documentation required.
- (h) Once the applicant receives recommendation from the project coordinator, the project will be subject to post decision review requirements per Section 122-715.

Section 122-709 - Development Agreements

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 will comply with Arizona Revised Statutes (ARS) §9-500.05.

Any discussion regarding establishment of a development agreement will take place at the concept review meeting for Type II, III and IV applications.

Unless determined as impractical by the City Manager or designee, the development agreement will be considered by City Council concurrent with consideration of the project.

Section 122-710 - Concept Review Meeting

- (a) The purpose of the concept review meeting is to acquaint the city and other agency staff with a sufficient level of detail about a proposed development in order to advise the applicant of necessary approvals and requirements. The applicant will be advised of the Surprise Development Directives to identify issues or concerns in advance of a formal application. The meeting is not intended to provide an exhaustive review or prevent the city from applying all relevant laws to the application.
- (b) A concept review meeting is required for certain Type I applications, and all Type II, Type III, and applicant initiated Type IV applications unless waived by the City Manager or designee.
- (c) To request a concept review meeting, an applicant will submit the information and documentation set forth in the Concept Review Information Form (CRIF) provided by the project coordinator at initial contact and address the relevant criteria applicable to the request in sufficient detail for review. The CRIF will also state the date, time, location, project name, case number, and appropriate fee(s).
- (d) The project coordinator will facilitate the involvement of agency staff responsible for planning, development review, roads, drainage, parks, and other subjects, as appropriate, in the concept review process.
- (e) The concept review meeting will be conducted at least five (5) business days after the date of the initial visit in order to allow time necessary to gather the appropriate team members for both the city staff as well as the applicant.

The project coordinator will reschedule the concept review meeting and give new notice if the applicant or applicant's representative cannot or does not attend the meeting when scheduled.

- (f) The project coordinator will provide a written concept review meeting summary. The written summary will provide the following:
 - (1) Summary of the proposed request.
 - (2) Identification of relevant approval criteria.
 - (3) Evaluation of information or documentation provided by the applicant as it relates to the Surprise Development Directives.
 - (4) Identification of applicable fees in effect at the time, with a disclaimer that fees may change.
 - (5) Identification of information relevant to the application that may be in the possession of the city or other agencies of which the city is aware, such as:
 - a. General Plan land use designation and zoning on and in the vicinity of the subject property(s).
 - b. Physical development limitations, such as floodplain or floodways that may exist on and in the vicinity of the subject property(s).
 - c. Public facilities and infrastructure that will serve the subject property, including but not limited to, fire service, roadways, utilities, parks, and schools.
 - d. Confirm the application submittal requirements.
- (g) An applicant may submit a written request for additional concept review meetings provided the request is warranted and within one calendar year of the initial concept review meeting. A request for an additional concept review meeting will be subject to the same procedure as the request for the initial concept review.
- (h) The concept review summary from the city will expire one (1) year from the date of the concept review meeting. Once the concept review summary has expired, the applicant must request a new concept review meeting, or receive approval of a concept review meeting waiver request, in order to submit a development application.

Section 122-711 - Counter-Complete Status

- (a) A counter-complete application includes all information and/or documentation required per the development review application packet or concept review summary. Review for counter-complete status does not include an evaluation of the substantive adequacy of the information in the application.
- (b) Prior to accepting Type I, Type II, Type III, or applicant-initiated Type IV applications, Development Services staff will determine that the application is counter-complete.
- (c) Once an application is deemed counter-complete, the fully-complete review will be initiated.

- (d) Should an application not meet counter-complete criteria, it will be rejected and would need to be resubmitted.

Section 122-712 - Fully-Complete Status

- (a) A fully-complete application includes all information and/or documentation required per the development review application packet or concept review summary. Review for fully-complete status does not include an evaluation of the substantive adequacy of the information in the application.

The determination on fully-complete status will be based on the criteria for completeness and methodology set forth in the Surprise Development Directives.

