



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

Thursday, September 5, 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:

STAFF
 RECOMMENDATION/

ITEM #	DISTRICT #	ITEM DESCRIPTION
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PRESENTED BY

- | | | | |
|----|-------------------|---|--|
| #1 | District Internal | <u>Consideration and action on the August 1, 2013 Planning and Zoning Commission minutes.</u> | Approve
Deb Perry,
Community &
Economic
Development |
| #2 | District 3 | <u>Consideration and action on Case FS13-228, approving a Preliminary Plat entitled Sycamore Farms Parcel 12.</u> | Approve
Hobart Wingard,
Community &
Economic
Development |

REGULAR AGENDA ITEM - PUBLIC HEARING:

			STAFF RECOMMENDATION/
ITEM #	DISTRICT #	ITEM DESCRIPTION	PRESENTED BY
#3	District 6	<u>Consideration and action on case FS13-301, approving a Conditional Use Permit to allow for a drive-through Tropical Smoothie restaurant.</u>	Approve Nichole Arbeiter, Community & Economic Developmnt
#4	District Citywide	<u>Consideration and action on the Consolidated Annual Performance and Evaluation Report (CAPER) 2012-2013.</u>	Approve Christina Ramirez, Community & Economic Development

OTHER BUSINESS:

- | | | | |
|----|-------------------|--|--|
| #5 | 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: August 29, 2013 at 11:10 a.m.

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



CITY OF SURPRISE
Planning and Zoning Commission

September 5, 2013 @ 6:00:00 PM

Back Print

Board Meeting Date:	September 5, 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 August 1, 2013 Planning and Zoning Commission minutes.

Motion:

I move to approve the August 1, 2013 Planning and Zoning Commission minutes.

Background:

Financial Impact Statement:

N/A

ATTACHMENTS:

Click to download

☐ [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

August 1, 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, August 1, 2013.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

CURRENT EVENTS REPORT

STAFF REPORT

Assistant City Manager Jeff Mihelich stated that the City Council approved the General Plan and it will be going to voters in the November election.

Development is picking up significantly and there's a good chance that the Planning and Zoning Commission will need to start meeting more than once a month.

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 June 6, 2013.**

Vice Chair Somers made a motion to approve the **Planning and Zoning Commission Minutes for June 6, 2013**. Commissioner Smith seconded the motion. The motion passed with a vote of 3 ayes, 2 abstain (Chapman, Smith), 1 absent (Bieniek) and 1 vacancy.

REGULAR AGENDA ITEMS REQUIRING A PUBLIC HEARING

- **Item 2: FS13-213 – Consideration and Action – Boulevard at Surprise Pointe Building H-1**

Planner Vamshee Kovuru presented the project to the Commission. Staff recommended approval of **FS13-213, a conditional use permit for Boulevard at Surprise Pointe Building H-1**.

In response to Chair Blair, Planner Kovuru stated that the tenant would be a restaurant however there is not an end user at this time.

The commission had discussion regarding:

- Not knowing the end user of the space
- The drive through exit area
- Loading and Fire lane areas
- Loading and unloading limited hours
- Pedestrian safety
- Speed control device at drive through exit
- Hours of operation of drive through

Alexis Fuller, applicant, stated that have a drive through approved without an end user makes marketing the space easier. Tenants don't want to come in if can't have a drive through for their space.

Keith Zolman, architect, stated that the hours of operation for the drive through could be built into the lease. And spoke a little about the design of the space, parking lot, and drive through exit area.

The Commission proposed the following two conditions be added.

- c) An additional traffic control device shall be installed after the drive-through before the sidewalk in front of the building.
- d) No loading and unloading of products shall be allowed in the drive through lane when the drive through is operational.

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

Commissioner Chapman made a motion to approve **FS13-213, a conditional use permit for the Boulevard at Surprise Pointe Building H-1** and adopt staff's findings and conditions 'a' through 'd' as amended. Vice chair Somers seconded the motion. The motion passed with a vote of 5 ayes, 1 absent (Bieniek) and 1 vacancy.

OTHER BUSINESS

- **Item 3: FS09-246 – Discussion Only – Surprise Unified Development Code**

Planner Bart Wingard presented Articles 1 and 3 to the Commission.

ADJOURNMENT

Hearing no further business, Chair Blair adjourned the Planning and Zoning Commission meeting at 7:00 p.m.

STAFF PRESENT:

Assistant City Manager Jeff Mihelich, Deputy City Attorney Julie Kriegh, Planner Hobart Wingard, Planner Vamshee Kovuru 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

September 5, 2013 @ 6:00:00 PM

Back Print

Board Meeting Date:	September 5, 2013	Contact Person:	Hobart Wingard, Community & Economic Development
Submitting Department:	CD Boards and Commissions	District:	3
Staff Recommendations:	Approve		

Consent	Regular	x	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on Case FS13-228, approving a Preliminary Plat entitled Sycamore Farms Parcel 12.

Motion:

I move to approve FS13-228, a Preliminary Plat for Sycamore Farms Parcel 12 and to adopt staffs finding and condition a.

Background:

Sycamore Farms Parcel 12 is a 21-acre vacant parcel located between SR303 and North 165th Drive approximately 1,200 feet south of Cactus Road. The proposal is to plat 148 medium density single-family residential lots for a density of 7.86 dwelling units per acre.

Financial Impact Statement:

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

ATTACHMENTS:

Click to download

- ☐ [Staff Report](#)
 - ☐ [Vicinity Map](#)
 - ☐ [Preliminary Plat](#)
 - ☐ [Landscape Plans](#)
 - ☐ [Auto Court Exhibit](#)
-

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

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



COMMUNITY AND ECONOMIC DEVELOPMENT

Date: September 5, 2013

To: Planning and Zoning Commission

From: Jeffrey J. Mihelich, Assistant City Manager
Hobart Wingard, Planner
hobart.wingard@surpriseaz.gov 623-222-3156

Re: FS13-228, Sycamore Farms Parcel 12 - Preliminary Plat

Application Summary

The applicant is requesting an approval for a Preliminary Plat entitled Sycamore Farms Parcel 12. The proposed plat consists of 148 medium density single-family residential lots on a total of approximately 21 acres.

Location

Sycamore Farms Parcel 12 is a 21-acre vacant parcel located between SR303 and North 165th Drive approximately 1,200 feet south of Cactus Road. The proposed residential development is located within the Sycamore Farms Planned Area Development (PAD).

History

- The subject project area was annexed into the city on July 22, 2004.
- On July 22, 2004, the Mayor and City Council approved the Sycamore Farms PAD.
- On November 1, 2005, the Planning and Zoning Commission approved a site plan for a medium density project for the same location, which has since expired.
- On July 31, 2013, an amendment to the PAD was administratively approved to adjust setbacks for medium density parcels.

Project Summary

Sycamore Farms Parcel 12 is approximately 21 acres of medium density residential land within the Sycamore Farms PAD. The medium density residential designation within the PAD has a target density of 8 dwelling units per acre. A previous site plan for this parcel contained 171 units with a density of 9.09 dwelling units per acre. This preliminary plat proposes 148 units with a density of 7.86 dwelling units per acre.

The type of housing proposed is auto court layout. This type of housing provides a higher density by providing common driveways for clusters of 4, 6, or 8 dwelling units. The individual units will have back and side yards that utilize use and benefit easements to maximize the usable space in the yard areas. Use and benefit easement is a grant to an adjacent lot for

ingress/egress for the purpose of repair, maintenance, drainage, and improvement of any of the lots that are contiguous to the easement area. No structure and/or other permanent improvement of any nature shall be placed, maintained, or permitted to remain on or within the easement area.

Students from this development will be within the Dysart School Districts. Discussions with the district and the developer have resulted in a central bus stop to transport students while providing an efficient way of collecting students for transportation to school.

With the reduction of dwelling units in this parcel, open space has increased to 20 percent of the land area. Multiple recreational amenities will be provided including play structures, ramadas, tables, and barbeque facilities.

Economic Impact

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

Findings

1. Staff finds that the proposed preliminary plat complies with the Surprise General Plan.
2. Staff finds that the proposed preliminary plat complies with the Surprise Municipal Code.
3. Staff finds that the proposed preliminary plat complies with the approved Sycamore Farms PAD.

Recommendation

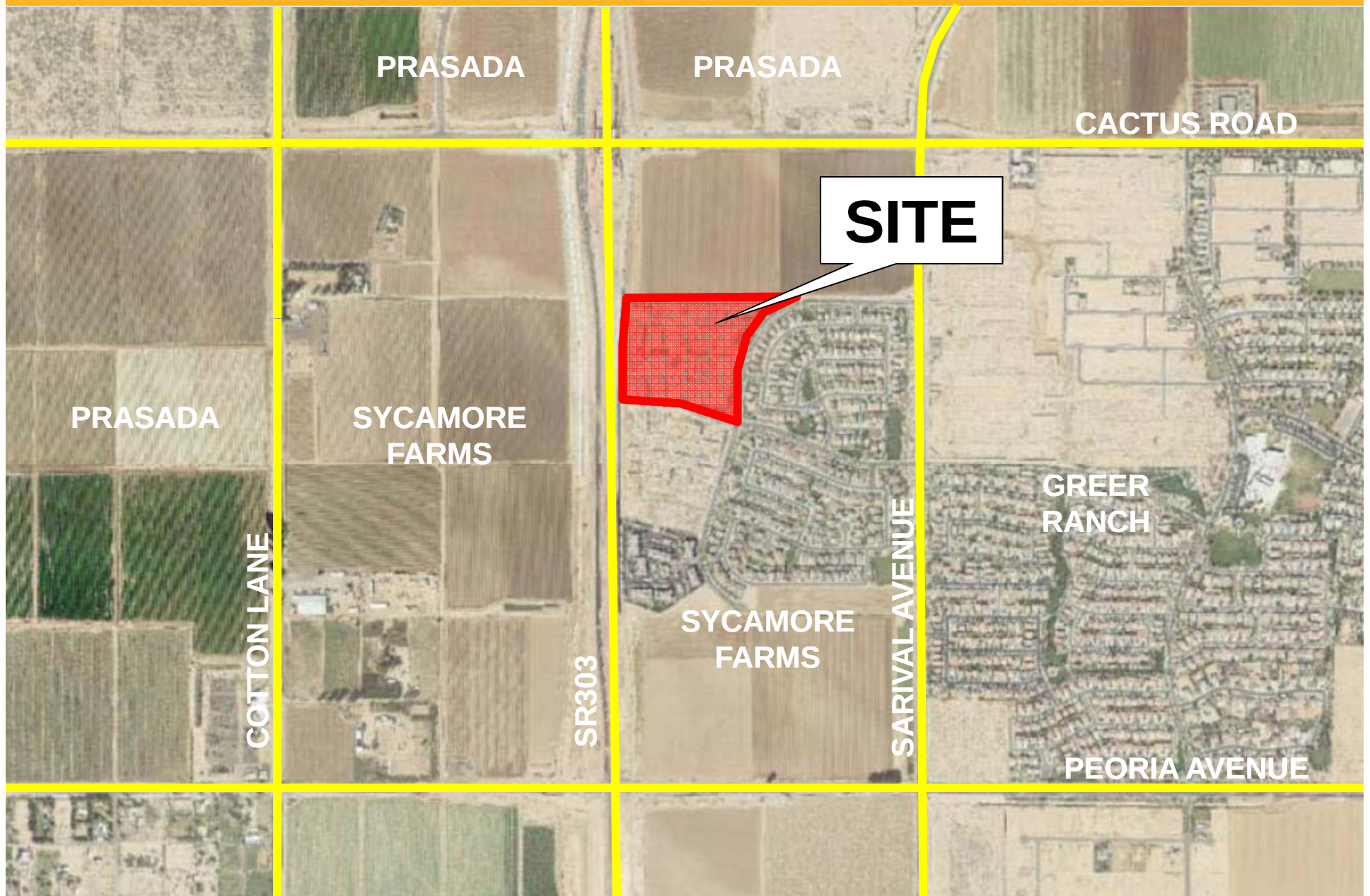
Staff recommends approval of the project, subject to the following condition:

- a. All comments, per letter dated July 15, 2013 on file with the Engineering Development Services Division of Public Works, will be addressed and civil documents approved by city staff prior to issuance of civil construction permits.

Attachment

Vicinity map, preliminary plat, auto court exhibit, and preliminary landscape plans.

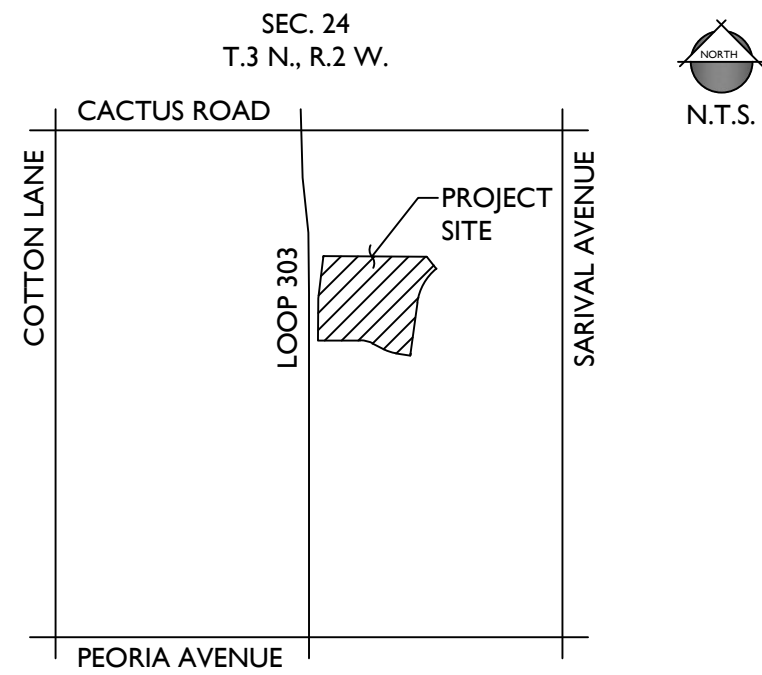
VICINITY MAP - FS13-228



PRELIMINARY PLAT FOR SYCAMORE FARMS

A PORTION OF THE EAST HALF, SECTION 24, T.3 N., R.2 W., GILA AND SALT RIVER
MERIDIAN, MARICOPA COUNTY, ARIZONA

VICINITY MAP



PROJECT TEAM

OWNER / DEVELOPER:
KB HOME
4127 E. VAN BUREN ST., SUITE 150
PHOENIX, AZ 85008
TEL: (480)-296-7526
FAX: (480)-755-2429
CONTACT: JANNELLE SPEAKE

CONSULTANT:
EPS GROUP, INC.
2045 S. VINEYARD, SUITE 101
MESA, AZ 85210
TEL: (480)-503-2250
FAX: (480)-503-2258
CONTACT: DAN "OX" AUXIER, PE

PROJECT DATA

EXISTING GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL
EXISTING ZONING: PLANNED AREA DEVELOPMENT (PAD)
CURRENT LAND USE: VACANT
GROSS AREA: +/- 21.53 ACRES (per exist. Loop 303 R/W)
NET AREA: +/- 6.48 ACRES (per new Loop 303 R/W)
RIGHT-OF-WAY AREA: 148 DWELLING UNITS
TOTAL NO. OF UNITS: 6.87 DU/AC.
GROSS DENSITY: 7.24 DU/AC.
NET DENSITY: 4.09 ACRES (20% OF NET AREA & EXCLUDES ADOT R/W)

PAD DEVELOPMENT STANDARDS

FRONT SETBACK FACING STREET 10'
SIDE SETBACK 4'
REAR SETBACK 5'
MINIMUM BUILDING SEPARATION 8'

UTILITIES

WATER: EPCOR WATER
SEWER: CITY OF SURPRISE
GAS: SOUTHWEST GAS
ELECTRIC: ARIZONA PUBLIC SERVICE
TELEPHONE: CENTURYLINK / COX
REFUSE: CITY OF SURPRISE
CABLE TV: CENTURYLINK / COX

GENERAL NOTES

- THIS PLAN IS NOT A CONSTRUCTION DOCUMENT.
- LOT DIMENSIONS ARE APPROXIMATE. FINAL LOT DIMENSIONS SHALL BE PER THE FINAL PLAT.
- ALL ROADS WILL BE CONSTRUCTED TO CITY OF SURPRISE MINIMUM STANDARDS AS MODIFIED HEREIN.
- THE HOMEOWNERS' ASSOCIATION WILL BE RESPONSIBLE FOR MAINTENANCE OF ALL LANDSCAPE TRACTS.
- THIS DEVELOPMENT WILL PROVIDE FOR INSTALLATION OF REQUIRED STREET LIGHTS.
- DRAINAGE CONCEPTS ARE SHOWN THE PRELIMINARY GRADING AND DRAINAGE PLAN.

BASIS OF BEARING

EAST LINE OF NE 1/4, SEC 24, T. 3 N., R. 2 W.
ASSUMED BEARING = N 00°19'18"E, PER MAP OF DEDICATION, THE RETREAT AT SYCAMORE FARMS - PHASE I, BOOK 864, PG. 16 M.C.R.

BENCHMARK

BENCHMARK:
CHISELED SQUARE ON THE NORTH CORNER OF CONCRETE BASE FOR STEEL POWER POLE, APPROXIMATELY 30' SOUTH OF EDGE OF PAVEMENT OF CACTUS ROAD AT THE SW CORNER OF CACTUS ROAD & SARIVAL AVENUE.
(AKA BM# 80)
ELEVATION = 1199.17

TBM:
3" CITY OF SURPRISE BCHH AT INTERSECTION OF SARIVAL & CACTUS
ELEVATION = 1199.50

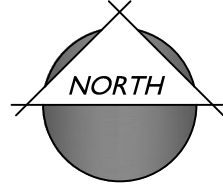
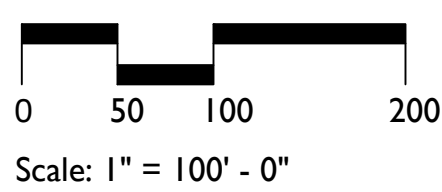
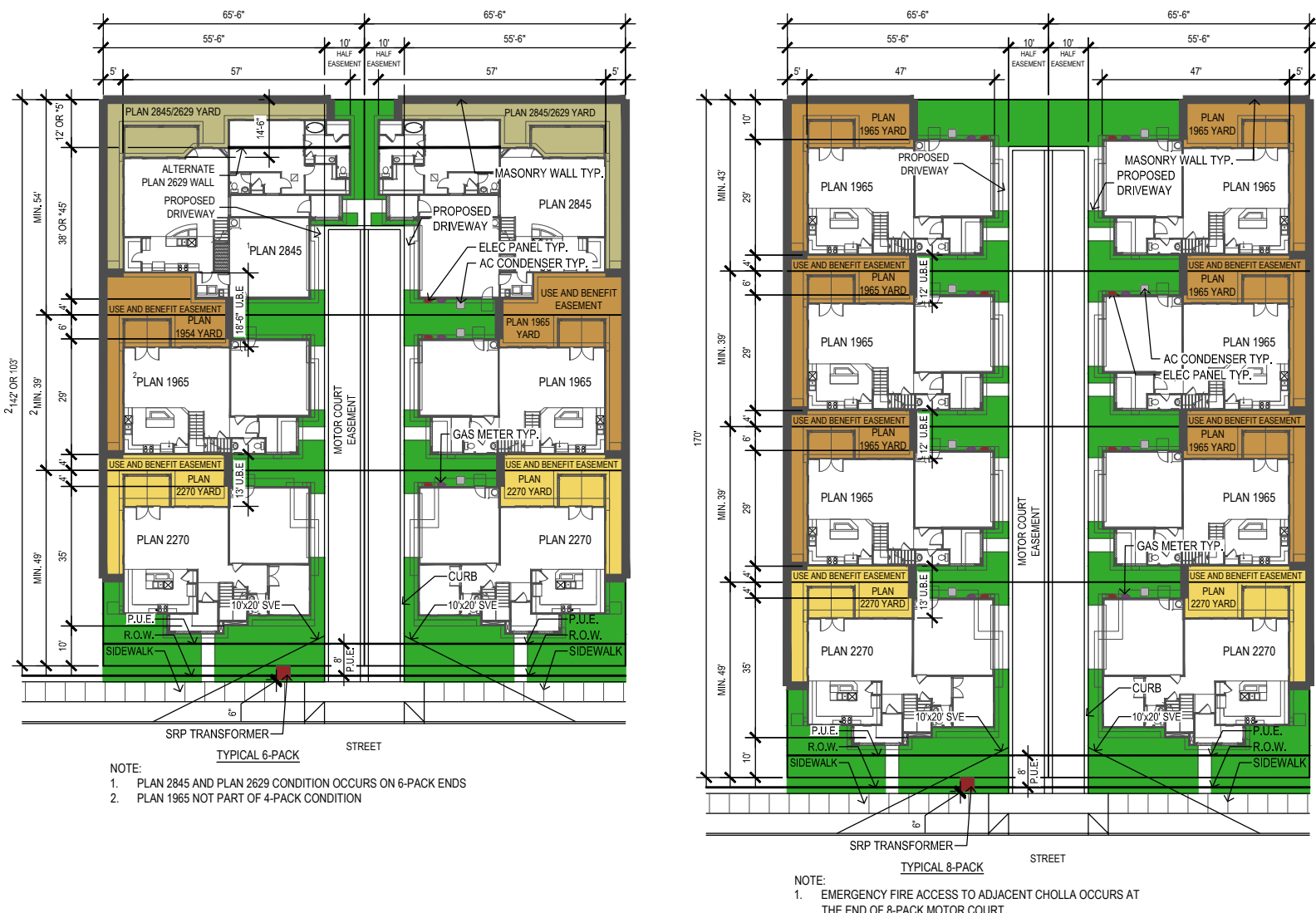
SHEET INDEX

PRE-PLAT SHEET 1 PP01
PRE-PLAT SHEET 2 PP02
PRELIMINARY G&D SHEET 1 PG01
PRELIMINARY UTILITY SHEET 1 UT01
PRELIMINARY UTILITY SHEET 2 UT02

PRELIMINARY UTILITY SHEET 1 UT01
PRELIMINARY UTILITY SHEET 2 UT02

LOT DIAGRAM

N.T.S.

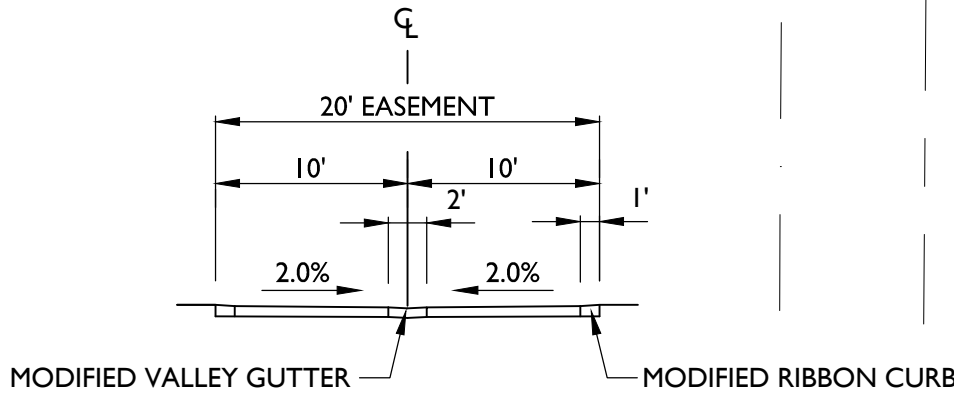


TRACT TABLE

TRACT	USE	AREA (ACRES)
A	LANDSCAPE OPEN SPACE	0.16 AC.
B	LANDSCAPE OPEN SPACE	0.04 AC.
C	LANDSCAPE OPEN SPACE	0.02 AC.
D	LANDSCAPE OPEN SPACE	0.03 AC.
E	LANDSCAPE OPEN SPACE	0.03 AC.
F	LANDSCAPE OPEN SPACE	0.02 AC.
G	LANDSCAPE OPEN SPACE / RETENTION	0.60 AC.
H	LANDSCAPE OPEN SPACE / RETENTION/PARK	0.57 AC.
I	LANDSCAPE OPEN SPACE	0.04 AC.
J	LANDSCAPE OPEN SPACE	0.04 AC.
K	LANDSCAPE OPEN SPACE / RETENTION	0.29 AC.
L	LANDSCAPE OPEN SPACE / RETENTION	2.05 AC.
M	LANDSCAPE OPEN SPACE	0.06 AC.
N	LANDSCAPE OPEN SPACE	0.10 AC.
O	LANDSCAPE OPEN SPACE	0.04 AC.
TOTAL		4.09 AC.

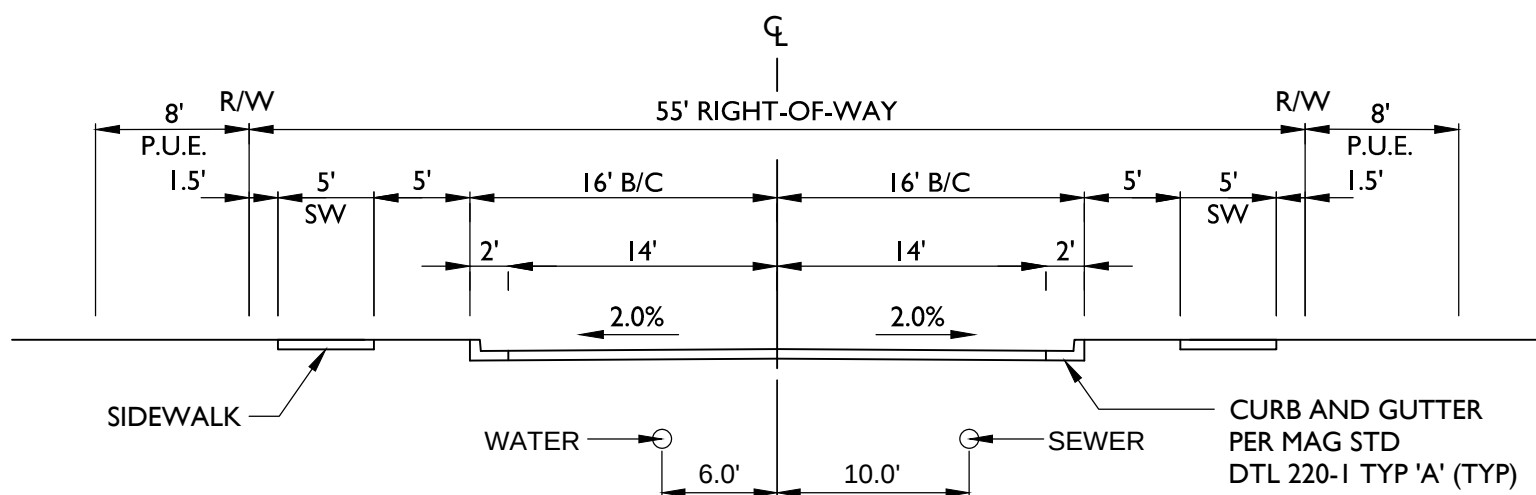
LOT TABLE

1 4,390 sq.ft.	31 3,537 sq.ft.	61 3,536 sq.ft.	91 3,345 sq.ft.	121 3,352 sq.ft.
2 2,915 sq.ft.	32 2,554 sq.ft.	62 3,536 sq.ft.	92 2,554 sq.ft.	122 3,537 sq.ft.
3 3,719 sq.ft.	33 3,537 sq.ft.	63 2,554 sq.ft.	93 3,537 sq.ft.	123 3,373 sq.ft.
4 3,537 sq.ft.	34 3,537 sq.ft.	64 3,366 sq.ft.	94 3,537 sq.ft.	124 2,554 sq.ft.
5 2,554 sq.ft.	35 2,554 sq.ft.	65 3,538 sq.ft.	95 2,554 sq.ft.	125 3,537 sq.ft.
6 3,529 sq.ft.	36 3,537 sq.ft.	66 2,555 sq.ft.	96 3,373 sq.ft.	126 3,537 sq.ft.
7 3,537 sq.ft.	37 3,576 sq.ft.	67 2,554 sq.ft.	97 3,352 sq.ft.	127 2,554 sq.ft.
8 2,554 sq.ft.	38 2,554 sq.ft.	68 2,816 sq.ft.	98 2,554 sq.ft.	128 3,373 sq.ft.
9 3,537 sq.ft.	39 3,537 sq.ft.	69 2,816 sq.ft.	99 3,537 sq.ft.	129 3,373 sq.ft.
10 3,537 sq.ft.	40 3,537 sq.ft.	70 2,554 sq.ft.	100 3,537 sq.ft.	130 2,555 sq.ft.
11 2,554 sq.ft.	41 2,554 sq.ft.	71 2,554 sq.ft.	101 2,555 sq.ft.	131 3,537 sq.ft.
12 3,537 sq.ft.	42 4,169 sq.ft.	72 3,538 sq.ft.	102 3,373 sq.ft.	132 3,537 sq.ft.
13 3,537 sq.ft.	43 3,380 sq.ft.	73 3,538 sq.ft.	103 3,373 sq.ft.	133 2,555 sq.ft.
14 2,554 sq.ft.	44 3,537 sq.ft.	74 2,553 sq.ft.	104 2,554 sq.ft.	134 3,373 sq.ft.
15 3,537 sq.ft.	45 3,487 sq.ft.	75 3,537 sq.ft.	105 3,537 sq.ft.	135 3,537 sq.ft.
16 3,537 sq.ft.	46 3,537 sq.ft.	76 3,537 sq.ft.	106 3,352 sq.ft.	136 3,333 sq.ft.
17 2,554 sq.ft.	47 3,373 sq.ft.	77 2,553 sq.ft.	107 2,554 sq.ft.	137 3,373 sq.ft.
18 3,537 sq.ft.	48 2,555 sq.ft.	78 3,538 sq.ft.	108 3,537 sq.ft.	138 3,537 sq.ft.
19 3,537 sq.ft.	49 3,537 sq.ft.	79 3,537 sq.ft.	109 3,373 sq.ft.	139 3,537 sq.ft.
20 2,554 sq.ft.	50 3,537 sq.ft.	80 2,555 sq.ft.	110 2,555 sq.ft.	140 2,554 sq.ft.
21 3,537 sq.ft.	51 2,555 sq.ft.	81 3,537 sq.ft.	111 3,537 sq.ft.	141 4,639 sq.ft.
22 3,537 sq.ft.	52 3,373 sq.ft.	82 3,537 sq.ft.	112 3,537 sq.ft.	142 4,099 sq.ft.
23 2,554 sq.ft.	53 3,373 sq.ft.	83 2,554 sq.ft.	113 2,554 sq.ft.	143 2,555 sq.ft.
24 3,537 sq.ft.	54 2,555 sq.ft.	84 3,537 sq.ft.	114 3,373 sq.ft.	144 3,537 sq.ft.
25 3,537 sq.ft.	55 2,817 sq.ft.	85 3,431 sq.ft.	115 3,537 sq.ft.	145 3,537 sq.ft.
26 2,554 sq.ft.	56 2,816 sq.ft.	86 2,555 sq.ft.	116 3,352 sq.ft.	146 3,373 sq.ft.
27 3,537 sq.ft.	57 2,555 sq.ft.	87 3,537 sq.ft.	117 3,373 sq.ft.	147 3,537 sq.ft.
28 3,537 sq.ft.	58 3,339 sq.ft.	88 3,546 sq.ft.	118 3,537 sq.ft.	148 3,326 sq.ft.
29 2,554 sq.ft.	59 4,131 sq.ft.	89 2,558 sq.ft.	119 3,537 sq.ft.	Total 477,244 sq.ft.
30 3,537 sq.ft.	60 2,554 sq.ft.	90 3,751 sq.ft.	120 3,373 sq.ft.	



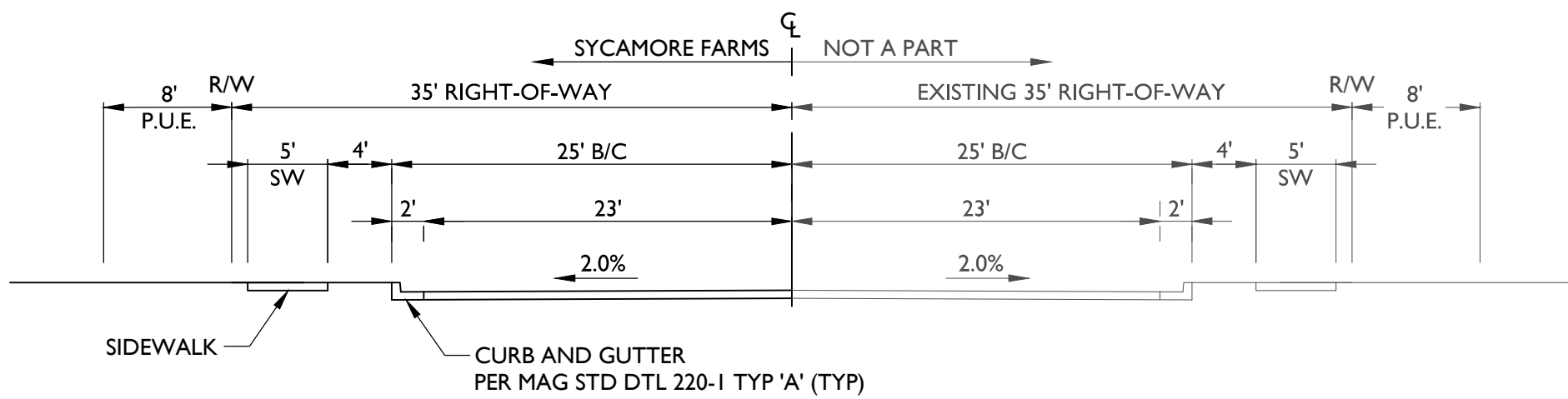
20' MOTOR COURT EASEMENT

N.T.S.



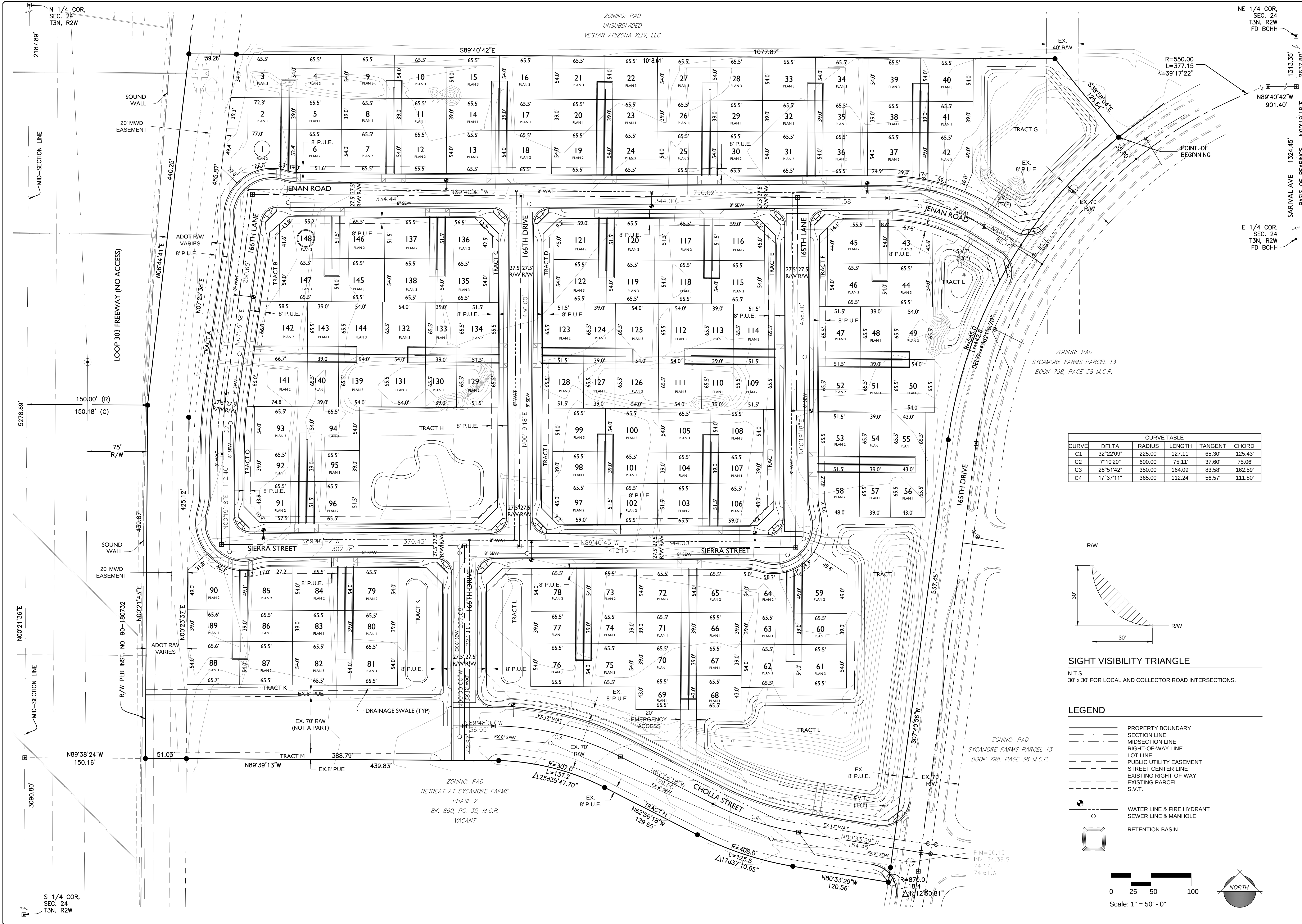
LOCAL STREET WITH ON-STREET PARKING (LOOKING NORTH OR EAST)

N.T.S.

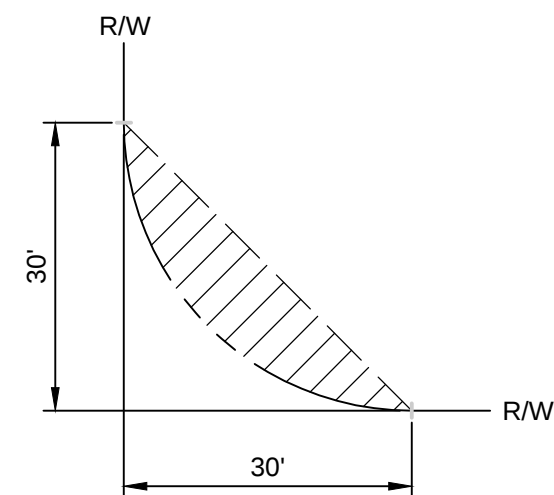


CHOLLA STREET (LOOKING EAST)

N.T.S.



CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD
C1	32°22'09"	225.00'	127.11'	65.30'	125.43'
C2	7°10'20"	600.00'	75.11'	37.60'	75.06'
C3	26°51'42"	350.00'	164.09'	83.58'	162.59'
C4	17°37'11"	365.00'	112.24'	56.57'	111.80'

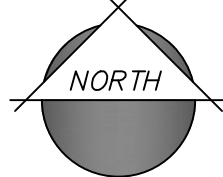
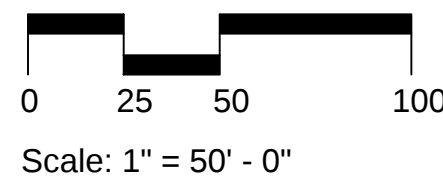


SIGHT VISIBILITY TRIANGLE

N.T.S.
30' x 30' FOR LOCAL AND COLLECTOR ROAD INTERSECTIONS.

LEGEND

- PROPERTY BOUNDARY
- SECTION LINE
- MIDSECTION LINE
- RIGHT-OF-WAY LINE
- LOT LINE
- PUBLIC UTILITY EASEMENT
- STREET CENTER LINE
- EXISTING RIGHT-OF-WAY
- EXISTING PARCEL
- S.V.T.
- WATER LINE & FIRE HYDRANT
- SEWER LINE & MANHOLE
- RETENTION BASIN



ceps group, inc.
Engineers, Planners & Surveyors
2045 S. Vineyard, Ste. 101, Mesa, Arizona 85210
Phone (480) 503-2250

SYCAMORE FARMS
Surprise, AZ

PRELIMINARY PLAT

Project: MAY 2, 2013 - 1ST PRELIMINARY PLAT SUBMITTAL

Revisions:

Call at least two full working days before you begin excavation.
ARIZONA
State of Arizona
Professional Engineer
50291
DANIEL B. AUKER
ARIZONA, U.S.A.

