



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

Thursday, August 1, 2013 @ 6:00 PM
 Council Chambers

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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/ PRESENTED BY
ITEM #	DISTRICT #	ITEM DESCRIPTION	

- | | | | |
|----|-------------------|---|---|
| #1 | District Internal | <u>Consideration and action on the June 6, 2013 Planning and Zoning Commission minutes.</u> | Approve
Deb Perry,
Community &
Economic
Development |
|----|-------------------|---|---|

REGULAR AGENDA ITEM - PUBLIC HEARING:

			STAFF RECOMMENDATION/
ITEM #	DISTRICT #	ITEM DESCRIPTION	PRESENTED BY
#2	District 6	<u>Consideration and action on case FS13-213, approving a Conditional Use Permit for Boulevard at Surprise Pointe Building H-1 to allow for a future drive-through restaurant.</u>	Approve Vamshee Kovuru, Community & Economic Development

OTHER BUSINESS:

- | | | | |
|----|-------------------|--|--|
| #3 | 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: July 25, 2013 at 12:30 p.m.

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



CITY OF SURPRISE
Planning and Zoning Commission

August 1, 2013 @ 6:00:00 PM

+ Back Print

Board Meeting Date:	August 1, 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 June 6, 2013 Planning and Zoning Commission minutes.

Motion:

I move to approve the June 6, 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**

June 6, 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, June 6, 2013.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

CURRENT EVENTS REPORT

STAFF REPORT

Assistant Director Chris Boyd stated that the auto mall continues to do well with Ford scheduled to come in for a Concept Review Meeting to be the next dealership in the area.

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 May 2, 2013.**

Vice Chair Somers made a motion to approve the **Planning and Zoning Commission Minutes for May 2, 2013**. Commissioner Hoyler seconded the motion. The motion

passed with a vote of 1 aye, 3 abstain (Blair, Bieniek, Hoyler) 2 absent (Smith, Chapman) and 1 vacancy.

REGULAR AGENDA ITEMS REQUIRING A PUBLIC HEARING

- **Item 2: FS13-110 – Consideration and Action – Moon Valley Nursery**

Planner Bart Wingard presented the project to the Commission. Staff recommended approval of **FS13-110, a planned unit development overlay for Moon Valley Nursery.**

There was some discussion regarding:

- Current code
- Scalable renderings
- Setting precedence with other businesses in the area
- Lowering the sign height

Jeremy Galloway, representing the sign company, answered questions regarding the scalable renderings.

Toni Cruz, representing the applicant, stated that the location of the sign is in a retention area so the sign will be 5 to 7 feet lower than the stated height.

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

Commissioner Bieniek made a motion to recommend approval to the Mayor and Council **FS13-110, a planned unit development overlay for Moon Valley Nursery** and adopt staff's findings. Commissioner Hoyler seconded the motion. The motion passed with a vote of 3 ayes, 1 nay (Somers), 2 absent (Smith, Chapman) and 1 vacancy.

OTHER BUSINESS

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

Planner Bart Wingard presented the project to the Commission.

ADJOURNMENT

Hearing no further business, Chair Blair adjourned the Planning and Zoning Commission meeting at 6:29 p.m.

STAFF PRESENT:

Assistant Director Chris Boyd, Assistant City Attorney Jim Gruber, Planner Hobart Wingard, and Planning and Zoning Commission Secretary Deb Perry.

COUNCIL MEMBERS PRESENT: None

Chris Boyd
Assistant Director
Community and Economic Development

Jan Blair, Chair
Planning and Zoning Commission



CITY OF SURPRISE
Planning and Zoning Commission

August 1, 2013 @ 6:00:00 PM

+ Back Print

Board Meeting Date:	August 1, 2013	Contact Person:	Vamshee Kovuru, Community & Economic Development
Submitting Department:	CD Boards and Commissions	District:	6
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion
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Agenda Wording:

Consideration and action on case FS13-213, approving a Conditional Use Permit for Boulevard at Surprise Pointe Building H-1 to allow for a future drive-through restaurant.

Motion:

I move to approve FS13-213, a Conditional Use Permit for Boulevard at Surprise Pointe Building H-1 and to adopt staffs finding and conditions a through b.

Background:

The proposed Boulevard at Surprise Pointe Building H-1 is a 4,853 square-foot existing gray shell building. The proposed CUP pertains to the 1,765 square-foot west suite of this building.

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](#)
- ☐ [Elevations](#)
- ☐ [Landscapr Plan](#)
- ☐ [Citizen Review Report](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

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

Vamshee Kovuru, Planner, Community & Economic Development



COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: August 1, 2013

To: Planning and Zoning Commission

From: Jeffrey J. Mihelich, Assistant City Manager
Vamshee Kovuru, Planner
vamshee.kovuru@surpriseaz.gov 623-222-3153

Re: FS13-213, Boulevard at Surprise Pointe Building H-1

Application Summary

The applicant is requesting approval of a Conditional Use Permit (CUP) for Boulevard at Surprise Pointe Building H-1 to allow for a future drive-through 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.
- On October 2, 2007, the City of Surprise administratively approved a Site Plan Amendment for Building "H" for the Shoppes at Surprise Pointe.

Project Summary

Building H-1 is a 4,853 square-foot existing gray shell building that has been demised into two (2) suites. The proposed CUP pertains to the 1,765 square-foot 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 and landscaping near the drive-through window. The proposed drive-through consists of a 174-foot stacking lane which clearly meets and exceeds the 140-foot minimum stacking lane as required by Surprise Zoning Code. The proposed CUP will allow for a future drive-through restaurant and will be developed as market permits.

Citizen Outreach Meeting

A citizen review meeting was held on July 17, 2013 at the proposed project location. The final report of the meeting is attached.

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. The project will generate ongoing sales tax revenue for the city.