An application's fully-complete status may be revoked if it is determined that the applicant intentionally submitted false information.

- (b) The project coordinator will provide a written determination to the applicant should an application be deemed not fully-complete.

The statement will specify a date by which the required missing information must be provided to restart the fully-complete review process. The statement will state that an applicant can apply to extend the deadline for filing the required information and explain how to do so.

The statement also may include recommendations for additional information that, although not necessary to make the application fully complete, will be required to address other issues that are relevant to the review.

If the required information is not submitted by the date specified and the city has not extended that date, within seven (7) business days after that date, the city may take the action indicated in (1) or (2) below. If the required information is submitted by the date specified, then within five (5) business days, the city will decide whether the application is fully complete and, if not, the city may:

- (1) Reject and return the application and eighty (80) percent of the application fees by mail, together with a written statement that lists the remaining additional information needed to make the application fully-complete.
 - (2) Issue a decision denying the application based on a lack of information. The city may allow the applicant to restart the fully-complete review process a second time by providing the required missing information by a date specified by the city, in which case the project coordinator will retain the application and fee pending expiration of that date or a fully-complete review of the application as amended by that date.
- (c) *Fully-complete Application.* If it is determined that a Type I, II, III, or applicant initiated Type IV application is fully-complete, the project coordinator will issue a notice of application status within five (5) business days.
- (d) *Fully-complete Date.* An application is considered fully complete five (5) business days after the date the counter-complete application is originally filed or the date any necessary additional information is submitted, whichever is later.

- (e) *Request for Additional Information.* A fully-complete determination will not preclude the city from requesting additional information, studies, or changes to submitted information or plans if new information is required or substantial changes to the proposal occur.

Section 122-713 - Citizen Review Procedures

- (a) The purpose of the citizen review process is to ensure that applicants pursue early and effective citizen participation in conjunction with their project and attempt to mitigate any impacts their project may have on the community.
- (b) All applications requiring a public hearing will be subject to the citizen review process which must be completed 15 calendar days prior to the first public hearing.
- (c) All citizen review meetings will be scheduled at a time and location that provides a reasonable opportunity for adjacent landowners, other affected citizens, and the applicant to discuss and express their respective views upon the development request.
- (d) Notification of the citizen review meeting will be provided by the city in the form of a public notice as follows:
- (1) At least once in a newspaper of general circulation published or circulated in the municipality at least fifteen (15) calendar days prior to the meeting date.
 - (2) For applications involving rezoning of land which abuts other municipalities or unincorporated areas of the county or a combination thereof, copies of the notice will be transmitted to the planning agency of such governmental unit bordering such land.
 - (3) For applications involving rezoning, planned unit developments, site plans with uses permitted on a conditional basis, and legislative matters, the city will send copies of the notice by first class mail, no less than seven (7) days prior to the citizen review meeting and any public hearing to all real property owners within a three hundred (300) foot radius. Preliminary plats require the city send copies of the notice by first class mail, no less than seven (7) days prior to the Planning and Zoning Commission and City Council meetings to all real property owners within a three hundred (300) foot radius.
- (e) The applicant will provide a written report on the results of their citizen participation effort prior to the notice of public hearing. At a minimum, the citizen participation report will include the following information:
- (1) Details of the methods used to involve the public, including dates and locations of all meetings where citizens were invited to discuss the applicant's proposal.
 - (2) Content of all documents distributed, including letters, newsletters, and other publications, dates mailed, and numbers of mailings.
 - (3) A summary of concerns, issues and problems expressed during the process, including how the applicant intends to address them.