Designer: **APH**
Drawn by: **APH**

Expires: 12/31/2015
Job No. **12-128**
PP02
Sheet No. **2 of 2**

Sycamore Farms

Preliminary Landscape Plans

Surprise, Arizona

05-01-13

client

KB Home Phoenix, Inc.
4127 E. Van Buren Street, Suite 150
Phoenix, AZ 85008
p. 602-282-3064
f. 602.282.3068
contact: Jannelle Speake
email: jspeake@kbhome.com

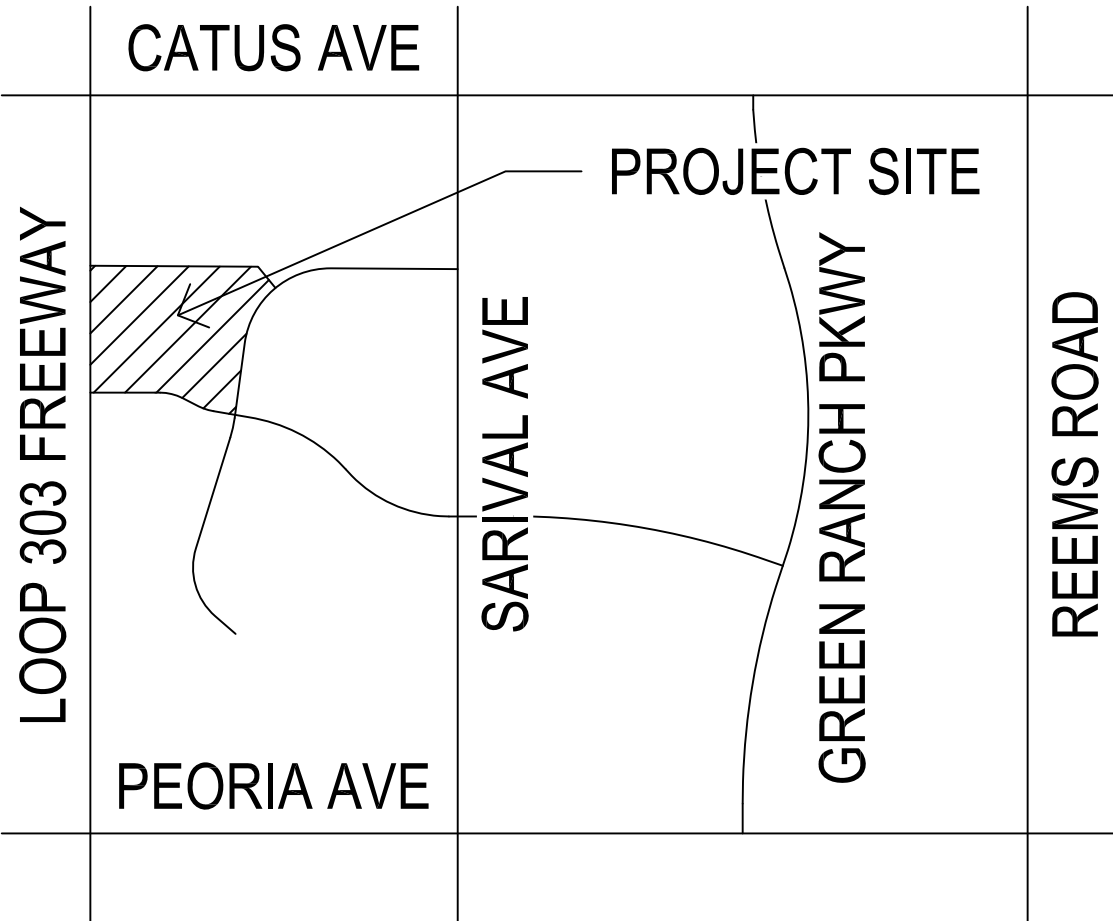
consultant team

landscape architect/planner:
andersonbaron landscape architecture, llc
50 n. mcclintock dr., ste 1
chandler, arizona 85226
p. 480.699.7956
f. 480.699.7986
contact: Andy Baron

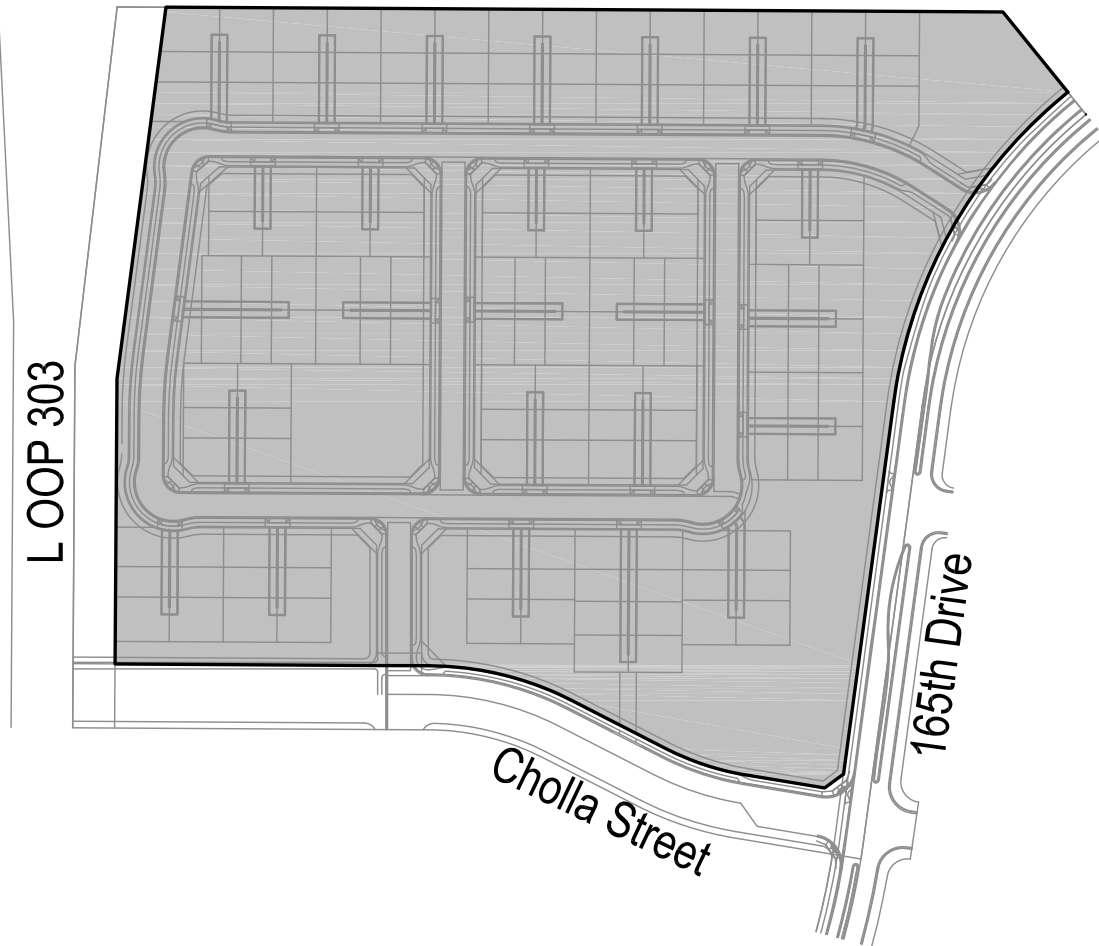
civil engineer:

EPS Group
2045 s. vineyard ave. ste 101
mesa, arizona 85210
p. 480.503.2250
f. 480.503.2258
contact: Daniel Auxier

vicinity map



key map



revisions

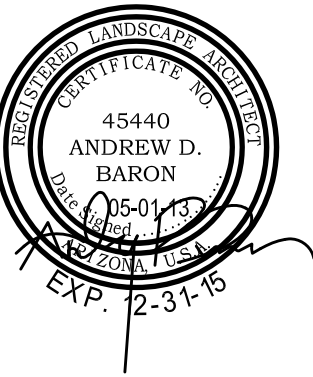
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sheet index

cover sheet	LA2.0
wall plan	LA2.1
entry enlargement	LA2.2
amenity enlargement	LA3.0
landscape plan	LA6.1 - LA6.2
construction details	

Sycamore Farms
Preliminary Landscape Plans
05-01-13

andersonbaron
plan · design · achieve
50 n. McClintock, ste. 1
chandler, arizona 85226
p.h. 480.699.7956 F.480.699.7986



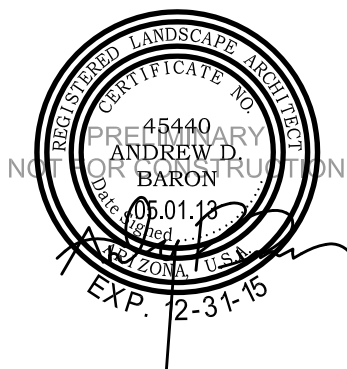
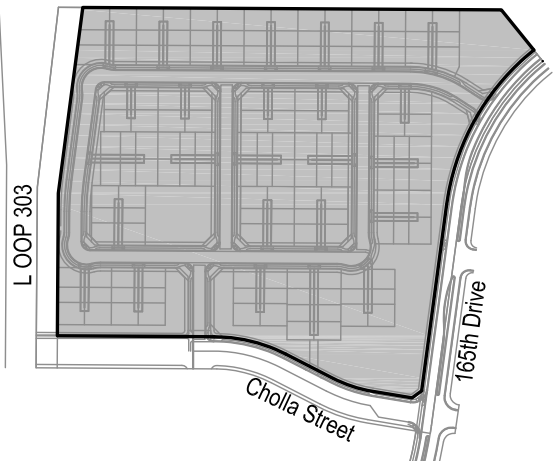
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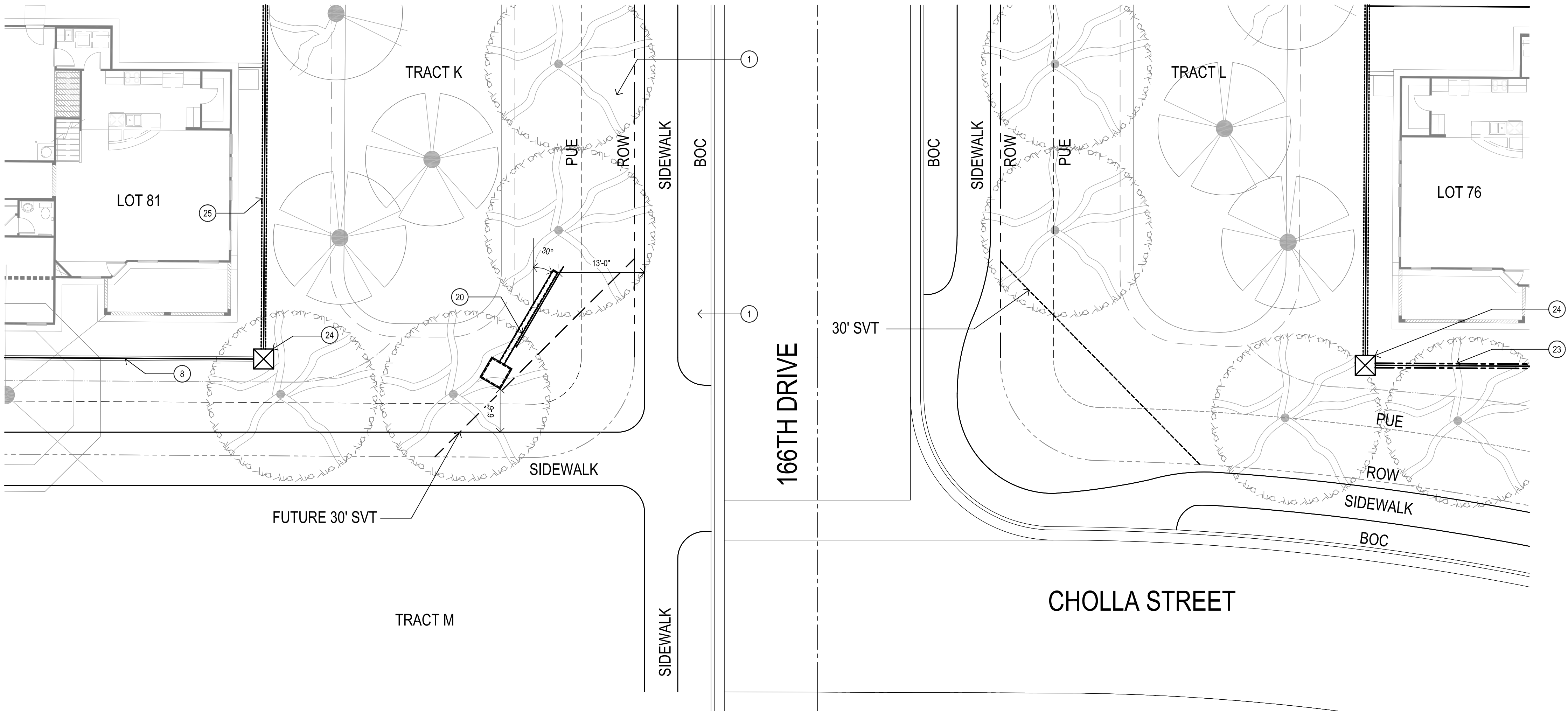


WALL LEGEND			
SYMBOL	DESCRIPTION	QUANTITY	DETAIL
	THEME WALL	588 lf	see detail 2, sheet LA6.1
	PARTIAL VIEW WALL	1,814 lf	see detail 3, sheet LA6.1
	PRIVACY WALL	4,954 lf	see detail 1, sheet LA6.2
	VINYL FENCE	860 lf	see detail 2, sheet LA6.2
	THEME WALL PILASTER	7 ea	see detail 2, sheet LA6.1
	PILASTER	2 ea	see detail 3, sheet LA6.2
	ENTRY MONUMENT	2 ea	see detail 1, sheet LA6.1
	MAILBOX LOCATION	10 total	see detail 4, sheet LA6.2

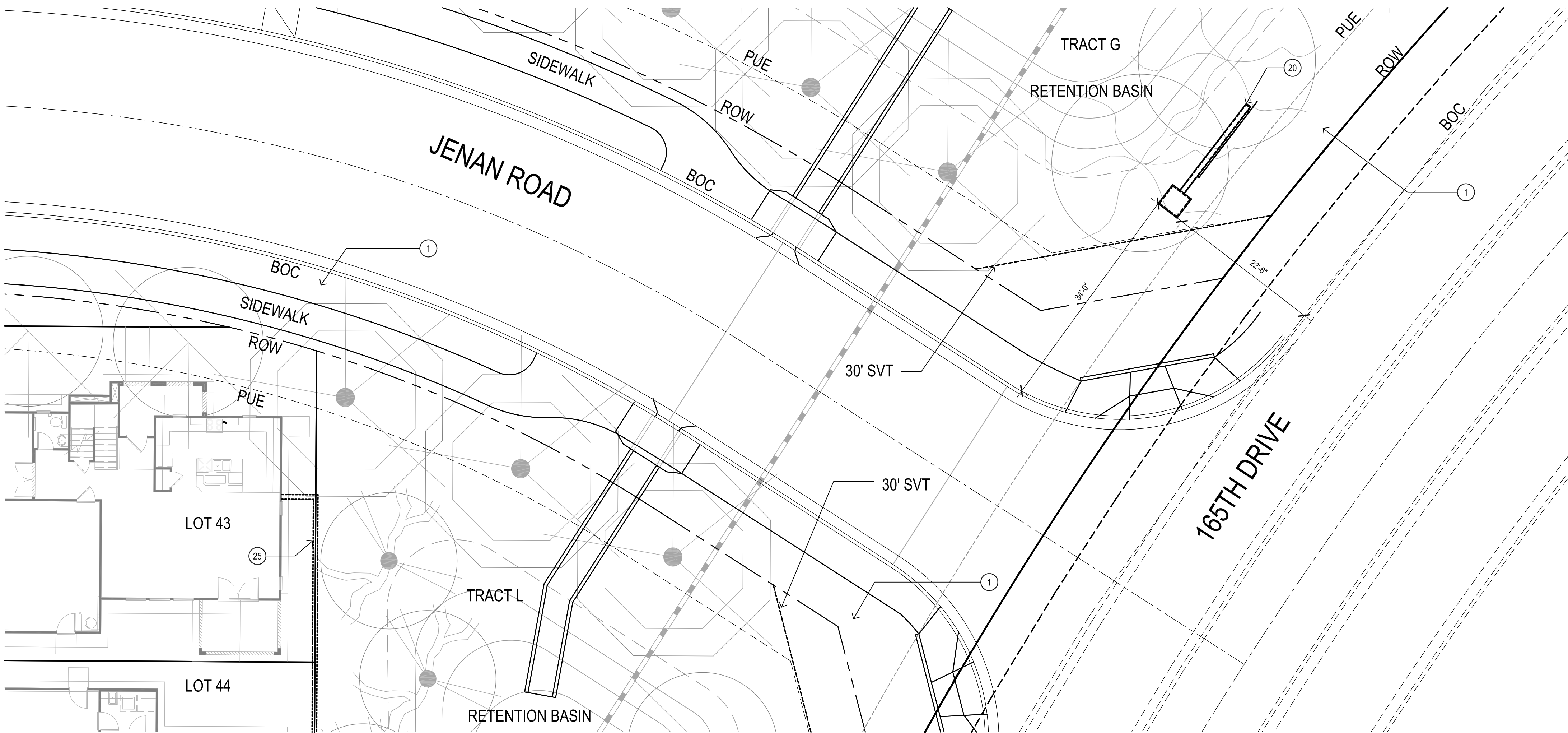
- ENTRY MONUMENT
SEE DETAIL 1, SHEET LA6.1
- PARTIAL VIEW WALL
SEE DETAIL 3, SHEET LA6.1
- THEME WALL PILASTER
AS SHOWN ON DETAIL 2, SHEET LA6.1
- MAILBOX KIOSK, (4)
SEE DETAIL 4, SHEET LA6.2
- PRIVACY WALL
SEE DETAIL 1, SHEET LA6.2
- THEME WALL
SEE DETAIL 2, SHEET LA6.1
- VINYL FENCE
SEE DETAIL 2, SHEET LA6.2



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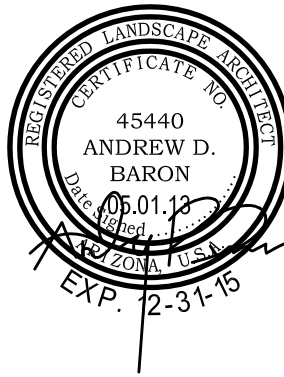
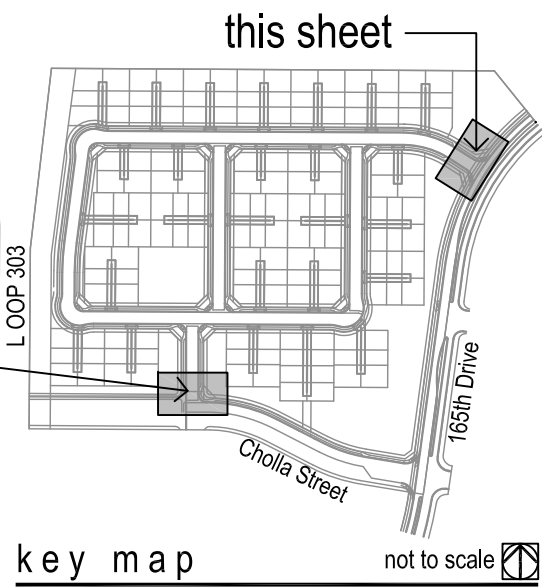
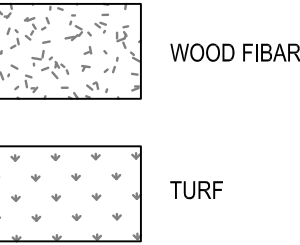
CHOLLA STREET ENTRY PLAN



165TH DRIVE ENTRY PLAN

keynotes

- 1 DECOMPOSED GRANITE LANDSCAPING
- 2 TURF
- 3 CONCRETE HEADER
- 4 CONCRETE SIDEWALK
- 5 SCORED CONCRETE
- 6 RAISED PLANTER
- 7 ENGINEERED WOOD FIBER
- 8 PRIVACY WALLS - SEE DETAIL 1, SHEET LA6.2
- 9 LOG TUNNEL
- 10 LOG STEPPERS
- 11 CLIMBING BOULDER
- 12 ARCH SWING SET
- 13 STABILIZED DECOMPOSED GRANITE
- 14 BENCH
- 15 PICNIC TABLE
- 16 POST MOUNTED BBQ GRILL
- 17 TRASH RECEPTACLE
- 18 BIKE RACK
- 19 RAMADA - SEE DETAIL 5, SHEET LA6.2
- 20 ENTRY MONUMENT - SEE DETAIL 1, SHEET LA6.1
- 21 BOULDERS
- 22 PILASTER - SEE DETAIL 3, SHEET LA6.2
- 23 THEME WALL - SEE DETAIL 2, SHEET 6.1
- 24 THEME WALL PILASTER - AS SHOWN ON DETAIL 2, SHEET LA6.1
- 25 PARTIAL VIEW WALL - SEE DETAIL 3, ON SHEET LA6.1



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sheet number	



PICNIC TABLE
VICTOR STANLEY CLASSIC SERIES
(BRONZE METAL / MAPLE SLATS)



BENCH
VICTOR STANLEY CLASSIC SERIES
(BRONZE METAL / MAPLE SLATS)



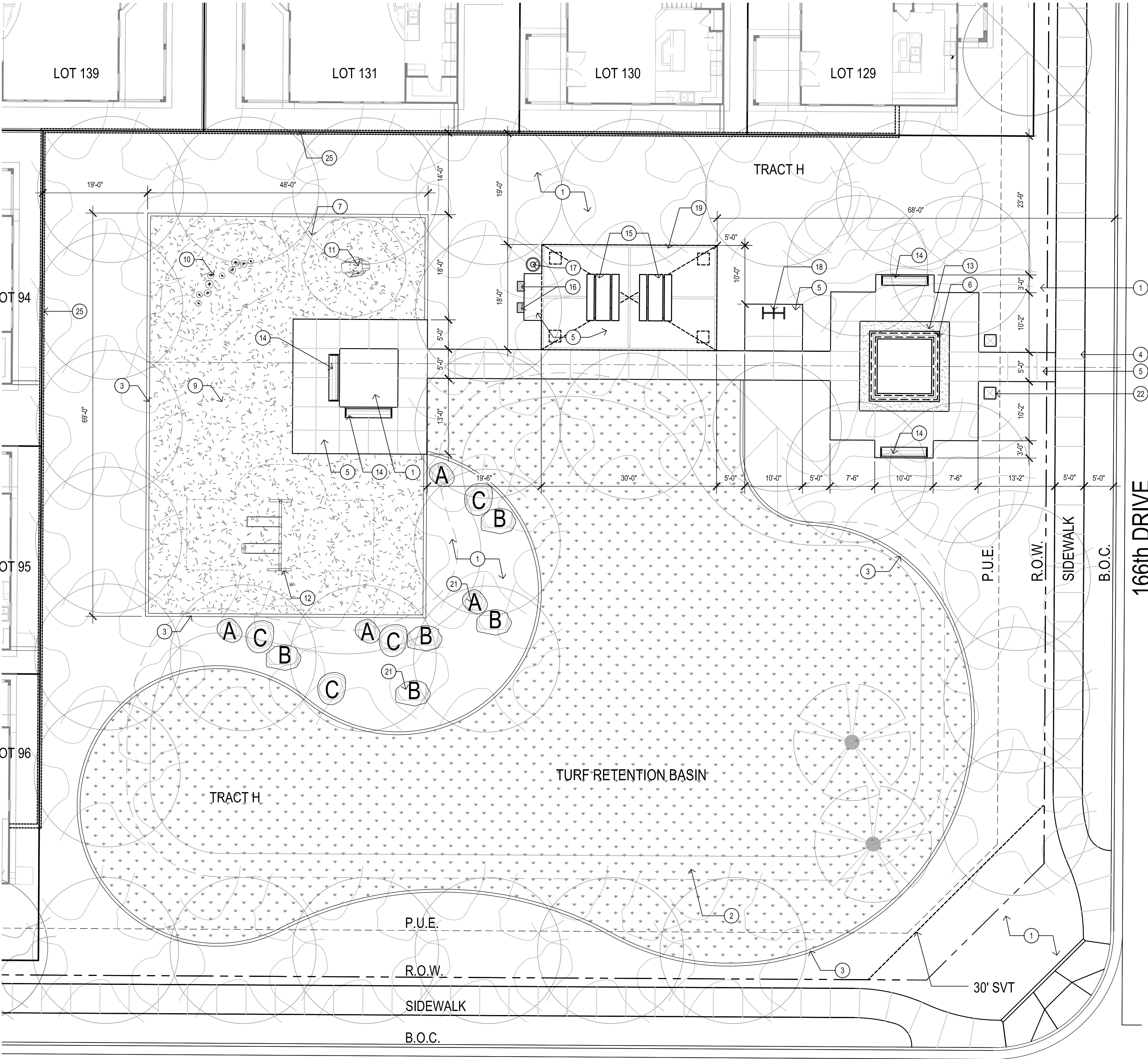
LOG TUNNEL
LANDSCAPE STRUCTURES



BIKE RACK
P.W. ATHLETIC MFG. ROUND-UP
(BRONZE METAL)



POST MOUNTED BBQ GRILL
P.W. ATHLETIC MFG. SINGLE GRILL
(BRONZE METAL)



CLIMB BOULDER
LANDSCAPE STRUCTURES



LOG STEPPERS
LANDSCAPE STRUCTURES

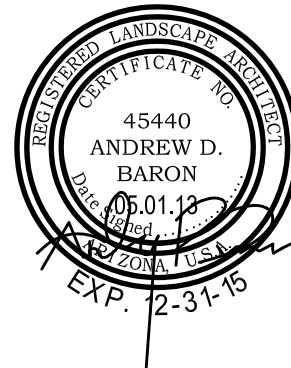
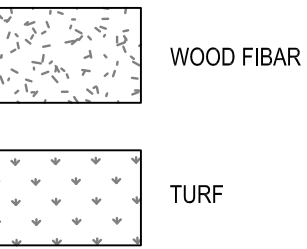


TRASH RECEPTACLE
VICTOR STANLEY STREETSITES SERIES
(BRONZE METAL / MAPLE SLATS)

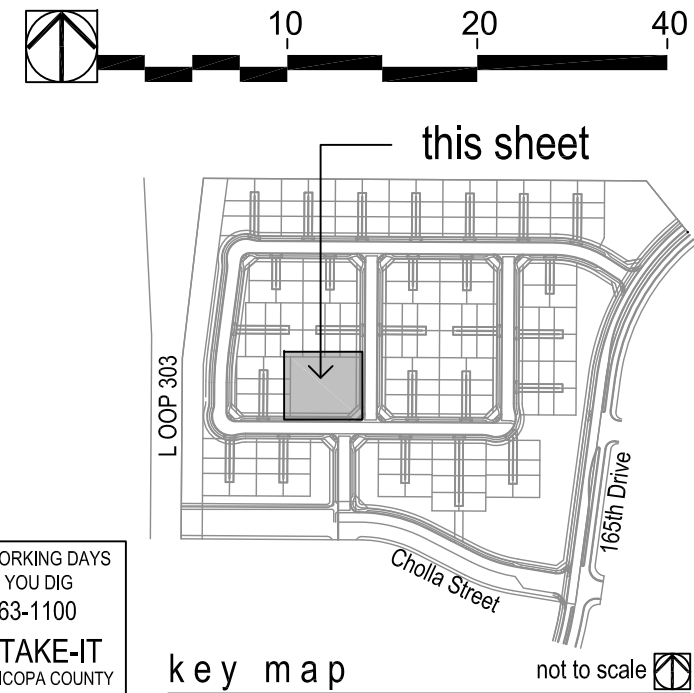


ARCH SWING SET
LANDSCAPE STRUCTURES

- keynotes
- 1 DECOMPOSED GRANITE LANDSCAPING
 - 2 TURF
 - 3 CONCRETE HEADER
 - 4 CONCRETE SIDEWALK
 - 5 SCORED CONCRETE
 - 6 RAISED PLANTER
 - 7 ENGINEERED WOOD FIBER
 - 8 PRIVACY WALLS - SEE DETAIL 1, SHEET LA6.2
 - 9 LOG TUNNEL
 - 10 LOG STEPPERS
 - 11 CLIMBING BOULDER
 - 12 ARCH SWING SET
 - 13 STABILIZED DECOMPOSED GRANITE
 - 14 BENCH
 - 15 PICNIC TABLE
 - 16 POST MOUNTED BBQ GRILL
 - 17 TRASH RECEPTACLE
 - 18 BIKE RACK
 - 19 RAMADA - SEE DETAIL 5, SHEET LA6.2
 - 20 ENTRY MONUMENT - SEE DETAIL 1, SHEET LA6.1
 - 21 BOULDERS
 - 22 PILASTER - SEE DETAIL 3, SHEET LA6.2
 - 23 THEME WALL - SEE DETAIL 2, SHEET 6.1
 - 24 THEME WALL PILASTER - AS SHOWN ON DETAIL 2, SHEET LA6.1
 - 25 PARTIAL VIEW WALL - SEE DETAIL 3, ON SHEET LA6.1



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LA2.2	





PLANT MATERIALS LEGEND			
Plant Name	Size	Plant Name	Size
Trees			
Acacia salicina	15 gal / 24" Box	Sphaeralcea ambigua	1 gal.
Willow Acacia		Desert Mallow	
Chilopsis tashkentensis	15 gal / 24" Box	Callispermum species	1 gal.
Chilopsis		'Little John' Bottlebrush	
Fraxinus velutina 'Rio Grande'	15 gal / 24" Box	Dietes vegeta	1 gal.
Fan-Tex-Ash		Bearded iris	
Parkinsonia hybrid	15 gal / 24" Box	Ground Cover	
Desert Museum		Bougainvillea 'San Diego Red'	5 gal.
Pistacia chinensis	15 gal / 24" Box	Bougainvillea	
Chinese Pistache		Dalea capitata 'Sierra Gold'	1 gal.
Pinelobium flexicaule	15 gal / 24" Box	Sierra Gold Dalea	
Texas Ebony		Melampodium leucanthum	1 gal.
Populus fremontii	15 gal / 24" Box	Blackfoot Daisy	
Cottonwood		Acacia redolens	1 gal.
Prosopis hybrid	15 gal / 24" Box	Prostrate Acacia	
Thornless Mesquite		Rosmarinus officinalis 'Prostratus'	1 gal.
Quercus virginiana 'Cathedral'	15 gal / 24" Box	Trailing Rosemary	
Cathedral Oak		Trachelospermum asiaticum	1 gal.
Ulmus parvifolia 'Allee'	15 gal / 24" Box	Asiatic Jasmine	
Allee Elm		Cacti/Succulents	
Vitex angust-castus	15 gal / 24" Box	Agave americana 'Marginata'	5 gal.
Chaste Tree		Variegated Century Plant	
Extra Large Shrubs			
Bougainvillea 'Rosaika'	5 gal.	Agave bovicornuta	5 gal.
Bougainvillea		Cow's Horn	
Cassia alata 'Orange Jubilee'	5 gal.	Agave geminiflora	5 gal.
Orange Jubilee		Twin Powered Agave	
Vauquelinia californica	5 gal.	Agave parryi	5 gal.
Arizona Rosewood		Perry's Agave	
Large Shrubs			
Calliandra californica	5 gal.	Agave weberi	5 gal.
Red Fairy Duster		Weber's Agave	
Leucophyllum langmaniae 'Rio Bravo'	5 gal.	Bouteloua gracilis 'Blonde Ambition'	1 gal.
Rio Bravo Sage		Blond Ambition	
Cassia artemisioides 'Silver'	5 gal.	Dasylium wheeleri	5 gal.
Silver Cassia		Desert Spoon	
Simmondsia chinensis	5 gal.	Hesperaloe sp. 'Browlights'	5 gal.
Jobba		Brakeleight Hesperaloe	
Leucophyllum frutescens 'compacta'	5 gal.	Muhlenbergia capillaris 'Regal Mist'	5 gal.
Compact Texas Sage		Regal Mist Muhly	
Nerium Oleander 'Little Red'	5 gal.	Muhlenbergia lindheimeri 'Autumn Glow'	5 gal.
Oleander 'Little Red'		Autumn Glow Muhly	
Medium Shrubs			
Eremophila maculata 'Valentine'	5 gal.	Nolina bigelovii	5 gal.
Valentine Shrub		Beargrass	
Gaura lindheimeri	5 gal.	Opuntia santa rita	5 gal.
Pink Gaura		Purple Picky Pear	
Ruellia brittaniana	5 gal.	Zapranthus candida	5 gal.
Ruellia		White Rain Lily	
Ruellia peninsularis	5 gal.	Yucca pallida	15 gal.
Desert Ruellia		Pale Leaf Yucca	
Xylocopa congestum 'Compactum'	5 gal.	Vines	
Dwarf Shiny Xylocopa		Parthenocissus sp.	5 gal.
Groundcovers/Accents			
Carnegiea grandiflora	1 gal.	Hacienda Creeper	
Natal Plum		Rosa banksiae	5 gal.
Euphorbia rigida	5 gal.	Lady Banks Rose	
Gopher Plant		Inerts	
Hymenocallis acutifolia	1 gal.	Midiron Sod	8,866 sq. ft.
Angelita Daisy		Decomposed Granite - 2" Depth	255,144 sq. ft.
NOTES:			
"all trees shall comply with the latest amended edition of the "Arizona Nursery Association - Recommended Tree Specifications", see section 19036(e), zoning code."			
6" concrete header			416 in. ft.

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50 n. McClintock, Ste. 100
Chandler, Arizona 85226

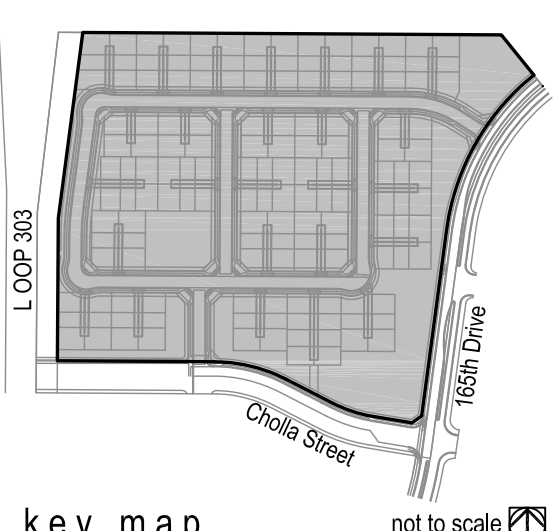
p.h. 480.699.7956 F.480.699.7986



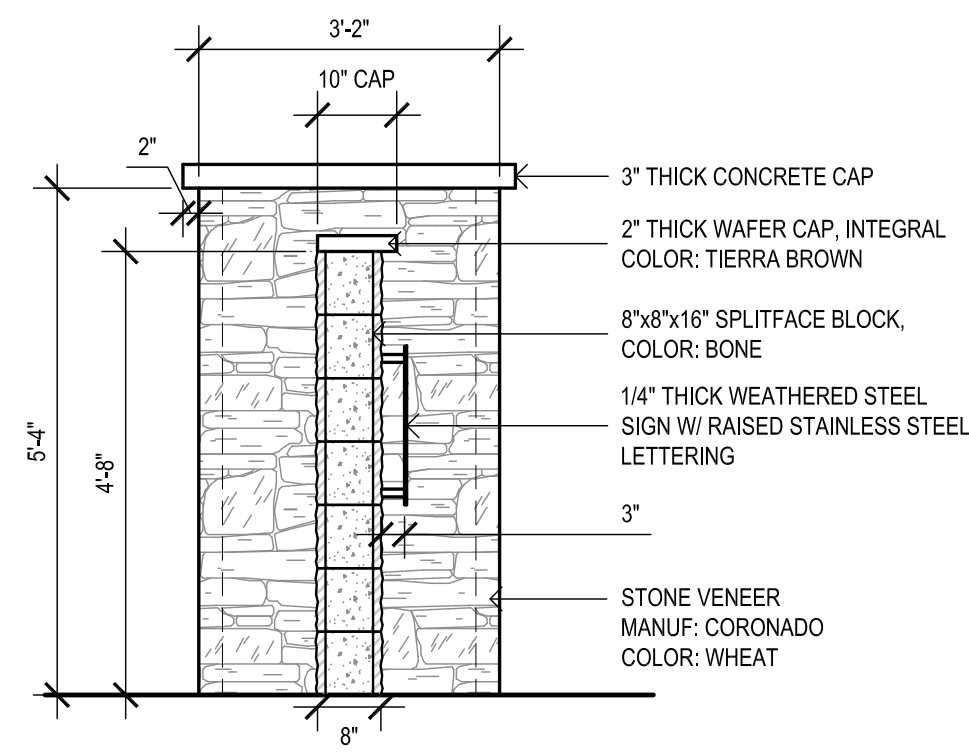
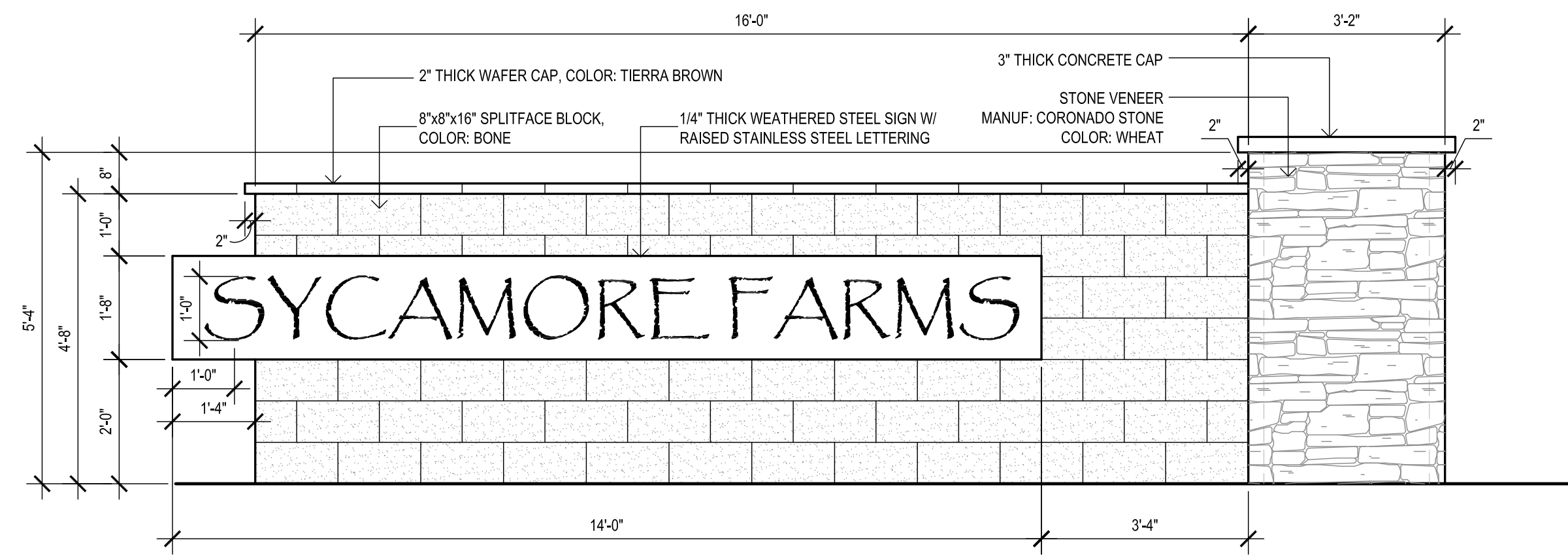
Sycamore Farms
Preliminary Landscape Plans
Surprise, Arizona
landscape plan



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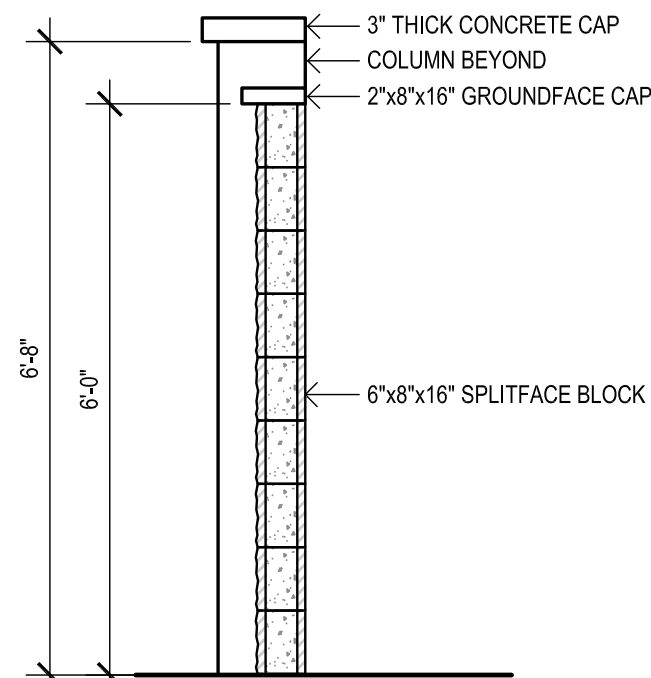
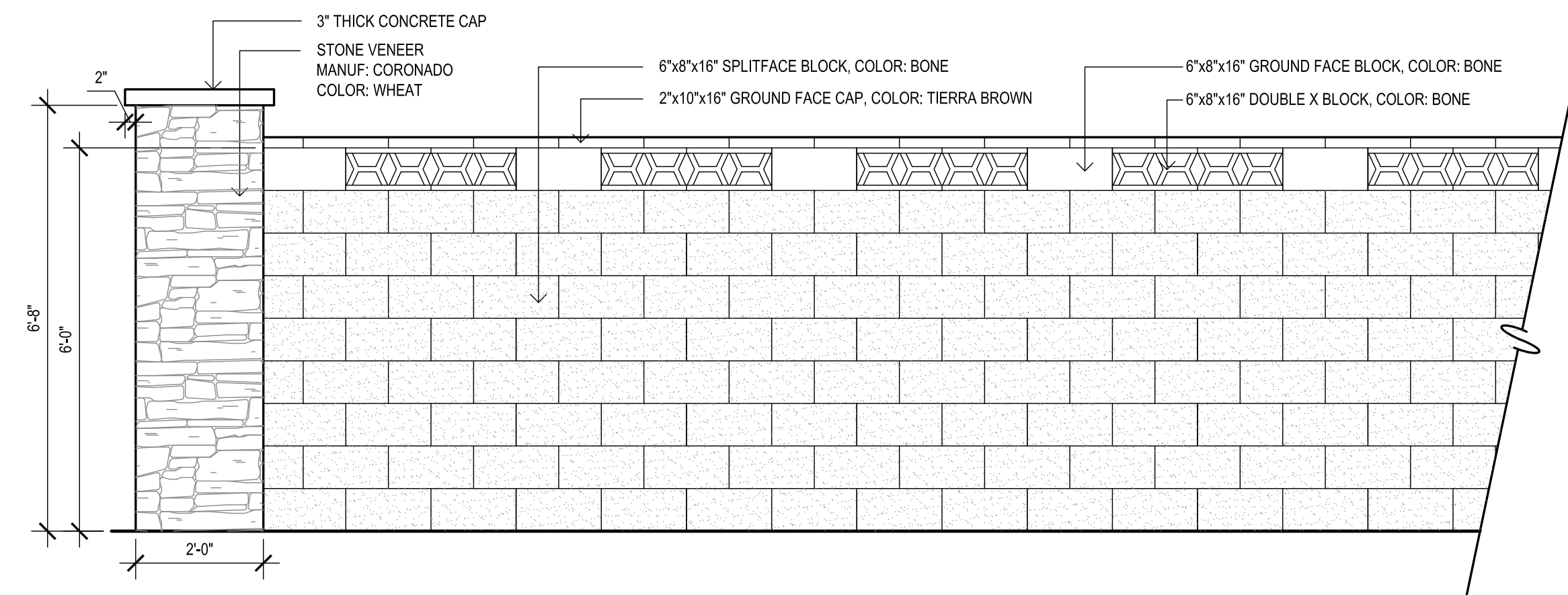
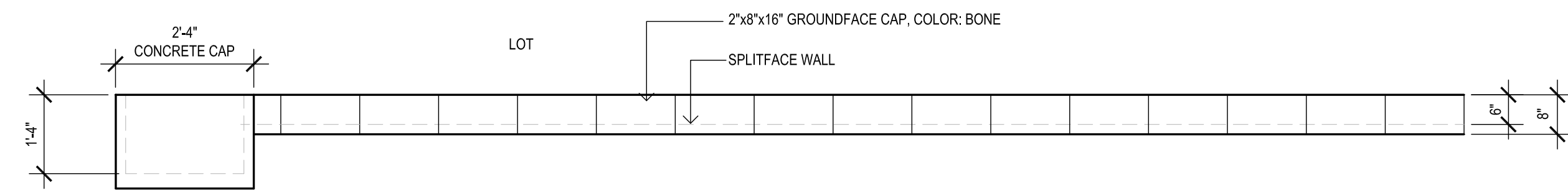


key map not to scale



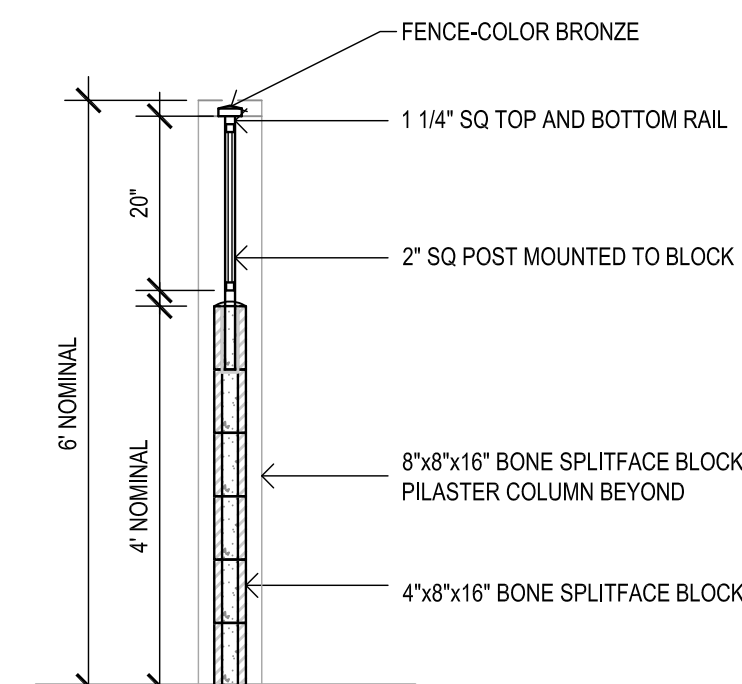
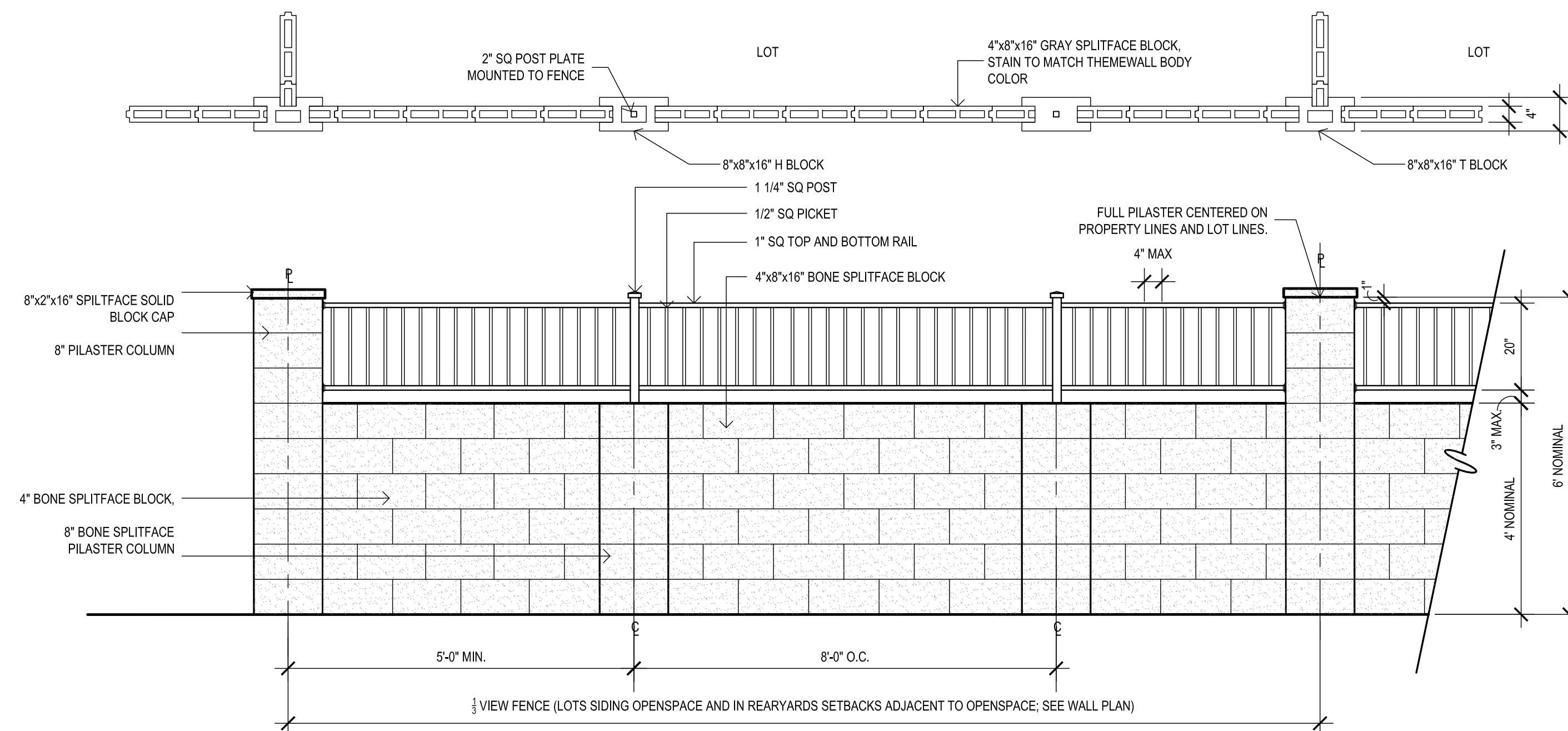
1 ENTRY MONUMENT