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

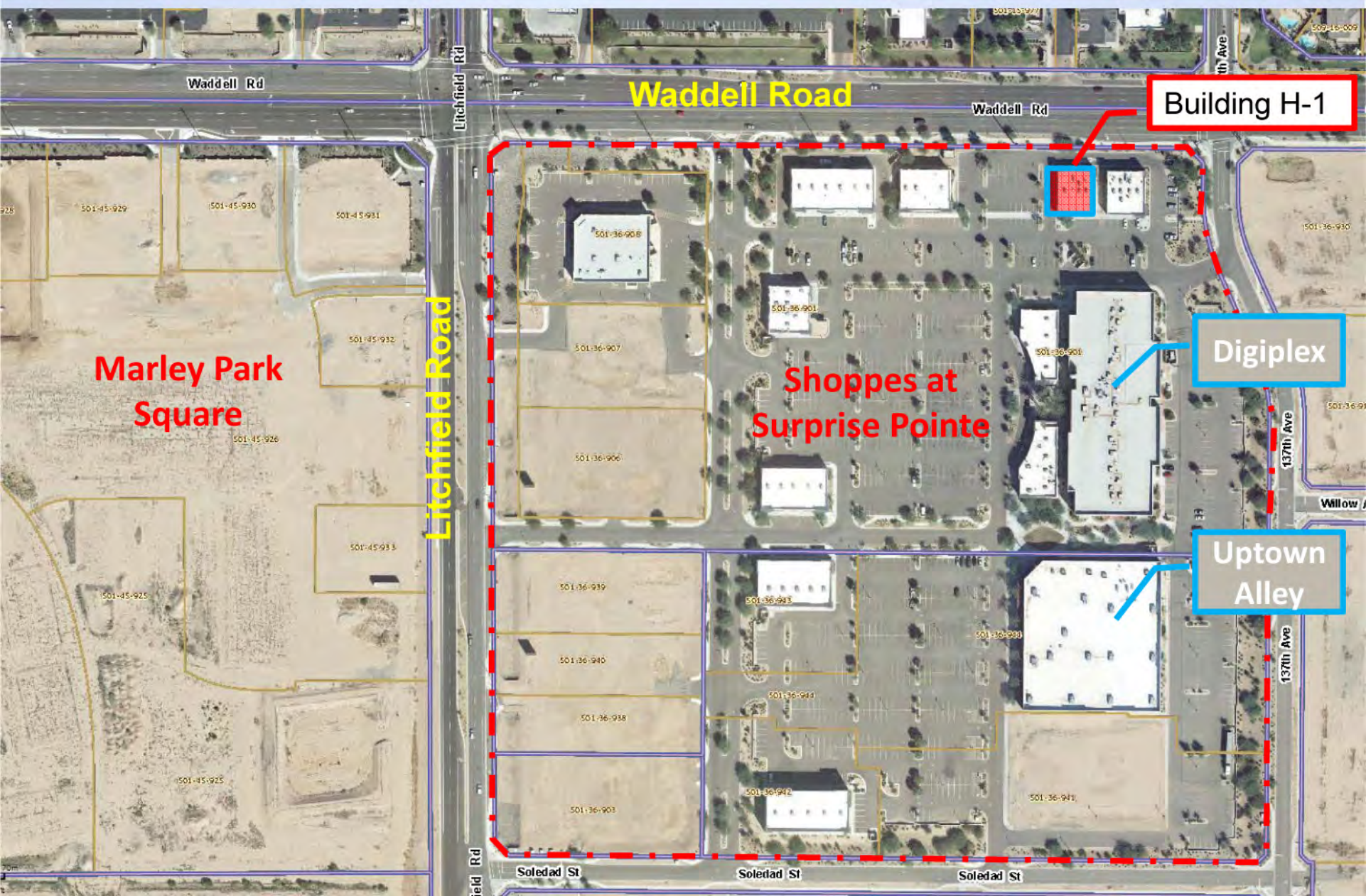
Staff recommends approval of the project, subject to the following conditions:

- a) Submit a revised site plan showing the street name to the east of Building H as 137th Avenue and not Willow Avenue prior to the issuance of building permits.
- b) All comments, per letter dated July 8, 2013 on file with Engineering Services of Public Works, shall be addressed and civil documents approved by city staff prior to issuance of civil construction permit.

Attachment

Vicinity map, site plan, landscape plan, elevations, and citizen outreach meeting report.

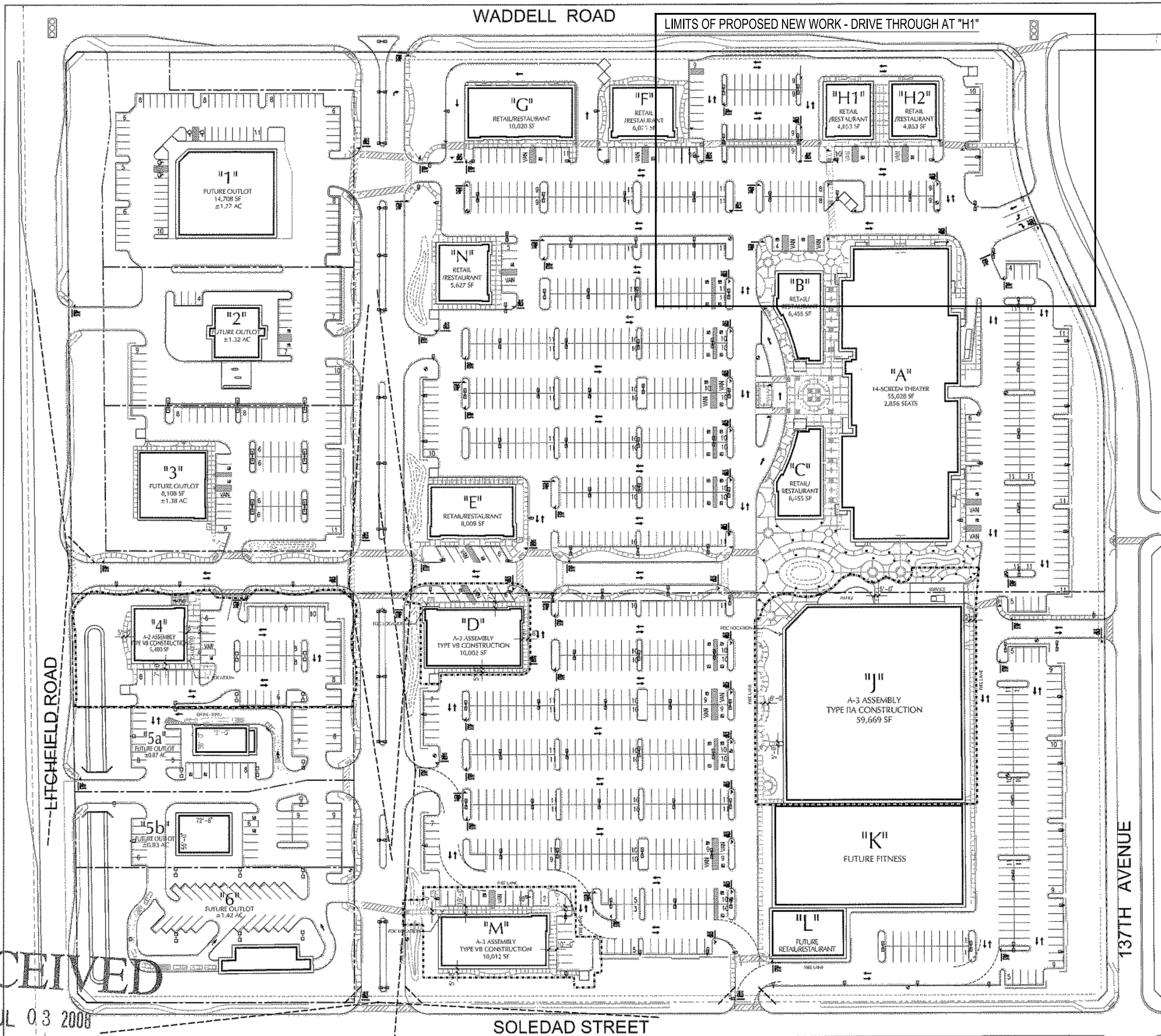
Vicinity Map



FILE COPY
DO NOT TAKE

RECEIVED

JUL 03 2008



APPLICABLE CODES:

SURPRISE MUNICIPAL CODE (SMC)
ENGINEERING DEVELOPMENT STANDARDS
2006 INTERNATIONAL FIRE CODE AND SURPRISE AMENDMENTS
SURPRISE FIRE DEPARTMENT ACCESS AND GUIDELINE BOOK
NATIONAL FIRE PROTECTION ASSOCIATION
AASHTO

SITE INFORMATION:

APN: 501-36-901

PARKING REQUIRED:

TOTAL SITE: 1422
BUILDING H1: 19

PARKING PROVIDED:

TOTAL SITE: 1465
BUILDING H1: 41
ADDITION OF DRIVE THRU:
-4 SPACES
TOTAL SITE: 1457 > 1422 [OK]
BUILDING H1: 33 > 19 [OK]

SITE SQ. FT.: UNCHANGED
SETBACKS: NO NEW BUILDINGS
SITE PERCENT COVERAGE: UNCHANGED

DEVELOPER:

SURPRISE POINTE, LLC
C/O CIRE INVESTMENTS, LLC
1020 PROSPECT AVE., SUITE 425
LA JOLLA, CA 92037

CONTACT: ALEXIS VOLEN
(858) 367 - 5885

ARCHITECT:

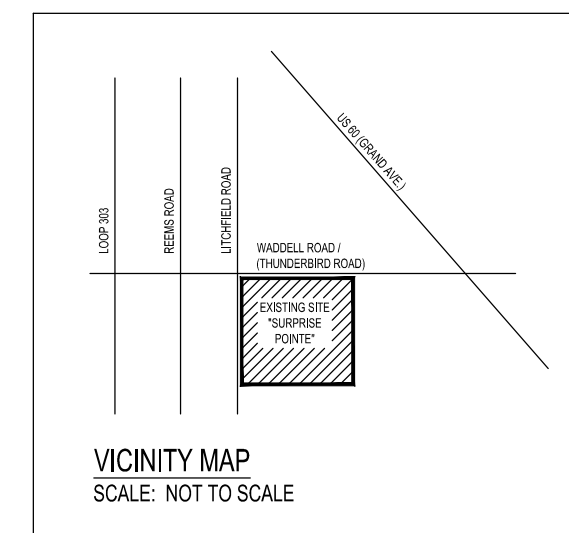
KIETH ZOLLMAN
STUDIO KZ
5525 E. THOMAS ROAD, F-10
PHOENIX, AZ 85018

CONTACT: KIETH ZOLLMAN
(480) 246 - 9332

LANDSCAPE ARCHITECT:

MTH DESIGN GROUP
3516 N. 36TH STREET
PHOENIX, AZ 85018

CONTACT: MATT HORNE
(602) 374 - 4214



DATE: 05/22/2013
DRAWN BY: SKZ

REVISIONS:

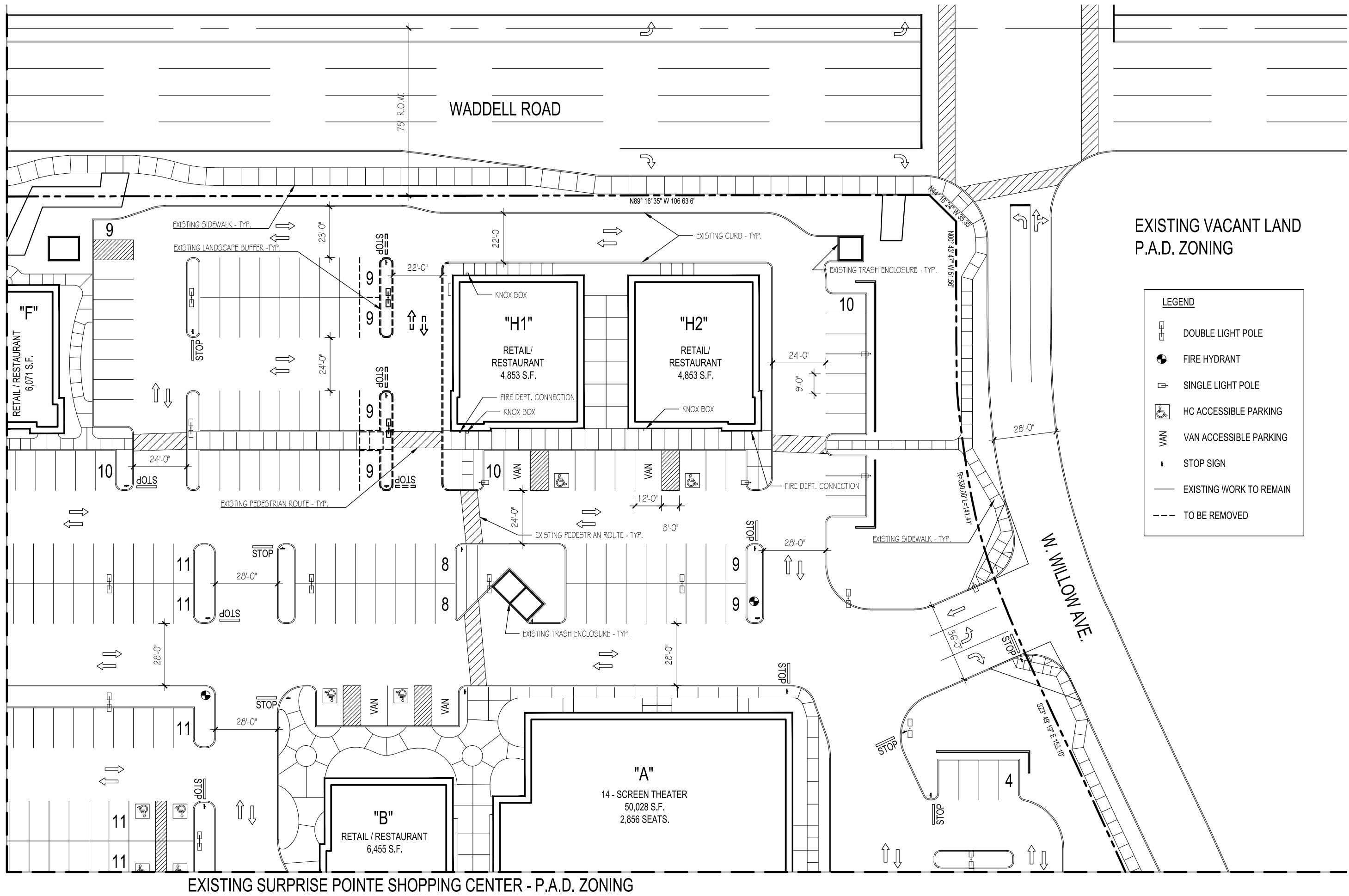
SURPRISE POINTE - PROPOSED DRIVE THRU AT BUILDING H-1

13761 N LITCHFIELD ROAD, SURPRISE, ARIZONA 85379



EXISTING
SITE PLAN

A-1.0



① EXISTING SITE PLAN AT BUILDING "H1"