Section 122-714 - Public Hearing Procedures

- (a) Type III and Type IV applications as identified in ARS § 9-462.04 will require a public hearing.
- (b) Notice of the public hearing/meeting will be provided by the Planning and Zoning division in the form of a public notice which includes the following:
 - (1) The project case number.
 - (2) The name of the applicant requesting the action.
 - (3) The hearing/meeting date, time and location.
 - (4) A vicinity map of the project location.
 - (5) A brief description of the request.
- (c) Notice of the public hearing/meeting will be provided by the Planning and Zoning division in the form of a public notice to the following, when applicable:
 - (1) The notice will be published at least once in a newspaper of general circulation published or circulated in the municipality at least fifteen (15) days prior to the hearing/meeting date.
 - (2) For applications involving rezoning of land which abuts other municipalities or unincorporated areas of the county or a combination thereof, copies of the notice of public hearing will be transmitted to the planning agency of such governmental unit abutting such land.
 - (3) For applications involving rezoning of land that is located within the territory in the vicinity of a military airport or ancillary military facility as defined in ARS § 28-8461, the city will send copies of the notice of public hearing.
 - (4) For applications involving rezoning, subdividing, planned unit developments, site plans with uses permitted on a conditional basis, and legislative matters, all real property owners within a 200' or 300' radius, the city will send copies of the notice of public hearing/meeting by first class mail, no less than seven (7) days prior to the hearing.
- (d) The applicant will be responsible for posting the subject property with a sign that contains the same information that is provided in Section 122-714(c) when a public hearing/meeting is required. Posting will be done in the following manner:
 - (1) A sign installed in no less than two locations on the site which meets the sign specifications established in the development review application packet. Any variation is at the discretion of the City Manager or designee. The signs will be installed no less than fifteen (15) days prior to the meeting/hearing; and
- (e) A completed affidavit of posting form which includes a minimum of two photographs of each installed sign will be provided.

- (f) All signage will be removed by the applicant one week after the date of the final public hearing/meeting. Applicant is also required to return a completed Affidavit of Removal form to the city within seven (7) days after the date of the final public hearing/meeting.

Section 122-715 - Post Decision Review

- (a) *Notice of Decision.* The planning and zoning division will provide written notification of final approval, made by the applicable authoritative body, to the applicant. The written notification will contain the following information:
 - (1) The project name and case number.
 - (2) The date of the hearing.
 - (3) Decision to approve with conditions or deny the request.
 - (4) Conditions of approval necessary to ensure the proposed development will comply with the applicable law.
 - (5) The approving authoritative body.
 - (6) The next step in the process including additional information and/or documentation required.
- (b) *Revisions and modifications.* Once the additional information and/or documentation is reviewed, the project coordinator will provide the applicant with the final results.
- (c) *Permits.* When a project is approved after final review, the applicant will continue to work with the appropriate city staff to complete the review, approval, and issuance of civil construction and building permits.
- (d) *Inspections.* Construction will be monitored for compliance with plans approved through the development review process by the city. The city will monitor the implementation of the proposed development to ensure compliance with the approved plans. The city has the authority to suspend construction when construction does not conform to the approved plans.
- (e) *Certificate of occupancy.* A certificate of occupancy will be issued at the time of completion of all on-site, easement, and off-site construction improvements as well as completion of all building construction, which includes landscaping, per the approved plans. A certificate of occupancy will not be issued until all applicable city departments and/or outside agencies have inspected and/or approved the permitted work.

Section 122-716 - Fees

All applicable review, permit, and development fees will apply pursuant to the current fee resolution adopted by City Council.

Section 122-717 - Amendments

- (a) The City Council may adopt amendments to this section. An amendment may involve changes in text relating to regulations, definitions, and/or administration, but do not include rezoning of property. Amendments may be initiated by City Council, Planning and Zoning Commission, or by petition of a person whose property would be affected by the amendment.
 - (1) Amendments are considered Type IV applications and will follow the process established in the Type IV Procedures section of this article. The request must state the exact section of the article proposed for amendment, the proposed substitute wording, and the reasons for requesting the amendment. Graphic material may be provided to facilitate understanding of the amendment.
 - (2) Amendments will be subject to the Surprise Development Directives, city policy, and/or any applicable state, federal, or case law.