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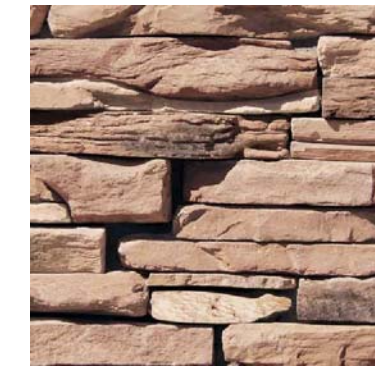
2 THEME WALL

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3 PARTIAL VIEW WALL

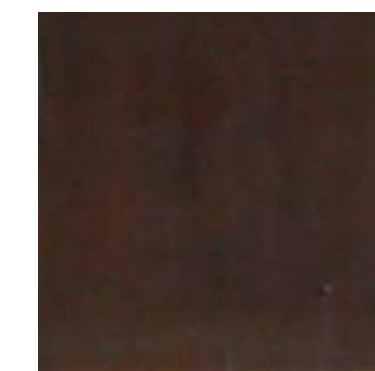
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stone veneer
coronado stone
color: wheat



splitface
color: bone



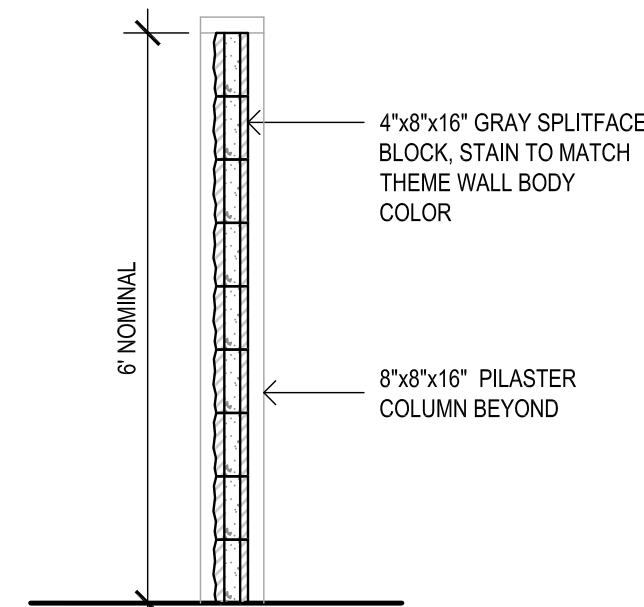
weathered steel
sign panel



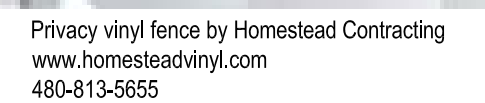
ground face
color: bone

C COLORS AND MATERIALS

Scale: NTS



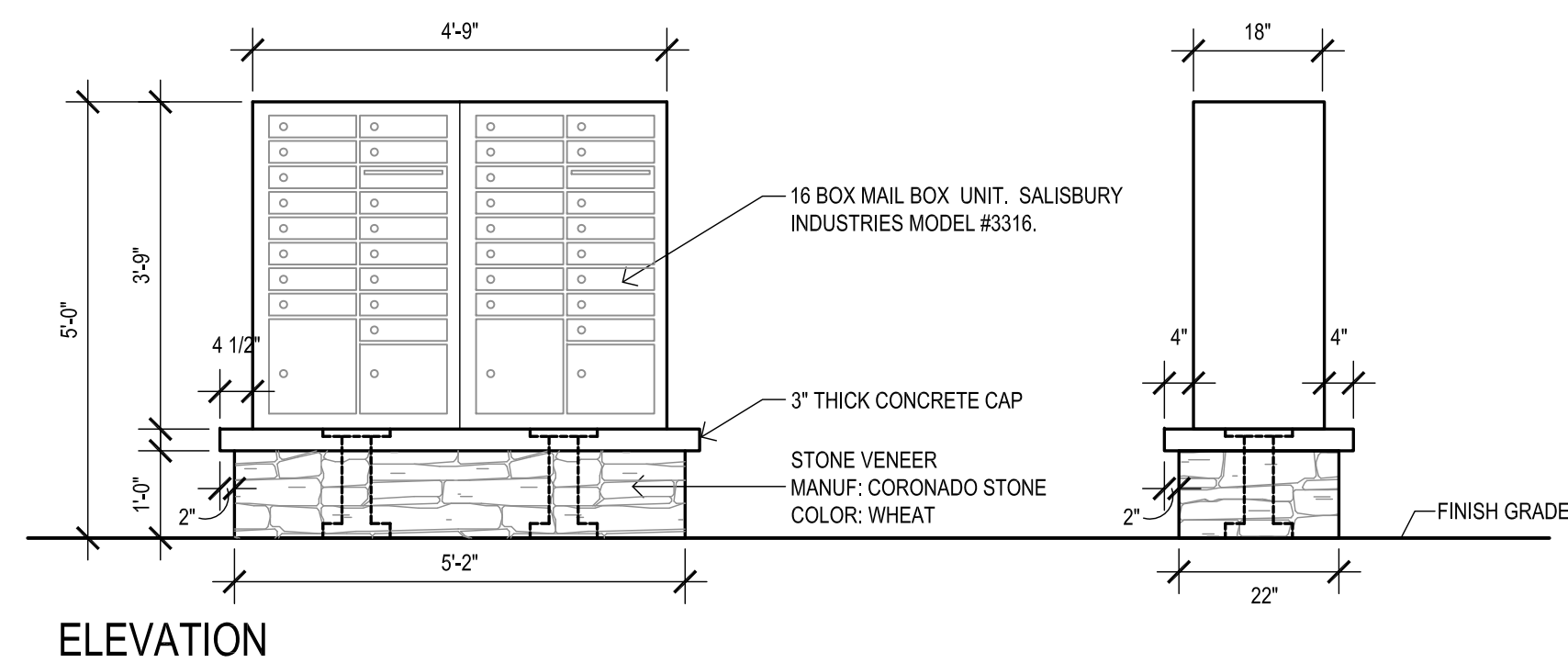
Scale: 1/2" = 1'-0"



6' classic privacy fence with classic post caps
Color: Almond
Gate: 3'-0" gate to match fencing in style and color



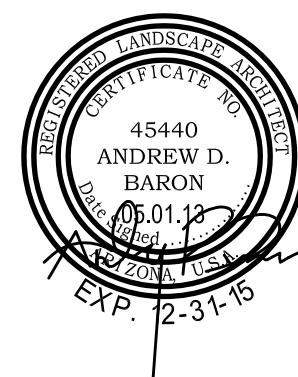
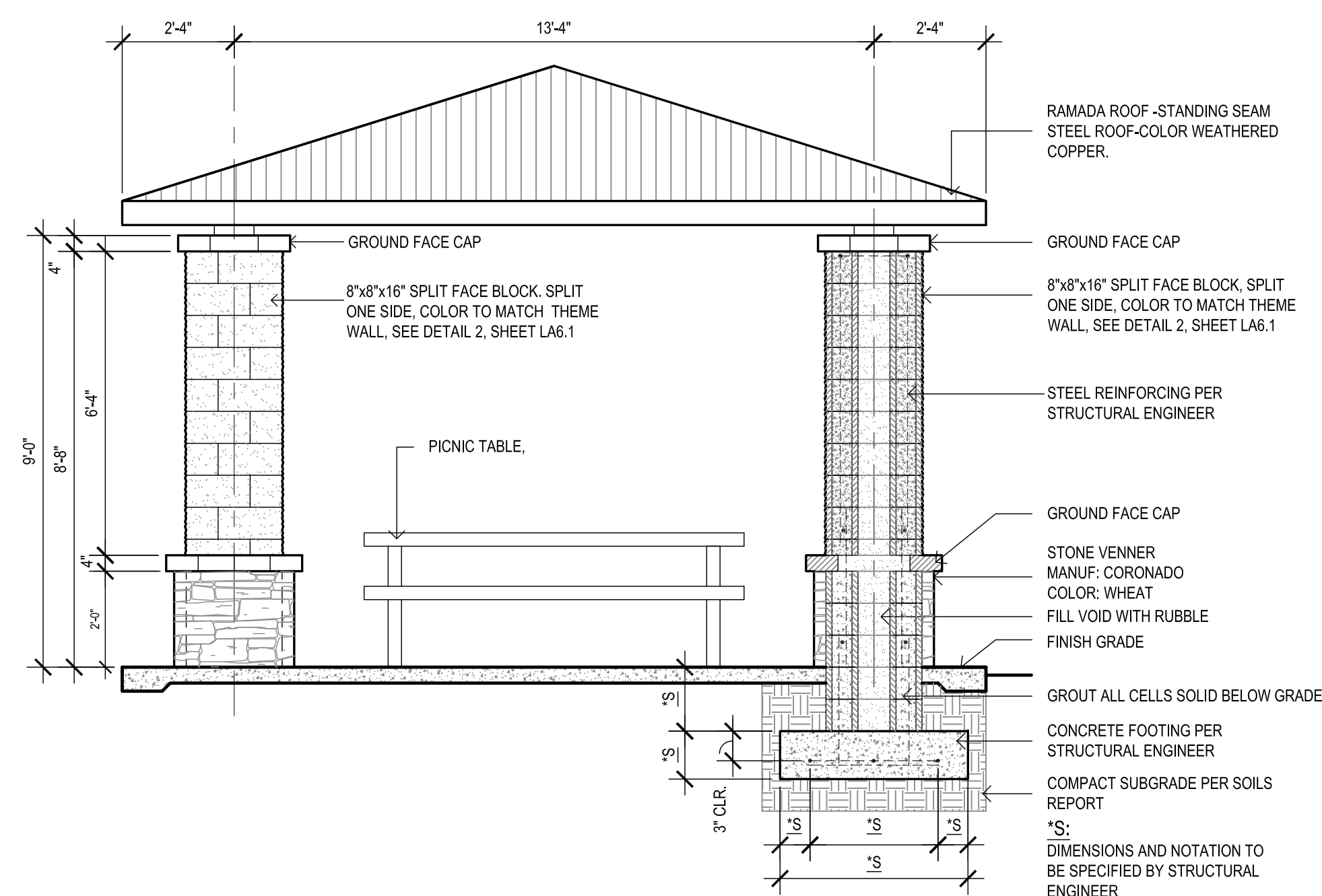
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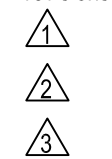


Scale: $\frac{3}{8}" = 1'-0"$



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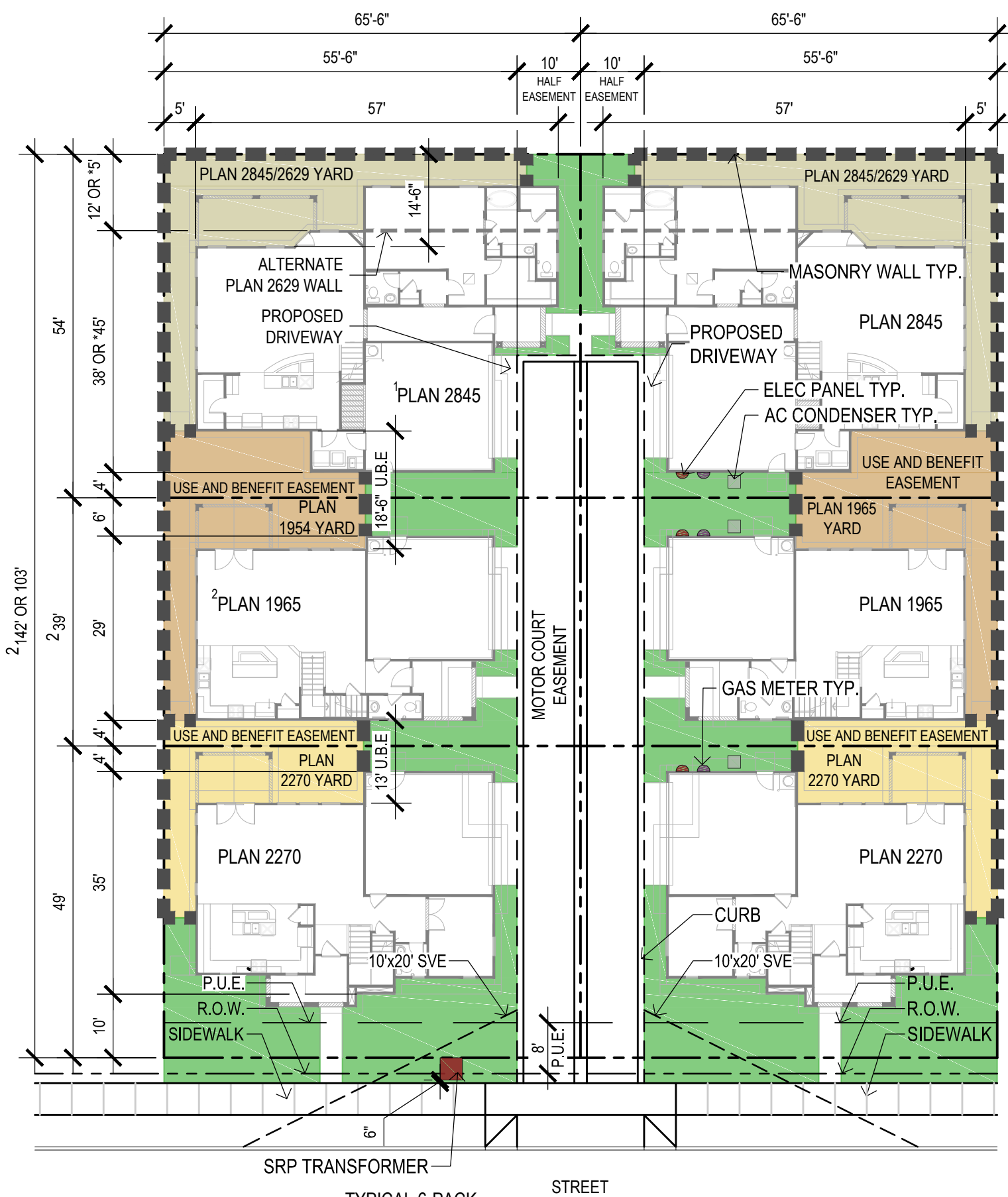
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- NOTE:
1. PLAN 2845 AND PLAN 2629 CONDITION OCCURS ON 6-PACK ENDS
 2. PLAN 1965 NOT PART OF 4-PACK CONDITION



SYCAMORE FARMS

6-PACK PLOT PLAN



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plan • design • achieve
50 n. mcclintock drive, suite 1
chandler, arizona 85226
ph. 480.699.7956 F. 480.699.7986

plan scale NTS
date: 05.03.13



CITY OF SURPRISE
Planning and Zoning Commission

September 5, 2013 @ 6:00:00 PM

+ Back Print

Board Meeting Date:	September 5, 2013	Contact Person:	Nichole Arbeiter, Community & Economic Developmnt
Submitting Department:	Planning & Zoning	District:	6
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion
---------	---------	----------------	---	-------------------

Agenda Wording:

Consideration and action on case FS13-301, approving a Conditional Use Permit to allow for a drive-through Tropical Smoothie restaurant.

Motion:

I move to approve FS13-301, a Conditional Use Permit (CUP) for Tropical Smoothie and to adopt staffs finding and conditions a through c

Background:

Financial Impact Statement:

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

ATTACHMENTS:

Click to download

- ☐ [Staff Report](#)
 - ☐ [Vicinity Map](#)
 - ☐ [Site Plan](#)
 - ☐ [Outreach Report](#)
-

External Attachment Links:

Meeting Requirements:

Powerpoint	x	Video	White Board	Other	x
------------	---	-------	-------------	-------	---

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

Nichole Arbeiter, Community & Economic Development



COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: August 12, 2013

To: Planning and Zoning Commission

From: Jeffrey J. Mihelich, Assistant City Manager
Nichole Arbeiter, Planner
nichole.arbeiter@surpriseaz.gov 623-222-3137

Re: FS13-301, Boulevard at Surprise Pointe Building G-118

Application Summary

The applicant is requesting approval of a Conditional Use Permit (CUP) for Boulevard at Surprise Pointe Building G-118 to allow for a drive-through Tropical Smoothie restaurant.

Location

The project is generally located on the southeast corner of Waddell Road and Litchfield Road. The project is part of the existing Shoppes at Surprise Pointe and is part of Surprise Pointe Planned Area Development (PAD).

History

- The original Surprise Pointe PAD was approved by the Mayor and Council on February 23, 2006.
- The Surprise Pointe PAD was subsequently amended twice to accommodate master sign program for The Shoppes at Surprise Pointe and was approved by the Mayor and Council on April 15, 2008 and August 30, 2011 respectively.
- On November 7, 2006, the Planning and Zoning Commission approved a Master Site Plan for Surprise Pointe.
- On May 12, 2007, the Mayor and Council approved a Preliminary Plat for Surprise Pointe.
- On June 28, 2007, the Mayor and Council approved a Final Plat for Surprise Pointe.
- On July 20, 2007, the City of Surprise administratively approved a Site Plan Amendment for the Shoppes at Surprise Pointe.

Project Summary

Building G-118 is a 10,020 square-foot existing building with existing tenants. The proposed CUP pertains to the west suite of this building. The site will be accessible from multiple points on both Waddell and Litchfield Roads. The Shoppes at Surprise Pointe already has the entire infrastructure needed including access, water, sewer, utilities, perimeter landscaping, parking, and street lighting. Minor improvements to the property include new drive-through

access. The proposed drive-through meets the 140-foot minimum stacking lane as required by Surprise Zoning Code. The proposed CUP will allow for Tropical Smoothie to function as a drive-through business.

Citizen Outreach Meeting

A citizen review meeting was held on August 15th at a building onsite near the proposed project location. The final report of the meeting is attached.

Department Review

All departments involved in the subject review are recommending the project for approval subject to all conditions.

Findings

1. Staff finds that the proposed CUP complies with the Surprise Municipal Code.
2. Staff finds that the proposed CUP complies with the Surprise General Plan.
3. Staff finds that the proposed CUP complies with the approved Surprise Pointe PAD.

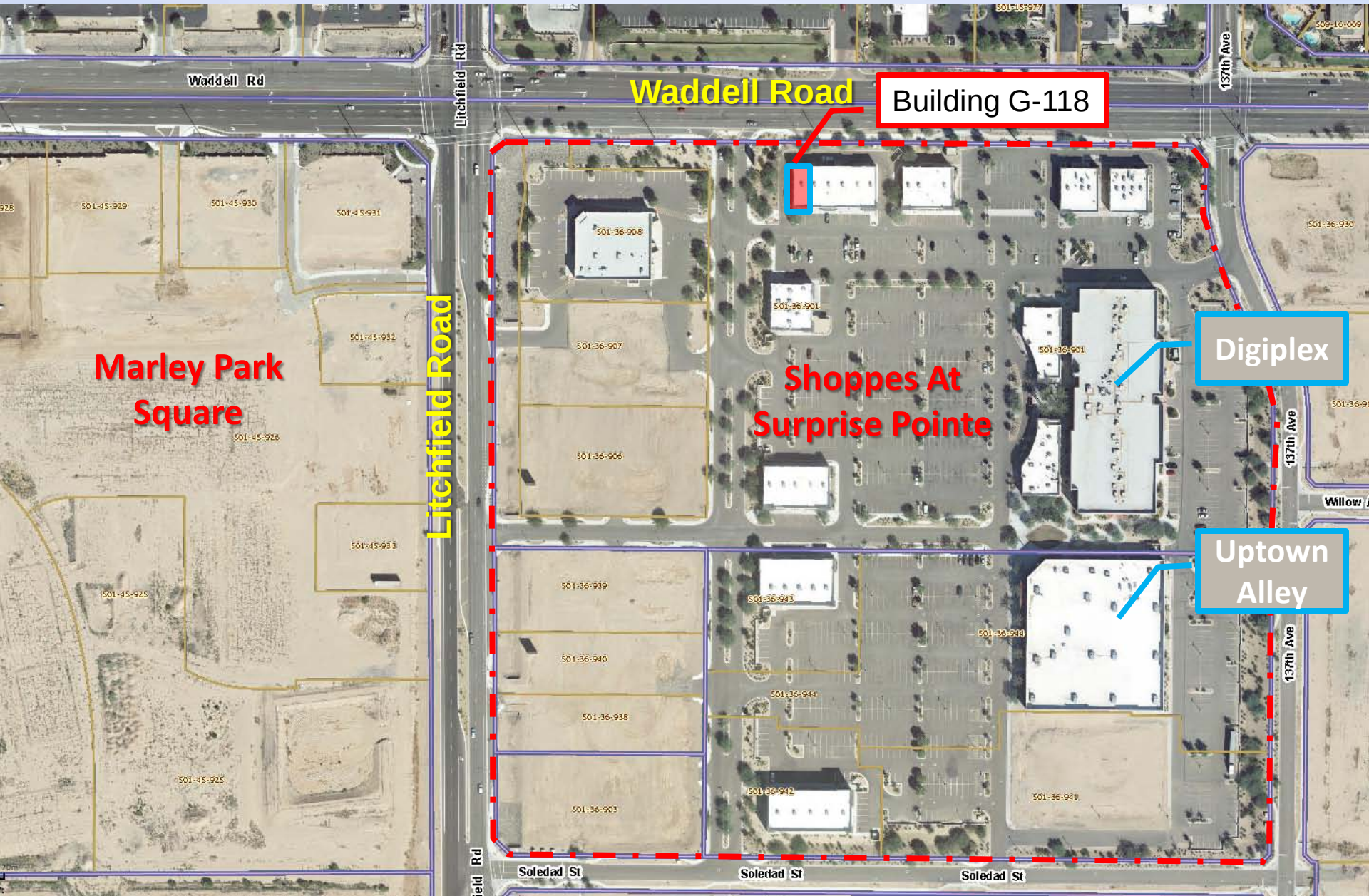
Recommendation

Staff recommends approval of the project, subject to the following conditions:

- a) Address all comments on the letter dated July 25, 2013 from the Development Services Division of the Community and Economic Development Department.
- b) An additional traffic control device shall be installed after the drive through and before the sidewalk in front of the building.
- c) No loading and unloading of products shall be allowed in the drive-through lane.

Attachment

Vicinity map, site plan and citizen outreach meeting report.



PROJECT DIRECTORY

OWNER:
CIRE EQUITY
1020 PROSPECT STREET, SUITE 425
LA JOLLA, CA 92037
CONTACT: ALEXIS VOLEN
PHONE: (858)367-5908
FAX: (858)367-5884
E-MAIL: avolen@cirequity.com

ARCHITECT:
ROBERT KUBICEK ARCHITECTS & ASSOCIATES
2233 EAST THOMAS ROAD
PHOENIX, ARIZONA 85016
CONTACT: EDGAR FELIX
PHONE: (602) 955-3900
FAX: (602) 955-0496
E-MAIL: efelix@kaa.com

SITE DATA

BUILDING S.F. or SEATS: (1/250 S.F. or 1/PER 4 SEATS)

BUILDING A:	2,856 SEATS
BUILDING B:	6,456 S.F.
BUILDING C:	6,455 S.F.
BUILDING D:	10,002 S.F.
BUILDING E:	8,009 S.F.
BUILDING F:	6,076 S.F.
BUILDING G:	10,020 S.F.
BUILDING H1:	4,853 S.F.
BUILDING H2:	4,853 S.F.
BUILDING J:	59,669 S.F.
BUILDING K:	34,000 S.F.
BUILDING L:	6,490 S.F.
BUILDING M:	10,012 S.F.
BUILDING N:	5,627 S.F.

FUTURE OUTLET 1:	14,708 S.F.
FUTURE OUTLET 2:	8,050 S.F.
FUTURE OUTLET 3:	8,108 S.F.
FUTURE OUTLET 4:	5,300 S.F.
FUTURE OUTLET 5A:	3,600 S.F.
FUTURE OUTLET 5B:	4,000 S.F.
FUTURE OUTLET 6:	4,000 S.F.

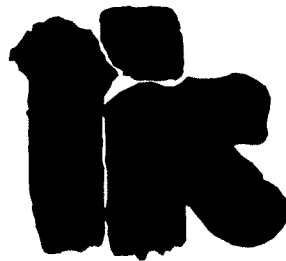
TOTAL PARKING REQUIRED:	1,579 SPACES
W/ 10% REDUCTION:	1,422 SPACES
TOTAL PARKING PROVIDED:	1,469 SPACES
W/ 10% REDUCTION:	1,469 SPACES
ACCESSIBLE SPACES REQUIRED:	51 SPACES
ACCESSIBLE SPACES PROVIDED:	78 SPACES

NARRATIVE

SPECIFIC REQUEST: OBTAIN CONDITIONAL USE PERMIT FOR A RESTAURANT DRIVE-THROUGH FACILITY FOR BUILDING G-118

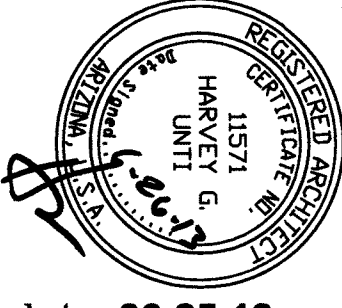
WE WOULD LIKE TO REQUEST A SITE PLAN MODIFICATION TO ACCOMMODATE A RESTAURANT DRIVE-THROUGH FACILITY ON THE WEST SIDE OF BUILDING G SUITE 118. WE PROPOSE LOCATING THE DRIVE-THROUGH ENTRANCE AT THE EAST SIDE OF BUILDING G WITH A ONE-WAY DRIVE-THROUGH LANE CONNECTING TO THE PICKUP WINDOW ON THE WEST SIDE OF BUILDING G.

WE CURRENTLY HAVE A SIGNED LEASE FOR THE SPACE AND APPROVAL FROM THE LANDLORD TO USE THIS SPACE AS A DRIVE-THROUGH RESTAURANT. THE BUILDING HAS AN EXISTING OPENING WHERE WE ARE PROPOSING THE DRIVE-THROUGH WINDOW ON THE WEST SIDE OF BUILDING G WHICH APPEARS TO HAVE BEEN INSTALLED IN ANTICIPATION TO A DRIVE THRU. THE PROPOSED DRIVE THRU LOCATION IS IDEAL AS WE ARE NOT CONFLICTING WITH THE IMMEDIATE SITE AREA AND HAVE NO RESIDENTIAL PROPERTY NEAR BUILDING G.

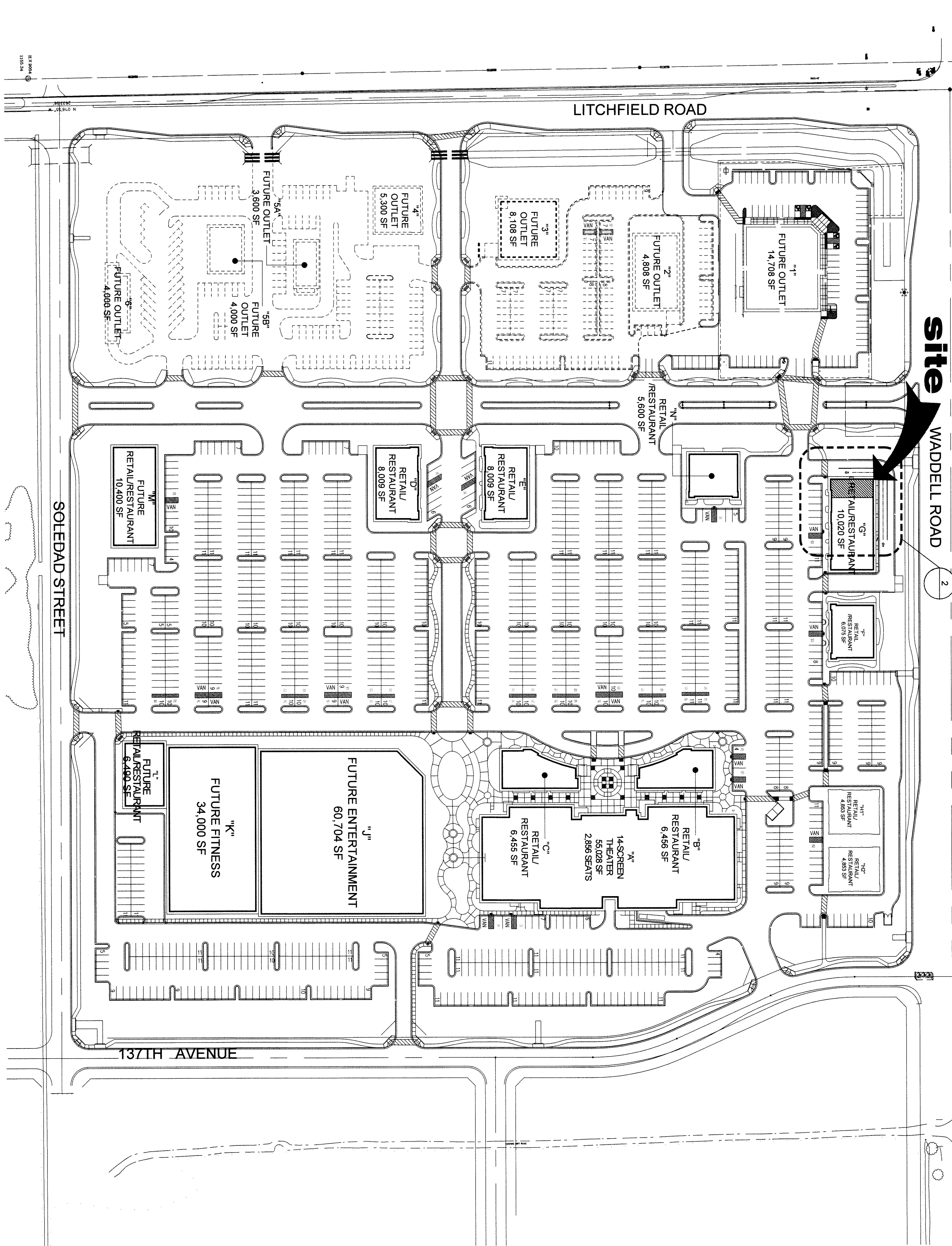
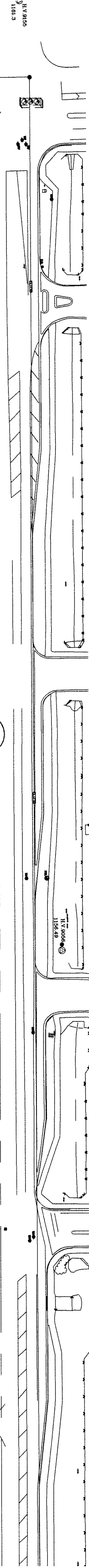
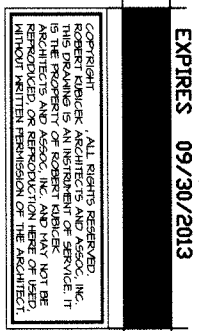


2233 East Thomas Road
Phoenix, AZ 85016-3474
(602) 955-3900 Phone
(602) 955-0496 Fax
www.kaa.com

ROBERT KUBICEK
Architects And Associates, Inc.



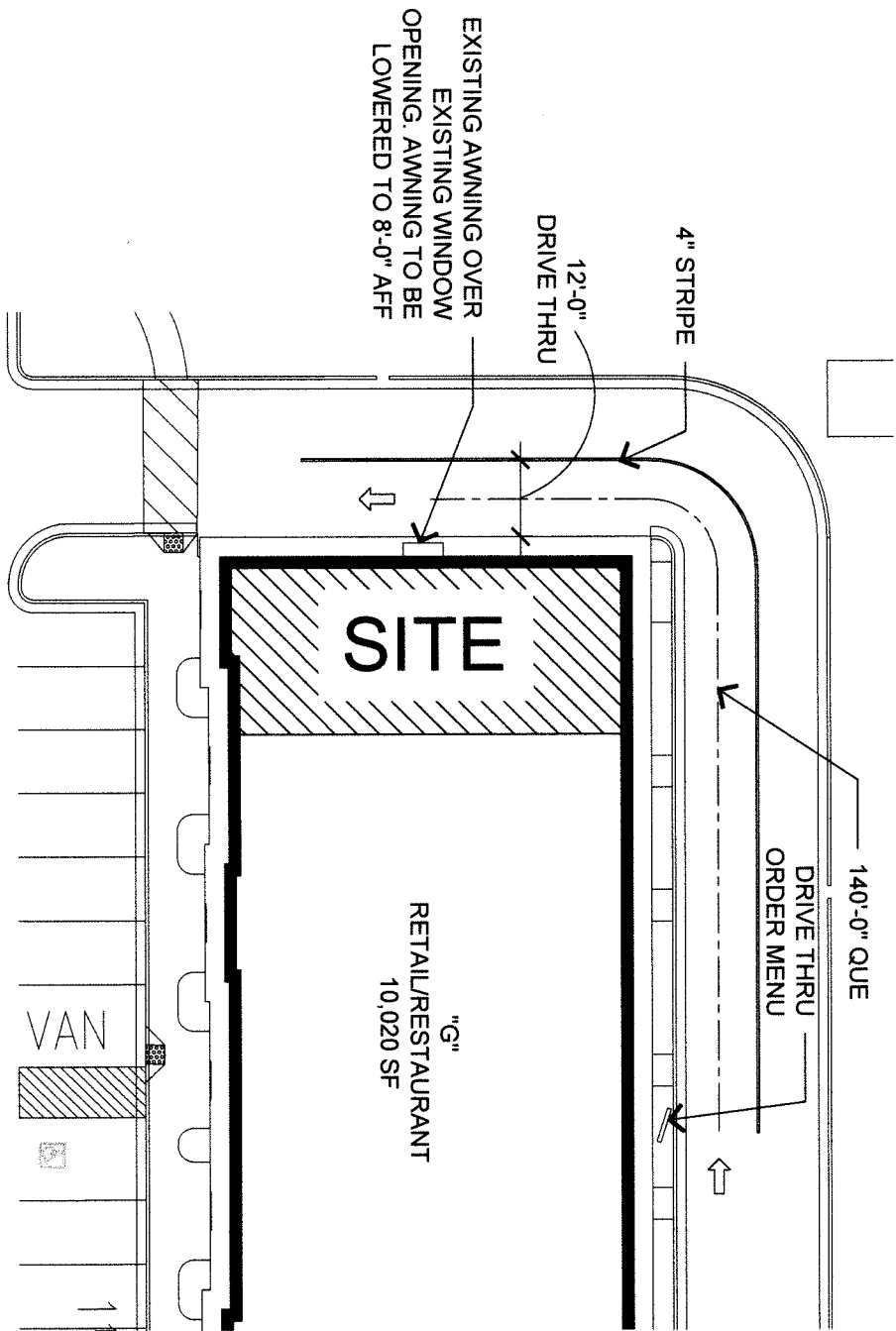
date: 06-25-13



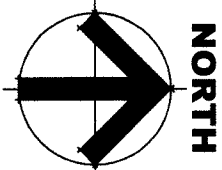
1 PRELIMINARY SITE PLAN
SCALE: 1" = 100'-0"



THIS SITE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE ARIZONA BOARD OF PROFESSIONAL ENGINEERS. THE DRAWING IS TO BE USED FOR CONSTRUCTION OF THE PROJECT AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ENGINEER. THE ENGINEER'S LIABILITY IS LIMITED TO THE BASIS FOR ANY LEGALLY BINDING DOCUMENTATION.



2 ENLARGED SITE PLAN
SCALE: 1" = 30'-0"



sheet
SP-1
of
job 13051.5

design RKA
drawn RKA
check RKA

SURPRISE POINTE
TROPICAL SMOOTHIE CAFE
13749 N. LITCHFIELD ROAD SUITE 118
SURPRISE, ARIZONA

August 19, 2013

FS13-301 Citizen Participation Report for Tropical Smoothie Cafe Drive Thru Conditional Use Permit

Pursuant to Section 122-160.(d), the following will serve as the written report documenting the citizen participation required for Conditional Use Permit Case #FS11-283. The Conditional Use Permit (CUP) is for a drive thru for a restaurant use that is Tropical Smoothie Cafe.

The Citizen Participation Meeting is for the proposed Tropical Smoothie Cafe located at 13749 N. Litchfield Road Suite 118, Surprise Arizona. The Citizen participation meeting was held at 13761 N. Litchfield Road, Surprise, AZ between the hours of 6:00 PM - 7:00PM on August 15, 2013.

The meeting was advertised via newspaper and written notification to residents within 300' of the site.

No residents attended the meeting and only the applicant, owner and City Planner were in attendance per the attached sign in sheet. As a conclusion, no concerns were expressed during the Citizen Participation Meeting.



Καλιφόρνια Οφφίς:
150 Παυλαρίνο Αβενιου
Συuite Δ-170
Χοσταν Μεσσα, ΧΑ 92612
Οφφίς: (949) 954-8785

Λιχενσέδιν:

Αριζονα
Αρκανσας
Χαλιφορνια
Χολοραδο
Φλοριδα
Γεοργια
Ιδαηο
Ιλλινοισ
Κανσας
Λουισιανα
Μαριλανδ
Μιννεσοτα
Μισισσιπι
Μισσουρι
Μοντανα
Νεβρασκα
Νεπαδα
Νεω Μεξικο
Νορτη Χαρολινα
Νορτη Δακοτα
Οηιο
Οκλαηομα
Ορεγον
Πεννσυλβανια
Σουτη Χαρολινα
Σουτη Δακοτα
Τεννεσσε
Τεξας
Υταη
ζιργινια
Ωασηινγτον
Ωεστ ζιργινια
Ωισχονσιν
Ωψομινγ

Πρινχιπαλς:

Ροβερτ Ω. Κυβιχεκ, ΑΙΑ
Ηαρβεψ Γ. Υντι, ζΠ
υοργε Α. Χαλδερον, Ασσοχ. ΑΙ
Α
Κατηλεεν Δ. Ριεγερ, ζΠ



CITY OF SURPRISE
Planning and Zoning Commission

September 5, 2013 @ 6:00:00 PM

+ [Back](#) [Print](#)

Board Meeting Date:	September 5, 2013	Contact Person:	Christina Ramirez, Community & Economic Development
Submitting Department:	CD Boards and Commissions	District:	Citywide
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion
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Agenda Wording:

Consideration and action on the Consolidated Annual Performance and Evaluation Report (CAPER) 2012-2013.

Motion:

I move to approve the 2012-2013 Consolidated Annual Performance Evaluation Report.

Background:

In accordance with federal regulations 24 CFR 91.515- Performance Reports, each jurisdiction that has an approved Consolidated Plan shall annually review and report, in a form described by HUD. The report measures the city's progress in reaching goals and objectives contained in the Consolidated Plan and Annual Action Plan. The period covered in the report is July 1, 2012 through June 30, 2013.

Financial Impact Statement:

There is no financial impact.

ATTACHMENTS:

Click to download

☐ [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):

Christina Ramirez, Neighborhood Services Supervisor



COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Date: September 2, 2013

To: Planning and Zoning Commission Members

From: Jeffrey J. Mihelich, Community & Economic Development Director
Christina Ramirez, Neighborhood Services Supervisor
Alicia Rubio, Program Coordinator

Re: CAPER 2013-2014

Introduction

Through contractual obligation as well as U.S. Department of Housing and Urban Development (HUD) regulation, the City of Surprise is required to submit the Consolidated Annual Performance and Evaluation Report (CAPER) by September 30th of each year for the preceding program year. This report outlines project/program activities funded by the Community Development Block Grant (CDBG) program for the grant year. The city is required to report on CDBG funding only and HOME funding is reported by the Maricopa County Consortium on the city's behalf.

Today's Public Hearing is aimed at opening a constructive discussion by the commission members, staff, and the residents of Surprise to enable the commission members to recommend approval of the CAPER 2013-14. HUD requires that the CAPER be submitted by September 30, 2013 to enable the City of Surprise to continue receiving housing and community development funds in the future.

Background

In accordance with federal regulations 24 CFR 91.515- Performance Reports, each jurisdiction that has an approved Consolidated Plan shall annually review and report, in a form described by HUD. The report measures the city's progress in reaching goals and objectives contained in the Consolidated Plan and Annual Action Plan. The period covered in the report is July 1, 2013 through June 30, 2014.

The activities summarized in the report implement City Council approved projects and programs for Program Year 2013-14, for the provision of housing and community development services to the community. The report does not establish any new policy.

The City of Surprise received \$512,181 under CDBG grants in 2013 from HUD. During the 2013-2014 program year, the city completed one infrastructure improvement project. This project, Bicentennial Park Improvements, will be carried out in the Original Townsite (OTS).

The Community and Economic Development Department (the Department) undertook an Emergency Housing Rehabilitation program for income qualified residents of Surprise living in owner occupied housing. The Department, under direction of City Council and the 2010-2014 Consolidated Plan, approved \$245,847 for the Emergency Housing Rehabilitation program. This funding will help 24 individual projects to be carried out until funds are expended.

The Neighborhood Services Division also solicited applicants for Public Service Grants for the third year. Grantees applied for and were awarded \$76,827 (cumulatively) of CDBG Funding. Awardees include Benevilla (\$16,134), St. Mary's Food Bank Alliance (\$19,975), Arizona Charter Academy (\$13,829) and Surprise Summer Youth Employment (\$26,889). All projects are major priorities in Consolidated Plan 2010-14 and Annual Action Plan 2013-14 and were City Council approved for funding.

The highlights of the report are as follows:

- Emergency Housing Rehabilitation Program:
 - a. The City of Surprise Community and Economic Development Department offered Emergency Rehabilitation on owner-occupied homes. Income qualified individuals were eligible on a first-come-first-served basis. CDBG funding was used for this program.
 - b. Repairs under the program include, but were not limited to accessibility, plumbing, heating, cooling and electrical.
 - c. 27 individual projects were completed during the 2012-2013 Program Year.
 - d. Program is ongoing.
- Public Service Grants:
 - a. The Community and Economic Development Department solicited proposals for Public Service Grants. Applications were awarded for \$76,827.
 - b. Four organizations' applications were awarded after all grants were individually scored, gave presentations on their individual applications in front of the Planning and Zoning Commission which determined the awardees and recommended approval by City Council.
- Administration:
 - a. 20% of the allotted CDBG funding is set aside for program administration.

The below table illustrates the current status of projects and funds expended during the 2013-14 program year:

Project	Funding Source	2013-14 Status	Funds Allotted	Funds Expended	Future Action
Park Improvement Project	CDBG	In Progress	\$87,071	\$	
Emergency Housing Rehabilitation	CDBG	In Progress	\$245,847	\$	Emergency Repairs on Owner Occupied, Income Qualified, Homes in Surprise
Public Service Grants	CDBG	In Progress	\$76,827	\$	Partnership with Funded Non-Profit Organizations for Specified Public Services
Administrative Allotment	CDBG	Completed	\$102,436	\$	None

Previous Actions

Projects reported on were approved by the Planning and Zoning Commission as well as the City Council through public meetings and hearings. Funding of each project is determined by the procurement process, and subsequently approved by the City Council if necessary per city procurement guidelines.

Updated Actions

The City of Surprise views 2013-2014 program year as one of continued growth, progress, and significant investment in the future to create sustainable neighborhoods. A draft copy of the report was made available for public comment for 15 days as required per HUD regulation. Any comments received will be included in the final draft of the CAPER.

Future Actions

Submission to HUD by September 30, 2013.

Recommendations

Staff recommends approval of CAPER 2012-2013.



CITY OF SURPRISE
Planning and Zoning Commission

September 5, 2013 @ 6:00:00 PM

Back Print

Board Meeting Date:	September 5, 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 2 (Definitions), 4 (Subdivision Regulations), and 5 (Zoning).