GENERAL SITE NOTES:

1. ALL EXISTING SITE DRAINAGE FACILITIES, INCLUDING GRADING AND DRAINAGE PATHWAYS ARE TO REMAIN UNCHANGED.
2. EXISTING WATER BODIES AND RETENTION BASINS ARE TO REMAIN UNCHANGED.
3. 100 YEAR HIGH WATER ELEVATIONS ARE TO REMAIN UNCHANGED.
4. BUILDING SETBACKS, STREET RIGHTS OF WAY, SITE BOUNDARIES, SITE PERCENT COVERAGE CALCULATIONS, ETC... ARE TO REMAIN UNCHANGED.
5. ALL EXISTING KNOX BOX LOCATIONS TO REMAIN UNCHANGED.
6. ALL EXISTING FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS TO REMAIN UNCHANGED.

DATE: 05 / 22 / 2013
DRAWN BY: SKZ

REVISIONS:

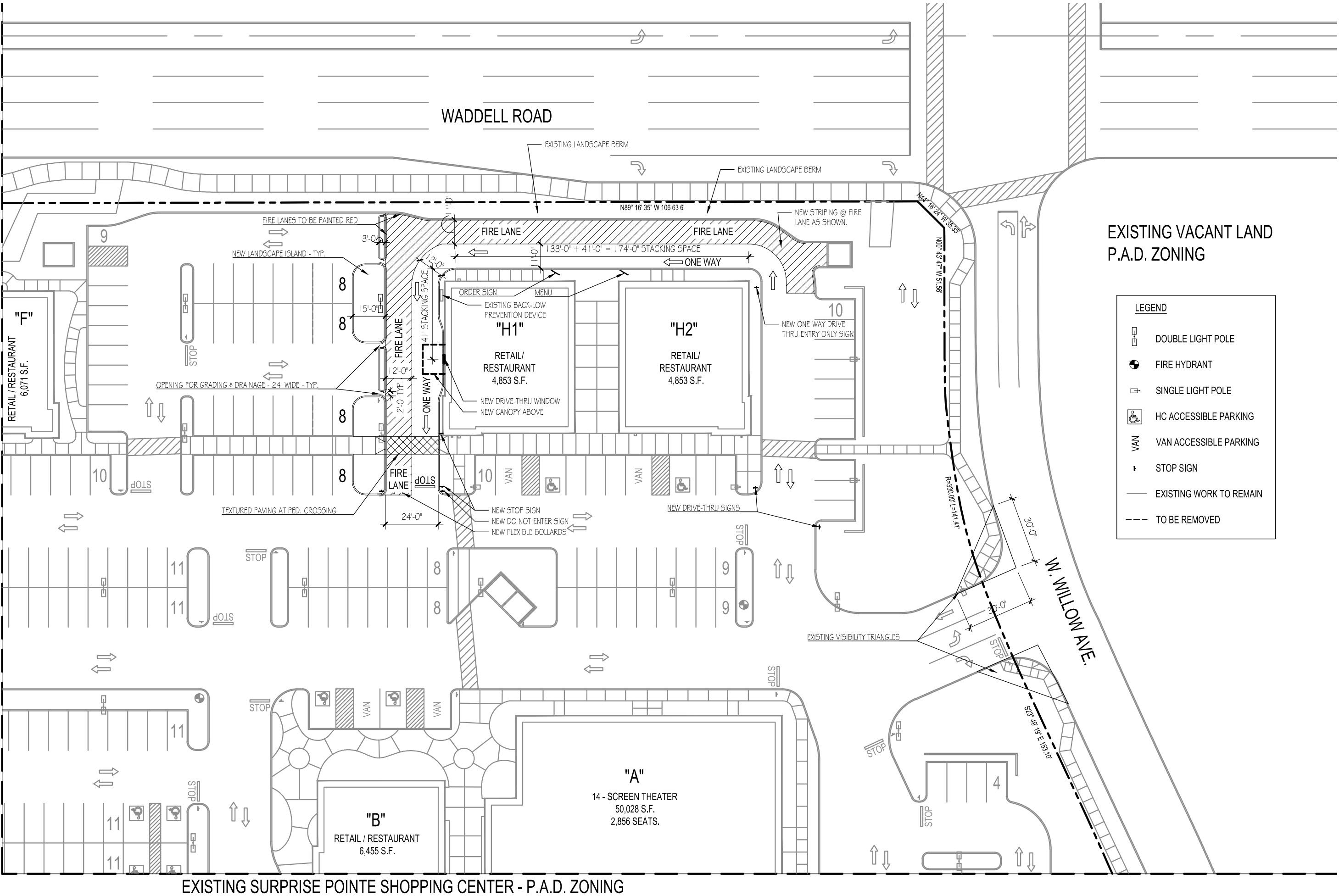
SURPRISE POINTE - PROPOSED DRIVE THRU AT BUILDING H-1

13761 N LITCHFIELD ROAD, SURPRISE, ARIZONA 85379



5525 E Thomas Rd F-10
Phoenix, AZ 85018
480-246-9332
StudioKZ.com

**EXISTING /
DEMOLITION
SITE PLAN
A-1.1**



1 PROPOSED SITE PLAN AT BUILDING "H1" - DRIVE THRU TO BE ADDED.

- GENERAL SITE NOTES:
1. ALL EXISTING SITE DRAINAGE FACILITIES, INCLUDING GRADING AND DRAINAGE PATHWAYS ARE TO REMAIN UNCHANGED.
 2. EXISTING WATER BODIES AND RETENTION BASINS ARE TO REMAIN UNCHANGED.
 3. 100 YEAR HIGH WATER ELEVATIONS ARE TO REMAIN UNCHANGED.
 4. BUILDING SETBACKS, STREET RIGHTS OF WAY, SITE BOUNDARIES, SITE PERCENT COVERAGE CALCULATIONS, ETC... ARE TO REMAIN UNCHANGED.
 5. ALL EXISTING KNOX BOX LOCATIONS TO REMAIN UNCHANGED.
 6. ALL EXISTING FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS TO REMAIN UNCHANGED.
 7. FIRE LANE SIGNS & STRIPING TO CONFORM W/ CITY OF SURPRISE FIRE DEPARTMENT STANDARD DETAILS AND ORDINANCES