Section 122-718 - Variances

- (a) The Board of Adjustment may allow a departure from the terms of the zoning regulations. Any variance granted is subject to conditions which will ensure the adjustment authorized will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which property is located. No variance or adjustment in the strict application of any provision of an ordinance may be granted unless:
 - (1) Special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of this chapter will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
 - (2) The variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - (3) The variance will not impair the supply of light and air to adjacent property, increase congestion, or diminish or impair property values within the neighborhood.
 - (4) The variance is the minimum that will afford relief and is the least modification possible of the code provisions that are in question.
- (b) Variances are considered Type III applications and will follow the process established in the Type III Procedures section of this article.
- (c) The decision will be final thirty (30) calendar days from the date of the public hearing unless an appeal is filed as provided for in this section.
- (d) Any alteration or expansion of a project for which a variance was approved will comply with all current provisions and regulations of this section. Any request for modification or other change in conditions of approval of the variance will be reviewed as a new application.
- (e) When provisions of this section related to the variance, or conditions, or stipulations, made a part of the variance approval, have not been satisfied, the variance may be revoked as follows:

- (1) The Board of Adjustment will, by first class mail, notify the holder of the variance of its intention to hold a hearing to consider revocation of the variance.
 - (2) The notice will be made at least fifteen (15) calendar days prior to the date of the scheduled hearing.
 - (3) At the hearing, the Board of Adjustment will consider evidence from all interested parties and after deliberation, may revoke the variance or take any actions as may be necessary to insure compliance with the regulations or conditions of the approved variance.
- (f) When a variance has been denied, subsequent applications for a variance for the same, or substantially the same, issue on the same, or substantially same, site may be filed after a one hundred eighty (180) day waiting period from the date of denial.
- (g) A variance granted pursuant to the provisions of this section will run with the land and continue to be valid upon a change of ownership of the site or structure subject to the variance unless otherwise conditioned.

Section 122-719 - Appeals to the Board of Adjustment

- (a) Appeals to the board of adjustment may be made by persons aggrieved or by any officer, department, board or commission of the city affected by a decision of the Zoning Administrator
- (b) Appeals are considered Type III applications and will follow the process established in the Type III Procedures section of this article. Applications will be filled within thirty (30) calendar days of the date of decision. The Zoning Administrator will transmit all records pertaining to the action appealed from to the board.
- (c) Any board member who reviews written documentation or engages in verbal communication, which is not part of the Board of Adjustment record, will disclose such communication at the time of the public hearing.
- (d) The city or any person aggrieved by a decision of the Board of Adjustment may within thirty (30) calendar days of the board's decision, file a complaint for special action in superior court in accordance with ARS §9-462.06.

Section 122-720 - Expiration of Approvals

Type I and II applications will expire one (1) year after the date of approval of the authoritative body unless construction commences. An extension of said applications may be granted, but will be contingent upon permit activity. The request for an extension will be in writing prior to the aforementioned one (1) year expiration.

Division 2 – Authoritative Bodies

Section 122-721 - City Council

- (a) City Council will make final decisions pertaining to development matters pursuant to this chapter and any authority granted by general or special law. The City Council will:
 - (1) Initiate, adopt, and amend a comprehensive, long-range General Plan for the development of the city. The General Plan will be adopted and amended in accordance with the elements and procedures set forth in enabling legislation of ARS.
 - (2) Initiate, adopt, and amend specific plans, regulations, programs, and legislation as needed for the systematic implementation of the General Plan.
 - (3) Initiate and adopt amendments to this Chapter.
 - (4) Establish necessary boards, commissions or committee to implement the General Plan and this chapter.
 - (5) Consider development agreements.

Section 122-722 - Planning and Zoning Commission

- (a) In addition to duties outlined in ARS and in the Surprise Municipal Code, the Planning and Zoning Commission will perform the following:
 - (1) Make recommendations to the City Council on the adoption and/or amendment of, specific plans, regulations, programs, and legislation as needed for the implementation of the General Plan.
 - (2) Make recommendations to the City Council on the adoption and amendment of this chapter.
 - (3) Make recommendations to the City Council regarding changes to the official Character Pattern and Zoning Maps.
 - (4) Consider applicable development applications.