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:

Click to download

- ☐ [Staff Report](#)
 - ☐ [Article 2](#)
 - ☐ [Article 4](#)
 - ☐ [Article 5](#)
 - ☐ [Appendix](#)
-

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: September 5, 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 2 (Definitions), 4 (Subdivision Regulations), and 5 (Zoning).

- Article 2 - Definitions – This article provides concise meanings to terminology found within the code to provide help with interpretations of the language of the code.
- Article 4 - Subdivision Regulations – This article will ensure that all subdivision improvements conform to the goals, objectives, and requirements adopted and contained in the Surprise Development Directives and the Arizona Revised Statutes (ARS) where applicable.

- Article 5 - Zoning – This article consists of dividing the community into districts such as residential, commercial, and industrial and regulating within such districts the permitted uses of land, lot sizes, density, yard requirements, building heights, accessory uses and buildings, and other requirements. Its primary purpose is to conserve and promote the health, safety and general welfare of the people of the community by creating reasonable standards to which projects must conform.

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:

- October 3, 2013 – Review Articles 6 (General Regulations), 7 (Development Review Procedures), and 8 (Enforcement).
- October 15, 2013 – City Council Work Session.
- October 2013 – Rollout website and stakeholders group for a 60 day comment period.
- October 2013 through January 2014 – Final revisions to draft.
- January 2014 – Planning and Zoning Commission and City Council workshop.
- February 2014– Planning and Zoning Commission and City Council consideration and action.

ARTICLE II - DEFINITIONS

Section 122-201 - Construction of Language

For the purpose of this ordinance, certain terms and words are defined as follows: Words used in the present tense include the future, words in the singular include the plural, and words in the plural include the singular; the word "shall" and "will" is mandatory and not permissive; the word "person" includes individuals, partnerships, corporations, clubs, or associations. The following words or terms, when applied in this ordinance shall carry full force when used interchangeably: lot, plot, parcel, or premises, used, arranged, occupied or maintained; sold or dispensed, construct, reconstruct, erect, or alter.

Section 122-202 - Definitions

Abandoned - The discontinuation of use for more than ninety (90) days

Abut - To border with or physically share a common property. This term shall not include parcels that are across a public way from each other

Accessory Structure

Accessory Use

Acre - Forty-three thousand five hundred sixty (43,560) square feet of land area

Active Recreation

Adjacent - Nearby, but not necessarily touching or abutting

Adjoining - The condition of two (2) or more land parcels having a common property line.

Agency

Agricultural Operation - Land used exclusively as a bona fide agricultural operation by the owner or tenant. The use of land for agricultural purposes including farming, viticulture, fish culture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided that the operation of the accessory use is clearly incidental to the agricultural activity.

Agricultural/Ranching - The cultivation of the soil or the raising of livestock and all activities incidental thereto; the terms "farming" and "ranching" shall be interchangeable for purposes of this chapter.

Airport - Any area of land or water designated, set aside, used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas designated, set aside, used, or intended for use, for airport buildings or other airport facilities, rights-of-way, or approach zones, together with all airport buildings and facilities located thereon.

Alcoholic Beverages Retail Sales - The retail sale of beer, wine or other alcoholic beverages for on or off premise consumption.

Alley - A permanent public thoroughfare providing a secondary means of access to abutting lands

Alter - Change or rearrange the structural elements or other features of a building or site

Ambient Light Level - A general level of light or background light emitted from a light source in a given environment

Ambulance - Any privately or publicly owned motor vehicle that is especially designed, constructed, or modified, and equipped and is intended to be used and is maintained or operated for the overland transportation of patients, in a reclined position, upon the streets, roads, highways, or public ways of the city but shall not include or mean any motor vehicle owned or operated under the direct control of any agency of the United states government.

Ambulance Service - A facility for the dispatch, storage, and maintenance of emergency medical care vehicles

Amendment - A revision, change, addition, or deletion in the text of this code, or a change in a zone classification or zoning district of one or more properties upon the zoning map.

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

Ammunition and Firearm Sales - An establishment area used for the sale of firearms, ammunition and ammunition components, and hunting or shooting equipment

Amusement and/or Theme Park - An outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment

Ancillary Use - A use that is incidental to and customary associated with the principal use is located on the same lot or parcel as the principal use

Animal Boarding Facility - Any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding or care of dogs, cats, pets, fowl, horses, or other domestic animals for profit, but exclusive of animals used for agricultural purposes

Animal Hospital and/or Clinic - A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use

Animal Shelter- A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

Annexation

Apartment - One (1) or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing more than five (5) or more dwelling units.

Apartment Building - A building, other than a hotel or motel containing five (5) or more dwelling units that have primary entrances from common hallways.

Apartment Dwelling - A suite of rooms in an apartment building, in which each suite is arranged, intended, and designed to be occupied as a residence of a single family or individual, and which has only one complete kitchen and at least one complete bathroom.

Appliance Repair - Establishments primarily engaged in the provision of repair services for household appliances.

Applicant - The owner of land proposed to be developed, or their representative

Appurtenance - Any accessory or ancillary building, object or structure, fence, street furniture, fixture, vending machine, fountain, public artwork, bicycle rack or other such fixture located on public property or in the public right-of-way.

Arcade - A covered passageway located on the exterior, or around the periphery of a structure.

Arcade Indoor - A place or facility where pinball or other similar electronic games are played for amusement only. Shall not be construed so as to include bingo games nor shall it be construed so as to include gambling devices or any other devices prohibited by law

Archeological Feature - Any material remains of past human life or activities that are of historic or pre-historic significance. Such material includes, but is not limited to, pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, skeletal remains, or any piece of any of the foregoing items.

Archery Range (Indoor) - An indoor facility that is used for the operation of bows and arrows.

Archery Range (Outdoor) - An outdoor facility that may include buildings or structures used for target practice with bows and arrows.

Architectural Feature - A decorative element intended to enhance the building or structure and lend to the overall exterior form, context and appearance of the building or structure. Architectural features may include, but are not limited to balconies, canopies, columns, doors, eaves, porches, wing walls, or similar three-dimensional exterior element of a building or structure.

Area of Shallow Flooding - A designated AO zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

Arizona Revised Statutes

ARS

Art Gallery - An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries.

Arterial

As-Built

Assisted Care Facility - A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. The facility will have a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

Assisted Living - Services in these establishments include assistance with daily activities, such as dressing, grooming, bathing, etc. These are also referred to as board and care establishments.

Assisted Living Facility - A special combination of housing, supportive services, personalized assistance and health care licensed and designed to respond to the individual needs of those who need help with activities of daily living. Supportive services may be available twenty-four (24) hours a day to meet scheduled and unscheduled needs in a way that promotes maximum dignity and independence for each resident. The term does not include a convalescent care facility, nursing home or other special care facility.

Athletic or Fitness Club - An establishment that provides exercise facilities such as running, jogging, aerobics, weight lifting, court sports, and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

Auction House - A building, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder. This definition excludes an auction where the principal purpose of the sale is of livestock or motor vehicles

Auction Yard - A place where vehicles, operable or inoperable, are offered for sale to persons who bid on the vehicles in competition with each other.

Authoritative Body

Auto Salvage Yard - A junkyard primarily containing inoperable vehicles

Automated Teller Machine (ATM) - A facility to provide banking and other electronic services that are operated by the customer.

Automobile Service Center, Major - A facility where the following types of services are performed: engine or drive train rebuilding or major reconditioning, and collision service, including body, frame or fender straightening or repair and/or painting of vehicles.

Automobile Service Center, Minor - A facility where the sale of automotive fuels or oils, and the incidental repair and replacement of parts and motor services to automobiles are performed, but not including any operation specified under "Automobile Service Center, Major."

Automobile Service Station - An establishment with the primary business function of the retail sale of gasoline for passenger car use with or without minor service and repair work incidental to the operation of passenger automobiles.

Automobile Washing Establishment - A building that has its primary purpose as washing automobiles. Such facilities shall be considered incidental to automobile service stations if no more than one (1) auto may be washed at one (1) time and if the service station is clearly the principal use.

Bank - A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

Bar/Tavern or Microbrewery - A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises; Bars include taverns, night clubs, private clubs, bottle clubs, microbreweries and similar facilities serving alcoholic liquor.

Barriers

Base Flood, Five Hundred Year

Base Flood, One Hundred Year

Basement - A portion of a building located partly underground but having not less than half ($\frac{1}{2}$) its floor-to-ceiling height below the average grade of the adjoining ground

Batch Plant - An industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products.

Bed and Breakfast Establishment - A private residence that offers sleeping accommodations to lodgers in ten (10) or fewer rooms for rent, in the innkeeper's (owner or operator) principal residence while renting rooms to lodgers, and serves breakfasts at no extra cost to its lodgers. For the purpose of this definition, a lodger means a person who rents a room in a bed-and-breakfast establishment for fewer than 30 consecutive days.

Berm - A mound of earth, usually three (3) to six (6) feet high, that is used to shield, screen and buffer undesirable views, separate incompatible land uses, and provide visual and landscape interest, decrease noise, control the direction of water flow and act as dams.

Bicycle Circulation System - A system composed of bicycle paths and lanes which combine to provide a comprehensive means by which bicycles can travel within and through the City of Surprise.

Bicycle Sales and Service - A commercial enterprise whose primary activity is the sale and service of bicycles.

Big Box Building-

Bingo Hall - A facility used primarily for the conduct of bingo games, open to the public and not in a subsidiary nature to another use.

Blank Petition

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

Block Frontage - All property fronting on one (1) side of a street bounded between two streets or other natural or physical features.

Board of Adjustments

Bollard - A thick, low, architecturally, designed vertical post, or a series of vertical posts, that are placed to help define, or border, pedestrian and/or bicycle paths

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

Bowling Alley - An establishment that devotes more than fifty (50) percent of its gross floor area to bowling lanes, equipment, and playing area

Buffer Zones-

Buffering - The technique of providing landscape improvements on land set aside in a Buffer Area.

Building - Any structure having enclosed space and a roof for the housing and/or enclosure of persons, animals or chattels, except mobile homes, recreational vehicles and mobile offices; building includes "structure". Also building can be any structure built for support, shelter or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

Building Area - The maximum horizontal projected area of the principal and accessory building, excluding open steps, terraces, unenclosed porches of one story, and architectural appurtenances projecting not more than two feet. Building area, as that portion of a lot upon which construction is permitted, is as follows: that area of a lot that lies within the boundaries of the front, side and rear yard setback requirements measured from the actual lot line.

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

Building Construction and Review Board

Building Detached - A building having no party wall in common or structural connection with another building

Building Elevation - The front-on view of any building or other structure from any side showing the relationship of the site grade to floor level, and such features as design, construction materials, height, dimensions, windows and doors

Building Envelope - That area of a lot lying between the front, rear and side yard setback lines and between ground level and the maximum allowable building height, amounting to a three-dimensional area available for potential building construction

Building Line Front - The line of the face of a building nearest the front lot line

Building Material Sales Yard Including Sand and Gravel

Building Nonconforming

Bulk Fuel Storage - The storage of chemicals, petroleum products, or hazardous materials in above ground or below ground storage containers designed for wholesale distribution or mass consumption.

Bus Terminal/Public Transportation Terminal - Any premises for the transient housing or parking of motor driven buses, and the loading and unloading of passengers.

Bus Transit/Shelter - A roofed structure having at least three (3) walls that is located on or adjacent to the right-of-way of a street, and which is designed and used for the protection and convenience of waiting bus passengers.

Cabinet or Carpenter Shop, Millwork and wood product Manufacturing

Call Center - Any facility, and its accessory uses or structures, utilized for the broadcast or reception of electro-magnetically transmitted information.

Campground - Any area that is occupied or intended or designed or improved for occupancy by transients using recreational vehicles, motor homes, or mobile trailers for dwelling, lodging, or sleeping purposes and is held out as such to the public. Campsite does not include any manufactured housing community.

Capital Improvement Program

Capitol Costs

Caretakers Dwelling - A permanent residence, secondary and accessory to an existing main dwelling for persons employed principally on-site for purposes of care and protection of persons, property, plants, animals, equipment, or other circumstances on site or on contiguous lots under the same ownership.

Carport - A structure, open on at least two sides, consisting of a roof and either walls or columns for the purpose of housing automotive vehicles and other chattels; Said structure shall be considered as an accessory building when detached from the principal building and as a part of the principal building when attached to the principal building along one or more sides of the carport or principal building.

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

Certificate of Occupancy

Change of Use

City - The City of Surprise, Arizona

City Council - The governing body of the City of Surprise

City Engineer - The professional engineer engaged by the City of Surprise

City Manager

City Manager Designee

Civil Construction

Clinic - An establishment where patients are admitted for special study and treatment by one or more licensed physicians and/or dentists and their professional associates, as distinguished from a "professional office" for general consultation purposes. The term does not include a hospital or facility in which patients are cared for or stay overnight

Club - An organization catering exclusively to members and their guests for social, intellectual, recreational, or athletic purposes.

Cluster Development - A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Collector Street - A street connecting local residential streets to each other, to community facilities and to all other street designations.

Columbarium

Commercial Stable - A structure or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training of equines may also be conducted.

Commission - The Planning and Zoning Commission of the City.

Common Area Open Space - Intimately-scaled open space areas such as terraces, courtyards, atriums, arcades, plazas, etc. that are normally associated with building entries and/or interior open spaces of office, commercial and multi-family residential developments.

Community Character - The image by which the community is distinguished from other communities and viewed by those living in and passing through the community as defined by such factors as its built environment, natural features and open space elements, type of housing, architectural style, use of color and materials, streetscape, infrastructure and the type and quality of public facilities and services.

Community Circulation System - The community's systems, structures and physical improvements that combine to move people, goods, water, air, sewage and power by such means as streets, highways, bicycle paths and lanes, pedestrian ways, railways, waterways, towers, airways, pipelines and conduits

Community Correctional Facility - A facility where lodging, meals, counseling, treatment, rehabilitation, and educational instruction or training is provided to adjudicated delinquents, parolees, and individuals in pre-release (transitional) or diversionary programs from, or in lieu of confinement in, correctional institutions.

Community Design - The design of buildings, streets, open space, landscaping, signs, lighting, neighborhoods, and all other physical elements of the community that when combined, provide a unique identification and consistent character throughout the community.

Community Facility Districts -

Conditional Use Permit - Legal authorization to undertake a conditional use as defined by this title

Conditions

Congregate Care Facility - A facility for long-term residence exclusively by persons 50 years of age or older, and which shall include, without limitation, common dining and social and recreational features, special safety and convenience features designed for the needs of the elderly, such as emergency call systems, grab bars and handrails, special door hardware, cabinets, appliances, passageways, and doorways designed to accommodate wheelchairs, and the provision of social services for residents which must include at least two of the following: meal services, transportation, housekeeping, linen, and organized social activities.

Connectivity - The measure describing the level to which streets, streetscapes, pedestrian/bicycle paths, community open space and other similar uses link with one another.

Conservancy

Contiguous

Convenience Food Restaurant - An establishment whose principal business is the sale of foods, frozen desserts or beverages to the consumer in a ready-to-eat state for consumption either within the premises or for carry-out with consumption either on or off the premises.

Convention Center - A commercial facility used for assemblies or meetings of the members or representatives of groups, including exhibition space. This term does not include banquet halls, clubs, lodges, or other meeting facilities of private or nonprofit groups that are primarily used by group members.

Copy Shop - A facility for the reproduction and copying of printed material or drawings. This does not include sign shops, printing establishments, or similar large-scale operations.

Correctional Facility - Publicly or privately operated facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

Corridors

Coterminous

Council - The City Council of the City of Surprise. Also referred to as the governing body

Crematorium - A location containing properly installed, certified apparatus intended for use in the act of cremation.

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

Cultural Resources

Culturally Sensitive Lands

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

Day Care Center - A use where care is provided for pay for three (3) or more unrelated children subject to the requirements of the state of Arizona.

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

Density, Gross - The number of residential dwelling units per unit of land

Density, Net - The number of residential dwelling units per unit of land, excluding any land used or to be used as arterial street rights-of-way or private nonresidential uses except parks, open space and recreational areas; For calculating net residential density, the following formula shall apply: $du / D = A - (c + i + s + a)$. Where:

D = Residential density

du = Total number of dwelling units in project

A = Total site area (acres)

c = Total commercial land area (acres)

i = Total industrial land area (acres)

s = Reserved but undedicated school sites (acres)

a = arterial rights-of-way (acres)

Detention Basins

Developer - The owner of land proposed to be subdivided, or his/her representative

Development - Any building, construction, renovation, mining, extraction, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a shore, beach, seacoast, river, stream, lake, pond, canal, marsh, dune area, woodlands, wet- land, endangered species habitat, aquifer or other resource area, including coastal construction or other activity.

Development Agreement - An agreement by a developer with the city that clearly

establishes the developer's responsibility regarding project phasing, the provision of public and private facilities, and improvements and any other mutually agreed to terms and requirements.

Development Directives - An order or instruction intended as an authoritative rule issued by a central authority

Discretionary Approved Criteria

Donation

Drive Access - The area between the curb of a street, or edge of the travelled portion of a street when no curb exists, and the right-of-way/property line over which the City will permit vehicular travel from the traveled portion of a street to an individual property, or off-street parking space(s).

Drive In Business - Any business in which people are provided a service or a product, where a sale is made without the customer being required to leave the vehicle. Such businesses include, but are not limited to, the following: drive-in theater, drive-in bank, drive-in laundry or dry cleaning pickup station, drive-in restaurant and any business offering "take-home" food services.

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

Dry Wells

Duplex - See Dwelling, Two-Family

Dwelling - A building or portion thereof, used primarily for residential occupancy, including single-family, two-family, multiple-family dwellings and group homes, but not including hotels, motels or tourist homes.

Dwelling – Multi-Family - A building, or portion thereof, used for occupancy by three or more families living independently of each other, with the units completely separated by a common wall, floor and/or ceiling.

Dwelling – Single Family - "Single-family dwelling" means a building used for residential occupancy by one family.

Dwelling – Two Family - "Two-family dwelling" means a building, or portion thereof, used for occupancy by two families living independently of each other with the units completely separated by a common wall, floor and/or ceiling. Also referred to as "duplex."

Dwelling Apartment - One (1) or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing more than five (5) or more dwelling units.

Dwelling Live/Work Unit - A dwelling unit combining residential use types with commercial or limited industrial use types. This use classification includes, but is not limited to, office, live/work facilities, or other similar uses.

Dwelling Unit - A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Easement - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his/her property.

Ecological Character

Emergency Access

Engineering Development Standards

Environmental Buffer Zone (EBZ)

Environmentally Sensitive Land

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

Erosion

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

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

Factory Built Building

Fair Market Value

Fairgrounds - An area of land use including but not limited to: agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, theaters. Such county fairs, exhibitions, and shows do not include racetracks or motorized contests of speed.

Family - One or more persons related by blood, marriage or adoption or not more than three (3) unrelated persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, motel, club, fraternity, sorority, lodging house or nursing home.

Farmers Market - The offering for sale of fresh agricultural products directly to the consumer at an open air market designated by the council as a community activity.

Fee in Lieu

Feed Store - An establishment engaged in retail sale of supplies directly related to the day-to-day activities of agricultural production (King County, WA).

A retail store selling primarily agricultural products, including the bulk storage of fertilizers and related agrichemicals (Sioux, SD)

Fence - A barrier constructed of materials erected for the purpose of protection, confinement, enclosure or privacy.

Final Plat - The map or plan or record of a subdivision and any accompanying material, as described in these regulations

Financial Guarantee

Firearms Dealer

Flag Lots

Flood Insurance Rate Map (FIRM)

Floodplain

Floodway

Freeways

Frontage

Funeral Home/Mortuary

Garage, Public

Gateway

General Plan - A comprehensive declaration of goals, policies, and programs for the development of the city and including, where applicable, diagrams, maps, and text setting forth objectives, principles, standards, and other features, and which has been adopted by the City Council.

General Plan Amendment

Governmental Use

Grade

Gross Acres

Group Home

Guest Quarters

Half Streets

Hardscape

Hardware Store

Hazardous Material Impact Analysis (HMIA)

Health/Fitness Club

Home Improvement Center

Home Occupation

Home Owners Association

Hospital

Hotel/Motel

HVAC

Hydrology
Impervious Surfaces
Improvement Drawings
Incompatible Land Uses
Incorporated City Limits
Individual Disposal System
Infill Development
Infiltration
Infrastructure
Intensity
Inverted Crown Streets
Irrigation Ponds
Junkyard
Kennel
Key Feeding Areas
Laboratory
Laundromat
Land Trust
Land Use Compatibility
Legal Description
Legally Established Use
Legislation
Light Trespass
Limit of Development (LOD)
Live/Work Dwelling
Loading and Unloading Bays
Local Street
Lodging House
Lot
Lot Coverage
Lot Depth
Lot Ground Level
Lot Improvement

Lot Line, Front

Lot Line, Rear

Lot Line, Side

Lot Width

Lot, Corner

Lot, Interior

Lot, Through

Luminaries

Manufactured Home

Manufactured Housing Subdivision

Manufacturing

Mausoleum

Mechanical Repair and/or Modification

Medical Hospital

Medical Marijuana - All parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

Medical Marijuana Cultivation - The process by which a person grows a marijuana plant.

Medical Marijuana Designated Caregiver Cultivation - An enclosed, locked facility, such as a closet, room, greenhouse, or other enclosed area equipped with locks, that does not exceed fifty (50) square feet of cultivation space where a designated caregiver, as defined by A.R.S. § 36-2801(5), cultivates marijuana.

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

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

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

Medical Marijuana Qualifying Patient - A person who has been diagnosed by a physician as having a debilitating medical condition as defined in A.R.S. §36-2801(13)

Medical Marijuana Qualifying Patient Cultivation - An enclosed, locked facility, such as a closet, room, greenhouse, or other enclosed area equipped with locks, that does not exceed fifty (50) square feet of cultivation space where a qualifying patient, as defined by A.R.S. § 36-2801(13), cultivates marijuana.

Medical Outpatient Center

Medical Specialized Center - A medical healthcare facility, licensed or certified with the appropriate local, state, or federal agency to provide specialty inpatient and/or outpatient diagnostic, rehabilitation, or medical treatment services that may include surgical procedures, skilled nursing, physical rehabilitation care including occupational or speech therapy, and other similar health care services, but excluding general acute-care hospitals, substance abuse rehabilitation facilities and longterm care residential nursing homes where the primary focus is long-term custodial care

Medical Surgery Center

Metal Halide Light

Minimum Horizontal Dimension

Minimum Operational Standards

Mining

Ministerial Projects

Mitigation

Mixed Use Development

Model Home Complex

Multi-Modal

Municipal Easements

Municipality

Mylar

Native Vegetation

Natural Habitat

Natural habitat corridors

Nursing Home

Office

Official Zoning Map

Off-Site

One Hundred Year Flood

Open Sales (Or Rental) Lot

Open Space

Open Space Active
Open Space Passive
Ordinance
Out parcel
Overlay Zone
Pan Handle Lots
Parapet Wall
Parcel
Park Strip
Park, Recreation, Open Area
Party Wall
Passive Recreation
Paved Parking Surface
Performance Bond
Performing Arts Facility
Perimeter Street
Permits
Perpetual Maintenance
Personal and Convenience Services
Persons
Planned Area Development
Planned Unit Development
Plant Nursery, Wholesale
Plat
Plaza
Pool Hall
Post Office
Preliminary Plat
Primary Access Route
Principle, Major and Minor Arterial
Printing Plant
Private Stable
Property, Personal Property

Property, Real
Public Building
Public Facilities
Public Improvement
Public Work Facility
Racetrack
Rail Yard
Railroad Passenger Station
Recreational Facility Outdoor
Recreational Vehicle
Recreational Vehicle Park
Recycling Plant
Redevelopment
Registered Architect
Registered Engineer
Residential Setting Care Facility
Restaurant
Retail Store
Retention Area
Right of Way
Roadway
Sanitary Fill
School
Screening
Service Street
Setback
Shared Parking
Shelter Care Facility
Sign
Sign, Wall
Sign, Freestanding
Site Plan
Solar Collection Facility

Stable, Public

Stable, Private

Street

Street Furnishings

Street, Dead End

Street, Frontage

Street, Private

Street, Public

Streetscape

Strip Mall

Structure

Subdivide

Subdivider

Subdivision

Subdivision Agent

Subdivision Plat

SUDC(Surprise Unified Development Code) - A document that integrates land use and environmental regulation with engineering standards to create comprehensive and effective land planning guide that supports the general plan and zoning restrictions for the City of Surprise.

Temporary Improvement

Terrace

Tourist Home (bed and breakfast)

Townhouse

Townhouse Cluster

Traffic Calming

Truck

Use

Use, Conditional

Use, Nonconforming

Use, Permitted

Use, Principal

Variance

Variance, Dimensional
View Corridor
Visibility Triangle
Warehouse
Warehouse, Residential Storage (Mini Warehouse)
Wireless Communication Facility
Worship Facility
Wrecking Yard
Yard
Yard, Corner Side
Yard, Front
Yard, Rear
Yard, Side
Zoning Document

ARTICLE IV - SUBDIVISION REGULATIONS

Section 122-401 - Purpose and Applicability

This article will ensure that all subdivision improvements conform to the goals, objectives, and requirements adopted and contained in the Surprise Development Directives and ARS where applicable. Each subdivision and map will be in conformance with the standards in this article, except where modified by the City Council upon recommendation by the Planning and Zoning Commission.

Section 122-402 - General Improvement Standards

- (a) All subdivisions must result in the creation of lots that are developable and capable of being built upon. No subdivision will create lots that are impractical to improve due to location of water courses, steepness of terrain, or any natural physical conditions resulting in problems with development.
- (b) In addition to ordinances and standards adopted by the City of Surprise, subdivision improvements will be in conformance with the following rules and regulations:
 - (1) Rules of the Arizona Department of Transportation when a subdivision or any lot contained therein abuts a state highway or connecting street.
 - (2) Rules of the Flood Control District of Maricopa County and, where applicable rules of the Maricopa County Department of Transportation and the Arizona Department of Water Resources.
 - (3) Rules of the Arizona Department of Health, Arizona Department of Environmental Quality, Arizona Department of Water Quality, and Maricopa County Department of Environmental Services as they relate to water supply, sanitary sewage disposal, and dust control.
- (c) Where a tract of land to be subdivided contains all or any part of a park, school, flood control facility, or other required public improvement or facility as shown in the General Plan, or as recommended by the Planning and Zoning Commission, such site will be either dedicated to the public or reserved for acquisition by the city or another appropriate public agency within a specified time period. A Development Agreement will be prepared between the subdivider and the city, or appropriate agency, regarding the time, method and cost of land acquisition. Said acquisition will be completed within one (1) year from the date of recording the final plat, or within such extensions of time as may be mutually agreed upon. In the event a Development Agreement cannot be reached between the subdivider and the public agency relative to the acquisition of the land, the City Council will make a determination relative to compliance with the requirements of this section.
- (d) Land that is subject to periodic flooding, land that cannot be properly drained, or other land which, by a finding of the City Manager or designee is unsuitable for subdivision use, will not be subdivided.

- (e) If the owner of a subdivision places restrictions on any of the land contained in the subdivision greater than those required in this chapter, such restrictions or reference thereto will be indicated on the subdivision plat, or through restrictive covenants recorded with the Maricopa County Recorder's Office.
- (f) All land proposed for subdivision and development within the city will be served by utility infrastructure and services prior to final plat approval. No permit will be issued for development of a subdivision not served by existing utility infrastructure, or proposed extensions thereof. In no case will temporary package water and/or sewer treatment plants be permitted as a means of providing water and sewer service to the development, unless approved by the City Manager or designee.
- (g) A proposed subdivision name will not duplicate, or closely approximate phonetically, or utilize a name that is similar in nature to the name of any other subdivision located within the city. The City Manager or designee will have final authority to designate the name of the subdivision that will be determined at the preliminary plat approval.

Division 1 - Platting

Section 122-403 - Subdivision - General

- (a) The subdivision process ensures that a project is on a legally subdivided lot, has appropriate spacing and contains the required utilities, easements and roadways. Specific subdivision considerations include site configuration, size, circulation, street layout, grading and drainage, and floodplain concerns. These projects will also address any environmental concerns that may arise including water quality, vegetation and habitat maintenance, and the protection of critical environmental features.
- (b) Subdivision regulations, will apply to a proposed division of improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediately or in the future, into two (2) or more lots, tracts or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two (2) parts.
- (c) Subdivision also includes any condominium, cooperative, community apartment, townhouse or similar project containing two (2) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.
- (d) Exceptions
 - (1) The sale or exchange of parcels of land between adjoining property owners if such sale does not create additional lots.
 - (2) The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil, or gas leases.
 - (3) Any division of land that creates cemetery lots, mausoleum, or columbarium units.

Section 122-404 - Plat of Subdivision

- (a) A plat of subdivision is a map or drawing intended for recordation for the purpose of dividing or combining two (2), but no more than four (4) lots. Additionally, a plat of subdivision will not contain any public infrastructure dedication, any right-of-way, or easements to the city. Following the initial plat of subdivision, no plat of subdivision that would result in the division of the original lot(s) into a combined total of five (5) or more lots will be allowed. Any division of property in that circumstance will comply with the requirements of a final plat as defined in this code.
- (b) Properties subject to the requirements of this section will only be combined or divided by a plat of subdivision approved by the City Manager and recorded by the city on behalf of the applicant.

Section 122-405 - Preliminary Plat

- (a) Preliminary plat is a preliminary map, including supporting data, indicating a proposed subdivision design prepared in accordance with the provisions of ARS and the Surprise Development Directives.
- (b) Approval of the preliminary plat by the City Council will be effective for one (1) year from the date of approval. A six (6) month extension may be granted by the City Manager or designee. Any approved preliminary plat for which a final plat has not been approved by City Council within the allowed time frame will expire and require a new preliminary plat.

Section 122-406 - Final Plat

- (a) A final plat is a map of all or part of a subdivision creating five (5) or more parcels that essentially conforms to an approved preliminary plat, prepared in accordance with the provision of this article and ARS.
- (b) Development Review Criteria
 - (1) The final plat will conform to the approved preliminary plat and/or site plan/conditional use permit.
 - (2) A final plat will not create a substandard or nonconforming lot or structure.
 - (3) Prior to the approval of any final plat by the City Council, the subdivider will obtain approval of all civil construction documents by the City Engineer or designee in accordance with the Engineering Development Standards and guarantee the installation of the necessary improvements by complying with the Assurances for Improvement Completion within this chapter or ARS 9-463.01(c)(8).
 - a. Execute a standard contract on forms provided by the city and request that the City Council proceeds according to the provisions herein regarding delaying the recording of the final plat until improvements are installed and approved. The

time specified for the completion of the required improvements will not exceed twelve (12) months from the date the final plat was approved by the City Council. Requests for extensions may be approved by the City Council.

- (4) Grading and drainage plans and a final drainage report for the site in question and all pertinent off-site areas will be prepared by a Professional Civil Engineer registered in the State of Arizona. The report will be prepared in accordance with the current version of the Engineering Development Standards.
- (5) Every effort will be made to utilize the natural slope of the land for the stormwater collection system. Plans will include but not be limited to the following:
 - a. Method of collection (surface and/or subsurface).
 - b. Depth, side slopes, and area of retention.
 - c. Calculations of volume held and required.
 - d. High water elevation.
 - e. Method of disposal of water within thirty-six (36) hours.
 - f. The point or points in which natural drainage flows from a property prior to development will remain the same after the property has been altered for the development.
 - g. Any other data to form a complete plan.
- (6) A soils report for the site in question and pertinent off-site areas will be prepared by a Professional Civil Engineer registered in the State of Arizona. The report will indicate the type and location of soils, using the unified soil classification system, will contain drill logs and swell consolidation curves, and will contain a discussion of any present or potential hazards associated with soils on the site along with measures which could be taken to mitigate such hazards. In addition, the soils report will contain recommendations on subsurface area drains and peripheral drains, foundation design, erosion control measures, and surface drainage.
- (7) Construction plans and details must be prepared by a Registered Professional Civil Engineer in the State of Arizona. The plan will provide for all improvements indicated on the final plat or plat of subdivision, including rights-of-way and easements. This includes, but not limited to:
 - a. Construction and placement of streets, sidewalks, curbs, gutters, medians, lighting standards, swales, ditches, utilities, planting strips and property lines.
 - b. Fire hydrants, valves, manholes, pipe junctions, pumps, thrust-blocking, catchbasins, etc.
 - c. Roadway profiles.
 - d. Sanitary sewer profiles.
 - e. Storm drainage system profiles.
 - f. Erosion control and revegetation details and other details as necessary to adequately convey the design intent.

- g. Construction quantity takeoffs.
- (8) When required by the city, assurance that a warranty deed or other acceptable instrument conveying to the city or other appropriate public agency any public lands other than streets, alleys, or easements shown on the final plat and title insurance as required by the city on the subject parcel will be presented to the city upon approval of the final plat.
 - (9) Evidence satisfactory to the city must be submitted showing all taxes and assessments due on the property to be subdivided to be paid in full, showing title or control of the property to be subdivided, and showing the property to be subdivided as free and clear of any liens.
 - (10) If a subdivision lies within a one hundred (100) year floodplain, the following statement will appear on the face of the final plat and all contracts and agreements relating to the subdivision, "This subdivision is (or the following lots are) located in the one hundred (100) year floodplain as defined by the United States Department of Housing and Urban Development."
 - (11) Financial guarantee in a form acceptable to the city to complete the timely development of any facilities or improvements which are the owner's responsibility will be submitted as described herein.
 - (12) A petition to initiate the formation of a Streetlight Improvement District (SLID) for the maintenance and operation costs associated with the streetlights contained within the plat along all collector and/or local streets regardless of zoning will be completed per the current SLID application and SLID policy requirements, unless approved otherwise by the City Engineer. Parkway and arterial roadway cross sections as depicted in the Surprise Transportation Plan will not be part of a SLID. The subdivider is responsible for executing a petition form signed by the property owner(s) for the formation of the district. Included as exhibits to the petition will be a legal description of the plat boundaries extending to the centerline of all perimeter streets for use in district identification, a map of the district, a description of the streetlight facilities, the electricity rates established by the utility provider, and all other material as specified in the SLID application.
- (c) Changes, additions, lot line modifications, or corrections after final plat approval and recordation will require an amended or corrected final plat. A new preliminary plat may also be required as determined by the City Manager or designee. The amended or corrected plat will be marked "Replat of _____" under the name of the current subdivision and will be processed as a final plat.
- (d) The applicant will place permanent reference monuments in the subdivision as approved by the city's Registered Land Surveyor and/or City Engineer.

Division 2 - Development Improvements

Section 122-407 - Off-Site Public Access Improvements

- (a) All development will have approved access to the city's street network. Development of any property that does not have improved access along the primary route(s) will be required to improve the impacted intervening streets in accordance with current Surprise Development Directives. Exceptions may be granted for streets that have adequate funds appropriated for improvement to city standards.

Section 122-408 - Assurances for Improvement Completion

(a) Financial Guarantees of Improvements

- (1) The City Council will require a financial guarantee to the city prior to approval of the final plat in an amount sufficient to secure the satisfactory construction, installation, and dedication of the required street, utility, drainage, and other improvements, including any portion located within public easements through privately owned lots. The amount of the financial guarantee will be one hundred twenty-five (125) percent of the total cost necessary to complete the required improvements, including but not limited to the costs of labor, materials, permits, management fees, insurance, and any other capital costs.
- (2) The financial guarantee will comply with all requirements of law and the type of guarantee will be satisfactory to the City Manager or designee. The manner of execution and form of the guarantee will be satisfactory to the City Attorney or his designee. The period within which required improvements must be completed will be specified by the City Council in the resolution approving the final plat and will be incorporated into the financial guarantee. If no such period is specified, the required improvements must be completed within eighteen (18) months after the date of final plat approval. The City Manager or designee may under their discretion, recommend to the City Council an extension of the completion date for a maximum period of one (1) year. After a final plat has been recorded, the City Manager or designee may allow an applicant to substitute one type of guarantee for another.
- (3) This section in no way limits ARS 34-222, including but not limited to that statute's requirements with respect to financial assurance for public projects.
- (4) The applicant will pay for all costs of constructing and removing temporary facilities and improvements required by the City Council and will maintain the same financial guarantee specified herein. Prior to construction of any temporary facility or improvement the applicant will file with the City Manager or designee suitable, financial guarantee that will ensure that the temporary facility or improvement will be properly constructed, maintained, and removed. This financial guarantee may be a separate instrument.
- (5) A governmental entity to which this article applies may file a certified resolution, ordinance, or other similar commitment from an officer or body authorized to act for the governmental entity agreeing to comply with the provisions of this section, in lieu of the required financial guarantee.
- (6) When a financial guarantee has been posted and the required improvements have not been satisfactorily constructed, installed, or dedicated within the period specified the city may declare the guarantee to be in default. The specific

procedure for execution of the financial guarantee is outlined within the Engineering Development Standards.

(b) Acceptance of Dedication and Maintenance of Land and Improvements

- a. If the city accepts dedication of unimproved land for streets, easements, and other public areas it will do so only by resolution of the City Council. A resolution approving a final plat will constitute such acceptance; provided that a statement of dedication is placed on the plat. The approval by the City Council of a final plat, or of a resolution accepting dedication of land, will not constitute or imply the acceptance of maintenance responsibility by the city of any street, easement, or other public area, shown on said plat or constructed on such land. The City Council may require said plat to be endorsed with appropriate notes to this effect.
- b. If the city accepts the dedication of constructed improvements to streets, easements, or other public areas it will do so only after the City Engineer has approved the construction and installation of such improvements, and only by separate resolution of the City Council. In addition, such separate resolution may, but is not required to, accept maintenance responsibility for such improvements.

(c) Inspection of Improvements

- (1) The City Engineer or designee will provide inspection to ensure satisfactory completion of required improvements. The applicant will be responsible for inspection fees as approved by the City Council. Financial guarantees will not be released or reduced unless all fees have been paid. Wherever the cost of constructing or installing required improvements is covered by a financial guarantor, the applicant and the guarantor will be jointly and severally liable for completing, constructing, and installing the improvements according to the standards and specifications.

(d) Release or Reduction of the Financial Guarantee

- (1) The City Council will not accept dedication of required improvements, release or reduce any financial guarantee, until all of the following have been satisfied:
 - a. The City Engineer has submitted a certificate stating that all required improvements have been satisfactorily constructed and installed.
 - b. The applicant's engineer or surveyor has certified to the City Engineer through the submission of a detailed as-built survey plat and construction plans of the improvements, prepared on mylar, indicating location, dimensions, materials, and other information required by the city, that the layout of the line and grade of all required improvements is in accordance with the construction plans for the improvements.
 - c. The City Attorney has approved a title insurance policy furnished by the applicant.
- (2) City Council may accept the improvements for dedication in accordance with the established procedures. The original financial guarantee will be returned after City Council acceptance and receipt of maintenance guarantee.

(e) Maintenance of Improvements and Maintenance Guarantee (Warranty)

- (1) A maintenance guarantee (warranty) is to assure the satisfactory condition of the required improvements for a period of two (2) years after the City Council accepts the dedication of the improvements. The applicant will be required to file a maintenance guarantee within ten (10) business days before conditional acceptance of the required improvements by City Council, in the amount of ten (10) percent of the cost of constructing and installing the improvements in a form satisfactory to the City Manager or designee.
- (2) The applicant will be required to maintain all improvements for two (2) years after City Council conditional acceptance of maintenance responsibility for said improvements. If any certificates of occupancy have been issued for buildings served by improvements for which the city has not accepted maintenance responsibility, the city may perform emergency repairs and the applicant or other owner thereof will pay the cost of such emergency repairs. Prior to effecting such emergency repairs, the city will give to the person responsible for maintaining the improvements such notice as may be practicable under the circumstances.

(f) Deferral or Waiver of Required Improvements

- (1) The City Council may defer or waive the requirement that improvements be constructed and installed at the time of final plat approval, if such improvements are not requisite in the interests of the public health, safety, and general welfare, or are inappropriate because of incompatible grades, inadequacy or lack of connecting facilities, or other reasons.
- (2) Whenever the City Council defers the requirement to construct and install any improvement, the applicant will pay at the time of final plat approval a proportionate share of the costs of constructing and installing such improvement in the future, in the form of an in lieu payment, as determined by the City Engineer. The Mayor will not sign the plat until the requirements of this subsection have been satisfied.

Division 3 - Subdivision Planning

Section 122-409 - Design

(a) Subdivision Improvements

- (1) All subdivision improvements will be in conformance to the following rules and regulations:
 - a. Surprise Development Directives.
 - b. Arizona Department of Transportation requirements.
 - c. Maricopa County Flood Control District requirements.
 - d. Arizona Department of Health and the Maricopa County Department of Health water supply and sanitary sewage disposal requirements.

e. Maricopa Association of Governments requirements.

- (2) Unsuitable land will not be subdivided or developed unless adequate methods are formulated by the developer to correct the unsuitable conditions.

Unsuitable land conditions may include but are not limited to flooding, drainage, rock formations, topography, easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants.

(b) Lot Arrangement

- (1) Lot arrangements will be configured in compliance with the Surprise Development Directives to secure building permits and provide driveway access to buildings on such lots from an approved street.

- (2) Where lots are more than double the minimum required area for the Zoning District, the City Council may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with this chapter. In general, side lot lines will be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots will be large enough to allow for erection of buildings, observing the minimum setbacks from street right-of-way(s). Depth and width of properties reserved or laid out for business, commercial or industrial purposes will be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in this section.

(3) Double Frontage Lots and Access to Lots

- a. Double frontage and reversed frontage lots will be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.
- b. Lots will not derive access exclusively from an arterial street. Where driveway access from an arterial street may be necessary for several adjoining lots, the Planning and Zoning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards on such street. Where possible, driveways will be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial streets.

(4) Grading and Drainage

- a. No certificate of occupancy will be issued until final grading has been completed in accordance with the approved final subdivision plat.
- b. Lots will be laid out so as to provide positive drainage away from all buildings and individual lot drainage will be coordinated with the general storm drainage pattern for the area. Drainage will be designed so as to avoid concentration of storm drainage water from each lot onto adjacent lots.

- (5) No cut trees, debris, rocks, rubbish, or other waste materials of any kind will be buried in any land, or left or deposited on any lot or street.

- (6) Each subdivider and/or developer will be required to furnish and install fences wherever the City Manager or designee determines that a hazardous condition may exist. The fences will be constructed according to standards established by and the Surprise Development Directives and will be noted as to height and material on the approved plans.
- (7) The financial guarantee will include an amount to guarantee completion of all requirements contained in this section's regulations including, but not limited to, soil preservation, final grading, lot drainage, removal of debris and waste, fencing, and all other lot improvements required by the city. When a financial guarantee has been posted and the required improvements have not been satisfactorily constructed, installed, or dedicated within the period specified the city may declare the guarantee to be in default. The specific procedure for execution of the financial guarantee is outlined within the Engineering Development Standards.

(c) Streets

(1) General Requirements

- a. No subdivision will be approved unless the area to be subdivided will have frontage on, and access from, an existing street or a future street. Wherever the area to be subdivided is to utilize existing street frontage, such street will be suitably improved as provided for herein.
- b. Topography and Arrangement
 1. Grades of streets will conform as closely as possible to the original topography. Streets will be arranged so as to obtain as many possible building sites at, or above, the grades of the streets.
 2. All streets will be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the General Plan.
- c. Where a subdivision borders on or contains an existing or proposed arterial street, the city will require that access to such streets be limited to local and collector streets. Direct access to arterials will be prohibited from residential lots.
- d. Street names will be sufficiently different in sound and in spelling from other street names in the city so as not to cause confusion. A street that exists or is planned as a continuation of an existing street will bear the same name.
- e. The applicant will, at the discretion of the City, deposit with the city at the time of final subdivision approval an amount equal to the cost of each street sign required by the City Manager and City Engineer or their respective designee at all street intersections. The city will install all street signs before issuance of certificates of occupancy for any residence on the streets approved. Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which are to be approved by the City Engineer or designee.