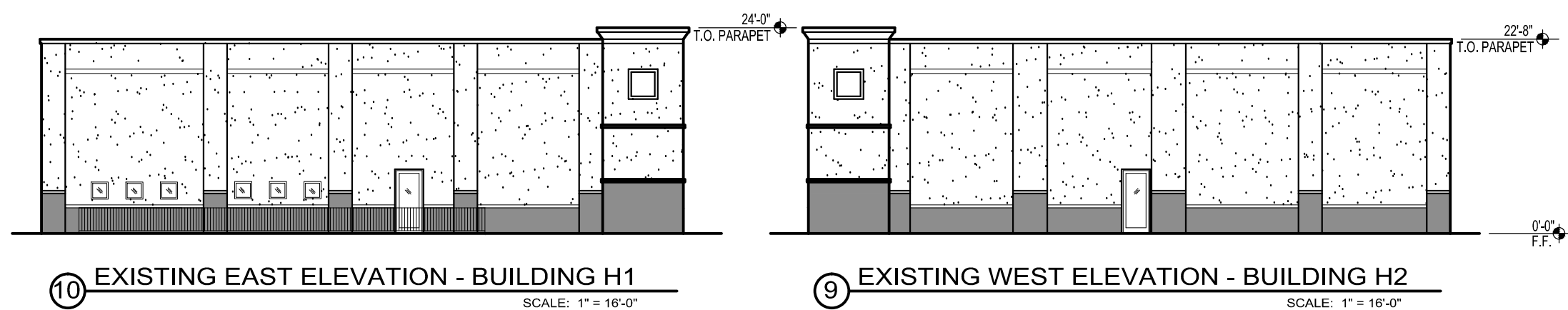
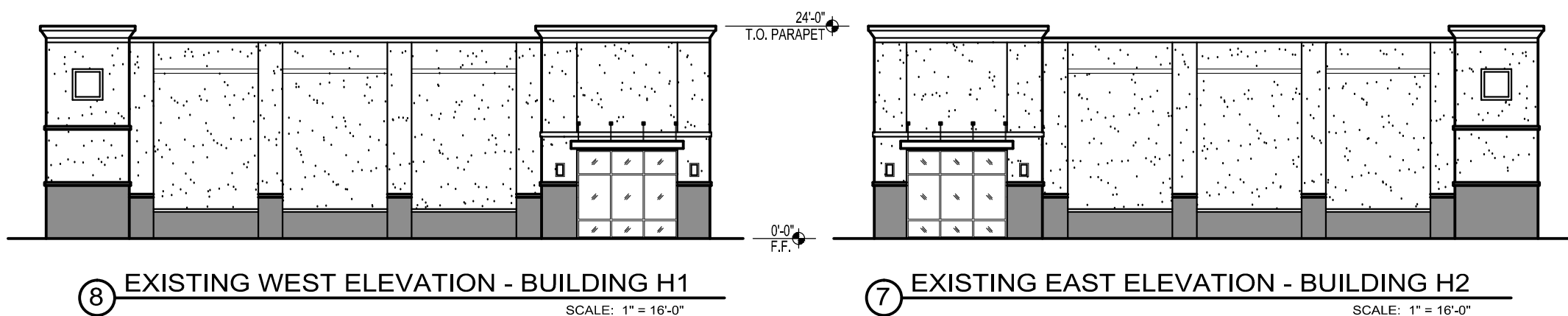
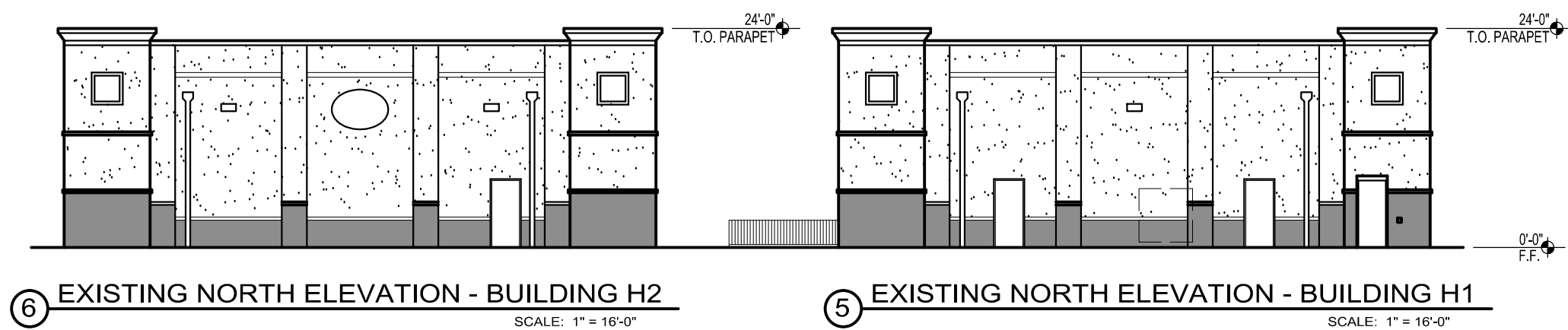
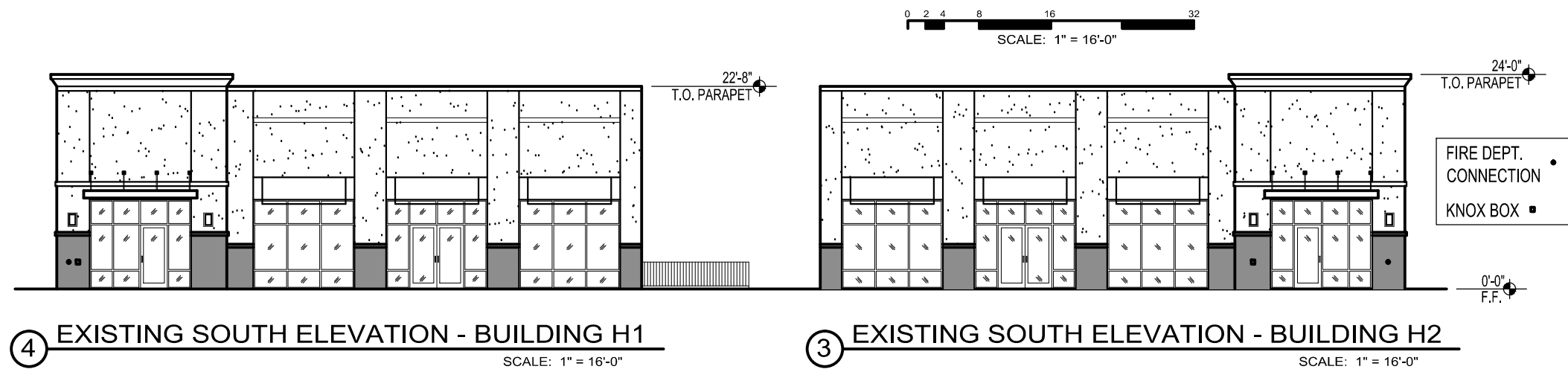
DATE: 05/22/2013
DRAWN BY: SKZ