Section 122-723 - Board of Adjustment

- (a) The Board of Adjustment is established to hear and decide requests for variances from zoning regulations, appeals of Zoning Administrator decisions, and other land use issues as provided by this chapter.
- (b) The Board of Adjustment will perform duties as set forth in ARS.

Section 122-724 - Building and Construction Review Board

As directed in the Surprise Municipal Code, the building and Construction Review Board will hear and review appeals of decisions of the administrative authority, regarding matters pertaining to the enforcement, application, and interpretation of Chapter 105.

Section 122-725 - Quality of Life

As directed in the Surprise Municipal Code, the Quality of Life Commissions develops, engages, and oversees community participation activities that revitalize specific areas and contribute to the overall sustainability of neighborhoods throughout the city.

Section 122-726 - Administrative Staff

- (a) The Community and Economic Development department will be the official planning agency as defined in ARS.
- (b) The City Manager or designee will be in charge of overseeing the duties and functions of the Community and Economic Development department. The City Manager or designee will have the following responsibilities:
 - (1) General and specific administration of this chapter, including making final decisions on administrative procedures, directing inspections, observations and analyses of any and all erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land within the city relating to the regulations and restrictions as set forth by this chapter.
 - (2) Zoning Administrator for the city.
 - (3) Other duties as may be required to enforce this chapter.
- (c) In addition to the duties described in ARS, it will be the responsibility of the Community and Economic Development Department to perform the following:
 - (1) Develop and amend, as necessary, a long-range General Plan.
 - (2) Develop any specific plans, regulations, programs, and legislation needed for the implementation of the General Plan as recommended by the Planning and Zoning Commission and adopted by City Council.
 - (3) Review and assist in the development of the capital improvement program.
 - (4) Develop specific design standards and requirements that preserve the character desired for the city.
 - (5) Receive, process, record, and administer all requests for approvals and permits, as governed by this chapter.
 - (6) Advise and recommend to the Planning and Zoning Commission, Board of Adjustment, Building and Construction Board of Appeals, and City Council regarding requests for approval as required by this chapter.
 - (7) Perform such inspections, observations, and analyses of any and all erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land within the city relating to the regulations and restrictions as set forth by this chapter.
 - (8) Assist the Planning and Zoning Commission by scheduling meetings, providing agendas and public meeting notices, maintaining public records, and recording the findings and final recommendations of Planning and Zoning Commission meetings.

- (9) Ensure a fair and equitable method of land regulation.
- (10) Ensure citizen participation in the formulation of policies, laws, plans, and regulations.
- (11) Take any such action as is necessary for the enforcement of this chapter relating to violations of the regulations and restrictions.
- (12) Oversee administrative modifications and corrections for the sole purpose of correcting an administrative or clerical error in previously approved projects.
- (13) Perform any other duties as recommended by the Planning and Zoning Commission and approved by the City Council.

Section 122-727 - Administrative Liability

The city will indemnify, defer, and hold harmless the City Manager or designee, other city agencies and officials, and their official agents and representatives, when acting in good faith and without malice, from all personal liability for any damage that may accrue to any person or property as a result of any act required by these regulations, or for the omission of any act on the part of the department, agency or official or their authorized agents in the discharge of their duties.

ARTICLE VIII - ENFORCEMENT

Section 122-801 - Purpose

- (a) The purpose of this article is to establish standards and regulations to govern the use of land and structures in the city and for review and approval of all proposed development of property in the city, and to provide a development review process that will be comprehensive, consistent, and efficient in the implementation of the General Plan and other adopted goals, policies, and standards of the city.
- (b) It is the intent of this article to preserve and enhance aesthetic values, to encourage the most appropriate use of land, and to facilitate the adequate provision of transportation, water, sewage treatment systems, schools, parks, and other public requirements throughout the city.
- (c) The purpose of this article is to establish the enforcement authority of this chapter and process for the transfer of property in violation of this chapter.