- f. Installation of streetlights will be required in accordance with design and specification standards approved by the City Manager and City Engineer or their designees. Light standards will be spaced such that each intersection is provided at least one light standard. All light poles in the City of Surprise will be powder coated.
- (2) In order to provide for streets of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, fire protection, sanitation, and street maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, the City Manager and City Engineer or their respective designee will cause to be created design standards for all transportation infrastructure.
- (d) Sidewalks will be included within the dedicated non-pavement right-of-way of all streets. If public sidewalks are located outside of the rights-of-way, a public easement will be recorded on the final plat of said path and/or sidewalk.
- (e) Drainage, Storm Sewers, and Retention Basins
 - (1) The Planning and Zoning Commission will not recommend for approval any plat of a subdivision which does not make adequate provision for stormwater or floodwater runoff channels or basins. The drainage system of a subdivision will be governed by the Drainage Design Manuals for Maricopa County, published by the Maricopa County Flood Control District. The stormwater drainage system will be separate and independent of any sanitary sewer system. Storm drainage will be accommodated in the streets, gutters, retention basins, or detention basins that drain to natural washes unless otherwise indicated by the City Engineer.
 - a. Curbed local streets will be designed and constructed to carry the stormwater runoff from a ten (10) year storm between curbs. Curbed collector and arterial streets will be designed and constructed with no curb overtopping and to maintain one dry twelve (12) foot minimum driving lane in each direction. No inverted crown streets, of any type, will be permitted. When peak flows from the designated storm exceed the street capacity, open area drainage and retention systems will be designed to carry the excess stormwater. The rational method will be used to determine peak flows. Fifteen (15) minutes maximum may be used for the time of concentration for the runoff across the lots.
 - b. The City Engineer will also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Local government drainage studies, together with such other studies as will be appropriate, will serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the City Council may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such sum as the City Council will determine. No subdivision will be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

- c. Whenever a plat is submitted for an area which is subject to flooding, the City Council may approve such subdivision provided that the applicant fills the affected area of said subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of twelve (12) inches above the elevation of the maximum probable flood, as determined by the City Engineer. The plat of such subdivision will provide for an overflow zone along the bank of any stream or watercourse, of a width that will be sufficient in times of high water to contain or move the water, and no fill will be placed in the overflow zone nor will any structure be erected or placed therein. The boundaries of the overflow zone will be subject to approval by the City Engineer.
- d. The City Council may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the one hundred (100) year floodplain of any stream as determined in this section. These floodplain areas will be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the City Council.

(2) Retention Requirements will conform to the Surprise Development Directives.

- a. No retention basins will be controlled or owned by the city unless dedicated as part of the city's park and open space system. Undedicated retention basins will be maintained by the owner or person controlling such property. All retention basin areas will be designated as easement areas for retention purposes and will have a recorded restrictive covenant requiring perpetual maintenance.
- b. Two (2) or more developers may join together to provide a common retention facility. A letter of agreement signed by all developers participating in the common retention area must be presented to the City Engineer, and the recorded plat will indicate that the retention area is a joint facility. The joint retention area must meet all criteria as a single area.
- c. The Preliminary and Final Drainage Report Guidelines, which was made a public record by Resolution 05-13, is hereby adopted by the city, and is incorporated in this section by reference as though it had been fully and completely set forth in this section. The purpose of the Preliminary and Final Drainage Report Guideline is to serve as a reference tool for developers and engineers seeking construction permits for any proposed improvements within the city limits that require the preparation and submittal of accompanying preliminary and final drainage reports.

(3) Dedication of Drainage Easements

- a. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, a stormwater easement or drainage right-of-way will be provided, conforming substantially to the lines of such watercourse, and of such width and construction, or both, as will be adequate for the purpose. Wherever possible, it

is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

b. Drainage Easements

1. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements at least fifteen (15) feet in width for such drainage facilities will be provided across property outside the road lines and with satisfactory access to the road. Easements will be indicated on the plat. Drainage easements will be carried from the road to a natural watercourse or to other drainage facilities.
2. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
3. The applicant will dedicate, either in fee or by drainage or conservation easement, land on both sides of existing watercourses, to a distance to be determined by the City Council.
4. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, will be preserved and retained in their natural state as drainage ways.

(f) Water Facilities

(1) General Requirements

- a. When necessary, action will be taken by the applicant to extend or create a water supply district for the purpose of providing a water supply system capable of providing domestic water use and fire protection.
- b. Where a public water main is accessible, the subdivider will install adequate water facilities (including fire hydrants) subject to the specifications of the City Engineer and the Public Works Director. All water mains will be at least eight (8) inches in diameter.
- c. Water main extensions will be approved by the City Engineer and the Public Works Director.
- d. To facilitate the above, the location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, will be shown on the preliminary plat, and the cost of installing same will be included in the performance bond to be furnished by the developer.

- (2) Fire hydrants will be required for all subdivisions. Fire hydrants will be located no more than five hundred (500) feet apart and within four hundred (400) feet of any structure and will be approved by the City Fire Chief. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements will be installed before any final paving of a street shown on the subdivision plat.

(g) Sewer Facilities

- (1) The applicant will install sanitary sewer facilities in accordance with the Surprise Development Directives.
- (2) Sanitary sewer facilities will connect with public sanitary sewage system unless such connection will not be available (in the estimation of the City Engineer) for at least twenty (20) years. Sewers will be installed to serve each lot and to grades and sizes required by the Surprise Development Directives.
- (3) Private sewerage systems
 - a. Where public sanitary sewage systems are not reasonably accessible, but will become available within a reasonable time (not to exceed twenty (20) years), the city may allow one of the following alternatives:
 1. Central sewerage system, the maintenance cost to be assessed against each property benefited. Where plans for future public sanitary sewerage systems exist, the applicant will install the sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or
 2. Individual disposal systems; provided, the applicant will install sanitary sewer lines, laterals and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main will be made. Sewer lines will be laid from the house to the street line, and a connection will be available in the home to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer systems will be capped until ready for use and will conform to all plans for installation of the public sewer system, where such exist, and will be ready for connection to such public sewer main.
 - b. Where sanitary sewer systems are not reasonably accessible and will not become available for a period in excess of twenty (20) years, the city may allow the installation of sewerage systems as follows:
 1. For medium- and high-density residential districts, a central sewerage system only. No individual disposal system will be permitted. The applicant will install all sewer lines, laterals, and mains to be permanent and ready for connection to the public sewer system, should it become available.
 2. For low-density residential districts (less than one dwelling unit per acre), individual disposal systems or central sewerage systems may be used.
- (4) If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon property, the owner thereof will be required to connect to said sewer for the purpose of disposing of waste; and it is unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.
- (5) If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas will conform to the requirements of the R1-43, Single-Family Residential District of this section and percolation tests and test holes will

be made as directed by Maricopa County Environmental Services Department (MCESD) and the results submitted to same. The individual disposal system, including the size of septic tanks and size of the tile fields or other secondary treatment device, will also be approved by MCESD.

(6) Design Criteria for Sanitary Sewers

- a. Sanitary sewer systems will be designed for the ultimate drainage basin population. Consideration will be given to current zoning regulations and approved planning and zoning reports where applicable. Sewer capacities will be adequate to handle the anticipated maximum hourly quantity of sewage and industrial waste together with an adequate allowance for infiltration and other extraneous flow. Unit design flows contained within the Integrated Water Master Plan will govern all proposed flow generation calculations. Sewers will be design for the total upstream tributary area.
- b. The diameter of sewers proposed will not exceed the diameter of the existing or proposed outlet, whichever is applicable, unless otherwise approved by the City Engineer.
- c. Sanitary sewers will be located within street or alley rights-of-way unless topography dictates otherwise. When located in easements on private property, access will be provided to all manholes. A manhole will be provided at each street or alley crossing. End lines will be extended to provide access from street or alley rights-of-way where possible. Imposed loading will be considered in all locations. Not less than six (6) feet of cover will be provided over top of pipe in street and alley rights-of-way or three (3) feet in all other areas.
- d. There will be no physical connection between a public or private potable water supply system and sewer that will permit the passage of any sewage or polluted water into the potable supply. Sewers will be kept removed from water supply wells or other water supply sources and structures.

(h) Utilities

- (1) All utility facilities, including, but not limited to, gas, electric power, telephone, and cable television will be located underground throughout the subdivision. All utility facilities existing and proposed throughout the subdivision will be shown on the preliminary plat. Underground service connections to the street property line of each platted lot will be installed at the subdivider's expense. At the discretion of the City Council, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

(2) Easements

- a. Easements centered on rear lot lines will be provided for utilities (private and municipal) and will be at least ten (10) feet wide. Proper coordination will be established between the subdivider and the applicable utility companies for the continuation of utility easements established in adjoining properties.

- b. When conditions for the inclusion of utilities within the rear lot lines are impractical, perpetual unobstructed easements of least ten (10) feet in width will be provided alongside lot lines with satisfactory access to the road or rear lot lines.
- (i) Public Land Reservation, Parks, and Open Space
 - (1) All proposed parks, playgrounds, open spaces, or other public uses in the General Plan or Parks and Trails Master Plan will be delineated and reserved on all plats and plats of subdivision.
 - (2) In all new residential subdivisions, a minimum of ten (10) percent of the gross area will be reserved for public recreation space, school sites, or other public use with such percentage being in addition to property reserved for streets, alleys, easements, retention, unbuildable areas, or other public ways.
 - (3) Parks dedicated and accepted by the city will be a minimum size of five (5) acres.
 - (4) The city and, if determined necessary by the city, any other public agency will enter into an agreement on the method of acquiring such reserved land area prior to approval of the final plat.
- (j) Unless a public entity has accepted primary maintenance responsibility for all common areas within a subdivision, the property owner/developer will create a community facility district either as the primary means of providing for the long term maintenance of the common areas, or as a backup vehicle in the event that the person or entity designated by the applicant as having primary maintenance responsibility fails to adequately carry out its duties.
- (k) Each lot or combination of lots will be supplied with a refuse container at the expense of the developer or subdivider to be owned by the city as approved by the Public Works Director or designee. Refuse container pads may be required in conjunction with certain development situations. The type of such containers and location of refuse pads will be approved by the Public Works Director or designee.

Section 122-410 - Street Location and Arrangement

- (a) The following standards address the location and arrangement of streets, cul-de-sacs, and rear drive lanes in order to ensure maximum connectivity to facilitate improved traffic flow. Streets, cul-de-sacs, and rear drive lanes will be constructed in conformance with the Surprise Development Directives.
- (b) Streets will be designed in conformance with the city-adopted Surprise Transportation Plan and will be properly integrated with the existing and proposed thoroughfares and dedicated rights-of-way.
- (c) When a tract is located within a Village Plan, the street arrangement will substantially conform.
- (d) All proposed streets and pedestrian/bicycle/golf cart pathways will be extended to the boundary of the tract to provide connection with adjoining lands unless prevented by topography or other physical conditions.

- (e) Rear drive lanes in Traditionally designed residential subdivisions will be designed and arranged to provide an alternative means of access to lots designed to have garages located at the rear of the lot. Said lanes will be developed to serve as a means of vehicular and service access as well as a landscaped and lighted pedestrian/bicycle pathway.
- (f) Cul-de-sacs will be considered with the use of cluster development concepts, or where topography or environmentally sensitive lands or other public resource lands would prevent extension and connection to adjoining and surrounding streets.
- (g) Where a proposed subdivision abuts or contains an existing or proposed freeway, the city will require a sound wall and additional treatment as may be justified for protection and buffering of residential properties from the nuisance, noise, hazard of high volume traffic, and to preserve the traffic function of the arterial route.
- (h) Where a subdivision abuts or contains the right-of-way of a railroad, wash, irrigation canal, or abuts a commercial or industrial land use, the city may require location of a street approximately parallel to, and on each side of, such right-of-way at a distance suitable for appropriate use of the intervening land. Such distance will be determined with due regard for approach grades, drainage, bridges, or future grade separations.
- (i) Streets will be arranged in relation to existing topography as to produce lots of maximum utility, streets of reasonable gradient, and to facilitate adequate drainage.
- (j) Half-streets are prohibited and street systems in new subdivisions will be designed to eliminate or avoid any new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street will be improved and dedicated by the subdivider. The city may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within the subdivision boundaries. In the event that the entire required street right-of-way width is improved and dedicated, arrangements for reimbursement at the time the adjoining land is subdivided will be in accordance with the Surprise Municipal Code.

Half-streets will only be allowed when approved by the Mayor and City Council as part of a Development Agreement. Half-streets will only be permitted when:

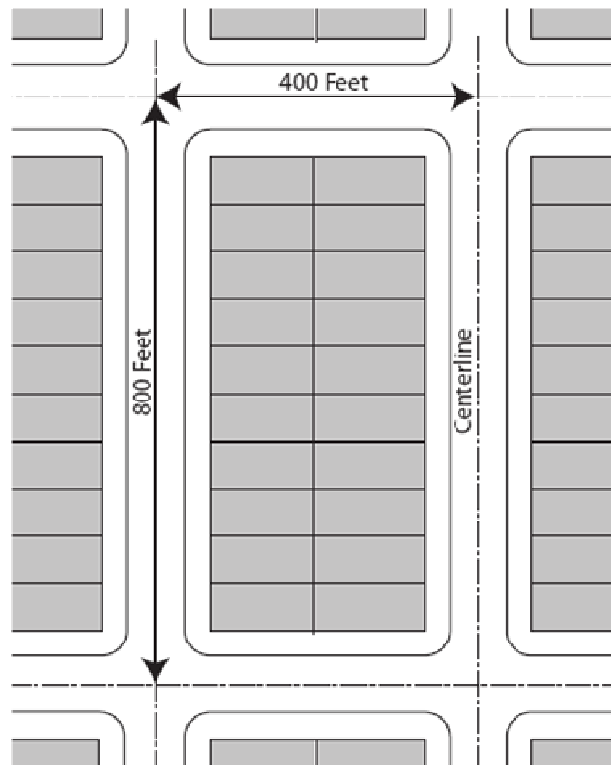
- (1) A Traffic Impact Analysis has been approved by the City Manager or designee and the assessment concludes that the projected traffic does not justify the full street improvements; or
- (2) Traffic safety can be assured with less than full street improvements; or
- (3) The full improvement cannot be constructed due to insufficient right-of-way; or
- (4) All evidence is provided to the City Manager or designee that illustrates all possible efforts have been exhausted to obtain full-street rights-of-way.

A developer/property owner may be allowed to phase construction of the roadway improvements through an approved Development Agreement.

Section 122-411 - Block Design Standards

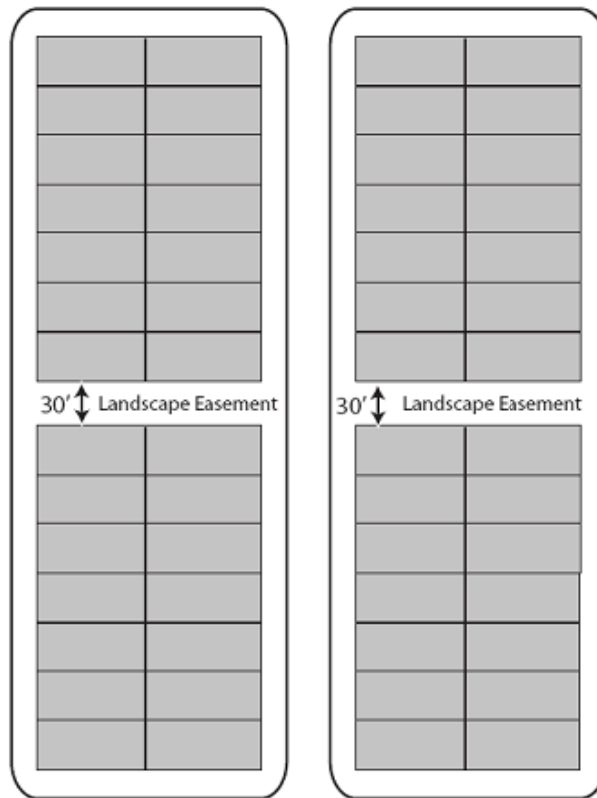
- (a) The following minimum block design standards will apply to all new residential subdivisions.
- (b) Design and Pattern Requirements
- (1) Block design will promote a development pattern that is compatible with the Character Pattern, natural features, minimize pedestrian and vehicular conflict, promote street life and activity, reinforce public spaces, promote public safety, and visually enhance the development.
 - (2) The pattern will incorporate either a traditional or modified street grid system, with minimum use of cul-de-sacs, in order to create multiple neighborhood and community travel routes that are more direct for pedestrians, cyclists, golf carts, motorists, and emergency service vehicles.
- (c) Block Dimensions
- (1) The maximum size of residential blocks within a subdivision will:
 - a. Have a width ranging from two hundred (200) to four hundred (400) feet, and a length ranging from four hundred (400) to eight hundred (800) feet in length measured along the center line of the street and between intersecting street center lines. (Refer to Figure 4-1)
 - b. Be designed to accommodate no more than ten (10) detached single-family residential lots on each side of a local street. (Refer to figure 4-1)

Figure 4-1 – Block Dimensions



- (2) Wherever a block is permitted to exceed the maximum length set forth above, the subdivider will provide an improved and lighted landscaped easement having a minimum width of thirty (30) feet traversing through the block at or near its center with said easement improved to accommodate underground utilities, drainage facilities, emergency access, and/or pedestrian/bicycle pathways. (Refer to figure 4-2)

Figure 4-2 – Block Open Area



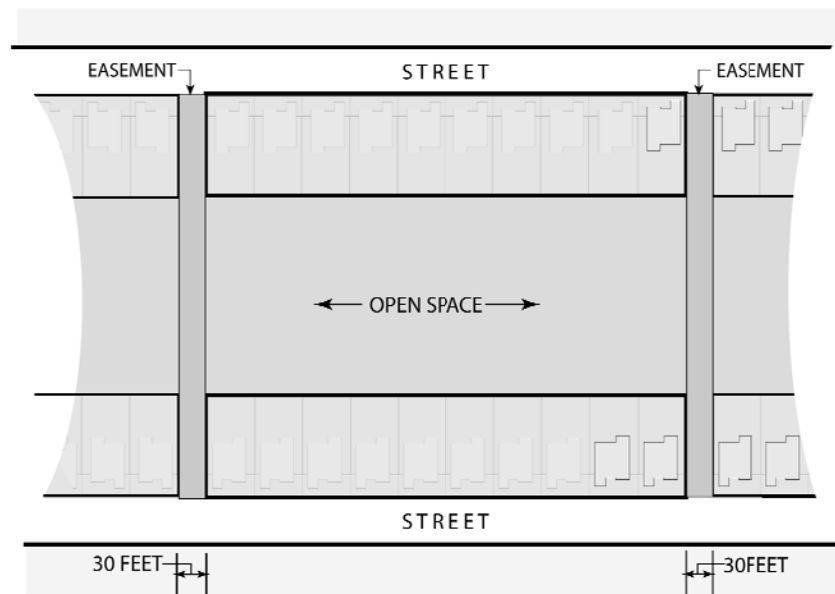
Section 122-412 - Lot Design and Improvements

(a) Lot arrangement will comply with the following minimum standards:

(1) Lot Layout Requirements:

- a. Lot layout will be designed to conform to the character pattern in which they are located, complement and enhance an interconnected street system within and between neighborhoods, preserve natural areas and features, and conform to the Surprise Development Directives.
- b. Lots will be arranged in a contiguous pattern within a block. Topographic features or other circumstances may require an improved easement through the block to accommodate utilities, drainage facilities, access, and traffic. (Refer to Figure 4-3)

Figure 4-3 – Open Area Accommodation



- c. No lot will be divided by a city boundary, special district boundary, street, alley, or any other thoroughfare. City boundary lines may be coterminous with lot lines or centerlines of streets and alleys.
- d. Unorthodox lots, including but not limited to flag and panhandle-type will not be allowed.

(2) Lot Dimensions

- a. The minimum lot size will comply with the requirements found in Article 5 of this chapter. Utility facilities used strictly for equipment purposes may be exempt from the minimum lot size standards.
- b. The size, width, depth, and shape of lots will:
 - (1) Provide adequate building sites.
 - (2) Provide for convenient access, circulation, control, and traffic safety.
 - (3) Provide for limitations and opportunities of topography or other natural conditions of the development.
- c. The depth-to-width ratio of a lot will not be greater than 3:1 except in hillside areas where flexibility may be allowed based on topography.
- d. For commercial, business, and/or industrial properties, the depth and width of the property will be adequate to provide for the off-street parking and loading facilities required in this chapter.
- e. Corner lots will have additional width to accommodate setback requirements from adjoining streets. The width of a corner lot will be increased over the minimum width requirement as follows:

1. Where a corner lot adjoins an arterial or collector, the width will be increased by fifteen (15) percent.
 2. Where a corner lot adjoins a local street, the width will be increased by ten (10) percent.
- (3) Side lot lines will be at right angles to the street the lot faces, or radial to curved street lines, unless topographic conditions necessitate a different arrangement acceptable to the City Manager or designee.
- (4) Frontage
- a. Each lot will front on a public or city-approved private street and will have a minimum frontage width of fifteen (15) feet.
 - b. No residential lot of record will front on a parkway, major arterial, or minor arterial, except that:
 1. Rural residential lots having a minimum building setback line of one hundred (100) feet may front on rural roads and highways.
 2. Urban lots having front driveway access, an on-site turnaround to preclude vehicles backing into the street and a minimum frontage width of eighty (80) feet may front on a collector street.
 3. Urban lots having a frontage of less than eighty (80) feet and rear lane access may front on major or minor arterial and collector streets.

Section 122-413 - Easement Planning

- (a) Uniform and continuous easements will be provided along lot lines to accommodate both municipal and private utilities and, where necessary, such other uses as bus bays and shelters, multi-use pathways, and emergency access. Said easements will be delineated on the preliminary plat and dedicated on the final plat. The subdivider will be responsible for coordinating with the appropriate utility company or other responsible authority the continuation of easements established in adjoining properties.
- (b) Utility Easements
- (1) Easements for water, sewer, reclaimed water, and storm sewer lines will be a minimum twenty (20) feet in width or as outlined in the Surprise Development Directives.
 - (2) Easements for such other types of utilities as gas, telephone, fiber optic cable, and cable television will be a minimum of eight (8) feet in width when abutting the street lot lines, and at least three (3) feet in width when abutting interior lot lines.
 - (3) For those subdivisions where rear drive lanes are provided, all utilities will be located within the rear drive lane right-of-way or easement. If this cannot be accommodated, the City Manager or designee may allow installation of such utilities in an alternate location.

- (c) For lots fronting curvilinear streets, utility easements or rear lanes may consist of a series of straight lines with points of deflection not less than one hundred twenty (120) feet apart. Points of deflection will always occur at the junction of side and rear lot lines on the side of the exterior angle. Curvilinear easements or rear lanes may be provided, as long as the minimum radius for the rear lane or easement is not less than eight hundred (800) feet.
- (d) Where a stream or important surface drainage course abuts or crosses the tract, dedication of a public or private drainage easement having a width sufficient to comply with the standards set forth in the Surprise Development Directives, will be provided to permit widening, deepening, relocating, or protecting said water course.
- (e) Land within a public street or drainage easement, or land within a utility easement for major power transmission lines or pipelines will not be considered a part of the minimum required lot area except where lots exceed one-half (1/2) acre in area. This will not be construed as applicable to land involved in utility easements for distribution or service purposes.
- (f) Lots adjacent to arterial-to-arterial and arterial-to-collector intersections will provide bus bay and shelter easements per Surprise Development Directives.
- (g) Lots abutting existing or proposed designated multi-use pedestrian/bicycle pathway corridors will provide an easement having a minimum width of twenty-five (25) feet.
- (h) Emergency access and fire lane easements will be provided in locations where designated by the city Fire Department. Said easements will have a minimum width of twenty (20) feet, with a minimum vertical clearance of thirteen (13) feet six (6) inches.

Section 122-414 - Street Naming and Numbering

(a) Street Names and Numbers

- (1) The name of a new street, unless an extension of Maricopa County street grid alignment, will not duplicate existing or platted street names in Maricopa County, or approximate such names in spelling, sound, or pronunciation in conformance with the MAG Address & Street Assignment Policy.
- (2) New street names will bear the same name of any continuation of, or when in alignment with, an existing or platted street, wherever practical.
- (3) All street names will be approved and/or reserved by the City Manager or designee prior to approval of improvement drawings and specifications.

Section 122-415 - Utilities

- (a) The city has determined the need to improve the visual character of the community through the undergrounding of all new and existing utility lines except as noted below. This subsection addresses the requirements for undergrounding utilities in conjunction with a development or redevelopment project that has been submitted for approval under provisions of this chapter. The undergrounding requirements herein will apply to

primary distribution lines as well as secondary and service lines, for both on-site and off-site locations; except said requirements will not be applied in a manner inconsistent with any franchise or license agreement that may exist between the city and any utility company.

(b) Installation of Utility Lines

- (1) New and existing utility lines, including, but not limited to, gas, electric power, water, sewer, storm drainage, reclaimed water, telephone, fiber optic cable, cable television, and overhead transmission lines having a line voltage of less than sixty-nine thousand (69,000) kilovolts will be placed underground. Application for waiver of the underground utility conversion requirements may only be made for electrical facilities with line voltage of sixty-nine thousand (69,000) kilovolts or higher and only at the time of the subdivision plat approval process. Each such application for waiver will be considered individually and acted upon by the City Council in conjunction with the subdivision approval process.
- (2) As a condition of project approval, the development applicant of a project will be responsible to make necessary arrangements with the affected utility companies for the installation of required underground facilities, including arrangements for the payment of any cost. The required undergrounding will be completed prior to approval and occupancy of the project. In cases where utility undergrounding construction may not be completed at the time the rest of the project is completed, the developer will produce written proof from the utility company(ies) that undergrounding will be accomplished with all necessary moneys having been paid to the utility company(ies).
- (3) New or relocated overhead or underground utility lines or poles within off-site areas of development will not be installed unless a utility right-of-way permit is granted by the city. New or relocated overhead or underground utility lines or poles within on-site areas of development will not be installed unless a building permit is granted by the city.
- (4) The undergrounding of utilities will apply to all situations where a governmental agency is acting as a developer/redeveloper or has initiated a construction effort which requires the relocation of existing overhead utility poles and lines. Nothing contained herein is intended to obligate a utility company to install such underground facilities without reimbursement from the governmental agency for any costs in excess of those not already the obligation of the utility company.
- (5) Where the need to underground utility lines is generated by a combination of development/ redevelopment, utility system upgrade or extension, and/or governmental agency improvement projects, there will be equitable allocation of the cost of undergrounding.
- (6) The undergrounding of utilities will not apply to the normal maintenance and repair of existing utility poles and lines provided such maintenance and repair does not include any system upgrade; except that the undergrounding requirement will apply regardless of the existence of easements for overhead lines.

- (7) All public and private utilities to be installed within the city will comply with the design and construction standards set forth in the Surprise Development Directives.
 - (8) In those instances where poles to be removed include street lights, the street lights will be replaced with freestanding poles and luminaires by the developer/redeveloper or the utility company when acting as a developer/redeveloper. Replacement of street lights will comply with the Surprise Development Directives.
 - (9) All underground utility lines to be installed in a street or other hard-surface area will be constructed prior to the surfacing of such street. Service stubs for underground utilities extending to platted lots within the subdivision will be placed to such length as not to necessitate disturbance of street improvements when service connections are made.
 - (10) Underground service connections to the street or rear property line of each platted lot will be installed at the sub-divider's expense; except that the requirement for service connections to each lot may be waived by the City Council in those cases where adjoining lots are retained under single ownership for the purpose of developing a single use.
 - (11) New or existing overhead utility lines that are temporary in nature for the purpose of servicing construction or lands not developed to urban specifications will be permitted provided said lines:
 - a. Are capable of serving only those land areas anticipated to be annexed to the city in the future; or
 - b. Traverse the periphery of the development for a distance less than four hundred (400) feet (and provided that the developer has installed conduit to accommodate future undergrounding); or
 - c. Are distribution lines which will be removed upon future development.
- (c) Installation of Ancillary Utility Equipment
- (1) Equipment appurtenant to underground facilities, such as surface-mounted transformers, electrical panel boxes, pull boxes, pedestal cabinets, service terminals, telephone splice enclosures, concealed ducts, or other similar above-ground facilities normally used with or as part of an underground utility system may be maintained above ground provided these appurtenances are not located at the entrance to a development, and are screened from public view.
 - (2) Utility equipment, including but not limited to, HVAC equipment, electrical transformers, utility poles, electrical and telephone panels and switch gear, generators, irrigation backflow prevention devices, natural gas pressure regulators, fire distribution valves, and cable and junction boxes will not be visible from any street, pedestrian way, or other public right-of-way. Equipment will be either screened from view or placed underground.

- (3) Utility equipment serving large commercial, office, industrial, and civic/institutional buildings will be located in a utility room(s) within the building structure or within a separate structure attached to the principal building on the site.
- (4) In the event that utility support equipment cannot be located underground, it will be located away from abutting streets and screened by one or a combination of the following techniques:
 - a. A minimum six (6) foot high decorative masonry sound wall.
 - b. Landscaped earthen berm having a minimum height of four (4) feet that incorporates plants that have a minimum height at maturity of six (6) feet measured from the top of the berm. Berm landscaping will consist of a combination of dense shrubbery and clusters of trees.
 - c. Chain-link and/or slat fencing will not be used to satisfy screening requirements for utility and service areas.

Section 122-416 - Gated Communities

(a) Residential communities may be gated provided:

- (1) All gated communities will be designed to properly connect with adjacent communities by both vehicular and pedestrian connections.
- (2) The planning and design of the community does not impede connectivity of streets, improved open space, multi-use pathways, or other public improvements from adjoining and abutting property, and in no case will any connection be greater than one quarter (1/4) miles apart. Connections will remain open and accessible at all times.
- (3) That a minimum of seventy (70) percent of the walls and/or fencing used around the perimeter will be open with view fencing which will be located to provide continuous visual connections with adjacent open space areas.
- (4) There are at least two (2) entry/exits to the community.
- (5) The installation, improvement, and maintenance of all streets, water and sewer mains, fire hydrants, and any other infrastructure required by the city comply with the city's minimum operational standards, and are fully paid for by the developer.
- (6) That the installation of drainage systems, retention basins, landscaping, parking, multi-use pathways, street/pedestrian way lighting, screening, and buffering comply with the city's standards set forth in the Surprise Development Directives.
- (7) Gate designs include emergency hardware to ensure proper emergency access to the satisfaction of the city fire, police, and public works departments. Access by authorized maintenance and service providers as public works, utilities, mail and parcel delivery, and cable is provided.
- (8) A minimum of one (1) pedestrian access gate is provided at each gated driveway entrance.

- (9) Anti-directional devices such as metal spikes that can cause tire damage are not utilized.
- (10) There is sufficient queuing space between the gated entrance and the gate controller to insure there is no interruption to street traffic, and to avoid vehicular stacking across sidewalks, streets, bike paths, and similar facilities.
- (11) The gate entrance is designed to allow vehicles to turn around within the driveway without backing into the adjacent street.
- (12) The style and color of gates and other enclosures will be coordinated with nearby structures.

Section 122-417 - Phasing of Development

- (a) Each phase of development will be related to surrounding areas and available public facilities in such a manner that failure to proceed to subsequent phases of the approved development will not adversely affect those areas or facilities.
- (b) The first phase of the development will ensure connectivity to recreation, parking, landscaping, pedestrian routes, residential areas, and open space for the plat or master site plan. Residential and commercial development projects to be constructed in phases will be planned, designed, and platted so that each subsequent phase, when completed, will function independently in terms of its vehicular and pedestrian circulation system.
- (c) For all projects less than one thousand (1,000) acres to be platted and constructed in phases, the minimum size of the first phase of development will be equal to ten (10) percent of the total gross land area designated and approved for development. For mixed-use development, residential, commercial, and recreational uses will be contained in the initial development phase.
- (d) All streets that abut, traverse and/or connect with the first development phase, as well as all local streets platted for the first phase of development, will be fully constructed in accordance with Surprise Development Directives prior to the issuance of building permits. Additional off-site improvements may be also required by the City Manager or designee for the proposed phase.
- (e) All utilities and drainage and erosion control measures that abut, serve, and/or connect with the first development phase will be fully installed in accordance with the Surprise Development Directives prior to the issuance of building permits
- (f) All streets, alleyways, street lighting, utilities, and recreation and open space areas approved with the first phase of development will be completed prior to commencing a subsequent phase(s).

Section 122-418 - Maintenance of Medians, Landscaping, and Sidewalks

(a) Sidewalks

- (1) The owner of a parcel of real property which fronts on any portion of a sidewalk

area between the property line and the edge of street, including a parking strip and curb/gutter, is responsible to maintain the area in a proper state of repair, and free from hazardous conditions, unless by separate agreement with the city .

- (2) Whenever any owner has been notified to reconstruct or repair any sidewalk, as provided in the this section, and fails to repair or reconstruct such sidewalk as required by the notice and ordinances of the city, the Public Works Director or designee may within three (3) days after such notice expiration to such owner, proceed to repair or replace such sidewalk.
- (3) When such sidewalk is repaired or reconstructed by the city, the cost of such repair or reconstruction will be paid by the owner of such abutting property and be collected as provided in Article 8 of this chapter.

(b) Landscape

- (1) The owner of a parcel of real property which fronts on any portion of a landscaped area between the property line and the parcel and street line, including a landscaped park strip and curb, is responsible for the repair and maintenance of the landscaped area within the park strip and will pay the cost and expense of repair and maintenance, unless by separate agreement with the city. All landscaped areas will be kept free from dry vegetation, tumbleweeds, weeds, and grass in excess of six (6) inches, and bushes, trees, or other vegetation which presents a visual blight, may harbor infestation, present a fire hazard, or threaten the health or safety of vehicles or pedestrians.
 - a. The city will notify the owner of the abutting property to correct any landscape violations.
 - b. Whenever any owner has been notified to correct any landscape violations and fails to maintain such landscaping as required by the notice and ordinances of the city may proceed to maintain or replace such landscaping and when so maintained or replaced by the city, the cost of such maintenance or replacement will be paid by the owner of such abutting property and be collected as provided in this chapter.
 - c. The city will notify the owner of such abutting property of the amount due for the maintenance or replacement of such landscaping and the owner will thereafter pay to the city the amount of the cost of such maintenance or replacement.

(c) Median and Median Landscaping

- (1) The repair and maintenance of all medians and median landscaping within all arterial and parkway rights-of-way classifications is the responsibility of the City of Surprise after the required improvements are accepted by City Council and the warranty has expired unless otherwise described by separate agreement with the city.
 - a. Prior to acceptance of the median and/or median landscaping, if a median and/or median landscaping is found to defective, overgrown, unsafe, or hazardous, the city Public Works Department will notify the applicant and/or association formed by the applicant of the abutting property to reconstruct

and/or repair and/or replace the median and/or median landscaping within a time frame not to exceed forty-five (45) days from written notice.

- b. Failure to repair within the time allotted will result in drawing on the financial assurance deposited with the city prior to construction.
- (2) The repair and maintenance of all medians and median landscaping within all collector and local street rights-of-way classifications will be the responsibility of the applicant and/or association formed by the applicant. This responsibility will commence following City Council acceptance of the public infrastructure and expiration of original warranty requirements. The City of Surprise will not have any repair or maintenance responsibilities for medians located in collector and local street rights-of-way, unless identified by separate agreement or by the City Manager.
- a. When a median and/or median landscaping is found to be defective, overgrown, unsafe, or hazardous, the city will notify the owner of the abutting property to reconstruct or repair the median and/or median landscaping within a time frame not to exceed forty-five (45) days from written notice.
 - b. Whenever any owner will have notified to repair any median and/or median landscaping, as provided in the preceding section, and will fail to repair such median and/or median landscaping as required by the notice and ordinances of the city, the City Manager or designee may within three (3) days after such notice expiration to such owner, proceed to repair such median and/or median landscaping and when so repaired by the city, the cost of such repair will be paid by the owner of such abutting property and be collected as described in this chapter.
 - c. The city will notify the owner of such abutting property of the amount due for repairing such median and/or median landscaping and the owner will thereafter pay to the city the amount of the cost of such repair.

ARTICLE V - ZONING

Division 1 - General Provisions

Section 122-501 - Zoning Classification

(a) In order to classify, regulate, restrict, and separate the use of land, buildings, and structures, the city is hereby divided into the following zoning districts:

Table 5-1 – Zoning Classification Overview

Zoning District	Symbol
Single-Family Residential	R1-43
Single-Family Residential	R1-18
Single-Family Residential	R1-12
Single-Family Residential	R1-8
Single-Family Residential	R1-5
Multi-Family Residential	R-2
Multi-Family Residential	R-3
Neighborhood Commercial	C-1
Community Commercial	C-2
Regional Commercial	C-3
Commercial Office	CO
Resort Commercial	RC
Business Park	BP
Light Industrial	I-1
Heavy Industrial	I-2
Landfill and Mineral Extraction	I-3
Public Facilities	PF
Planned Area Development (PAD)	PAD

(b) Planned Area Development

(1) The PAD Zoning District was utilized by the city prior to June 14, 2009. Existing PADs have individual development standards, land uses, and densities that

supersede the zoning ordinance. This zoning designation serves only to preserve the governing documents established by City Council.

- (2) Any use in violation of an adopted PAD is a violation of this ordinance.
- (c) No building, structure, or land will be used or occupied, unless in compliance with the provisions for the zoning district in which it is located, or as regulated by the non-conforming standards in this article.
- (d) Interpretation of the provisions of this article will be determined by the Zoning Administrator.
- (e) The City Manager or designee will make zoning determinations for uses not specifically listed in this article. A text amendment may be required when a determination cannot be made.
- (f) Dimensional requirements are set forth in the zoning districts. The following exceptions will be considered as permitted encroachments for setback requirements as described in this chapter:
 - (1) Architectural elements to include, but not limited to, sills, chimneys, bay windows, belt courses, cornices, eaves, lintels, window awnings, may project up to three (3) feet into the required yard, but will be at least five (5) feet from any adjacent lot line or structure.
 - (2) Covered porches, canopies, and awnings may extend into the side yard setback a maximum of five (5) feet and into the rear yard setback a maximum of 20 feet, but will be at least five (5) feet from any side property line and ten (10) feet from any rear property line.
- (g) Ornamental features and any other appurtenances may be erected at a height exceeding the maximum height requirements for the zoning designation provided they are set back from each lot line at least one (1) foot for each foot of additional height above the height limit. Distances are measured from the lot line to the closest point on the structures excluding overhangs and projections.

Section 122-502 - Establishment of Zoning Map

- (a) The boundaries of the zoning districts are established and shown on a map entitled "Zoning Map of Surprise, Arizona." The map will be recommended by the Planning and Zoning Commission and certified by the City Council.
- (b) In the event that the map becomes damaged, destroyed, or lost, the City Council will adopt a new zoning map that will supersede the previous map consistent with the latest backup and/or all available records pertaining to its adoption or amendment.
- (c) City staff will update the zoning map within 30 business days from City Council approving any zoning case.
- (d) Corrections may be made, but will not affect the official zones established.

- (e) The following rules or delineations will apply when interpreting the boundaries of the map:
- (1) Corporate limit lines of the city.
 - (2) Where boundaries follow property lines or such lines extended, they will be the boundaries.
 - (3) No boundary line will be established to divide one (1) lot into two (2) or more zoning districts unless the lot in question is determined to be essential by the City Council, boundaries are the centerline of an existing or proposed street, highway, railroad right-of-way, or such line extended, the centerline of said right-of-way will be the boundary.
 - (4) Where any public right-of-way is officially vacated or abandoned, the zoning district applied to the abutting properties will extend to the former centerline of the vacated or abandoned right-of-way.
 - (5) Where boundaries follow streams, riverbeds, or such lines extended, the approximate centerline of said stream or riverbed will be the boundary.
 - (6) Interpretation of the above provisions will be determined by the City Manager or designee.

Division 2 - Residential Zoning Districts

Residential Zoning Districts create, maintain, and promote various housing alternatives while maintaining the desired physical character of the city's existing neighborhoods.

Section 122-503 - Single-Family Residential (R1-43)

- (a) This district preserves aspects of the city's rural heritage through preservation of existing working farms, ranches, and open areas while creating a setting for a predominance of low density development.
- (b) The maximum dwelling units per lot of record is one (1).
- (c) The following uses are principally permitted:
 - (1) Agricultural operations:
 - a. Commercial farming and ranching uses require a minimum site area of 40 acres.
 - b. Any enclosures or structures containing commercial farming or ranching activities will not be located closer than 50 feet from any lot line.
 - c. Commercial pen feeding or commercial feedlots will be prohibited.
 - d. Open storage is limited to farming related equipment and supplies.

- e. Aviaries may be permitted, provided that structures and enclosures containing these activities will not be located closer than 50 feet from any dwelling, property line, or right-of-way.
- f. Apiaries may be permitted, provided the enclosures containing these activities are not located closer than 100 feet from any dwelling, property line, or right-of-way.

(2) Community facility

(3) Dwelling – Single-family

(4) Group home/residential setting care facility:

- a. Facilities will not be located on a lot within 1,320 feet, measured by a straight line in any direction from property line to property line, of another residential setting care facility or group home.
- b. Facilities will provide 300 square feet of livable space for each resident. Bedrooms will be a minimum of 80 square feet and 120 square feet for bedrooms with two (2) occupants.
- c. Signage, graphics, display, or other visual forms of identification, other than those permitted for a residential dwelling are prohibited.
- d. Facilities will be improved and maintained to comply with state law and the Surprise Development Directives.
- e. The responsible party will immediately cease operations and inform the city in writing if any regulatory agency revokes or terminates the license to operate the facility.
- f. The Community and Economic Development Department will approve and maintain a record of each facility location.
- g. Facilities are considered single-family residential units subject to the provisions of A.R.S. § 36-582.

(5) Park, recreation, athletic field, and/or open area

(6) Public building

(7) Public works facility

(8) Worship facility

(d) The following uses are conditionally permitted:

(1) Animal hospital, clinic, boarding facility, and/or shelter:

- a. Building construction methods will incorporate sound barriers and odor protection to protect adjacent property.
- b. Activities will be located within a fully enclosed soundproof building. No outdoor boarding will be permitted.

- c. Outdoor exercise areas will not be placed immediately adjacent to or within 80 feet of a residential use.
- d. Facilities will comply with all state and local regulations.

(2) Bed and breakfast establishment:

- a. The establishment will be owner-occupied and the guest rooms will be part of the primary residence.
- b. No more than four (4) rented rooms will be permitted.
- c. Maximum guest stay will be 30 days.
- d. There shall be no more than one (1) commercial vehicle deliveries to or from the establishment daily. Deliveries will not be made by a semi-tractor/trailer truck.
- e. Meals will be served only to overnight guests.
- f. No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises will be allowed.
- g. There will be a minimum of one (1) off-street parking space per rental room.

(3) Cemetery, columbarium, and/or mausoleum:

- a. Cemeteries will contain a minimum of ten (10) acres.
- b. There will be a minimum of a 50 foot landscaped buffer between the property line or roadway right-of-way and any structure or gravesite.

(4) Day care facility – Child and/or adult:

- a. A minimum of 75 square feet of outdoor play space per child will be provided from which at least 50 square feet of fenced in play space per child will be provided. Fence-in, outdoor, play space will not include driveways, parking areas or land unsuited for children's play space.
- b. Access to the facility will be from a collector or arterial road.

(5) Equestrian center, stable, and/or riding academy

- a. All activity areas will comply with state and local dust control standards.
- b. Will have a minimum site area of ten (10) acres.
- c. Structures and incidental uses including, but not limited to, barns, stables, corrals, and paddocks will be no closer than 100 feet from any property line.
- d. A public address system or other means of outdoor amplification may be used as a convenience for announcements and administration during the special equestrian events only but will not be heard beyond the property boundary.

(6) School – Kindergarten through grade 12

- a. School sites will not have public access directly from a parkway or major arterial.

- b. Parking will be only be allowed in the required front yard on public roads designated as a collector or greater. A minimum 20 foot landscape buffer will be provided where parking is adjacent to residential zoning districts.
- c. The student drop off/pick up area will be a minimum of 100 linear feet. Designated pedestrian pathways will be provided for all bus and student drop off/pick up areas.
- d. Special paving, brick, striping, or other methods will be used for pedestrian walkways that cross vehicular use areas.
- e. All buildings will be designed to be architecturally compatible with the surrounding residential neighborhood.
- f. Open space, including play area, will be a minimum of 25 percent of the property.
- g. Schools will not be located within the current MAG Luke AFB Noise Contours.
- h. Offsite improvements may be required to accommodate peak traffic volumes.