REVISIONS:

SURPRISE POINTE - PROPOSED DRIVE THRU AT BUILDING H-1
13761 N LITCHFIELD ROAD, SURPRISE, ARIZONA 85379

STUDIO KZ
5525 E Thomas Rd F-10
Phoenix, AZ 85018
480-246-9332
StudioKZ.com

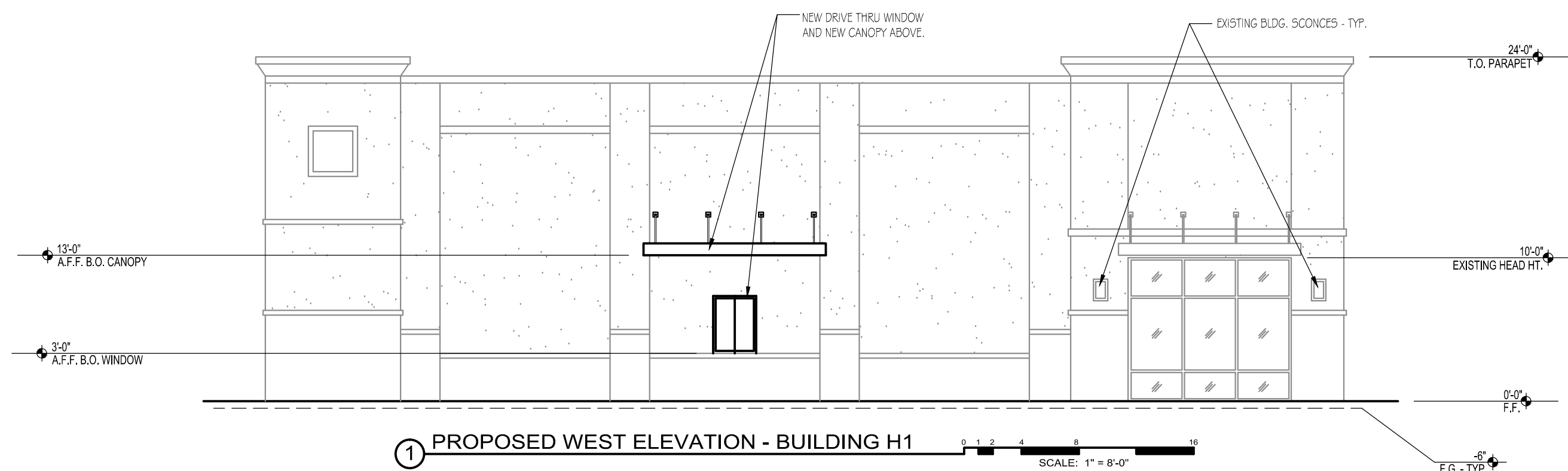
PROPOSED
SITE PLAN



2 PROPOSED WEST ELEVATION - BUILDING H1
SCALE: NOT TO SCALE

GENERAL ELEVATION NOTES:

1. ALL ELEVATIONS ARE OF EXISTING BUILDINGS.
2. EXISTING EXTERIOR COLORS WILL NOT CHANGE.
3. EXISTING HEIGHTS, UTILITY LOCATIONS, FIRE DEPT. ACCES POINTS, ETC... ARE TO BE UNCHANGED.
4. ONE NEW DRIVE THRU WINDOW AND NEW CANOPY ARE PROPOSED TO BE ADDED PER DETAIL 1.
5. EXISTING HEIGHTS SHOWN ARE APPROXIMATE. FIELD VERIFICATION MAY BE REQUIRED.



DATE: 05/22/2013
DRAWN BY: SKZ

REVISIONS:

SURPRISE POINTE - PROPOSED DRIVE THRU AT BUILDING H-1

13761 N LITCHFIELD ROAD, SURPRISE, ARIZONA 85379



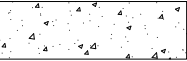
5525 E Thomas Rd F-10
Phoenix, AZ 85018
480-246-9332
StudioKZ.com