Section 122-802 - Enforcement Authority

- (a) This article shall be enforced by the City Manager or designee who shall have authority to enter any building, structure, or premises or any part thereof, at any and all reasonable times in accordance with legal requirements governing administrative inspections of private property, for the purpose of performing official duties.
- (b) It shall be the duty of the police, fire, public works, or any other city department to assist in the enforcement of this article when requested by the City Manager or designee.
- (c) It shall be unlawful for any person to willfully interfere with, hinder, or obstruct enforcement personnel in the discharge of their duties.
- (d) The administrative authority for enforcement of this article shall be vested in the City Manager or designee. This article shall be construed and enforced in conjunction with Chapter 105 of the Surprise Municipal Code. In the event there is a conflict between the provisions of this article or the codes adopted by this article and any other provision of this code, then the provisions of this article or the codes adopted by this article shall prevail. Administrative remedies may include:
 - (1) The withholding of plan approval, permits, certificates, or any other form of authorization or approval under the authority of the City Manager or designee as outlined by this chapter and/or Chapter 105 of the Surprise Municipal Code after determination of any of the following:
 - a. Any violation of this chapter.
 - b. Any violation of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the city.

- (2) Revocation of any plan approval, permit, certificate or any other form of authorization or approval under the authority of the City Manager or designee as outlined by this chapter and/or Chapter 105 of the Surprise Municipal Code after determination of any of the following:
 - a. There is departure from the plans, specifications, or conditions as required under terms of the permit.
 - b. A permit was procured by false representation.
 - c. A permit was issued in error.
 - d. Any of the provisions of this chapter have been violated.
- (3) Written notice of such revocation shall be served upon the owner, the owner's agent or contractor, or upon any person employed at the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed except to correct such violation or to comply with the order. Such order shall state the nature of the violation, Chapter 122 or Chapter 105 of the Surprise Municipal Code provision violated, and the date and time by which the violation must be corrected.
- (4) The city may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this chapter, Chapter 105 of the Surprise Municipal Code, or of a permit or other form of authorization issued hereunder.
- (5) The city may seek a court ordered injunction or other equitable relief to stop any violation of this chapter, Chapter 105 of the Surprise Municipal Code, a permit, certificate, or other form of authorization granted hereunder.
- (6) In accordance with Chapter 105 of the Surprise Municipal Code and ARS 9-499, the city may abate a violation of Chapter 122 or Chapter 105 of the Surprise Municipal Code.
- (7) The city, at the direction of the City Manager or designee, may prohibit, restrict, or revoke occupancy of any building by any person or entity in which there has been a failure to comply with any permit, plans, specifications, or conditions required under the terms of the permit or any plan or other approval of the city.
- (e) In addition to any administrative penalties, any person who violates any provision of this article or any provision of any code adopted by this article; or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents, directive of the City Manager or designee, or of a permit or certificate issued under the provisions of any code adopted by this article, shall be guilty of a civil or criminal violation.

Section 122-803 - Transfer of Property

- (a) If the owner of the property that is subject to violations of this chapter or Chapter 105 of the Surprise Municipal Code transfers ownership of such property before such violation has been corrected, the current owner shall:

- (1) Disclose, in writing, the existence and the nature of the violation to the prospective transferee.
 - (2) Deliver to the prospective transferee a copy of the notices and other materials relating to the violation received by the transferor.
 - (3) Disclose in writing to the prospective transferee that the new owner will be responsible for compliance with this chapter and Chapter 105 of the Surprise Municipal Code.
 - (4) File a notice of the transfer of the property with the Community and Economic Development Department with the identity and address of the new owner and copies of the disclosures made to the new owner, within five (5) days of the date of the transfer.
- (b) Failure to make the disclosure as above described, before the transfer of property, constitutes a violation of this chapter.