(7) Solar collection facility

(8) Wireless communication facility (Excluding co-location)

a. Siting provisions:

- 1. No new facility will be located within 1,320 feet of an existing WCF unless the existing facility does not meet structural specifications necessary for co-location. Recreation field light poles and public utility structures are exempt from this requirement.
- 2. The maximum height of a monopole including the base and platform, but excluding antennae, will be limited to 65 feet above the finished grade of the site. The maximum height of the antennae attached to a wireless communication monopole will not exceed 80 feet above the finished grade of the site.
- 3. The monopole will be set back from all non-residential property lines a minimum distance equal to the height of the pole excluding the antennae. In the event the proposed structures fall zone is less than the actual height of the monopole as documented by a licensed professional structural engineer, the minimum distance may be reduced.
- 4. A WCF will be set back from any residential property line a minimum distance of 200 feet.
- 5. The applicant will allow for the co-location of additional WCF(s) by other personal wireless carriers on the structure unless otherwise regulated in this section.

b. Appearance:

- 1. Residential, Commercial and Business Park Zoning Districts:

(a) Monopalms:

- (1) Will contain a minimum of 55 palm fronds that disguise the length of the antenna.
 - (2) The antenna array will not extend more than 30 inches from the structure to which it is attached.
 - (3) The pole structure will be clad with faux bark that begins at the base of the pole and continue to the height of the first palm frond attachment. The balance of the pole structure and the attachments will be painted to blend with the palm fronds.
 - (4) The diameter of the pole will not exceed 26 inches at its widest point.
 - (5) All cables will be concealed within the pole structure.
 - (6) No more than two (2) microwave dishes will be permitted on each monopalm.
 - (7) Microwave dishes will be limited to one (1) square foot in size and will be concealed within the monopole, trimmed leaf cluster, or palm fronds.
 - (8) The trimmed leaf cluster will be mounted directly below the palm fronds and will be painted to blend with the pole structure.
 - (9) Climbing pegs are prohibited on the pole structure.
 - (10) Installation will minimize the removal of mature vegetation.
- (b) Monocactus:
- (1) The structure will be clad with faux finish that begins at the base of the pole and continues to the top of the structure.
 - (2) The diameter of the pole structure will not exceed thirty (30) inches at its widest point.
 - (3) All antenna and cables will be concealed within the structure.
 - (4) External microwave dishes and climbing pegs are prohibited on the structure.
 - (5) Installation will minimize the removal of mature vegetation.
- (c) Monopine or Broadleaf Tree:
- (1) The pole structure will be clad with faux bark. The faux bark will start at the base of the pole and continue to the height of the first branch attachment. The balance of the pole structure and the attachments will be painted to blend with the branches.
 - (2) The diameter of the pole structure will not exceed 36 inches at the base and will taper to no greater than 28 inches at the top of the pole structure.
 - (3) All cables will be concealed within the pole structure.

(4) Branches:

- i. Will be constructed to a density of 2.5 branches for each one (1) vertical foot of pole.
- ii. Will start no less than 15 feet above finished grade and continue to the top of the pole.
- iii. Will be a minimum of eight (8) feet long around the circumference of the lower level and will taper as the branches progress upwards.
- iv. The entire length of all antennae and their attaching apparatus will be disguised by the branches and the antenna array will not extend more than 30 inches from the structure to which it is attached.

(5) Microwave dishes will be limited to one (1) square foot in size. Dishes and attaching apparatus will be painted to blend with the branches.

(6) No more than four (4) microwave dishes are permitted.

(7) Climbing pegs are prohibited on the pole structure.

(8) Installation will minimize the removal of mature vegetation.

(d) Recreation Field Light Poles:

(1) The maximum allowable width of an antenna array is four (4) feet.

(2) The antenna array will not extend more than 30 inches from the structure to which it is attached.

(3) The maximum allowable length of each antenna is ten (10) feet.

(4) The diameter of the pole structure will not exceed 36 inches.

(5) The addition of a WCF to a recreation field light will not increase the height of the light structure by more than ten (10) feet.

(6) All cables will be concealed within the pole structure.

(7) Microwave dishes will be limited to two (2) square feet in size.

(8) No more than two (2) external microwave dishes are permitted on each recreation field light pole.

(9) All microwave dishes, antennas, and attaching apparatus will be painted to match the recreation field light pole.

(10) Installation will minimize the removal of mature vegetation.

(e) Water Towers/Tanks:

(1) The maximum allowable width of an antenna array is four (4) feet.

(2) The antenna will not extend more than 18 inches from the structure to which it is attached.

- (3) The maximum allowable length of each antenna array is ten (10) feet.
- (4) The addition of a WCF will not increase the height of the water tower/tank structure.
- (5) All cables will be concealed within the support structure or fully enclosed within a cable shroud.
- (6) Microwave dishes will be limited to two (2) square feet in size.
- (7) No more than two (2) microwave dishes will be permitted on each water tower or water tank.
- (8) All microwave dishes, antennas, cable shrouds, and attaching apparatus will be painted to match the water tower or water tank.
- (9) The installation of a water tower or water tank will minimize the removal of mature vegetation.
- (f) Public Utility Structures:
 - (1) The maximum allowable width of an antenna array is four (4) feet.
 - (2) The antenna will not extend more than 12 inches from the structure to which it is attached.
 - (3) The maximum allowable length of all antenna added to a utility pole is ten (10) feet.
 - (4) The addition of a WCF to a public utility pole will not increase the height of the public utility pole by more than ten (10) feet.
 - (5) All cables will be concealed within the public utility pole or a cable shroud.
 - (6) Microwave dishes will be limited to two (2) square feet in size.
 - (7) No more than two (2) external microwave dishes are permitted on each public utility pole.
 - (8) All microwave dishes, antennas, cable shrouds, and attaching apparatus will be painted to match the public utility pole.

c. Co-location

- 1. A proposal for a new WCF will not be approved unless the communications equipment cannot be accommodated on an existing or approved monopole or structure within a one mile radius of the proposed WCF due to the following conditions:
 - (a) The planned equipment would exceed the structural capacity of the existing or approved structure or monopole and cannot be reinforced or modified to accommodate the proposed equipment as documented by a qualified and licensed professional structural engineer.

- (b) The owner of the existing WCF is unwilling to replace a monopole that would exceed the structural capacity as documented by a qualified and licensed professional structural engineer.
- 2. The monopole or tower that utilizes a co-location will not increase in height more than six (6) feet beyond the established height requirements of this section.
- d. Support Equipment and Structures:
 - 1. Will comply with required setback(s).
 - 2. The following standards apply to enclosures:
 - (a) Will be an eight (8) foot solid block or masonry perimeter wall.
 - (b) Entry gates will be constructed of sight-obscuring material.
 - 3. The following standards apply to ground-mounted cabinets:
 - (a) The maximum area will be 300 square feet for a single wireless communication provider or 600 square feet for multiple wireless communication providers.
 - (b) The maximum height is eight (8) feet, to be measured from finished grade elevation.
 - (c) Ground-mounted cabinets will be located within an enclosure, equipment shelter, or enclosed building.
 - (d) Ground-mounted cabinets are not permitted to be constructed within the front yard setback of a residential zoning district.
 - 4. A generator or other utility source will be used that emits an average noise level not to exceed 55 db, measured at any property line that is zoned or used for residential purposes.
- e. Cell On Wheels (COW) are subject to the following minimum standards:
 - 1. Utilization of COWs are only allowed during construction of a permanent WCF not to exceed a duration of two (2) years.
 - 2. Will be set back from all residential lot lines a minimum distance equal to the height of the fully erect COW.
 - 3. Are permitted on a utility trailer with a maximum width of ten (10) feet and length of 24 feet.
 - 4. Permitted power sources.
 - (a) A generator or other utility source will be used that emits an average noise level not to exceed 55 db, measured at any property line that is zoned or used for residential purposes.
 - (b) Use of on-site utility services will require a building permit.

5. No required parking for a development site will be occupied by the placement of a COW.
 6. For uses other than WCF construction, including special events, COW placement will be limited to a duration not to exceed 30 days unless approved by the City Manager or designee.
- f. Discontinuation of Use
1. In the event the use of any WCF has been discontinued for a period of 90 consecutive days, the WCF will be deemed to be abandoned. Upon such abandonment, the owner and/or operator of the tower and/or property owner will have 90 days to:
 - (a) Reactivate the use of the WCF or transfer the WCF to another owner/operator who makes actual use of the WCF; or
 - (b) Dismantle and remove the WCF. Upon removal of the wireless service facility, the site will be returned to its natural state and topography and vegetated consistent with the natural surroundings.
 - g. WCFs located on property owned by the City of Surprise are permitted in all zoning districts and may not be regulated by these provisions of this section.
- (e) The following yard, height, and area provisions are required for this district:
- (1) Residential:
- a. Lot area will be a minimum of 43,000 square feet and have a minimum width of 130 feet.
 - b. A required front yard with a minimum depth of 30 feet.
 - c. Required side yards each having a minimum width of 20 feet.
 - d. Required side yards adjacent to public streets will have a minimum width of 30 feet.
 - e. A required rear yard with a minimum depth of 30 feet.
 - f. The maximum lot coverage will not exceed 20 percent of the lot area.
 - g. Structures will be a maximum of 40 feet in height.
- (2) Non-Residential:
- a. Lot area will be a minimum of 43,000 square feet and have a minimum width of 130 feet.
 - b. A required front yard with a minimum depth of 50 feet.
 - c. Required side yards each having a minimum width of 30 feet.
 - d. Required side yards adjacent to public streets will have a minimum width of 50 feet.
 - e. A required rear yard with a minimum depth of 50 feet.

- f. The maximum lot coverage will not exceed 20 percent of the lot area.
- g. Structures will be a maximum of 40 feet in height.
- (f) Timeshares, vacation rentals, and hotels/motels are prohibited in residential zoning districts.
- (g) Any use and/or dimensional requirement not in compliance with the standards for this zoning district is a violation of this ordinance.

Section 122-504 - Single-Family Residential (R1-18)

- (a) This district provides for the development of single-family detached dwellings and related complementary uses at low density. It is intended to be strictly residential in character with minimum disturbances due to traffic or overcrowding.
- (b) The maximum dwelling units per lot of record is one (1).
- (c) The following uses are principally permitted:
 - (1) Community facility
 - (2) Dwelling – Single-family
 - (3) Group home/residential setting care facility:
 - a. Facilities will not be located on a lot within 1,320 feet, measured by a straight line in any direction from property line to property line, of another residential setting care facility or group home.
 - b. Facilities will provide 300 square feet of livable space for each resident. Bedrooms will be a minimum of 80 square feet and 120 square feet for bedrooms with two (2) occupants.
 - c. Signage, graphics, display, or other visual forms of identification, other than those permitted for a residential dwelling are prohibited.
 - d. Facilities will be improved and maintained to comply with state law and the Surprise Development Directives.
 - e. The responsible party will immediately cease operations and inform the city in writing if any regulatory agency revokes or terminates the license to operate the facility.
 - f. The Community and Economic Development Department will approve and maintain a record of each facility location.
 - g. Facilities are considered single-family residential units subject to the provisions of A.R.S. § 36-582.
 - (4) Park, recreation, athletic field, and/or open area
 - (5) Public building
 - (6) Public works facility

(7) Worship facility

(d) The following uses are conditionally permitted:

(1) Bed and breakfast establishment:

- a. The establishment will be owner-occupied and the guest rooms will be part of the primary residence.
- b. No more than four (4) rented rooms will be permitted.
- c. Maximum guest stay will be 30 days.
- d. There shall be no more than one (1) commercial vehicle deliveries to or from the establishment daily. Deliveries will not be made by a semi-tractor/trailer truck.
- e. Meals will be served only to overnight guests.
- f. No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises will be allowed.
- g. There will be a minimum of one (1) off-street parking space per rental room.

(2) Cemetery, columbarium, and/or mausoleum:

- a. Cemeteries will contain a minimum of ten (10) acres.
- b. There will be a minimum of a 50 foot landscaped buffer between the property line or roadway right-of-way and any structure or gravesite.

(3) Day care facility – Child and/or adult:

- a. A minimum of 75 square feet of outdoor play space per child will be provided from which at least 50 square feet of fenced in play space per child will be provided. Fence-in, outdoor, play space will not include driveways, parking areas or land unsuited for children's play space.
- b. Access to the facility will be from a collector or arterial road.

(4) School – Kindergarten through grade 12

- a. School sites will not have public access directly from a parkway or major arterial.
- b. Parking will be only be allowed in the required front yard on public roads designated as a collector or greater. A minimum 20 foot landscape buffer will be provided where parking is adjacent to residential districts.
- c. The student drop off/pick up area will be a minimum of 100 linear feet. Designated pedestrian pathways will be provided for all bus and student drop off/pick up areas.
- d. Special paving, brick, striping, or other methods will be used for pedestrian walkways that cross vehicular use areas.
- e. All buildings will be designed to be architecturally compatible with the surrounding residential neighborhood.

- f. Open space, including play area, will be a minimum of 25 percent of the property.
 - g. Schools will not be located within the current MAG Luke AFB Noise Contours.
 - h. Offsite improvements may be required to accommodate peak traffic volumes.
- (5) Wireless communication facility (Excluding co-location)
- a. The use regulations are the same as those in the R1-43 Zoning District.
- (e) The following yard, height, and area provisions are required for this district:
- (1) Residential:
- a. Lot area will be a minimum of 18,000 square feet and have a minimum width of 90 feet.
 - b. A required front yard with a minimum depth of 20 feet.
 - c. Required side yards each having a minimum width of ten (10) feet.
 - d. Required side yards adjacent to public streets will have a minimum width of 20 feet.
 - e. A required rear yard with a minimum depth of 30 feet.
 - f. The maximum lot coverage will not exceed 30 percent of the lot area.
 - g. Structures will be a maximum of 30 feet in height.
- (2) Non-Residential:
- a. Lot area will be a minimum of 18,000 square feet and have a minimum width of 90 feet.
 - b. A required front yard with a minimum depth of 40 feet.
 - c. Required side yards each having a minimum width of 20 feet.
 - d. Required side yards adjacent to public streets will have a minimum width of 30 feet.
 - e. A required rear yard with a minimum depth of 40 feet.
 - f. The maximum lot coverage will not exceed 30 percent of the lot area.
 - g. Structures will be a maximum of 30 feet in height.
- (f) Timeshares, vacation rentals, and hotels/motels are prohibited in residential zoning districts.
- (g) Any use and/or dimensional requirement not in compliance with the standards for each zoning district is a violation of this ordinance.

Section 122-505 - Single-Family Residential (R1-12)

- (a) This district provides for the development of single-family detached dwellings and related complementary uses at low density. It is intended to be strictly residential in character with minimum disturbances due to traffic or overcrowding.
- (b) The maximum dwelling units per lot of record is one (1).
- (c) The principally permitted use regulations are the same as those in the R1-18 Zoning District.
- (d) The following uses are conditionally permitted:
 - (1) Cemetery, columbarium, and/or mausoleum:
 - a. Cemeteries will contain a minimum of ten (10) acres.
 - b. There will be a minimum of a 50 foot landscaped buffer between the property line or roadway right-of-way and any structure or gravesite.
 - (2) Day care facility – Child and/or adult:
 - a. A minimum of 75 square feet of outdoor play space per child will be provided from which at least 50 square feet of fenced in play space per child will be provided. Fence-in, outdoor, play space will not include driveways, parking areas or land unsuited for children's play space.
 - b. Access to the facility will be from a collector or arterial road.
 - (3) School – Kindergarten through grade 12
 - a. School sites will not have public access directly from a parkway or major arterial.
 - b. Parking will be only be allowed in the required front yard on public roads designated as a collector or greater. A minimum 20 foot landscape buffer will be provided where parking is adjacent to residential districts.
 - c. The student drop off/pick up area will be a minimum of 100 linear feet. Designated pedestrian pathways will be provided for all bus and student drop off/pick up areas.
 - d. Special paving, brick, striping, or other methods will be used for pedestrian walkways that cross vehicular use areas.
 - e. All buildings will be designed to be architecturally compatible with the surrounding residential neighborhood.
 - f. Open space, including play area, will be a minimum of 25 percent of the property.
 - g. Schools will not be located within the current MAG Luke AFB Noise Contours.
 - h. Offsite improvements may be required to accommodate peak traffic volumes.
 - (4) Wireless communication facility (Excluding co-location)
 - a. The use regulations are the same as those in the R1-43 Zoning District.
- (e) The following yard, height, and area provisions are required for this district:

(1) Residential:

- a. Lot area will be a minimum of 12,000 square feet and have a minimum width of 80 feet.
- b. A required front yard with a minimum depth of 20 feet.
- c. Required side yards each having a minimum width of ten (10) feet.
- d. Required side yards adjacent to public streets will have a minimum width of 20 feet.
- e. A required rear yard with a minimum depth of 25 feet.
- f. The maximum lot coverage will not exceed 35 percent of the lot area.
- g. Structures will be a maximum of 30 feet in height.

(2) Non-Residential:

- a. Lot area will be a minimum of 12,000 square feet and have a minimum width of 80 feet.
 - b. A required front yard with a minimum depth of 40 feet.
 - c. Required side yards each having a minimum width of 20 feet.
 - d. Required side yards adjacent to public streets will have a minimum width of 30 feet.
 - e. A required rear yard with a minimum depth of 40 feet.
 - f. The maximum lot coverage will not exceed 30 percent of the lot area.
 - g. Structures will be a maximum of 30 feet in height.
- (f) Timeshares, vacation rentals, and hotels/motels are prohibited in residential zoning districts.
- (g) Any use and/or dimensional requirement not in compliance with the standards for each zoning district is a violation of this ordinance.

Section 122-506 - Single-Family Residential (R1-8)

- (a) This district provides for the development of single-family detached dwellings and directly related complementary uses at low density. It is intended to be strictly residential in character with minimum disturbances due to traffic or overcrowding.
- (b) The maximum dwelling units per lot of record is one (1).
- (c) The principally permitted use regulations are the same as those in the R1-12 Zoning District.
- (d) The conditionally permitted use regulations are the same as those in the R1-12 Zoning District.
- (e) The accessory use regulations are the same as those in the R1-12 Zoning District.

(f) The following yard, height, and area provisions are required for this district:

(1) Residential:

- a. Lot area will be a minimum of 8,000 square feet and have a minimum width of 60 feet.
- b. A required front yard with a minimum depth of 20 feet.
- c. Structures with a side loaded garage will be a front yard having a depth not less than 15 feet.
- d. Required side yards each having a minimum width of seven (7) feet.
- e. Sideyards adjacent to public streets will have a depth not less than 12 feet.
- f. A required rear yard with a minimum depth of 20 feet.
- g. The maximum lot coverage will not exceed 40 percent of the lot area.
- h. Structures will be a maximum of 30 feet in height.

(2) Non-Residential:

- a. The yard, height, and area provisions are the same as those in the R1-12 Zoning District.

(g) Timeshares, vacation rentals, and hotels/motels are prohibited in residential zoning districts.

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

Section 122-507 - Single-Family Residential (R1-5)

(a) This district provides for the development of single-family detached dwellings and directly related complementary uses at low density. It is intended to be strictly residential in character with minimum disturbances due to traffic or overcrowding.

(b) The maximum dwelling units per lot of record is one (1).

(c) The principally permitted use regulations are the same as those in the R1-8 Zoning District.

(d) The conditionally permitted use regulations are the same as those in the R1-8 Zoning District.

(e) The accessory use regulations are the same as those in the R1-8 Zoning District.

(f) The following yard, height, and area provisions are required for this district:

(1) Residential:

- a. Lot area will be a minimum of 5,000 square feet and have a minimum width of 50 feet.
- b. A required front yard with a minimum depth of 20 feet.

- c. Structures with a side loaded garage will be a front yard having a depth not less than 15 feet.
- d. Required side yards each having a minimum width of five (5) feet.
- e. Sideyards adjacent to public streets will have a depth not less than 12 feet.
- f. A required rear yard with a minimum depth of 15 feet.
- g. The maximum lot coverage will not exceed 45 percent of the lot area.
- h. Structures will be a maximum of 30 feet in height.

(2) Non-Residential:

- a. The yard, height, and area provisions are the same as those in the R1-8 Zoning District.
- (g) Timeshares, vacation rentals, and hotels/motels are prohibited in residential zoning districts.
- (h) Any use and/or dimensional requirement not in compliance with the standards for each zoning district will be a violation of this ordinance.

Section 122-508 – Multi-Family Residential (R-2)

- (a) This district provides for medium density housing and directly related complementary uses to allow economical use of land while creating an attractive, functional, and safe residential environment.
- (b) The maximum density will be 12 dwelling units per gross acre and will have no more than one (1) single family detached dwelling unit per lot of record.
- (c) The following uses are principally permitted:
 - (1) Assisted living and/or congregate care facility
 - (2) Community facility
 - (3) Dwelling – Single family attached and multi-family up to four (4) units
 - (4) Dwelling – Single family detached:
 - (5) Group home/residential setting care facility:
 - a. Facilities will not be located on a lot within 1,320 feet, measured by a straight line in any direction from property line to property line, of another residential setting care facility or group home.
 - b. Facilities will provide 300 square feet of livable space for each resident. Bedrooms will be a minimum of 80 square feet and 120 square feet for bedrooms with two (2) occupants.
 - c. Signage, graphics, display, or other visual forms of identification, other than those permitted for a residential dwelling are prohibited.

- d. Facilities will be improved and maintained to comply with state law and the Surprise Development Directives.
- e. The responsible party will immediately cease operations and inform the city in writing if any regulatory agency revokes or terminates the license to operate the facility.
- f. The Community and Economic Development Department will approve and maintain a record of each facility location.
- g. Facilities are considered single-family residential units subject to the provisions of A.R.S. § 36-582.

(6) Park, recreation, athletic fields, and/or open area

(7) Public building

(8) Public works facility

(9) School – Kindergarten through grade 12

(10) Worship facility

(d) The following uses are conditionally permitted:

(1) All uses conditionally permitted in R1-5 zoning district

(2) Manufactured home subdivision:

- a. Manufactured/mobile homes are allowed only in manufactured home subdivisions.
- b. Manufactured/mobile home parks are prohibited.
- c. Homes will be oriented on a lot or parcel so that the wide side of the home faces the front lot line.
- d. No more than one (1) home will be placed on any lot and no home will be used for anything other than a single-family residential dwelling unit.
- e. If a permanent foundation wall is not installed, all sides of the home will extend to meet the surrounding ground, or a facade will be used on all sides of the home that would appear to have a foundation wall similar in appearance and kind to those used in conventional site built homes.
- f. No accessory building will be used for sleeping or living purposes.
- g. Dimensional requirements:
 - 1. The subdivision will be a minimum of ten (10) acres.
 - 2. The minimum lot size for an individual lot within the subdivision is 3,500 square feet.
 - 3. The minimum lot frontage for an individual lot within the park is 40 feet.
 - 4. The maximum building height is 30 feet.
 - 5. The following minimum building setbacks are required for all individual lots:

- i. Front yard – 20 feet
 - ii. Side yard – five (5) feet
 - iii. Rear yard – 20 feet
 - 6. The maximum lot coverage will be no greater than 50 percent.
- (e) The following yard, height, and area provisions are required for this district:
- (1) Residential:
- a. Single family attached and multiple family up to four (4) units:
 - 1. Lot area will be a minimum of 3,000 square feet and have a minimum width of 25 feet.
 - 2. A required front yard with a minimum depth of eight (8) feet.
 - 3. Required side yards each having a minimum width of five (5) feet except the common wall which is zero (0) feet.
 - 4. Sideyards adjacent to public streets will have a depth not less than ten (10) feet.
 - 5. A required rear yard with a minimum depth of 10 feet.
 - 6. The maximum lot coverage will not exceed 50 percent of the lot area.
 - 7. Structures will be a maximum of 30 feet in height.
 - b. Single family detached:
 - 1. Lot area will be a minimum of 5,000 square feet for each dwelling unit, and have a minimum width of 50 feet.
 - 2. A required front yard with a minimum depth of 20 feet for dwelling units with front loaded garages.
 - 3. Required side yards each having a minimum width of five (5) feet.
 - 4. Sideyards adjacent to public streets will have a depth not less than ten (10) feet.
 - 5. A required rear yard with a minimum depth of fifteen 15 feet.
 - 6. The maximum lot coverage will not exceed 50 percent of the lot area.
 - 7. Structures will be a maximum of 30 feet in height.
- (2) Non-Residential:
- a. Lot area will be a minimum of 43,000 square feet and have a minimum width of 130 feet.
 - b. A required front yard with a minimum depth of 50 feet.
 - c. Required side yards each having a minimum width of 30 feet.
 - d. Required side yards adjacent to public streets will have a minimum width of 50 feet.

- e. A required rear yard with a minimum depth of 50 feet.
 - f. The maximum lot coverage will not exceed 50 percent of the lot area.
 - g. Structures will be a maximum of 40 feet in height.
- (f) Timeshares, vacation rentals, and hotels/motels are prohibited in residential zoning districts.
- (g) Any use and/or dimensional requirement not in compliance with the standards for each zoning district will be a violation of this ordinance.

Section 122-509 – Multi-Family Residential (R-3)

- (a) This district provides for residential options including apartments, condominiums, and townhomes.
- (b) Density:
- (1) The maximum density for single family detached will be 12 dwelling units per gross acre and will have no more than one (1) single family detached dwelling unit per lot of record.
 - (2) The maximum density for apartment buildings will be no greater than 21 dwelling units per acre.
- (c) The following uses are principally permitted:
- (1) All uses principally permitted in R-2
 - (2) Dwelling – Multi-family with five (5) or more units
- (d) The conditionally permitted use regulations are the same as those in the R-2 Zoning District.
- (e) The following yard, height, and area provisions are required for this district:
- (1) Residential:
 - a. Single family detached, attached, and multiple family up to four (4) units:
 - 1. The yard, height, and area provisions are the same as those in the R-2 Zoning District.
 - b. Multi-family with five (5) or more units:
 - 1. Lot area is determined by building, parking, and open area.
 - 2. A required front yard with a minimum depth of 20 feet.
 - 3. Structures adjacent to single-family residential zoned property will be setback from side and rear parcel lines a minimum depth equal to the height of the multi-family structure or 20 feet, whichever is greater.
 - 4. Required side yards each having a minimum depth of 20 feet.
 - 5. A required rear yard with a minimum depth of 20 feet.

6. The maximum lot coverage will not exceed 50 percent of the lot area.
7. Structures will be a maximum of 48 feet in height.
8. Outdoor living area will be no less than 30 percent of dwelling unit area.

(2) Non-Residential:

- a. The yard, height, and area provisions are the same as those in the R-2 Zoning District.
- (f) Timeshares, vacation rentals, and hotels/motels are prohibited in residential zoning districts.
- (g) Any use and/or dimensional requirement not in compliance with the standards for each zoning district will be a violation of this ordinance.

Section 122-510 – Residential Accessory Uses

(a) The following accessory uses are permitted:

(1) Accessory Structures:

- a. All accessory structures will be located on the same lot as the principal or main dwelling.
- b. No accessory structure will be constructed prior to construction of the principal dwelling to which it is accessory.
- c. No accessory structure will at any time be used as a principal dwelling unit.
- d. A structure will not be considered accessory structure if it is connected to the principal dwelling by one of the following methods:
 1. Roof
 2. Common wall
- e. An accessory structure will not be located in the required front and side yards.
- f. Accessory structures will be designed to complement the primary dwelling by incorporating the same exterior colors, materials, and style.
- g. Accessory structures will not exceed the height of the principal dwelling.
- h. An accessory structure will be at least five (5) feet from a principal dwelling.
- i. The accessory structure will remain accessory to and under the same ownership as the principal use, and will not be subdivided or sold separately.
- j. Notwithstanding zoning district setbacks, all accessory structures will be setback a minimum of five (5) feet from the property line. Accessory structures over ten (10) feet in height will be setback an additional one (1) foot for every foot in excess of ten (10) vertical feet. On corner lots the applicable street side zoning setbacks will be maintained.

- k. Detached accessory buildings may be located in the rear yard but will not occupy more than 30 percent of the required rear yard. When a portion of the accessory building is located within both the required rear yard and the building envelope, the area within the buildable envelope will meet all side yard provisions of the applicable zoning district.

(2) Guest Quarters:

- a. The square footage of the guest quarters will not exceed 50 percent of the primary dwelling unit area.
- b. Guest quarters will be designed to complement the primary dwelling by incorporating the same exterior colors, materials, and style.
- c. The guest quarters will not exceed the height of the primary structure.
- d. The front elevation of the property will not have more than one (1) entrance door visible from the street.
- e. The guest quarters will be located in a rear yard unless attached to the principal structure and will meet all required setbacks.
- f. If the guest quarter is detached from the principal dwelling, it will have a minimum separation of five (5) feet from the principal dwelling.
- g. Guest quarters will not have a separate address or utility service.
- h. Guest quarters will not be sold or conveyed as a separate dwelling unit.
- i. Guest quarters will not count as a separate dwelling unit for purposes of determining overall residential density.

(3) Home Occupation:

- a. A business license will be required of all home occupations.
- b. Home occupation will be subordinate to the primary residential use.
- c. All related business activities will occur entirely within the residential dwelling or accessory structure.
- d. The use will occupy no more than 25 percent of the dwelling unit.
- e. Only those persons residing on the premises will be engaged in the activities of the home occupation.
- f. The home occupation will not produce offensive noise, vibration, smoke, dust, odors, heat, or electrical interference with radio or television transmission detectable beyond the property lines.
- g. The use will not require the installation or operation of equipment or machinery creating utility demand or other impacts in excess of that which is normally produced by a dwelling unit.
- h. The use will not require internal or external alterations to any structure unless such alterations are consistent with the existing architectural style of the primary residence.

- i. The use will not require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure or the fire district in which the structure is located.
- j. A home occupation that is authorized to receive patrons, students or any business-related individuals at the home occupation location may only do so between the hours of 8:00 a.m. and 8:00 p.m., unless further regulated by a conditional use permit.
- k. There will be no exterior displays, exterior storage of equipment, goods, or materials.
- l. No on-premises advertising for the home occupation will be allowed.
- m. Retailing or wholesaling of products or supplies on the premises is prohibited. Deliveries of retail products to the consumer off the premises, such as in the course of a mail order business, will be permitted.
- n. On-site storage and use of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
- o. No more than one (1) vehicle related to the home occupation will be permitted. The vehicle will be parked in the garage or paved driveway of the residence.
- p. There shall be no more than one (1) client or customer vehicle on the premises at any one (1) time and the activity shall not generate traffic beyond that normal in its district.
- q. There shall be no more than one (1) commercial vehicle deliveries to or from the home occupation site daily. Deliveries will not be made by a semi-tractor/trailer truck.
- r. Suitability of a home occupation will be determined by the City Manager or designee.
- s. The following uses are not permitted as home occupations:
 - 1. Ambulance services
 - 2. Ammunition sales
 - 3. Animal and veterinary clinics, kennels, and stables
 - 4. Banks and credit unions
 - 5. Beauty and barber shops
 - 6. Clubs
 - 7. Dance instruction
 - 8. Hotels and motels
 - 9. Massage parlors
 - 10. Mechanical repair and/or modification

11. Medical and dental offices and hospitals
12. Mortuary
13. Private schools
14. Restaurants
15. Taxi services
16. Upholstering
17. Vehicle repair, service, painting, or bodywork

(4) Medical Marijuana Designated Caregiver Cultivation:

- a. Medical marijuana designated caregiver cultivation locations as defined in this chapter are subject to all rules adopted by the Arizona Department of Health Services and the following requirements:
 1. Cultivation locations will be an enclosed, locked facility such as a closet, room, greenhouse or other building that does not exceed 50 square feet of cultivation space.
 2. Cultivation locations will not be visible from beyond the boundaries of the property on which the cultivation location is situated.
 3. Medical Marijuana cultivation as an accessory use to the qualifying caregiver's primary residence will only be permitted if the residence is located at least 25 miles from a Medical Marijuana Dispensary.

(5) Medical Marijuana Qualifying Patient Cultivation Location:

- a. Medical marijuana qualifying patient cultivation locations, as defined in this chapter, are subject to all rules adopted by the Arizona Department of Health Services and the following requirements:
 1. Cultivation locations will be an enclosed, locked facility such as a closet, room, greenhouse or other building that does not exceed 50 square feet of cultivation space.
 2. Cultivation locations will not be visible from beyond the boundaries of the property on which the cultivation location is situated.
 3. Medical Marijuana cultivation as an accessory use to the qualifying patient primary residence will only be permitted if the residence is located at least 25 miles from a Medical Marijuana Dispensary.

(6) Raising and/or Boarding of Livestock for Non-Commercial Use:

- a. Permitted only in R1-43 zoning district.
- b. Enclosures for the keeping of livestock will be located in the rear yard, set back from all parcel lines a distance of not less than 40 feet.

(7) Sports and Tennis Courts:

- a. Sports and tennis courts will not be permitted in the front yard.

- b. Sports and tennis courts without lighting will be setback five (5) feet from all side and rear lot lines (measure from the edge of the playing surface).
- c. Enclosures will be a maximum of 12 feet in height. Fences over ten (10) feet in height will be setback an additional one (1) foot for every foot in excess of ten (10) vertical feet. Enclosures utilizing chain link fencing will be vinyl coated
- d. Lighting will not be constructed within 20 feet of any side or rear lot lines, and will not exceed 16 feet in height. Lighting will be shielded to ensure lighting does not extend off the subject property.

(8) Storage Containers:

- a. Will be placed on a dust controlled surface.
 - b. Can be located on a residential parcel up to seven (7) days.
 - c. Will not be located in the right-of-way.
- (b) No accessory use will include outdoor display or storage of any of the following listed items when such items are visible or emit odor, dust, gas, noise, vibration, smoke, heat, or glare beyond any boundary of the lot on which such items are displayed or stored:
- (1) Any building or landscape materials.
 - (2) Any machinery, parts, scrap, or appliances.
 - (3) Vehicles which are unlicensed, inoperable, or registered to or owned by persons not residing on the premises.
 - (4) Any other chattel used for or intended for a commercial purpose or ultimate use on other than the subject premises.

Division 3 - Non-Residential Zoning Districts

These districts provide specific commercial activities such as offices, services, retail sales, and industrial uses that increase pedestrian and/or vehicular traffic.

Section 122-511 - Neighborhood Commercial (C-1)

- (a) This district provides for the development of smaller shops and services in the immediate residential neighborhoods while protecting adjoining residential districts by permitting a limited group of commercial uses.
- (b) The following uses are principally permitted:
 - (1) Art gallery
 - (2) Bank:
 - a. Drive-through:
 - 1. Will be located a minimum of 50 feet from a residential district.

2. Will require identification through striping, landscaping, and/or signs.
3. Will be a minimum of 11 feet wide. Any curved sections will be a minimum of 12 feet wide with a minimum radius of 25 feet on the curved section.
4. Will have a minimum capacity of 80 feet per lane, but no greater total capacity than 320 feet.
5. Service windows will be oriented away from adjacent residential uses.
6. Lanes will be screened from the right-of-way and adjacent residential uses.
7. Will incorporate an attached canopy over the teller area of the facility. The canopy will not exceed 14 feet in height, measured from the ground to underside of the canopy.

(3) Bicycle sales and service

(4) Community or recreational facility

(5) Copy shop

(6) Dance and/or gymnastics studio

(7) Laundry – Dry cleaning/laundry service:

a. Drive-through:

1. Will be located a minimum of 50 feet from a residential district.
2. Will require identification through striping, landscaping, and/or signs.
3. Will be a minimum of 11 feet wide. Any curved sections will be a minimum of 12 feet wide with a minimum radius of 25 feet on the curved section.
4. Lanes will have a minimum capacity of 40 feet per lane.
5. Service windows will be oriented away from adjacent residential uses.
6. Lanes will be screened from the right-of-way and adjacent residential uses.
7. Will incorporate an attached canopy over the drive-through window area of the facility. The canopy will not exceed 14 feet in height, measured from the ground to underside of the canopy.

(8) Library

(9) Medical and/or dental office

(10) Office – General

(11) Park, recreation, athletic field and/or open area

(12) Performing arts facility

(13) Personal services establishment

(14) Post office

(15) Restaurant

(16) Retail shopping – Less than or equal to 5,000 square feet

(17) Retail shopping – Greater than 5,000 and less than 50,000 square feet:

a. Drive-through:

1. Will be located a minimum of 50 feet from a residential district.
2. Will require identification through striping, landscaping, and/or signs.
3. Will be a minimum of 11 feet wide. Any curved sections will be a minimum of 12 feet wide with a minimum radius of 25 feet on the curved section.
4. Stacking lanes will have a minimum capacity of 60 feet per lane.
5. Service windows will be oriented away from adjacent residential uses.
6. Lanes will be screened from the right-of-way and adjacent residential uses.
7. Drive-through facilities will incorporate an attached canopy over the drive-through window area. The canopy will not exceed 14 feet in height, measured from the ground to underside of the canopy.

(18) Wireless communication facility on municipal property (excluding co-location)

(19) Worship facility

(c) The following uses are conditionally permitted:

(1) Day care facility – Child and/or adult:

- a. A minimum of 75 square feet of outdoor play space per child will be provided from which at least 50 square feet of fenced in play space per child will be provided. Fence-in, outdoor, play space will not include driveways, parking areas or land unsuited for children's play space.
- b. Access to the facility will be from a collector or arterial road.

(2) School – Kindergarten through grade 12

- a. School sites will not have public access directly from a parkway or major arterial.
- b. Parking will be only be allowed in the required front yard on public roads designated as a collector or greater. A minimum 20 foot landscape buffer will be provided where parking is adjacent to residential districts.
- c. The student drop off/pick up area will be a minimum of 100 linear feet. Designated pedestrian pathways will be provided for all bus and student drop off/pick up areas.
- d. Special paving, brick, striping, or other methods will be used for pedestrian walkways that cross vehicular use areas.
- e. All buildings will be designed to be architecturally compatible with the surrounding residential neighborhood.
- f. Open space, including play area, will be a minimum of 25 percent of the property.
- g. Schools will not be located within the current MAG Luke AFB Noise Contours.
- h. Offsite improvements may be required to accommodate peak traffic volumes.

- (3) Wireless communications facility (excluding co-location)
 - a. The use regulations are the same as those in the R1-43 Zoning District.
- (d) The following yard, height, and area provisions are required for this district:
 - (1) Minimum lot area will be determined by building area, parking requirements, and required setbacks or as indicated in the Surprise Development Directives.
 - (2) Minimum lot width of 100 feet.
 - (3) A required front yard with a minimum depth of 35 feet.
 - (4) Required side yards each having a minimum width of 20 feet.
 - (5) Required side yards adjacent to public streets will have a minimum width of 30 feet.
 - (6) A required rear yard with a minimum depth of 30 feet.
 - (7) Structures will be a maximum of 35 feet in height.
 - (8) Structures will be a minimum of 45 feet from any residentially zoned district.
- (e) Any use and/or dimensional requirement not in compliance with the standards for each zoning district will be a violation of this ordinance.
- (f) General Regulations:
 - (1) Drive through uses will be prohibited.
 - (2) Outdoor sound systems or external live music is prohibited.
 - (3) No outdoor storage or display of goods will be permitted except for outdoor dining.
 - (4) Direct pedestrian access to adjacent neighborhoods is required.
- (g) No use is permitted which will emit any offensive odor, dust, noxious gas, noise, vibration, smoke, heat, or glare beyond the boundaries of the property of which such use is conducted.

Section 122-512 - Community Commercial (C-2)

- (a) This district provides retail, office, and service activities to satisfy the needs of the community with an emphasis on shopping centers, clustered office, and commercial developments.
- (b) The following uses are principally permitted:
 - (1) All uses principally permitted in C-1
 - (2) Alcohol beverage retail sales:
 - a. Drive-through:
 - 1. Will be located a minimum of 100 feet from a residential district.
 - 2. Will be a minimum of 11 feet wide. Any curved sections will be a minimum of 12 feet wide with a minimum radius of 25 feet on the curved section.

3. Will require identification through striping, landscaping, and/or signs.
4. Vehicle stacking distance will be a minimum of 60 feet.
5. Pick-up windows will be oriented away from adjacent residential uses.
6. Lanes will be screened from the right-of-way and adjacent residential uses.
7. Will incorporate an attached canopy over the drive-through window area of the facility. The canopy will not exceed 14 feet in height, measured from the ground to underside of the canopy.

(3) Ambulance service

(4) Ammunition and firearm sales

(5) Appliance repair

(6) Athletic or fitness club and/or commercial recreation facility

(7) Bar, tavern, or microbrewery

(8) Bar, tavern, or microbrewery:

a. Will not be located within 300 feet of:

1. Any residentially zoned property.
2. Any dwelling unit.

b. Will not be located within 500 feet of:

1. Any church or worship facility.
2. Any school, childcare facility.
3. Any other bar, tavern, or microbrewery.

c. For purposes of measuring separation distances required in this section, the measurements will be taken in a straight line from the closest property line of any affected property without regard to intervening structures or objects or political boundaries.

(9) Bingo hall

(10) Bowling alley, dance hall, and/or pool hall

(11) Call center

(12) Driving range, miniature golf, and/or batting cage – Indoor

(13) Gunsmith

(14) Hotel:

- a. No individual unit may serve as a person's primary residence.
- b. Individual units will have a minimum floor area of 400 square feet.

(15) Massage – Therapeutic

(16) Museum

(17) Retail shopping – Greater than 50,000 square feet and less than 100,000 square feet:

a. Drive-through:

1. Will be located a minimum of 50 feet from a residential district.
2. Will require identification through striping, landscaping, and/or signs.
3. Aisles will be a minimum of 11 feet wide. Any curved sections will be a minimum of 12 feet wide with a minimum radius of 25 feet on the curved section.
4. Stacking lanes will have a minimum capacity of 40 feet per lane.
5. Service windows will be oriented away from adjacent residential uses.
6. Will be screened from the right-of-way and adjacent residential uses.
7. Will incorporate an attached canopy over the drive-through window area of the facility. The canopy will not exceed 14 feet in height, measured from the ground to underside of the canopy.

(18) Skating rink – Ice or roller skating

(19) Specialized medical healthcare center

(20) Theater – Indoor including dinner theater

(c) The following uses are conditionally permitted:

(1) All uses conditionally permitted in C-1

(2) Funeral home and/or mortuary

(3) Home improvement center

(4) Laundry – Self serve

(5) Medical marijuana dispensary:

a. Will not be located within 500 feet of:

1. Any residentially zoned property.
2. Any church or worship facility.
3. Any dwelling unit.

b. Will not be located within 1,500 feet of:

1. Any public or private charter, primary, or secondary school.
2. Any public or private day care, preschool, nursery, or kindergarten facility.
3. Any park or playground.

c. Will not be located within 3,000 feet of:

1. Any other medical marijuana dispensary or medical marijuana offsite cultivation facility.

- 2. Any sexually oriented business or similar use.
 - d. Will be a maximum size of 2,500 gross square feet.
 - e. Will be located in a permanent building and may not locate in a trailer, cargo container, storage unit, or motor vehicle.
 - f. Drive-through medical marijuana dispensary services are prohibited.
 - g. Marijuana remnants, by-products, and/or infused products will not be placed within the facility's exterior refuse containers.
 - h. For purposes of measuring separation distances required in this section, the measurements will be taken in a straight line from the closest property line of any affected property without regard to intervening structures or objects or political boundaries.
 - i. A medical marijuana dispensary lawfully operating is not rendered in violation of these provisions by the subsequent location of a church or worship facility, public or private primary or secondary school, public or private day care, preschool, nursery, kindergarten facility, public park, or playground within the buffer zones outlined in this section.
 - j. This provision will not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.
 - k. Can only locate within existing PAD zoning districts that have no residential component. A major zoning amendment will be required to allow said uses within the PAD zoning district. Buffer distances as outlined in this chapter will be maintained.
 - l. Facilities, not affiliated with a medical marijuana dispensaries, which incorporate marijuana by the means of cooking, blending, or incorporation into consumable/edible goods are prohibited.
- (6) Medical marijuana dispensary offsite cultivation facility:
- a. Will not be located within 500 feet of:
 - 1. Any residentially zoned property.
 - 2. Any church or worship facility.
 - 3. Any dwelling unit.
 - b. Will not be located within 1,500 feet of:
 - 1. Any public or private charter, primary, or secondary school.
 - 2. Any public or private day care, preschool, nursery, or kindergarten facility.
 - 3. Any public park or playground.
 - c. Will not be located within 3,000 feet of:
 - 1. Any other medical marijuana dispensary or medical marijuana offsite cultivation facility.

- 2. Any sexually oriented business or similar use.
- d. Will be a maximum size of 2,500 gross square feet.
- e. Marijuana remnants, by-products, and/or infused products will not be placed within the facility's exterior refuse containers.
- f. For purposes of measuring separation distances required in this section, the measurements will be taken in a straight line from the closest property line of any affected property without regard to intervening structures or objects or political boundaries.
- g. A medical marijuana offsite cultivation facility lawfully operating is not rendered in violation of these provisions by the subsequent location of a church or worship facility, public or private primary or secondary school, public or private day care, preschool, nursery, kindergarten facility, public park, or playground within the buffer zones outlined in this section.
- h. This provision will not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.
- i. Can only locate within existing PAD zoning districts that have no residential component. A major zoning amendment will be required to allow said uses within the PAD zoning district. Buffer distances as outlined in this chapter will be maintained.
- j. Facilities, not affiliated with a medical marijuana dispensaries, which incorporate marijuana by the means of cooking, blending, or incorporation into consumable/edible goods are prohibited.