EXISTING /
PROPOSED
ELEVATIONS
A-2.0

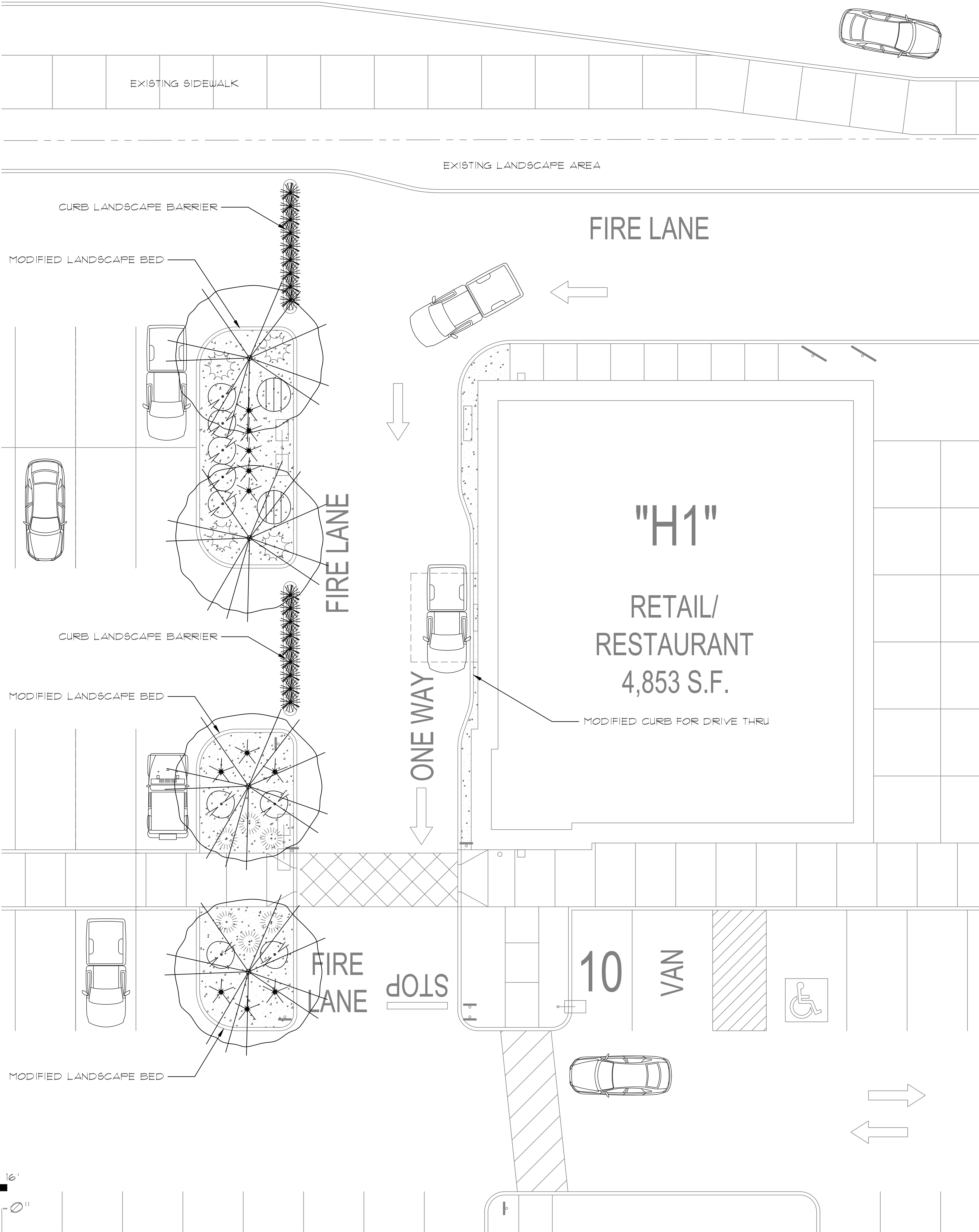
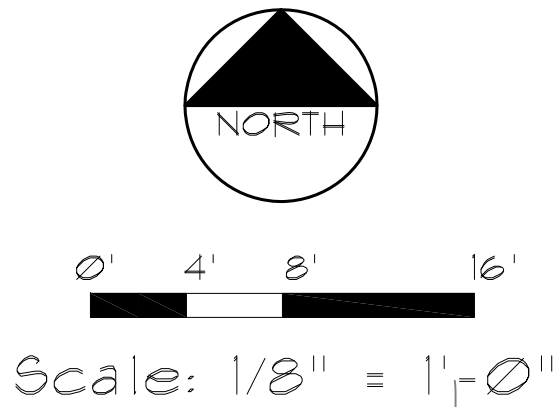
PLANT SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY	COMMENTS
	Calliandra eriophylla	PINK FAIRY DUSTER	5 GAL.	9	PER PLAN
	Heperaloe parviflora	RED YUCCA	5 GAL.	11	PER PLAN
	Lantana species	LANTANA 'Gold Mound'	5 GAL.	6	PER PLAN
	Lantana montevidensis	TRAILING LANTANA	5 GAL.	4	PER PLAN
	Leucophyllum langmaniae	LANGMAN'S SAGE 'Rio Bravo'	5 GAL.	2	PER PLAN
	Muhlenbergia capillaris	REGAL MIST	5 GAL.	18	PER PLAN
	Parkinsonia x 'Desert Museum'	HYBRID PALO VERDE	24" BOX	4	PER PLAN

MISCELLANEOUS LEGEND

SYMBOL	DESCRIPTION	QUANTITY	COMMENTS
	DECOMPOSED GRANITE - SIZE & COLOR TO MATCH EXISTING	1,100 SQ. FT.	PER PLAN

progress set
not for construction



MTH Design Group
landscape architecture
office/ fax 602.374.4214
mobile 859.948.5411
matt@mthdesigngroup.com
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SURPRISE POINTE
DRIVE THRU @ BLDG H-1
13761 N LITCHFIELD ROAD
SURPRISE, AZ 85379

MTHDesignGroup
landscape architecture
matt@mthdesigngroup.com

Project
Surprise Pointe
Title
Landscape
Date
05.22.2013
Designed/Drawn By
Matthew Horne
Revisions

No.	Revision	Date
01	Initial Plan	05.22.2013

LANDSCAPE
SHEET 01
1 of 1

New Drive-Through Window at Building H1 at the Boulevard at Surprise Pointe

FS13-213

Public outreach Report

July 18, 2013, 6pm-7pm

To: Vamshee Kovuru

From: Keith Zollman, Architect, Studio KZ

Cc: Alexis Volen, Operations Manager, CIRE Partners / Surprise Pointe LLC; Maggie Keasler, Project Manager, Studio KZ

Re: FS13-213 Conditional Use Permit (CUP) for a new drive-through window at building H1

On July 17, 2013 a Citizens Review Meeting was held at the vacant suite 100 in Building H1 at 13761 N Litchfield Rd in Surprise, Arizona. The purpose of the meeting was to present the proposed use of the suite, answer questions, and receive input from interested citizens regarding the CUP.

The meeting was announced through a mailing list compiled by the City of Surprise with mailers sent to owners within 300 feet of the property. Surprise Pointe LLC posted two signs at the property: one on Litchfield Road, and the second on Waddell Road. The signs contain information regarding the CUP-neighborhood meeting, Planning and Zoning Commission meeting, as well as the contact information for the city staff.

The meeting was attended by: Mr. Keith Zollman and Ms. Maggie Keasler of Studio KZ; Mr. Vamshee Kovuru of the City of Surprise Community and Economic Development Department; Mr. Skip Hall, City of Surprise District 6 Councilmember; and Ms. Donna Holt, resident.

Exhibits were prepared for the meeting to present to the attendees. After a brief description of the proposed CUP, the attendees moved outside the building to see where the proposed changes to the parking lot and parking islands would take place. Mr. Hall asked how the vehicles would approach the building, and Mr. Zollman stated that the driveway on the north side of the building would be made into a one-way stacking lane and fire lane, and that a curb cut would be required to allow the vehicles to come closer to the drive-through window. Mr. Hall asked about signage, and Mr. Zollman stated the existing monument sign on the property would be utilized for the future (currently unknown) tenant, and Mr. Kovuru stated that the future tenant may also apply for a permit to install a sign on the building side that faces Waddell Road. Mr. Hall and Ms. Holt expressed satisfaction with the proposal, and the meeting was concluded.



CITY OF SURPRISE
Planning and Zoning Commission

August 1, 2013 @ 6:00:00 PM

+ Back Print

Board Meeting Date:	August 1, 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 of Articles 1 (Introductory Provisions), 2 (Definitions), and 3 (Development Regulations).