(7) Mobile/manufactured home park

(8) Pawn/resale store

- a. A pawnshop use will be located a minimum of 2,640 feet from another pawnshop. The distance will be measured by drawing a straight line between the nearest point on the perimeter of the property line and the nearest point on the property line of the nearest pawnshop. Measurement will be made in a straight line, without regard to intervening structures or objects.
- b. Pawnshops will be setback a minimum of 660 feet from any property line abutting any residential Zoning District or residential use.

(9) Restaurant with drive-through:

- a. Drive-through facilities will be located a minimum of 100 feet from a residential district.
- b. Drive-through aisles may require identification through striping, landscaping, and/or signs.
- c. Drive-through aisles will be a minimum of 11 feet wide. Any curved sections will be a minimum of 12 feet wide with a minimum radius of 25 feet on the curved section.

- d. Stacking lanes will have a minimum capacity of 140 feet.
 - e. Pick-up windows will be oriented away from adjacent residential uses.
 - f. Drive-through lanes will be screened from the right-of-way and adjacent residential uses.
 - g. Drive-through facilities will incorporate an attached canopy over the drive-through window area or teller area of the facility. The canopy will not exceed 14 feet in height, measured from the ground to underside of the canopy.
- (10) School – College, university, or trade
- a. School sites will have public access from a parkway or major arterial.
 - b. Campus site will include a minimum of minimum of 25 percent usable open space.
- (11) Tattoo and/or body piercing establishment
- a. Tattoo and/or body piercing establishments will not be located within 1,500 feet of any elementary or secondary school, any day care facility, park, playground, or any tattoo and/or body piercing establishment.
 - b. Tattoo and/or body piercing establishments will not be located along an arterial roadway.
 - c. A tattoo and/or body piercing establishment lawfully operating is not rendered in violation of this section by the subsequent location of a worship facility, any elementary or secondary school, any day care facility, park, playground, or similar use within 1,500 feet of the sexually oriented business.
- (12) Tire sales, repair, and/or maintenance
- (13) Vehicle fueling station
- a. Activities and operations will be conducted entirely within an enclosed structure, except for dispensing fuel, water, and air from pump islands.
 - b. The total site area will be no less than 20,000 square feet unless it is part of an integrated commercial complex.
 - c. Pump islands will be located a minimum of 50 feet from a street right-of-way line or non-residential property line and 75 feet from a residential property line.
- (14) Vehicle rental and/or retail sales – 10 or less vehicles
- a. All repair and service work will be performed within an enclosed building.
 - b. Service bay openings will not face public rights-of-way.
 - c. Adequate space must be allocated for the unloading of vehicles brought to the site.
- (15) Vehicle service – Minor
- a. All repair and service work will be performed within a completely enclosed building.

- b. Openings to the service bays will not face public rights-of-way.
- c. No new stock, or used or discarded automotive parts or equipment, will be located or stored in any open area outside of the enclosed building.
- d. No dismantling, re-manufacturing or rebuilding will be permitted.
- e. Outdoor displays are prohibited.

(16) Vehicle washing facility:

- a. Drive-through facilities will be located a minimum of 100 feet from a residential district.
- b. Stacking aisles will require identification through striping, landscaping, and/or signs.
- c. Stacking aisles will be a minimum of 11 feet wide. Any curved sections will be a minimum of 12 feet wide with a minimum radius of 25 feet on the curved section.
- d. Stacking lanes will have a minimum capacity of 200 feet and be screened from the right-of-way and adjacent residential uses.

(d) The following yard, height, and area provisions are required for this district:

- (1) Minimum lot area will be determined by building area, parking requirements, and required setbacks or as indicated in the Surprise Development Directives.
- (2) Minimum lot width of 100 feet.
- (3) A required front yard with a minimum depth of 35 feet.
- (4) Required side yards each having a minimum width of 15 feet.
- (5) Required side yards adjacent to public streets will have a minimum width of 25 feet.
- (6) A required rear yard with a minimum depth of 15 feet.
- (7) Structures will be a maximum of 35 feet in height.
- (8) Structures will be a minimum of 45 feet from any residentially zoned district.

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

(f) General Regulations:

- (1) No outdoor storage or display of goods will be permitted except for outdoor dining.
- (g) No use is permitted which will emit any offensive odor, dust, noxious gas, noise, vibration, smoke, heat, or glare beyond the boundaries of the property of which such use is conducted.

Section 122-513 - Regional Commercial (C-3)

- (a) This district accommodates the development of commercial and office complexes that provide goods and services to regional trade areas.
- (b) The following uses are principally permitted:
 - (1) All uses principally permitted in C-2
 - (2) Archery range – Indoor
 - (3) Auction house
 - (4) Convention facility
 - (5) Drive-in movie theatre
 - (6) Equipment rental
 - (7) Farmer's Market:
 - a. The sales area will be a minimum of 50 feet from any residential dwelling.
 - (8) Gaming facility
 - (9) Golf course, driving range, miniature golf, go-cart track, or batting cage – Outdoor
 - (10) Landscaping materials sales
 - (11) Laundry – Self serve
 - (12) Motel:
 - a. No individual unit may serve as a person's primary residence.
 - b. Individual units will have a minimum floor area of 400 square feet.
 - (13) Motion picture studio, radio, and/or television broadcast studio (Not including transmission tower)
 - (14) Park and ride
 - (15) Plant nursery – Retail and/or wholesale:
 - a. All incidental equipment and supplies will be kept within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall a minimum of six (6) feet in height.
 - b. A side and rear yard setback of a minimum of 50 feet will be maintained when the nursery abuts any residential zone or adjoining residential use.
 - c. Outdoor public address systems are prohibited.
 - d. Loading and unloading will only occur on-site and is prohibited in any side or rear yards that are adjacent to residentially zoned districts.
 - (16) Public transportation terminal
 - (17) Public works or utility service yard
 - (18) Rail passenger facility
 - (19) Retail shopping – Greater than or equal to 100,000 square feet

a. Drive-through:

1. Will be located a minimum of 50 feet from a residential district.
2. Will require identification through striping, landscaping, and/or signs.
3. Aisles will be a minimum of 11 feet wide. Any curved sections will be a minimum of 12 feet wide with a minimum radius of 25 feet on the curved section.
4. Stacking lanes will have a minimum capacity of 40 feet per lane.
5. Service windows will be oriented away from adjacent residential uses.
6. Will be screened from the right-of-way and adjacent residential uses.
7. Will incorporate an attached canopy over the drive-through window area of the facility. The canopy will not exceed 14 feet in height, measured from the ground to underside of the canopy.

(20) Shooting range - Indoor

(21) Swap meet/flea market

(22) Tire sales, repair, and/or maintenance

(23) Vehicle inspection facility

(24) Warehouse

(25) Wholesale shopping

(c) The following uses are conditionally permitted:

(1) All uses conditionally permitted in C-2

(2) Amusement and/or theme park

- a. Will be located a minimum of 300 feet from a residential zoning district.
- b. All buildings, structures, and facilities associated with the park will setback a minimum of 100 feet from any property line.

(3) Animal hospital, clinic, boarding facility, and/or shelter:

- a. Building construction methods will incorporate sound barriers and odor protection to protect adjacent property.
- b. Activities will be located within a fully enclosed soundproof building. No outdoor boarding will be permitted.
- c. Outdoor exercise areas will not be placed immediately adjacent to or within 80 feet of a residential use.
- d. Facilities will comply with all state and local regulations.

(4) Cemetery, columbarium and/or mausoleum:

- a. Cemeteries will contain a minimum of ten (10) acres.

- b. There will be a minimum of a 50 foot landscaped buffer between the property line or roadway right-of-way and any structure or gravesite.
- (5) Farm and landscape equipment sales and/or service
- (6) Feed store
- (7) Ice manufacturing
- (8) Manufactured home and oversized vehicle sales, and/or service
- (9) Medical hospital or outpatient facility
 - a. Will have primary access from an arterial street.
 - b. Bio-hazardous waste incinerators are prohibited.
 - c. Will be setback 200 feet from any residential zoning district.
- ~~(10)~~ Self-service storage facility:
 - a. Minimum site size will be one (1) acre.
 - b. The site will be contiguous to an arterial or collector road.
 - c. Driveways that directly serve storage areas will meet the following standards:
 - 1. All single lane driveways will provide for one (1) ten (10) foot parking lane and one (1) 15 foot travel lane. Signing and painting will be used to designate traffic direction and parking.
 - 2. All two (2) lane driveways will provide for one (1) ten (10) foot parking lane and two (2) 12 foot travel lanes.
 - d. Outdoor storage will be limited to mobile vending trailers or operable vehicles, boats on trailers, and recreational vehicles.
 - e. Recreational vehicle storage will have a minimum 40 foot landscape buffer and six (6) foot high block wall for residentially zoned parcels, and a minimum 20 foot landscape buffer and eight (8) foot high block wall for commercially zoned parcels.
 - f. A zero (0) foot setback may be permitted in allowable commercial and industrially zoned districts providing that the property line is not adjacent to a residentially zoned district and the perimeter buildings are intended to serve as the perimeter wall.
 - g. The maximum building height adjacent to a residential Zoning District or within 50 feet of a residential dwelling will be a maximum one (1) story or 14 feet in height from finished grade. Building height may be increased to a maximum of two (2) stories, or 24 feet in height from finished grade, provided an additional setback of two (2) feet for every one (1) foot in height in addition to the required setback is provided.
 - h. A minimum of 15 percent of the net land area will be landscaped. The required landscape areas will be provided along all street frontages between the street

and sidewalk, and within areas of the site visible from public view, including areas adjacent to all perimeter walls.

- i. No hazardous or flammable materials will be stored in a self-service storage facility.
- j. No auctions, commercial sales/rentals, garage sales, or other activities not consistent with the approved storage use will be conducted on the premises.

(11) Sheltered care facility

(12) Skate park

(13) Stone mason establishment and/or monument manufacturing

(14) Vehicle retail sales – 11 or more vehicles

- a. All repair and service work will be performed within an enclosed building.
- b. Service bay openings will not face public rights-of-way.
- c. Adequate space must be allocated for the unloading of vehicles brought to the site.

(15) Vehicle service– Major

- a. All repair and service work will be performed within an enclosed building.
- b. Service bay openings will not face public rights-of-way.
- c. Inoperable motor vehicles will be stored in an area that is screened from view from the surrounding properties and adjacent streets.
- d. Outdoor displays are prohibited.

(16) Vehicle towing facility

(17) Welding shop

(d) The following yard, height, and area provisions are required for this district:

- (1) Minimum lot area will be determined by building area, parking requirements, and required setbacks or as indicated in the Surprise Development Directives.
- (2) Minimum lot width of 100 feet.
- (3) A required front yard with a minimum depth of 35 feet.
- (4) Required side yards each having a minimum width of 15 feet.
- (5) Required side yards adjacent to public streets will have a minimum width of 25 feet.
- (6) A required rear yard with a minimum depth of 15 feet.
- (7) Structures will be a maximum of 35 feet in height.
- (8) Structures will be a minimum of 75 feet from any residentially zoned district.

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

- (f) No use is permitted which will emit any offensive odor, dust, noxious gas, noise, vibration, smoke, heat, or glare beyond the boundaries of the property of which such use is conducted.

Section 122-514 - Commercial Office (CO)

- (a) This district accommodates the development of offices and supporting commercial uses.

- (b) The following uses are principally permitted:

- (1) Art gallery

- (2) Bank:

- a. Drive-through:

- 1. Will be located a minimum of 50 feet from a residential district.
 - 2. Will require identification through striping, landscaping, and/or signs.
 - 3. Will be a minimum of 11 feet wide. Any curved sections will be a minimum of 12 feet wide with a minimum radius of 25 feet on the curved section.
 - 4. Will have a minimum capacity of 80 feet per lane, but no greater total capacity than 320 feet.
 - 5. Service windows will be oriented away from adjacent residential uses.
 - 6. Lanes will be screened from the right-of-way and adjacent residential uses.
 - 7. Will incorporate an attached canopy over the teller area of the facility. The canopy will not exceed 14 feet in height, measured from the ground to underside of the canopy.

- (3) Call center

- (4) Community or recreational facility

- (5) Copy shop

- (6) Farmer's Market

- (7) Massage – Therapeutic

- (8) Medical and/or dental office

- (9) Museum

- (10) Office – General

- (11) Park, recreation, athletic field, and/or open area

- (12) Post office

- (13) Restaurant

- (14) Retail shopping – Less than or equal to 5,000 square feet

- (15) Specialized medical healthcare center
- (16) Wireless communication facility on municipal property (excluding co-location)
- (17) Worship facility

(c) The following uses are conditionally permitted:

(1) Medical marijuana dispensary:

- a. Will not be located within 500 feet of:
 - 1. Any residentially zoned property.
 - 2. Any church or worship facility.
 - 3. Any dwelling unit.
- b. Will not be located within 1,500 feet of:
 - 1. Any public or private charter, primary, or secondary school.
 - 2. Any public or private day care, preschool, nursery, or kindergarten facility.
 - 3. Any park or playground.
- c. Will not be located within 3,000 feet of:
 - 1. Any other medical marijuana dispensary or medical marijuana offsite cultivation facility.
 - 2. Any sexually oriented business or similar use.
- d. Will be a maximum size of 2,500 gross square feet.
- e. Will be located in a permanent building and may not locate in a trailer, cargo container, storage unit, or motor vehicle.
- f. Drive-through medical marijuana dispensary services are prohibited.
- g. Marijuana remnants, by-products, and/or infused products will not be placed within the facility's exterior refuse containers.
- h. For purposes of measuring separation distances required in this section, the measurements will be taken in a straight line from the closest property line of any affected property without regard to intervening structures or objects or political boundaries.
- i. A medical marijuana dispensary lawfully operating is not rendered in violation of these provisions by the subsequent location of a church or worship facility, public or private primary or secondary school, public or private day care, preschool, nursery, kindergarten facility, public park, or playground within the buffer zones outlined in this section.
- j. This provision will not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.
- k. Can only locate within existing PAD zoning districts that have no residential component. A major zoning amendment will be required to allow said uses

within the PAD zoning district. Buffer distances as outlined in this chapter will be maintained.

- I. Facilities, not affiliated with a medical marijuana dispensaries, which incorporate marijuana by the means of cooking, blending, or incorporation into consumable/edible goods are prohibited.
- (2) Wireless communications facility (excluding co-location)
 - a. The use regulations are the same as those in the R1-43 Zoning District.
- (d) The following yard, height, and area provisions are required for this district:
 - (1) Minimum lot area will be determined by building area, parking requirements, and required setbacks or as indicated in the Surprise Development Directives.
 - (2) Minimum lot width of 100 feet.
 - (3) A required front yard with a minimum depth of 35 feet.
 - (4) Required side yards each having a minimum width of 20 feet.
 - (5) Required side yards adjacent to public streets will have a minimum width of 30 feet.
 - (6) A required rear yard with a minimum depth of 30 feet.
 - (7) Structures will be a maximum of 35 feet in height.
 - (8) Structures will be a minimum of 45 feet from any residentially zoned district.
- (e) Any use and/or dimensional requirement not in compliance with the standards for each zoning district will be a violation of this ordinance.
- (f) No use is permitted which will emit any offensive odor, dust, noxious gas, noise, vibration, smoke, heat, or glare beyond the boundaries of the property of which such use is conducted.

Section 122-515 - Resort Commercial (RC)

- (a) This district provides areas where the principal use of land is devoted to resort areas and commercial establishments that serve the needs of tourists.
- (b) The following uses are principally permitted:
 - (1) Alcohol beverage retail sales:
 - a. Drive-through:
 - 1. Will be located a minimum of 100 feet from a residential district.
 - 2. Will be a minimum of 11 feet wide. Any curved sections will be a minimum of 12 feet wide with a minimum radius of 25 feet on the curved section.
 - 3. Will require identification through striping, landscaping, and/or signs.
 - 4. Vehicle stacking distance will be a minimum of 60 feet.
 - 5. Pick-up windows will be oriented away from adjacent residential uses.

6. Lanes will be screened from the right-of-way and adjacent residential uses.
 7. Will incorporate an attached canopy over the drive-through window area of the facility. The canopy will not exceed 14 feet in height, measured from the ground to underside of the canopy.
- (2) Archery range - Indoor
- (3) Art gallery
- (4) Athletic or fitness club and/or commercial recreation facility
- (5) Bank:
- a. Drive-through:
 1. Will be located a minimum of 50 feet from a residential district.
 2. Will require identification through striping, landscaping, and/or signs.
 3. Will be a minimum of 11 feet wide. Any curved sections will be a minimum of 12 feet wide with a minimum radius of 25 feet on the curved section.
 4. Will have a minimum capacity of 80 feet per lane, but no greater total capacity than 320 feet.
 5. Service windows will be oriented away from adjacent residential uses.
 6. Lanes will be screened from the right-of-way and adjacent residential uses.
 7. Will incorporate an attached canopy over the teller area of the facility. The canopy will not exceed 14 feet in height, measured from the ground to underside of the canopy.
- (6) Bar, tavern, or microbrewery:
- a. Will not be located within 300 feet of:
 1. Any residentially zoned property.
 2. Any dwelling unit.
 - b. Will not be located within 500 feet of:
 1. Any church or worship facility.
 2. Any school, childcare facility.
 3. Any other bar, tavern, or microbrewery.
 - c. For purposes of measuring separation distances required in this section, the measurements will be taken in a straight line from the closest property line of any affected property without regard to intervening structures or objects or political boundaries.
- (7) Bicycle sales and service
- (8) Bingo hall
- (9) Bowling alley, dance hall, and/or pool hall

(10) Campground:

- a. An open area buffer strip of 50 feet will be maintained along all property lines. An additional 100 foot open area buffer strip will be required for any campground adjacent to a residential district or dwelling. Campfires or any other camping appurtenances will not be located within the open area buffer strip.
- b. Access to facilities will be located along collector or arterial streets.
- c. Any property, camp, or individual campsite within the campground that is to be rented or leased for a longer period than 14 days.

(11) Community or recreational facility

(12) Convention facility

(13) Copy shop

(14) Drive-in movie theatre

(15) Driving range, miniature golf, and/or batting cage – indoor

(16) Farmer's market:

- a. The sales area will be a minimum of 50 feet from any residential dwelling.

(17) Gaming facility

(18) Golf Course, Driving Range, Miniature Golf, Go-Cart Track, or Batting Cage - Outdoor

(19) Hotel:

- a. No individual unit may serve as a person's primary residence.
- b. Individual units will have a minimum floor area of 400 square feet.

(20) Laundry - Dry cleaning laundry service:

a. Drive-through:

1. Will be located a minimum of 50 feet from a residential district.
2. Will require identification through striping, landscaping, and/or signs.
3. Will be a minimum of 11 feet wide. Any curved sections will be a minimum of 12 feet wide with a minimum radius of 25 feet on the curved section.
4. Lanes will have a minimum capacity of 40 feet per lane.
5. Service windows will be oriented away from adjacent residential uses.
6. Lanes will be screened from the right-of-way and adjacent residential uses.
7. Will incorporate an attached canopy over the drive-through window area of the facility. The canopy will not exceed 14 feet in height, measured from the ground to underside of the canopy.

(21) Library

(22) Massage – Therapeutic

- (23) Motion picture studio, radio, and/or television broadcast studio (not including transmission tower)
- (24) Museum
- (25) Office – General
- (26) Park and ride
- (27) Park, recreation, athletic field, and/or open area
- (28) Performing arts facility
- (29) Personal services establishment
- (30) Post office
- (31) Public transportation terminal
- (32) Racetrack
- (33) Rail passenger facility
- (34) Restaurant
- (35) Retail shopping – Less than or equal to 5,000 square feet
- (36) Retail shopping – Greater than 5,000 and less than 50,000 square feet:
 - a. Drive-through:
 - 1. Will be located a minimum of 50 feet from a residential district.
 - 2. Will require identification through striping, landscaping, and/or signs.
 - 3. Will be a minimum of 11 feet wide. Any curved sections will be a minimum of 12 feet wide with a minimum radius of 25 feet on the curved section.
 - 4. Stacking lanes will have a minimum capacity of 60 feet per lane.
 - 5. Service windows will be oriented away from adjacent residential uses.
 - 6. Lanes will be screened from the right-of-way and adjacent residential uses.
 - 7. Drive-through facilities will incorporate an attached canopy over the drive-through window area. The canopy will not exceed 14 feet in height, measured from the ground to underside of the canopy.
- (37) Skate park
- (38) Skating rink – Ice or roller skating
- (39) Specialized medical healthcare center
- (40) Theatre – Indoor including dinner theatre
- (41) Wireless communication facility on municipal property (excluding co-location)
 - a. The use regulations are the same as those in the R1-43 Zoning District.
- (42) Worship facility

(c) The following uses are conditionally permitted:

(1) Airport:

- a. Airplane landing strips and hangars will be located on a site containing a minimum of 20 acres.
- b. Landing areas will be set back a minimum of 300 feet from any property line.
- c. All hangars or other airplane will be a minimum of 100 feet from any property line.
- d. Fencing may be required around an airport or landing strip area.
- e. Airports will comply with all federal, state and local regulations.

(2) Amusement and/or theme park

- a. Will be located a minimum of 300 feet from a residential zoning district.
- b. All buildings, structures, and facilities associated with the park will setback a minimum of 100 feet from any property line.

(3) Animal hospital, clinic, boarding facility, and/or shelter:

- a. Building construction methods will incorporate sound barriers and odor protection to protect adjacent property.
- b. Activities will be located within a fully enclosed soundproof building. No outdoor boarding will be permitted.
- c. Outdoor exercise areas will not be placed immediately adjacent to or within 80 feet of a residential use.
- d. Facilities will comply with all state and local regulations.

(4) Archery range – Outdoor:

- a. No target will be located any closer than 500 feet from a residential lot line or residential use and closer than 250 feet from any non-residential lot line.
- b. The facility will be designed to insure that discharged arrows will not leave the property.
- c. The facility will be gated and access will be prohibited when the facility is closed.
- d. Warning signs will be posted along the perimeter of the property.

(5) Day care facility – Child and/or adult:

- a. A minimum of 75 square feet of outdoor play space per child will be provided from which at least 50 square feet of fenced in play space per child will be provided. Fence-in, outdoor, play space will not include driveways, parking areas or land unsuited for children's play space.
- b. Access to the facility will be from a collector or arterial road.

(6) Fairground and/or stadium

(7) Medical marijuana dispensary:

- a. Will not be located within 500 feet of:
 - 1. Any residentially zoned property.
 - 2. Any church or worship facility.
 - 3. Any dwelling unit.
- b. Will not be located within 1,500 feet of:
 - 1. Any public or private charter, primary, or secondary school.
 - 2. Any public or private day care, preschool, nursery, or kindergarten facility.
 - 3. Any park or playground.
- c. Will not be located within 3,000 feet of:
 - 1. Any other medical marijuana dispensary or medical marijuana offsite cultivation facility.
 - 2. Any sexually oriented business or similar use.
- d. Will be a maximum size of 2,500 gross square feet.
- e. Will be located in a permanent building and may not locate in a trailer, cargo container, storage unit, or motor vehicle.
- f. Drive-through medical marijuana dispensary services are prohibited.
- g. Marijuana remnants, by-products, and/or infused products will not be placed within the facility's exterior refuse containers.
- h. For purposes of measuring separation distances required in this section, the measurements will be taken in a straight line from the closest property line of any affected property without regard to intervening structures or objects or political boundaries.
- i. A medical marijuana dispensary lawfully operating is not rendered in violation of these provisions by the subsequent location of a church or worship facility, public or private primary or secondary school, public or private day care, preschool, nursery, kindergarten facility, public park, or playground within the buffer zones outlined in this section.
- j. This provision will not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.
- k. Can only locate within existing PAD zoning districts that have no residential component. A major zoning amendment will be required to allow said uses within the PAD zoning district. Buffer distances as outlined in this chapter will be maintained.
- l. Facilities, not affiliated with a medical marijuana dispensaries, which incorporate marijuana by the means of cooking, blending, or incorporation into consumable/edible goods are prohibited.

(8) Recreational vehicle park:

a. Dimensional requirements:

1. Will be a minimum of ten (10) acres.
2. Will be a minimum of 50 feet from the exterior recreational vehicle park exterior property lines.
3. The minimum size for an individual space within the park will be 2,000 square feet.
4. The minimum width for an individual space within the park will be 40 feet.
5. The minimum depth for an individual space within the park will be 50 feet.
6. The maximum building height will be 30 feet.
7. The following building setbacks will be required for all individual spaces:
 - a. minimum front yard will be 20 feet
 - b. minimum side and rear yards will be ten (10) feet
- b. No more than one (1) recreational vehicle will be placed on any lot.
- c. No recreational vehicle will be continuously occupied for more than six (6) months, unless occupied by caretaker or manager.
- d. Individual site landscaping will be designed to provide integration with the community.
- e. A minimum of 25 percent open space is required within the development.
- f. A common area(s) will be provided for laundry and service purposes.
- g. A minimum of one (1) off-street parking space will be provided on or adjacent to each lot.
- h. No accessory building will be used for sleeping or living purposes.
- a. Any recreational vehicle park will comply with all federal, state and local regulations.
- i. Park model vehicles will follow the regulations of recreational vehicles

(9) Restaurant with drive through:

- a. Drive-through facilities will be located a minimum of 100 feet from a residential district.
- b. Drive-through aisles may require identification through striping, landscaping, and/or signs.

- c. Drive-through aisles will be a minimum of 11 feet wide. Any curved sections will be a minimum of 12 feet wide with a minimum radius of 25 feet on the curved section.
- d. Stacking lanes will have a minimum capacity of 140 feet.
- e. Pick-up windows will be oriented away from adjacent residential uses.
- f. Drive-through lanes will be screened from the right-of-way and adjacent residential uses.
- g. Drive-through facilities will incorporate an attached canopy over the drive-through window area or teller area of the facility. The canopy will not exceed 14 feet in height, measured from the ground to underside of the canopy.

(10) School – Specialty or trade

(11) Tattoo and/or body piercing establishment

- a. Tattoo and/or body piercing establishments will not be located within 1,500 feet of any elementary or secondary school, any day care facility, park, playground, or any tattoo and/or body piercing establishment.
- b. Tattoo and/or body piercing establishments will not be located along an arterial roadway.
- c. A tattoo and/or body piercing establishment lawfully operating is not rendered in violation of this section by the subsequent location of a worship facility, any elementary or secondary school, any day care facility, park, playground, or similar use within 1,500 feet of the sexually oriented business.

(12) Vehicle fueling station

- a. Activities and operations will be conducted entirely within an enclosed structure, except for dispensing fuel, water, and air from pump islands.
- b. The total site area will be no less than 20,000 square feet unless it is part of an integrated commercial complex.
- c. Pump islands will be located a minimum of 50 feet from a street right-of-way line or non-residential property line and 75 feet from a residential property line.

(13) Vehicle rental and/or retail sales

- a. The rental or leasing of utility trucks, trailers, or RVs will be allowed in Regional Commercial and industrial zones only.
- b. In commercial zones rental vehicle storage will be based on parking calculations and availability.
- c. All repair and service work will be performed within an enclosed building.
- d. Service bay openings will not face public rights-of-way.

(14) Wireless communications facility (excluding co-location)

- a. The use regulations are the same as those in the R1-43 Zoning District.

- (d) The following yard, height, and area provisions are required for this district:
- (1) Minimum lot area will be determined by building area, parking requirements, and required setbacks or as indicated in the Surprise Development Directives.
 - (2) Minimum lot width of 100 feet.
 - (3) A required front yard with a minimum depth of 35 feet.
 - (4) Required side yards each having a minimum width of 20 feet.
 - (5) Required side yards adjacent to public streets will have a minimum width of 30 feet.
 - (6) A required rear yard with a minimum depth of 30 feet.
 - (7) Structures will be a maximum of 35 feet in height.
 - (8) Structures will be a minimum of 45 feet from any residentially zoned district.
- (e) Any use and/or dimensional requirement not in compliance with the standards for each zoning district will be a violation of this ordinance.
- (f) No use is permitted which will emit any offensive odor, dust, noxious gas, noise, vibration, smoke, heat, or glare beyond the boundaries of the property of which such use is conducted.

Section 122-516 - Business Park (BP)

- (a) This district provides opportunities for business, distribution, research laboratories, offices, and commerce in a campus-style setting with adequate access to major roads and utilities.
- (b) The following uses are principally permitted:
- (1) Ambulance service
 - (2) Athletic or fitness club and/or commercial recreation facility
 - (3) Auction house
 - (4) Bank:
 - a. Drive-through:
 1. Will be located a minimum of 50 feet from a residential district.
 2. Will require identification through striping, landscaping, and/or signs.
 3. Will be a minimum of 11 feet wide. Any curved sections will be a minimum of 12 feet wide with a minimum radius of 25 feet on the curved section.
 4. Will have a minimum capacity of 80 feet per lane, but no greater total capacity than 320 feet.
 5. Service windows will be oriented away from adjacent residential uses.
 6. Lanes will be screened from the right-of-way and adjacent residential uses.

7. Will incorporate an attached canopy over the teller area of the facility. The canopy will not exceed 14 feet in height, measured from the ground to underside of the canopy.

(5) Bicycle sales and service

(6) Cabinet or carpenter shop, millwork and wood product manufacturing

(7) Call center

(8) Convention facility

(9) Copy shop

(10) Dance and/or gymnastics studio

(11) Frozen food locker

(12) Laboratory – Research and testing

(13) Manufacturing – Light

(14) Medical and/or dental office

(15) Motion picture studio, radio, and/or television broadcast studio (not including transmission tower)

(16) Office – General

(17) Park and ride

(18) Park, recreation, athletic field, and/or open area

(19) Post office

(20) Printing plant

(21) Rail freight facility

(22) Restaurant

(23) Retail shopping – Less than or equal to 5,000 square feet

(24) Warehouse

(25) Wireless communication facility on municipal property (excluding co-location)

- a. The use regulations are the same as those in the R1-43 Zoning District.

(26) Worship facility

(c) The following uses are conditionally permitted:

(1) Day care facility – Child and/or adult:

- a. A minimum of 75 square feet of outdoor play space per child will be provided from which at least 50 square feet of fenced in play space per child will be provided. Fence-in, outdoor, play space will not include driveways, parking areas or land unsuited for children's play space.
- b. Access to the facility will be from a collector or arterial road.

(2) Ice manufacturing

(3) Medical marijuana dispensary:

- a. Will not be located within 500 feet of:
 1. Any residentially zoned property.
 2. Any church or worship facility.
 3. Any dwelling unit.
- b. Will not be located within 1,500 feet of:
 1. Any public or private charter, primary, or secondary school.
 2. Any public or private day care, preschool, nursery, or kindergarten facility.
 3. Any park or playground.
- c. Will not be located within 3,000 feet of:
 1. Any other medical marijuana dispensary or medical marijuana offsite cultivation facility.
 2. Any sexually oriented business or similar use.
- d. Will be a maximum size of 2,500 gross square feet.
- e. Will be located in a permanent building and may not locate in a trailer, cargo container, storage unit, or motor vehicle.
- f. Drive-through medical marijuana dispensary services are prohibited.
- g. Marijuana remnants, by-products, and/or infused products will not be placed within the facility's exterior refuse containers.
- h. For purposes of measuring separation distances required in this section, the measurements will be taken in a straight line from the closest property line of any affected property without regard to intervening structures or objects or political boundaries.
- i. A medical marijuana dispensary lawfully operating is not rendered in violation of these provisions by the subsequent location of a church or worship facility, public or private primary or secondary school, public or private day care, preschool, nursery, kindergarten facility, public park, or playground within the buffer zones outlined in this section.
- j. This provision will not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.
- k. Can only locate within existing PAD zoning districts that have no residential component. A major zoning amendment will be required to allow said uses within the PAD zoning district. Buffer distances as outlined in this chapter will be maintained.

- l. Facilities, not affiliated with a medical marijuana dispensaries, which incorporate marijuana by the means of cooking, blending, or incorporation into consumable/edible goods are prohibited.

(4) Medical marijuana dispensary offsite cultivation facility:

- a. Will not be located within 500 feet of:
 - 1. Any residentially zoned property.
 - 2. Any church or worship facility.
 - 3. Any dwelling unit.
- b. Will not be located within 1,500 feet of:
 - 1. Any public or private charter, primary, or secondary school.
 - 2. Any public or private day care, preschool, nursery, or kindergarten facility.
 - 3. Any public park or playground.
- c. Will not be located within 3,000 feet of:
 - 1. Any other medical marijuana dispensary or medical marijuana offsite cultivation facility.
 - 2. Any sexually oriented business or similar use.
- d. Will be a maximum size of 2,500 gross square feet.
- e. Marijuana remnants, by-products, and/or infused products will not be placed within the facility's exterior refuse containers.
- f. For purposes of measuring separation distances required in this section, the measurements will be taken in a straight line from the closest property line of any affected property without regard to intervening structures or objects or political boundaries.
- g. A medical marijuana offsite cultivation facility lawfully operating is not rendered in violation of these provisions by the subsequent location of a church or worship facility, public or private primary or secondary school, public or private day care, preschool, nursery, kindergarten facility, public park, or playground within the buffer zones outlined in this section.
- h. This provision will not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.
- i. Can only locate within existing PAD zoning districts that have no residential component. A major zoning amendment will be required to allow said uses within the PAD zoning district. Buffer distances as outlined in this chapter will be maintained.
- j. Facilities, not affiliated with a medical marijuana dispensaries, which incorporate marijuana by the means of cooking, blending, or incorporation into consumable/edible goods are prohibited.

(5) Restaurant with drive-through:

- a. Drive-through facilities will be located a minimum of 100 feet from a residential district.
- b. Drive-through aisles may require identification through striping, landscaping, and/or signs.
- c. Drive-through aisles will be a minimum of 11 feet wide. Any curved sections will be a minimum of 12 feet wide with a minimum radius of 25 feet on the curved section.
- d. Stacking lanes will have a minimum capacity of 140 feet.
- e. Pick-up windows will be oriented away from adjacent residential uses.
- f. Drive-through lanes will be screened from the right-of-way and adjacent residential uses.
- g. Drive-through facilities will incorporate an attached canopy over the drive-through window area or teller area of the facility. The canopy will not exceed 14 feet in height, measured from the ground to underside of the canopy.

(6) School – College, university, or trade

- a. School sites will have public access from a parkway or major arterial.
- b. Campus site will include a minimum of minimum of 25 percent usable open space.

(7) Self-service storage facility

- a. Minimum site size will be one (1) acre.
- b. The site will be contiguous to an arterial or collector road.
- c. Driveways that directly serve storage areas will meet the following standards:
 - 1. All single lane driveways will provide for one (1) ten (10) foot parking lane and one (1) 15 foot travel lane. Signing and painting will be used to designate traffic direction and parking.
 - 2. All two (2) lane driveways will provide for one (1) ten (10) foot parking lane and two (2) 12 foot travel lanes.
- d. Outdoor storage will be limited to mobile vending trailers or operable vehicles, boats on trailers, and recreational vehicles.
- e. Recreational vehicle storage will have a minimum 40 foot landscape buffer and six (6) foot high block wall for residentially zoned parcels, and a minimum 20 foot landscape buffer and eight (8) foot high block wall for commercially zoned parcels.
- f. A zero (0) foot setback may be permitted in allowable commercial and industrially zoned districts providing that the property line is not adjacent to a residentially zoned district and the perimeter buildings are intended to serve as the perimeter wall.

- g. The maximum building height adjacent to a residential Zoning District or within 50 feet of a residential dwelling will be a maximum one (1) story or 14 feet in height from finished grade. Building height may be increased to a maximum of two (2) stories, or 24 feet in height from finished grade, provided an additional setback of two (2) feet for every one (1) foot in height in addition to the required setback is provided.
- h. A minimum of 15 percent of the net land area will be landscaped. The required landscape areas will be provided along all street frontages between the street and sidewalk, and within areas of the site visible from public view, including areas adjacent to all perimeter walls.
- i. No hazardous or flammable materials will be stored in a self-service storage facility.
- j. No auctions, commercial sales/rentals, garage sales, or other activities not consistent with the approved storage use will be conducted on the premises.

(8) Vehicle fueling station

- a. Activities and operations will be conducted entirely within an enclosed structure, except for dispensing fuel, water, and air from pump islands.
- b. The total site area will be no less than 20,000 square feet unless it is part of an integrated commercial complex.
- c. Pump islands will be located a minimum of 50 feet from a street right-of-way line or non-residential property line and 75 feet from a residential property line.

(9) Vehicle rental and/or retail sales – 10 or less vehicles

- a. The rental or leasing of utility trucks, trailers, or RVs will be allowed in Regional Commercial and industrial zones only.
- b. In commercial zones rental vehicle storage will be based on parking calculations and availability.
- c. All repair and service work will be performed within an enclosed building.
- d. Service bay openings will not face public rights-of-way.

(10) Welding shop

(11) Wireless communications facility (excluding co-location)

- a. The use regulations are the same as those in the R1-43 Zoning District.

(d) The following yard, height, and area provisions are required for this district:

- (1) Minimum lot area will be determined by building area, parking requirements, and required setbacks or as indicated in the Surprise Development Directives.
- (2) A required front yard with a minimum depth of 35 feet.
- (3) Required side yards each having a minimum width of 15 feet.

- (4) Required side yards adjacent to public streets will have a minimum width of 30 feet.
- (5) A required rear yard with a minimum depth of 15 feet.
- (6) Structures will be a maximum of 45 feet in height.
- (7) When adjacent to a residentially zoned district, a minimum 75 foot landscape area will be maintained.
- (e) Any use and/or dimensional requirement not in compliance with the standards for each zoning district will be a violation of this ordinance.
- (f) No use is permitted which will emit any offensive odor, dust, noxious gas, noise, vibration, smoke, heat, or glare beyond the boundaries of the property of which such use is conducted.
- (g) General Regulations:
 - (1) Primary access to the zoning district will be allowed only on arterial streets or streets specifically designated for this district.
 - (2) No outdoor storage or display of goods will be permitted except for outdoor dining.

Section 122-517 – Light Industrial (I-1)

- (a) This district provides for light manufacturing, office park, and limited retail and service businesses while insuring compatibility with adjoining uses.
- (b) The following uses are principally permitted:
 - (1) Ambulance service
 - (2) Ammunition and firearm sales
 - (3) Animal hospital, clinic, boarding facility, and/or shelter:
 - a. Building construction methods will incorporate sound barriers and odor protection to protect adjacent property.
 - b. Activities will be located within a fully enclosed soundproof building. No outdoor boarding will be permitted.
 - c. Outdoor exercise areas will not be placed immediately adjacent to or within 80 feet of a residential use.
 - d. Facilities will comply with all state and local regulations.
 - (4) Appliance repair
 - (5) Archery range - Indoor
 - (6) Auction house
 - (7) Cabinet or carpenter shop, millwork, and wood product manufacturing
 - (8) Community or recreation facility
 - (9) Contractor and/or utility storage yard

- (10) Crematorium
- (11) Drive-in movie theatre
- (12) Equipment rental
- (13) Farm and landscape equipment sales and/or service
- (14) Feed store
- (15) Frozen food locker
- (16) Graining, milling, and/or drying
- (17) Gunsmith
- (18) Home improvement center
- (19) Laboratory – Research and testing
- (20) Landscape materials sales
- (21) Laundry – Bulk operation
- (22) Manufacturing – Light
- (23) Motion picture studio, radio, and/or television broadcast studio (not including transmission tower)
- (24) Park and ride
- (25) Park, recreation, athletic field, and/or open area
- (26) Plant nursery – Wholesale:
 - a. All incidental equipment and supplies will be kept within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall a minimum of six (6) feet in height.
 - b. A side and rear yard setback of a minimum of 50 feet will be maintained when the nursery abuts any residential zone or adjoining residential use.
 - c. Outdoor public address systems are prohibited.
 - d. Loading and unloading will only occur on-site and is prohibited in any side or rear yards that are adjacent to residentially zoned districts.
- (27) Post office
- (28) Printing plant
- (29) Public transportation terminal
- (30) Public works or utility service yard
- (31) Racetrack
- (32) Rail freight facility
- (33) Restaurant
- (34) Restaurant with drive-through:

- a. Drive-through facilities will be located a minimum of 100 feet from a residential district.
- b. Drive-through aisles may require identification through striping, landscaping, and/or signs.
- c. Drive-through aisles will be a minimum of 11 feet wide. Any curved sections will be a minimum of 12 feet wide with a minimum radius of 25 feet on the curved section.
- d. Stacking lanes will have a minimum capacity of 140 feet.
- e. Pick-up windows will be oriented away from adjacent residential uses.
- f. Drive-through lanes will be screened from the right-of-way and adjacent residential uses.
- g. Drive-through facilities will incorporate an attached canopy over the drive-through window area or teller area of the facility. The canopy will not exceed 14 feet in height, measured from the ground to underside of the canopy.

(35) Self-service storage facility:

- a. Minimum site size will be one (1) acre.
- b. The site will be contiguous to an arterial or collector road.
- c. Driveways that directly serve storage areas will meet the following standards:
 - 1. All single lane driveways will provide for one (1) ten (10) foot parking lane and one (1) 15 foot travel lane. Signing and painting will be used to designate traffic direction and parking.
 - 2. All two (2) lane driveways will provide for one (1) ten (10) foot parking lane and two (2) 12 foot travel lanes.
- d. Outdoor storage will be limited to mobile vending trailers or operable vehicles, boats on trailers, and recreational vehicles.
- e. Recreational vehicle storage will have a minimum 40 foot landscape buffer and six (6) foot high block wall for residentially zoned parcels, and a minimum 20 foot landscape buffer and eight (8) foot high block wall for commercially zoned parcels.
- f. A zero (0) foot setback may be permitted in allowable commercial and industrially zoned districts providing that the property line is not adjacent to a residentially zoned district and the perimeter buildings are intended to serve as the perimeter wall.
- g. The maximum building height adjacent to a residential Zoning District or within 50 feet of a residential dwelling will be a maximum one (1) story or 14 feet in height from finished grade. Building height may be increased to a maximum of two (2) stories, or 24 feet in height from finished grade, provided an additional setback of two (2) feet for every one (1) foot in height in addition to the required setback is provided.

- h. A minimum of 15 percent of the net land area will be landscaped. The required landscape areas will be provided along all street frontages between the street and sidewalk, and within areas of the site visible from public view, including areas adjacent to all perimeter walls.
 - i. No hazardous or flammable materials will be stored in a self-service storage facility.
 - j. No auctions, commercial sales/rentals, garage sales, or other activities not consistent with the approved storage use will be conducted on the premises.
- (36) Shooting range - Indoor
 - (37) Skating rink – Ice or roller skating
 - (38) Stone monument – Retail and wholesale
 - (39) Swap meet/flea market
 - (40) Taxi/limo service – Parking and dispatch
 - (41) Taxidermist
 - (42) Tire sales, repair, and/or maintenance
 - (43) Truck stop – Full service and repair
 - (44) Truck and heavy equipment auction
 - (45) Truck terminal
 - (46) Vehicle auction
 - (47) Vehicle inspection facility
 - (48) Vehicle rental and/or retail sales
 - a. The rental or leasing of utility trucks, trailers, or RVs will be allowed in Regional Commercial and industrial zones only.
 - b. In commercial zones rental vehicle storage will be based on parking calculations and availability.
 - c. All repair and service work will be performed within an enclosed building.
 - d. Service bay openings will not face public rights-of-way.
 - (49) Vehicle service
 - a. All repair and service work will be performed within an enclosed building.
 - b. Service bay openings will not face public rights-of-way.
 - c. Inoperable motor vehicles will be stored in an area that is screened from view from the surrounding properties and adjacent streets.
 - d. Outdoor displays are prohibited.
 - (50) Vehicle towing facility
 - (51) Vehicle washing facility:

- a. Drive-through facilities will be located a minimum of 100 feet from a residential district.
- b. Stacking aisles will require identification through striping, landscaping, and/or signs.
- c. Stacking aisles will be a minimum of 11 feet wide. Any curved sections will be a minimum of 12 feet wide with a minimum radius of 25 feet on the curved section.
- d. Stacking lanes will have a minimum capacity of 200 feet and be screened from the right-of-way and adjacent residential uses.

(52) Warehouse

(53) Welding shop

(54) Wireless communication facility on municipal property (excluding co-location)

(a) Worship facility

(c) The following uses are conditionally permitted:

(1) Fairground and/or stadium

(2) Ice manufacturing

(3) Manufactured home and oversized vehicle sales and/or service

(4) Medical marijuana dispensary:

a. Will not be located within 500 feet of:

- 1. Any residentially zoned property.
- 2. Any church or worship facility.
- 3. Any dwelling unit.

b. Will not be located within 1,500 feet of:

- 1. Any public or private charter, primary, or secondary school.
- 2. Any public or private day care, preschool, nursery, or kindergarten facility.
- 3. Any park or playground.

c. Will not be located within 3,000 feet of:

- 1. Any other medical marijuana dispensary or medical marijuana offsite cultivation facility.
- 2. Any sexually oriented business or similar use.

d. Will be a maximum size of 2,500 gross square feet.

e. Will be located in a permanent building and may not locate in a trailer, cargo container, storage unit, or motor vehicle.

f. Drive-through medical marijuana dispensary services are prohibited.

- g. Marijuana remnants, by-products, and/or infused products will not be placed within the facility's exterior refuse containers.
- h. For purposes of measuring separation distances required in this section, the measurements will be taken in a straight line from the closest property line of any affected property without regard to intervening structures or objects or political boundaries.
- i. A medical marijuana dispensary lawfully operating is not rendered in violation of these provisions by the subsequent location of a church or worship facility, public or private primary or secondary school, public or private day care, preschool, nursery, kindergarten facility, public park, or playground within the buffer zones outlined in this section.
- j. This provision will not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.
- k. Can only locate within existing PAD zoning districts that have no residential component. A major zoning amendment will be required to allow said uses within the PAD zoning district. Buffer distances as outlined in this chapter will be maintained.
- l. Facilities, not affiliated with a medical marijuana dispensaries, which incorporate marijuana by the means of cooking, blending, or incorporation into consumable/edible goods are prohibited.

(5) Medical marijuana dispensary offsite cultivation facility:

- a. Will not be located within 500 feet of:
 - 1. Any residentially zoned property.
 - 2. Any church or worship facility.
 - 3. Any dwelling unit.
- b. Will not be located within 1,500 feet of:
 - 1. Any public or private charter, primary, or secondary school.
 - 2. Any public or private day care, preschool, nursery, or kindergarten facility.
 - 3. Any public park or playground.
- c. Will not be located within 3,000 feet of:
 - 1. Any other medical marijuana dispensary or medical marijuana offsite cultivation facility.
 - 2. Any sexually oriented business or similar use.
- d. Will be a maximum size of 2,500 gross square feet.
- e. Marijuana remnants, by-products, and/or infused products will not be placed within the facility's exterior refuse containers.

- f. For purposes of measuring separation distances required in this section, the measurements will be taken in a straight line from the closest property line of any affected property without regard to intervening structures or objects or political boundaries.
 - g. A medical marijuana offsite cultivation facility lawfully operating is not rendered in violation of these provisions by the subsequent location of a church or worship facility, public or private primary or secondary school, public or private day care, preschool, nursery, kindergarten facility, public park, or playground within the buffer zones outlined in this section.
 - h. This provision will not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.
 - i. Can only locate within existing PAD zoning districts that have no residential component. A major zoning amendment will be required to allow said uses within the PAD zoning district. Buffer distances as outlined in this chapter will be maintained.
 - j. Facilities, not affiliated with a medical marijuana dispensaries, which incorporate marijuana by the means of cooking, blending, or incorporation into consumable/edible goods are prohibited.
- (6) School – College, university, or trade
- a. School sites will have public access from a parkway or major arterial.
 - b. Campus site will include a minimum of minimum of 25 percent usable open space.
- (7) Stone mason establishment and/or monument manufacturing
- (8) Wireless communications facility (excluding co-location)
- a. Siting provisions:
 - 1. No new facility will be located within 1,320 feet of an existing WCF unless the existing facility does not meet structural specifications necessary for co-location. Recreation field light poles and public utility structures are exempt from this requirement.
 - 2. The maximum height of a monopole including the base and platform, but excluding antennae, will be limited to 65 feet above the finished grade of the site. The maximum height of the antennae attached to a wireless communication monopole will not exceed 80 feet above the finished grade of the site.
 - 3. The monopole will be set back from all non-residential property lines a minimum distance equal to the height of the pole excluding the antennae. In the event the proposed structures fall zone is less than the actual height of the monopole as documented by a licensed professional structural engineer, the minimum distance may be reduced.

4. A WCF will be set back from any residential property line a minimum distance of 200 feet.
5. The applicant will allow for the co-location of additional WCF(s) by other personal wireless carriers on the structure unless otherwise regulated in this section.

(b) Appearance:

(1) Industrial Zoning Districts:

1. The antenna array will not extend more than 30 inches from the structure to which it is attached.
2. The maximum allowable vertical length of each antenna is ten (10) feet.
3. The diameter of the pole will not exceed 40 inches at its widest point.
4. All antenna cables will be concealed within the pole structure or a cable shroud.
5. Microwave dishes will be limited to two (2) square feet in size and painted the same color as the WCF.
6. No more than three (3) microwave dishes are permitted on each WCF.
7. All microwave dishes, antennas, cable shrouds and attaching apparatus will be painted to match the WCF.

(c) Co-location

- (1) A proposal for a new WCF will not be approved unless the communications equipment cannot be accommodated on an existing or approved monopole or structure within a one mile radius of the proposed WCF due to the following conditions:

(d) The planned equipment would exceed the structural capacity of the existing or approved structure or monopole and cannot be reinforced or modified to accommodate the proposed equipment as documented by a qualified and licensed professional structural engineer.

(e) The owner of the existing WCF is unwilling to replace a monopole that would exceed the structural capacity as documented by a qualified and licensed professional structural engineer.

- (2) The monopole or tower that utilizes a co-location will not increase in height more than six (6) feet beyond the established height requirements of this section.

(f) Support Equipment and Structures:

5. Will comply with required setback(s).
6. The following standards apply to enclosures:
 - (1) Will be an eight (8) foot solid block or masonry perimeter wall.

(3) Entry gates will be constructed of sight-obscuring material.

(3) The following standards apply to ground-mounted cabinets:

(1) The maximum area will be 300 square feet for a single wireless communication provider or 600 square feet for multiple wireless communication providers.

(2) The maximum height is eight (8) feet, to be measured from finished grade elevation.

(3) Ground-mounted cabinets will be located within an enclosure, equipment shelter, or enclosed building.

(4) Ground-mounted cabinets are not permitted to be constructed within the front yard setback of a residential zoning district.

(4) A generator or other utility source will be used that emits an average noise level not to exceed 55 db, measured at any property line that is zoned or used for residential purposes.

(g) Cell On Wheels (COW) are subject to the following minimum standards:

7. Utilization of COWs are only allowed during construction of a permanent WCF not to exceed a duration of two (2) years.

8. Will be set back from all residential lot lines a minimum distance equal to the height of the fully erect COW.

9. Are permitted on a utility trailer with a maximum width of ten (10) feet and length of 24 feet.

10. Permitted power sources.

(c) A generator or other utility source will be used that emits an average noise level not to exceed 55 db, measured at any property line that is zoned or used for residential purposes.

(d) Use of on-site utility services will require a building permit.

11. No required parking for a development site will be occupied by the placement of a COW.

12. For uses other than WCF construction, including special events, COW placement will be limited to a duration not to exceed 30 days unless approved by the City Manager or designee.

(h) Discontinuation of Use

a. In the event the use of any WCF has been discontinued for a period of 90 consecutive days, the WCF will be deemed to be abandoned. Upon such abandonment, the owner and/or operator of the tower and/or property owner will have 90 days to:

(1) Reactivate the use of the WCF or transfer the WCF to another owner/operator who makes actual use of the WCF; or

- (2) Dismantle and remove the WCF. Upon removal of the wireless service facility, the site will be returned to its natural state and topography and vegetated consistent with the natural surroundings.
- (i) WCFs located on property owned by the City of Surprise are permitted in all zoning districts and may not be regulated by these provisions of this section.
- (d) The following yard, height, and area provisions are required for this district:
 - (1) Minimum lot area will be determined by building area, parking requirements, and required setbacks or as indicated in the Surprise Development Directives.
 - (2) A required front yard with a minimum depth of 35 feet.
 - (3) Required side yards each having a minimum width of 15 feet.
 - (4) Required side yards adjacent to public streets will have a minimum width of 30 feet.
 - (5) A required rear yard with a minimum depth of 15 feet.
 - (6) Structures will be a maximum of 45 feet in height.
 - (7) When adjacent to a residentially zoned district, a minimum 75 foot landscape area will be maintained.
- (e) Any use and/or dimensional requirement not in compliance with the standards for each zoning district will be a violation of this ordinance.
- (f) No use is permitted which will emit any offensive odor, dust, noxious gas, noise, vibration, smoke, heat, or glare beyond the boundaries of the property of which such use is conducted.
- (g) General Regulations:
 - (1) Primary access to the zoning district will be allowed only on arterial streets or streets specifically designated for this district.
 - (2) Loading and unloading will only occur on-site.
 - (3) Outside uses, including but not limited to loading, manufacturing, repair, assembly, and storage, are prohibited in any side or rear yards that are adjacent to residentially zoned districts.

Section 122-518 – Heavy Industrial (I-2)

- (a) This zoning district provides areas for concentrated manufacturing, fabrication, and industrial uses that are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities.
- (b) The following uses are principally permitted:
 - (1) All uses principally permitted in I-1
 - (2) Building materials sales yard including sand and gravel

- (3) Freight depot
- (4) Manufacturing – Medium
- (5) Portable building sales
- (6) Rail yard, shops, and/or roundhouse
- (7) Recycling facility:
 - a. Will be approved and maintained in accordance with county, state, and federal regulations and guidelines.
 - b. Minimum lot size for recycling facilities will be five (5) acres.
 - c. When adjacent to a residentially zoned district, a minimum 100 foot landscape area will be maintained.
 - d. Outdoor storage will:
 - 6. Be set back from property lines a minimum depth of 35 feet.
 - 7. Be screened from view by solid walls, fences, or buildings.
 - 8. Not exceed 20 feet in height.
 - e. Site access will not be provided from any residential street.
- (8) Solar collection facility
- (9) Stone mason establishment and/or monument manufacturing
- (10) Utility plant

(c) The following uses are conditionally permitted:

- (1) All uses conditionally permitted in I-1
- (2) Airport:
 - a. Airplane landing strips and hangars will be located on a site containing a minimum of 20 acres.
 - b. Landing areas will be set back a minimum of 300 feet from any property line.
 - c. All hangars or other airplane will be a minimum of 100 feet from any property line.
 - d. Fencing may be required around an airport or landing strip area.
 - e. Airports will comply with all federal, state and local regulations.
- (3) Bulk fuel storage
- (4) Sexually oriented business
 - a. Cannot be located within 1,500 feet of any other sexually oriented business.
 - b. Cannot be located within 1,500 feet of any parcel containing a worship facility, any elementary or secondary school, any day care facility, park, playground, or similar use.

- c. Cannot be located within 1,500 feet of any residentially zoned parcel or property containing a residential use.
 - d. For the purpose of measuring distances as required in this section, the measurements will be taken in a straight line between the two (2) closest points of any parcel containing a sexually oriented business and any affected parcel without regard to intervening structures, objects, or political boundaries.
 - e. A sexually oriented business lawfully operating is not rendered in violation of this section by the subsequent location of a worship facility, any elementary or secondary school, any day care facility, park, playground, or similar use within 1,500 feet of the sexually oriented business.
- (d) The following yard, height, and area provisions are required for this district:
- (1) Minimum lot area will be determined by building area, parking requirements, and required setbacks or as indicated in the Surprise Development Directives.
 - (2) A required front yard with a minimum depth of 35 feet.
 - (3) Required side yards each having a minimum width of 25 feet.
 - (4) Required side yards adjacent to public streets will have a minimum width of 35 feet.
 - (5) A required rear yard with a minimum depth of 35 feet.
 - (6) Structures will be a maximum of 45 feet in height.
 - (7) When adjacent to a residentially zoned district, a minimum 75 foot landscape area will be maintained.
- (e) Any use and/or dimensional requirement not in compliance with the standards for each zoning district will be a violation of this ordinance.
- (f) No use is permitted which will emit any offensive odor, dust, noxious gas, noise, vibration, smoke, heat, or glare beyond the boundaries of the property of which such use is conducted.
- (g) General Regulations:
- (1) Primary access to the zoning district will be allowed only on arterial streets or streets specifically designated for this district.
 - (2) Loading and unloading will only occur on-site.
 - (3) Outside uses, including but not limited to loading, manufacturing, repair, assembly, and storage, are prohibited in any side or rear yards that are adjacent to residentially zoned districts.

Section 122-519 - Industrial Land and Mineral Extraction (I-3)

- (a) This zoning district permits those activities primarily related to mineral extraction or landfill operations that are suitable only in certain locations and may require land reclamation upon completion of the operation.
- (b) The following uses are principally permitted:

- (2) All uses principally permitted in I-2
- (3) Manufacturing – Heavy
- (c) The following uses are conditionally permitted:
 - (1) All uses conditionally permitted in I-2
 - (2) Correctional facility
 - (3) Junk and/or salvage yard
 - (4) Mining and mineral extraction
 - (5) Sand and gravel operation/batch plant:
 - a. Will be approved and maintained in accordance with county, state, and federal regulations and guidelines.
 - b. Will be a minimum site size of five (5) acres for any extractive operation.
 - c. Located within 2,500 feet of a residential zoning district will be enclosed by a minimum six (6) foot high masonry wall.
 - d. Within 1,000 feet of a residential zone, will limit hours of operation from 7 a.m. to 7 p.m.
 - e. Structures, including conveyor belts or tubes, will be a minimum of 500 feet from any residential lot.
 - f. Excavation will not be closer than 50 feet from the boundary of the site.
 - g. Will have warning signs installed every 1,000 feet around the periphery of the property indicating potential hazards and the type of hazards.
 - h. Excavated areas will be prepared for re-use in accordance with the approved site plan.
 - (6) Sanitary landfill and/or solid waste facility:
 - a. Will not exceed 120 feet in height at any point, measured from such point to the natural grade immediately below such point.
 - b. Will be approved and maintained in accordance with county, state, and federal regulations and guidelines.
 - c. Located within 2,500 feet of a residential zoning district, will be enclosed by a minimum six (6) foot high masonry wall.
 - d. Within 1,000 feet of a residential zone, will limit hours of operation from 7 a.m. to 7 p.m.
 - e. Will have warning signs installed every 1,000 feet around the periphery of the property indicating potential hazards and the type of hazards.
 - (7) Wastewater treatment facility
- (d) The following yard, height, and area provisions are required for this district:

- (1) Minimum lot area will be determined by building area, parking requirements, and required setbacks or as indicated in the Surprise Development Directives.
- (2) A required front yard with a minimum depth of 50 feet.
- (3) Required side yards each having a minimum width of 50 feet.
- (4) A required rear yard with a minimum depth of 50 feet.
- (5) Structures will be a maximum of 45 feet in height.
- (6) When adjacent to a residentially zoned district, a minimum 100 foot landscape area will be maintained.
- (e) Any use and/or dimensional requirement not in compliance with the standards for each zoning district will be a violation of this ordinance.
- (f) No use is permitted which will emit any offensive odor, dust, noxious gas, noise, vibration, smoke, heat, or glare beyond the boundaries of the property of which such use is conducted.
- (g) General Regulations:
 - (1) Primary access to the zoning district will be allowed only on arterial streets or streets specifically designated for this district.
 - (2) Loading and unloading will only occur on-site.
 - (3) Noise and vibration will be minimized by the use of berms, walls, and natural planting screens.

Section 122-520 - Public Facilities (PF)

- (a) This zoning district accommodates public or quasi-public uses. Such uses may include federal, state, or local government offices, museums, libraries, educational facilities, health care complexes, and any other type of public facilities.
- (b) The following uses are principally permitted:
 - (1) Ambulance service
 - (2) Animal hospital, clinic, boarding facility, and/or shelter:
 - a. Building construction methods will incorporate sound barriers and odor protection to protect adjacent property.
 - b. Activities will be located within a fully enclosed soundproof building. No outdoor boarding will be permitted.
 - c. Outdoor exercise areas will not be placed immediately adjacent to or within 80 feet of a residential use.
 - d. Facilities will comply with all state and local regulations.
 - (3) Art gallery
 - (4) Community or recreational facility

- (5) Contractor and/or utility storage yard
- (6) Convention facility
- (7) Fairground and/or stadium
- (8) Farmer's market:
 - a. The sales area will be a minimum of 50 feet from any residential dwelling.
- (9) Library
- (10) Museum
- (11) Office – General
- (12) Park and ride
- (13) Park, recreation, athletic field, and/or open area
- (14) Performing arts facility
- (15) Post office
- (16) Public transportation terminal
- (17) Public works or utility service yard
- (18) Rail passenger facility
- (19) Recycling facility:
 - a. Will be approved and maintained in accordance with county, state, and federal regulations and guidelines.
 - b. Minimum lot size for recycling facilities will be five (5) acres.
 - c. When adjacent to a residentially zoned district, a minimum 100 foot landscape area will be maintained.
 - d. Outdoor storage will:
 - 1. Be set back from property lines a minimum depth of 35 feet.
 - 2. Be screened from view by solid walls, fences, or buildings.
 - 3. Not exceed 20 feet in height.
 - e. Site access will not be provided from any residential street.
- (20) Shooting range – Indoor
- (21) Skate park
- (22) Solar collection facility
- (23) Specialized medical healthcare center
- (24) Utility plant
- (25) Vehicle fueling station

- a. Activities and operations will be conducted entirely within an enclosed structure, except for dispensing fuel, water, and air from pump islands.
 - b. The total site area will be no less than 20,000 square feet unless it is part of an integrated commercial complex.
 - c. Pump islands will be located a minimum of 50 feet from a street right-of-way line or non-residential property line and 75 feet from a residential property line.
- (26) Vehicle inspection facility
- (27) Warehouse
- (28) Wireless communication facility on municipal property (excluding co-location)
- (29) Worship facility
- (c) The following uses are conditionally permitted:
- (1) Airport:
- a. Airplane landing strips and hangars will be located on a site containing a minimum of 20 acres.
 - b. Landing areas will be set back a minimum of 300 feet from any property line.
 - c. All hangars or other airplane will be a minimum of 100 feet from any property line.
 - d. Fencing may be required around an airport or landing strip area.
 - e. Airports will comply with all federal, state and local regulations.
- (2) Archery range – Outdoor:
- a. No target will be located any closer than 500 feet from a residential lot line or residential use and closer than 250 feet from any non-residential lot line.
 - b. The facility will be designed to insure that discharged arrows will not leave the property.
 - c. The facility will be gated and access will be prohibited when the facility is closed.
 - d. Warning signs will be posted along the perimeter of the property.
- (3) Correctional Facility
- (4) Day Care Facility – Child and/or Adult:
- a. A minimum of 75 square feet of outdoor play space per child will be provided from which at least 50 square feet of fenced in play space per child will be provided. Fence-in, outdoor, play space will not include driveways, parking areas or land unsuited for children's play space.
 - b. Access to the facility will be from a collector or arterial road.
- (5) Medical Hospital or Outpatient Facility
- a. Will have primary access from an arterial street.

- b. Bio-hazardous waste incinerators are prohibited.
- c. Will be setback 200 feet from any residential zoning district.

(6) Sanitary Landfill and/or Solid Waste Facility:

- a. Will not exceed 120 feet in height at any point, measured from such point to the natural grade immediately below such point.
- b. Will be approved and maintained in accordance with county, state, and federal regulations and guidelines.
- c. Located within 2,500 feet of a residential zoning district, will be enclosed by a minimum six (6) foot high masonry wall.
- d. Within 1,000 feet of a residential zone, will limit hours of operation from 7 a.m. to 7 p.m.
- e. Will have warning signs installed every 1,000 feet around the periphery of the property indicating potential hazards and the type of hazards.

(7) School – Kindergarten through Grade 12

- a. School sites will not have public access directly from a parkway or major arterial.
- b. Parking will be only be allowed in the required front yard on public roads designated as a collector or greater. A minimum 20 foot landscape buffer will be provided where parking is adjacent to residential districts.
- c. The student drop off/pick up area will be a minimum of 100 linear feet. Designated pedestrian pathways will be provided for all bus and student drop off/pick up areas.
- d. Special paving, brick, striping, or other methods will be used for pedestrian walkways that cross vehicular use areas.
- e. All buildings will be designed to be architecturally compatible with the surrounding residential neighborhood.
- f. Open space, including play area, will be a minimum of 25 percent of the property.
- g. Schools will not be located within the current MAG Luke AFB Noise Contours.
- h. Offsite improvements may be required to accommodate peak traffic volumes.

(8) School – College, university, or trade

- a. School sites will have public access from a parkway or major arterial.
- b. Campus site will include a minimum of minimum of 25 percent usable open space.

(9) Wastewater Treatment Facility

(d) The following yard, height, and area provisions are required for this district:

- (1) Minimum lot area will be determined by building area, parking requirements, and required setbacks or as indicated in the Surprise Development Directives.
- (2) The minimum front, side, and rear yard setbacks will be equal to the most restrictive setbacks in the zoning district in which the use is principally permitted.
- (e) Any use and/or dimensional requirement not in compliance with the standards for each zoning district will be a violation of this ordinance.
- (f) No use is permitted which will emit any offensive odor, dust, noxious gas, noise, vibration, smoke, heat, or glare beyond the boundaries of the property of which such use is conducted.
- (g) General Regulations:
 - 1. Loading and unloading will only occur on-site.

Section 122-521 – Non-Residential Accessory Uses

- (a) The following accessory uses are permitted:

- (1) Accessory Structures:

- a. Will not be located in the required front yard.
 - b. Will not exceed the height of the principal structure.
 - c. Will be at least five (5) feet from the principal structure.
 - d. Will remain accessory to, and under the same ownership as the principal use, and will not be subdivided or sold separately.

- (2) Caretakers quarters:

- a. Not permitted in C-1, C-2, CO, and BP zoning districts.

- (3) Donation bins:

- a. Will not be located within sight visibility triangles, landscape areas, required setbacks, or interfere with on-site circulation, parking, or other requirements of the Surprise Development Directives.
 - b. Will be placed on a paved surface.
 - c. Will be enclosed and locked so that the contents of the bins will not be accessed by anyone other than those responsible for the retrieval of the contents.
 - d. Each bin will be regularly emptied so that contents do not exceed the capacity of the bin.
 - e. The name, address, and phone number of the organization responsible for the bin will be displayed in the following manner:
 - 1. Permanently affixed to the bin.
 - 2. On an area no larger than one (1) foot by one (1) foot.

(4) Parking garages and lots

(5) Recycling Collection Station:

- a. Not permitted in C-1, CO, or RC zoning districts.
- b. There will be no collection or storage of hazardous or non-biodegradable or liquid waste on the site. Collection and storage of deposited materials will be limited to pre-sorted, recyclable glass, plastic, aluminum and steel containers, paper, newsprint, and cardboard.
- c. Will not exceed 500 square feet of area.
- d. Will be located in an off-street parking area and will not be located within a required parking space(s).
- e. Will not be located within sight visibility triangles, landscape areas, required setbacks, or interfere with on-site circulation, parking, or other requirements of the Surprise Development Directives.
- f. Will be placed on a paved surface.
- g. Will be enclosed and locked so that the contents of the bins will not be accessed by anyone other than those responsible for the retrieval of the contents.
- h. Only limited sorting or separation of deposited materials will be allowed on the site. The unit will employ no mechanical sorting or processing equipment.
- i. Each bin will be regularly emptied so that contents do not exceed the capacity of the bin and remain free from litter, debris, residue, and outside storage.
- j. The name, address, and phone number of the organization responsible for the bin will be displayed in the following manner:
 1. Permanently affixed to the bin.
 2. On an area no larger than one (1) foot by one (1) foot.

(6) Refuse and service areas

(7) Heliport:

- a. Permitted only in C-3 zoning district.
- b. A heliport may be permitted as an accessory use for a hospital, medical facility, or emergency service.
- c. Approval will be granted in conjunction with current Federal Aviation Administration (FAA) guidelines, and evidence of their approval is required.
- d. Helicopter landing pads will be a minimum of 600 feet from all residentially zoned property lines or residential uses, and a minimum of 100 feet from all other property lines.

(8) Storage Containers:

- a. Will be placed on a dust controlled surface.

- b. Will be located in an area that is not visible from the property line or street.
 - c. Can be located on a parcel up to 90 days.
 - d. Will not be located in the right-of-way.
- (b) No accessory use will include outdoor display or storage of any of the following listed items when such items are visible or emit odor, dust, gas, noise, vibration, smoke, heat, or glare beyond any boundary of the lot on which such items are displayed or stored:
- (1) Any building or landscape materials.
 - (2) Any machinery, parts, scrap, or appliances.
 - (3) Vehicles which are unlicensed, inoperable, or registered to or owned by persons not residing on the premises.
 - (4) Any other chattel used for or intended for a commercial purpose or ultimate use on other than the subject premises.

Division 4 - Overlay Districts

An Overlay District is established by ordinance to prescribe special regulations that are applied to a site in combination with the underlying zoning district. An overlay designation is not a separate zoning district classification.

Section 122-526 - Original Town Site (OTS)

- (a) This overlay is generally bounded on the north by Bell Road, on the south by Greenway Road, on the east by El Mirage Road, and on the west by Dysart Road.
- (b) This overlay provides a measure of flexibility for new development or the redevelopment of existing structures within the Original Town Site and applies to all properties located within its boundaries.
- (c) Site planning and building design will follow the development and design standards set forth in the Original Townsite Revitalization Plan.

Section 122-527 - Planned Unit Development (PUD)

- (a) This overlay will facilitate development of land uses by permitting greater flexibility than that is provided under conventional regulations. A PUD overlay may be single or multiple zoning districts with distinct regulations as adopted by the City Council.
- (b) Overlay guidelines:
 - (1) Uses:
 - a. All principal, conditional, and accessory uses will be consistent with the underlying zoning district unless otherwise noted.
 - b. A list of prohibited uses may be included.

(2) Dimensional Requirements:

- a. There is no minimum size for this overlay district.
 - b. Any dimensional requirements will be consistent with the underlying zoning unless otherwise noted.
- (c) Any requirement not in compliance with the overlay or underlying zoning district will be a violation of this ordinance.

Division 5 – Use Regulations

Section 122-528 - Nonconforming Uses and Structures

- (a) Any use of land or structures legally existing at the time of the effective date of this chapter or subsequent amendments, or after annexation, may continue even though such use may not conform to the regulations or amendments for the zoning district in which it is located.
- (b) In the event any nonconforming use of land or structure is discontinued for a period of 90 consecutive days, all future uses will be in compliance with this chapter.
- (c) A legal nonconforming use will not be changed except in compliance with the use requirements of the zone in which it is located.
- (d) When a nonconforming use of land, building, or structure is destroyed, the use or structure may be restored to its original nonconforming condition, provided:
 - (1) The cost of restoring the use or structure to its condition immediately prior to the event does not exceed 50 percent of the cost of reconstructing the entire use or structure.

The cost of reconstruction will be determined by three (3) state certified appraisers as required by the City Manager or designee.
 - (2) A building permit is secured within one (1) year from the date of the damage.
 - (3) Expiration of building permit related to reconstruction of the nonconforming use will be considered a discontinuance of the nonconforming use.
- (h) Any nonconforming structure will not be enlarged, extended, reconstructed, or structurally altered unless such structure and such enlargement, extension, reconstruction, or structural alterations conform to the Surprise Development Directives. However, nothing prohibits reasonable repairs, maintenance, or alterations to such structure when it has been declared unsafe by the city.

Section 122-529 - Temporary Use Permit

Uses typically associated with seasonal or special events, or temporary housing that is needed for a limited period of time.

(a) Temporary Use Permits are required for the following:

(1) Seasonal Sales or Special Event:

- a. Grand opening
- b. Minor
- c. Major

(2) Temporary Housing

(b) Conditions of approval may include the following:

(1) The operation and maintenance of the use will be in a manner compatible with existing uses on adjoining properties and in the surrounding area.

(2) Sanitary facilities

(3) Adequate dust controlled parking

(4) Ingress and egress

(5) Pedestrian accessibility

(6) Comprehensive General Liability Insurance with the city named as an additional insured.

(7) Hours of operation

(8) The use will not constitute a health and/or safety hazard to the public.

(9) Compliance with the Surprise Development Directives and any applicable health and/or safety codes.

(10) Site lighting

(11) Security

(12) Signage

(13) Any other conditions deemed necessary by staff.

(c) Duration:

(1) Seasonal sales maximum of 45 days.

(2) Special event will be a maximum of 30 within a six (6) month period.

(3) Temporary Housing:

- a. Two (2) years provided that the building permit for the permanent dwelling remains active.

(d) Civic events do not require a temporary use permit.

(e) Any temporary use not in compliance with this section is a violation of this ordinance.

Section 122-530 – Conditional Use Permit

- (a) Characteristics such as location, design, building, traffic and/or operational practices, may have a greater impact on adjoining properties, businesses, or residences within the city. In such situations, a more comprehensive review including the ability of the city to establish specific conditions for the particular project to mitigate any potential impacts is required.
- (b) A Conditional Use Permit protects the public health, safety, and general welfare to ensure compliance with this chapter and all other applicable city codes. Conditions may address items such as use, height, area, yard, open space, setbacks, parking, loading, signage, appearance, environmental impact, hours of operation, expiration dates, or any other conditions deemed necessary.
- (c) The holder of the Conditional Use Permit is responsible for satisfying all requirements. When reviewing an application the proposed use will conform to the following:
 - (1) The use is conditionally permitted and meets all special requirements set forth for that particular use.
 - (2) The character will not impair the community nor will it be detrimental to the public health, safety, or general welfare of the city.
 - (3) The goals and policies of the General Plan.
 - (4) The goals and policies of any specific district or plans for the area.
 - (5) The Surprise Development Directives and will address the following factors:
 - a. Site and building design
 - b. Sensitivity to existing natural features
 - c. Volume or character of traffic
 - d. Circulation patterns
 - e. Connectivity
 - f. Parking and loading
 - g. Screening and buffering of uses
 - h. Landscaping
 - i. Exterior lighting
 - j. Signage
 - k. Storm water retention and drainage
 - (6) To prevent damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination.
 - (7) Have adequate ingress and egress to the property and proposed structures with particular reference to emergency service access.

- (d) When approved, a Conditional Use Permit will continue to be valid regardless of ownership of the site or structure, providing it operates within the conditions and terms of approval.
- (e) Failure to comply with the conditions, stipulations, or terms of a Conditional Use Permit, is a violation of this ordinance.
- (f) Offenses may be cause for revocation in the following manner:
 - (1) Upon receipt of information from city staff of violations of conditions, stipulations, or terms of a Conditional Use Permit, the Planning and Zoning Commission may initiate revocation of the Conditional Use Permit.
 - (2) The Planning and Zoning Commission shall notify, by certified mail, the holder of the Conditional Use Permit of the scheduled revocation hearing. Notice shall be in accordance with Article 7 of this chapter. The Planning and Zoning Commission will consider evidence from all interested parties concerning the alleged violation of any condition, stipulation or term of the Conditional Use Permit and will make a determination as to whether to revoke the Conditional Use Permit.
- (g) Appeals
 - (1) Any action of the Planning and Zoning Commission related to a Conditional Use Permit may be appealed to the City Council by the applicant, any member of the City Council, City Manager, or any property owner within three hundred (300) feet of the subject property. Requests for appeal must be filed with the city within the fifteen (15) business days following the date of the Planning and Zoning Commission action.
 - (2) Conditional Use Permit appeals will follow the public hearing notification and advertising requirements set forth in Section 122-714.
 - (3) The City Council shall act to affirm or reverse, in whole or in part, or modify the Planning and Zoning Commission's decision. Any action to grant a Conditional Use Permit, either through affirmation, modification, or reversal of the Planning and Zoning Commission's decision, will include required findings for Conditional Use Permit as provided in this chapter.

Section 122-531 – Model Home Complex

- (1) Xeriscape landscaping techniques will be used for all models.
- (2) Model home complex offices, or each model when an office is not provided, will prominently display a 24 by 36 inch map, in color, of the project area and the area within one (1) mile of the boundary of the subdivision which will be provided by the city.
- (3) Model home complex offices will prominently display a 24 by 36 inch current Surprise/Luke Notification Map adopted by City Council at the main public entrance which clearly depicts the location of the homes being sold.
- (4) Model home complexes will be converted to a residential use, and any temporary

parking, office, lighting, fencing, signage, and similar improvements will be removed or converted prior to occupancy as a residential unit.

- (5) One (1) out of every two (2) homes constructed in a model home complex will be non-garage dominant.
- (6) A zero-step entrance will be required for all model homes.
- (7) The City Manager or designee may waive the requirement zero-step entry if it is found that it would prove to be cost prohibitive. Such cases however, the builder must still provide a zero-step entry into at least one (1) model home and an unobstructed pathway to all models.
- (8) All new model homes and sales areas will include signage that reads "Ask us about visitability options."
- (9) An educational brochure, flier, or CD or DVD, provided by the homebuilder, will be available to sales staff and potential homebuyers regarding the benefits of visitability.

Appendix 5A – Residential Zoning Use Matrix

Land Use Group	R1-43	R1-18	R1-12	R1-8	R1-5	R-2	R-3
Agricultural Operation	P						
Animal Hospital, Clinic, Boarding Facility, and/or Shelter	C						
Assisted Living and/or Congregate Care Facility						P	P
Bed and Breakfast Establishment	C	C					
Cemetery, Columbarium, and/or Mausoleum	C	C	C	C	C	C	C
Day Care Facility – Child and/or Adult	C	C	C	C	C	C	C
Community Facility	P	P	P	P	P	P	P
Dwelling – Multi-Family with Five (5) or More Units							P
Dwelling – Single Family Attached and Multi-Family up to Four (4) Units						P	P
Dwelling – Single Family Detached	P	P	P	P	P	P	P
Equestrian Center, Stable, and/or Riding Academy	C						
Group Home/Residential Setting Care Facility	P	P	P	P	P	P	P
Manufactured Home Subdivision						C	C
Park, Recreation, Athletic Field, and/or Open Area	P	P	P	P	P	P	P
Public Building	P	P	P	P	P	P	P
Public Works Facility	P	P	P	P	P	P	P
School - Kindergarten through Grade 12	C	C	C	C	C	C	C
Solar Collection Facility	C						
Wireless Communication Facility (excluding co-location)	P	P	P	P	P	P	P
Worship Facility	P	P	P	P	P	P	P

“P” designates that the use is principally permitted.

“C” designates that the use is conditionally permitted.

Appendix 5B – Non-Residential Zoning Use Matrix

Land Use Group	C-1	C-2	C-3	CO	RC	BP	I-1	I-2	I-3	PF
Airport					C			C	C	C
Alcohol Beverage Retail Sales		P	P		P					
Ambulance Service		P	P			P	P	P	P	P
Ammunition and Firearm Sales		P	P				P	P	P	
Amusement and/or Theme Park			C		C					
Animal Hospital, Clinic, Boarding Facility, and/or Shelter			C		C		P	P	P	P
Appliance Repair		P	P				P	P	P	
Archery Range – Indoor			P		P		P	P	P	
Archery Range – Outdoor					C					C
Art Gallery	P	P	P	P	P					P
Athletic or Fitness Club and/or Commercial Recreation Facility		P	P		P	P				
Auction House			P			P	P	P	P	
Bank	P	P	P	P	P	P				
Bar, Tavern, or Microbrewery		P	P		P					
Bicycle Sales and Service	P	P	P		P	P				
Bingo Hall		P	P		P					
Bowling Alley, Dance Hall, and/or Pool Hall		P	P		P					
Building Materials Sales Yard including Sand and Gravel								P	P	
Bulk Fuel Storage								C	C	
Cabinet or Carpenter Shop, Millwork and Wood Product Manufacturing						P	P	P	P	
Call Center		P	P	P		P				
Campground					P					
Cemetery, Columbarium and/or Mausoleum			C							
Community or Recreational Facility	P	P	P	P	P		P	P	P	P

Contractor and/or Utility Storage Yard							P	P	P	P
Convention Facility			P		P	P				P
Copy Shop	P	P	P	P	P	P				
Correctional Facility									C	C
Crematorium							P	P	P	
Dance and/or Gymnastics Studio	P	P	P			P				
Day Care Facility – Child and/or Adult	C	C	C		C	C				C
Drive-In Movie Theatre			P		P		P	P	P	
Driving Range, Miniature Golf, and/or Batting Cage - Indoor		P	P		P					
Equipment Rental			P				P	P	P	
Fairground and/or Stadium					C		C	C	C	P
Farm and Landscape Equipment Sales and/or Service			C				P	P	P	
Farmer's Market			P		P					P
Feed Store			C				P	P	P	
Freight Depot								P	P	
Frozen Food Locker						P	P	P	P	
Funeral Home and/or Mortuary		C	C							
Gaming Facility			P		P					
Golf Course, Driving Range, Miniature Golf, Go-Cart Track, or Batting Cage - Outdoor			P		P					
Graining, Milling, and/or Drying							P	P	P	
Group Home/Residential Setting Care Facility										
Gunsmith		P	P				P	P	P	
Home Improvement Center		C	C				P	P	P	
Hotel		P	P		P					
Ice Manufacturing			C			C	C	C	C	
Junk and/or Salvage Yard									C	
Laboratory – Research and Testing						P	P	P	P	

Landscaping Materials Sales			P				P	P	P	
Laundry - Bulk Operation							P	P	P	
Laundry - Dry Cleaning Laundry Service	P	P	P		P					
Laundry - Self Serve		C	P							
Library	P	P	P		P					P
Manufactured Home and Oversized Vehicle Sales, and/or Service			C				C	C	C	
Manufacturing - Light						P	P	P	P	
Manufacturing - Medium								P	P	
Manufacturing - Heavy									P	
Massage – Therapeutic		P	P	P	P					
Medical and/or Dental Office	P	P	P	P		P				
Medical Hospital			C							C
Medical Marijuana Dispensary		C	C	C	C	C	C	C	C	
Medical Marijuana Dispensary Offsite Cultivation Facility		C	C			C	C	C	C	
Medical Outpatient or Surgery Center		P	P	P		P				P
Medical Specialized Healthcare Center		P	P	P		P				P
Mining and Mineral Extraction									C	
Mobile/Manufactured Home Park		C			C					
Motion Picture Studio, Radio, and/or Television Broadcast Studio (Not Including Transmission Tower)			P		P	P	P	P	P	
Motel			P							
Motor Vehicle Auction							P	P	P	
Motor Vehicle Fueling Station		C	C		C	C				P
Motor Vehicle Inspection Facility			P				P	P	P	P
Motor Vehicle Rental Facility		C	C		C	C	P	P	P	
Motor Vehicle Sales Facility			C				P	P	P	
Museum		P	P	P	P					P
Office - General	P	P	P	P	P	P				P

[illegible]

Sanitary Landfill and/or Solid Waste Facility									C	C
School – Kindergarten through Grade 12	C	C	C							C
School – College, University, or Trade		C	C			C	C	C	C	C
Self-Service Storage Facility			C			C	P	P	P	
Sexually Oriented Business								C	C	
Sheltered Care Facility			C							
Shooting Range - Indoor			P				P	P	P	P
Skate Park			C		P					P
Skating Rink – Ice or Roller Skating		P	P		P		P	P	P	
Solar Collection Facility								P	P	P
Stone Mason Establishment and/or Monument Manufacturing			C				C	P	P	
Stone Monument – Retail and Wholesale							P	P	P	
Swap meet/Flea Market			P				P	P	P	
Tattoo and/or Body Piercing Establishment		C	C		C					
Taxi/Limo Service – Parking and Dispatch							P	P	P	
Taxidermist							P	P	P	
Theater – Indoor Including Dinner Theater		P	P		P					
Tire Sales, Repair, and/or Maintenance		C	P				P	P	P	
Truck Stop – Full Service and Repair							P	P	P	
Truck and Heavy Equipment Auction							P	P	P	
Truck Terminal							P	P	P	
Utility Plant								P	P	P
Motor Vehicle Service– Major			C				P	P	P	
Motor Vehicle Service – Minor		C	C				P	P	P	
Motor Vehicle Towing Facility			C				P	P	P	

Motor Vehicle Washing Facility		C	C				P	P	P	
Warehouse			P			P	P	P	P	P
Wastewater Treatment Facility									C	C
Welding Shop			C			C	P	P	P	
Wholesale Shopping			P							
Wireless Communications Facility (excluding co-location)	C	C	C	C	C	C	C	C	C	P
Wireless Communication Facility on Municipal Property (excluding co- location)	P	P	P	P	P	P	P	P	P	P
Worship Facility	P	P	P	P	P	P	P	P	P	P

“P” designates that the use is principally permitted.

“C” designates that the use is conditionally permitted.

Appendix 5C – Zoning Conversion Matrix

The following table compares the previous zoning classifications of land to the zoning classifications established by this article.

Symbol	Previous Zoning Districts		Symbol	Surprise Unified Development Code
R1-43	Single-Family Residential	→	R1-43	Single-Family Residential
RR or RE	Residential Ranch or Residential Estate	→		
R1-18	Single-Family Residential	→	R1-18	Single-Family Residential
RL-2	Residential Low Density	→		
R1-12	Single-Family Residential	→	R1-12	Single-Family Residential
R1-8	Single-Family Residential	→	R1-8	Single-Family Residential
RL-4	Residential Low Density	→		
R1-5	Single-family Residential	→	R1-5	Single-family Residential
RL-5	Residential Low Density	→		
R-2	Multifamily Residential	→	R-2	Multi-Family Medium-Density Residential
RM	Residential Medium Density	→		
R-3	Multifamily Residential	→	R-3	Multi-Family High-Density Residential
RH	Residential High Density	→		
C-RS	Resort Commercial	→	RC	Resort Commercial
C-1	Neighborhood	→	C-1	Neighborhood

CN	Commercial			Commercial
C-2	Community Commercial	→	C-2	Community Commercial
CC				
C-3	General Commercial	→	C-3	Regional Commercial
CR	Regional Commercial	→		
BP	Business Park	→	BP	Business Park
I-1	Light Industrial	→	I-1	Light Industrial
IP	Industrial Performance	→		
I-2	Heavy Industrial	→	I-2	Heavy Industrial
IG	Industrial General	→		
I-3	Landfill and Mineral Extraction	→	I-3	Industrial Land, Landfill, and Mineral Extraction
ILM	Industrial Land and Mineral Extraction	→		
PF	Public Facilities	→	PF	Public Facilities
GU	Governmental Use	→		

Appendix 5D - Residential Area Provisions and Setbacks for Residential Zoning Designations

Zoning District	Minimum Area	Minimum Width	Minimum Front Yard	Minimum Front Yard with Side Loaded Garage	Minimum Side Yards	Street Side Yard	Minimum Rear Yard	Maximum Lot Coverage Percentage	Maximum Building Height
R1-43	43,000	130	30	30	20	30	30	20	40
R1-18	18,000	90	20	20	10	20	30	30	30
R1-12	12,000	80	20	20	10	20	25	35	30
R1-8	8,000	60	20	15	7	12	20	40	30
R1-5	5,000	50	20	15	5	12	15	45	30
R-2/R-3 SFD Attached	3,000	25	8	NA	5*	10	10	50	30
R-2/R-3 SFD Detached	5,000	50	20	NA	5	10	15	50	30
R-3 Multi-family with five (5) or more units	NA	NA	20	NA	20	20	20	50	48

* Required side yards each having a minimum width of five (5) feet except the common wall which is zero (0) feet.

Appendix 5E - Non-Residential Area Provisions and Setbacks for Residential Zoning Designations

Zoning District	Minimum Area Square Feet	Minimum Width Linear Feet	Minimum Front Yard	Minimum Side Yards	Street Side Yard	Minimum Rear Yard	Maximum Lot Coverage Percentage	Maximum Building Height
R1-43	43,000	130	50	30	50	50	20	40
R1-18	18,000	90	40	20	30	40	30	30
R1-12	12,000	80	40	20	30	40	30	30
R1-8	8,000	80	40	20	30	40	30	30
R1-5	5,000	80	40	20	30	40	30	30
R-2	43,000	130	50	30	50	50	50	40
R-3	43,000	130	50	30	50	50	50	40

Appendix 5F - Area Provisions and Setbacks for Non-Residential Zoning Designations

Zoning District	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Street Side Yard	Minimum Rear Yard	Maximum Height	Minimum Residential Setback
C-1	100	35	20	30	30	35	45
C-2	100	35	15	25	15	35	45
C-3	100	35	15	25	15	35	75
CO	100	35	20	30	30	35	45
RC	100	35	20	30	30	35	45
BP	NA	35	15	30	15	45	75
I-1	NA	35	15	30	15	45	75
I-2	NA	35	25	35	35	45	75
I-3	NA	50	50	50	50	45	100