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 Reprot](#)
- ☐ [Article 1](#)
- ☐ [Article 3](#)

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):

Hobart Wingard, Planner, Community & Economic Development



COMMUNITY AND ECONOMIC DEVELOPMENT

Date: August 1, 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 1 (Introductory Provisions) and 3 (Development Regulations)

- Article 1, Introductory Provisions – This article lays the foundation for the zoning code. These provisions ensure implementation of the General Plan while protecting the public health, safety, and welfare.
- Article 3, Development Regulations – This article provides protection of land by regulating growth standards to prevent practices as “Leap Frog” development. Environmental issues are addressed in this document by protecting native plants, environmentally and culturally sensitive land areas, and possible archeological

disturbances. This article also ensures compatibility with Luke Air Base and all other documents that have been published by the city regarding development.

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:

- August 1, 2013 – Review Articles 1 (Introductory Provisions) and 3 (Development Regulations).
- September 5, 2013 – Review Articles 2 (Definitions), 4 (Subdivision Regulations), and 5 (Zoning).
- 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 I - INTRODUCTORY PROVISIONS

Section 122-101 - Purpose and Principles

- (a) This chapter will be known as and may be cited as the Surprise Unified Development Code. The short title will be referred to as *SUDC* or *Chapter 122*.
- (b) The purpose of this chapter is to enable the city to respond uniformly and consistently to development proposals and to promote the health, safety, and general welfare of the residents throughout the city.

While the majority of situations subject to this chapter will fall easily into an identifiable set of processes and requirements, it provides flexibility in dealing with situations that may fall outside the typical processes and requirements. The elements are interrelated and cannot be taken in isolation; they must be taken within the context and intent of the entire chapter. Details of development will be subject to the approval of the City Manager or designee, who will have the authority to approve minor deviations from the minimum standards.

Specifically, this chapter implements the goals and policies of the General Plan and development directives of the city by promoting the greatest efficiency and economy through coordinated development and redevelopment of the city in the following ways:

- (1) Providing for a range of uses and intensities appropriate to the character of the city and reflecting current and expected future needs.
- (2) Providing for orderly growth and development by dividing the city into districts according to the use of land and buildings, the intensity of such use, and the surrounding areas.
- (3) Providing for the protection of the natural, historic, economic, cultural, and scenic resources of the city.
- (4) Providing for the control of air and water quality, groundwater, and soil erosion.
- (5) Providing for the protection of public investment in transportation, water, recharge, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public facilities.
- (6) Promoting quality design in the development of private and public facilities.
- (7) Promoting safety from fire, flood, and other natural or man-made disasters.
- (8) Incorporating crime prevention methods to promote a safe and secure environment.
- (9) Coordinating with municipalities, county, state, and other jurisdictional agencies, with regard to resources and facilities that extend beyond municipal boundaries.
- (10) Providing for efficient review of development proposals, to clarify and expedite the approval process.

- (11) Providing for procedures for the administration of this chapter, including, but not limited to, amendments, variances, and permits.
- (c) Except as otherwise provided in this chapter, these regulations will govern the development and use of lands and structures within the corporate limits of the city. No land will be subdivided or developed, and no building will be used, erected, converted, enlarged, reconstructed, or structurally altered, unless in conformity with this chapter.
- (1) Notwithstanding the foregoing, this chapter and any amendment thereto, will not apply to the development of land and buildings, and uses thereon, which as of the effective date of this chapter, are subject to an approved development agreement or zoning document.
- (2) Interpretation and application of the provisions of this chapter will be regarded as the basic and minimum requirements for the protection of public health, safety, and welfare. Whenever any provision of this chapter or any provision of any other applicable law, rule, contract, resolution or regulation of the city, state agency, or the federal government contains certain standards, covering the same subject matter, the more restrictive requirement(s) or higher standard(s) will control unless otherwise provided herein.
- (d) Transition rules
- (1) Any continuing violation of the Surprise Municipal Code will continue to be a violation under this chapter and will be subject to penalties and enforcement herein.
- (2) The classification of a parcel pursuant to the official zoning map will not constitute an amendment or variation of any condition created pursuant to a rezoning approved prior to the effective date of this chapter.
- (e) If any section, subsection, sentence clause, phrase or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions thereof.

ARTICLE III - DEVELOPMENT REGULATIONS

Section 122-301 - General Provisions

- (a) The purpose of this section is to provide general development standards and criteria for the development, redevelopment, and/or improvement of public and private property within the city. Consistent with State of Arizona laws governing private property rights and responsibilities, the development standards are intended to promote flexibility in the planning and design of new development projects, as well as improvements to existing property and structures, while ensuring protection of the natural and built environment and the public health, safety, and welfare of the citizens of Surprise.

These general development standards conform to, and further amplify and implement, the goals, policies, and guidelines described in the following:

- (1) General Plan
 - (2) Parks and Trails Master Plan
 - (3) Integrated Water Master Plan
 - (4) Engineering Development Standards
 - (5) Building and Fire codes
 - (6) Water and Wastewater Guidelines and Standards
 - (7) Streetscape Design Guidelines
 - (8) Water and Wastewater Facility Guidelines, Volumes 1, 2 & 3
 - a. Volume 1 – General Water and Wastewater Facility Guidelines
 - b. Volume 2 – Water Facility Guidelines
 - c. Volume 3 – Wastewater Facility Guidelines
 - (9) Wastewater Technology Assessment Report
 - (10) Water Technology Assessment Report
- (b) Except as otherwise specified and provided for in this chapter, these standards, hereinafter referred to as the Surprise Development Directives, are intended to:
- (1) Enhance the city's image, identity, value, appearance, character, and quality of life.
 - (2) Ensure that land proposed for subdivision and/or development is appropriately suited to the purpose for which it is to be subdivided and developed, and that the land is reasonably free from potential flood inundation, the need for environmental and/or cultural resource protection, and any adverse topographic, soils, or geologic conditions.

- (3) Permit new urban development that will have a minimum impact upon those lands and properties within the city that are designated to remain rural and of a less developed character.
- (4) Facilitate the orderly development of properly designed and constructed public and private roadways, pedestrian/bicycle pathways, and private/public active and passive recreation areas so as to provide an integrated, safe, durable, and efficient pedestrian/vehicular circulation and open space system.
- (5) Lessen the physical, visual, and noise impact of infill development on existing established residential neighborhoods.
- (6) Stimulate investment and strengthen the economic vitality of the city.
- (7) Encourage higher densities in the urban core.

Section 122-302 - Urban Growth Standards

- (a) These standards will encourage and guide new development to locate adjacent and/or contiguous to already existing developed areas of the city including:
 - (1) The creation of incorporated city limits and contiguous service areas through a timely and orderly annexation program.
 - (2) The efficient, timely, and cost-effective extension of new city infrastructure and services.
 - (3) The physical and visual integration of new development with adjoining existing and proposed development.
 - (4) The preservation of rural characteristics, natural areas, and features.
 - (5) The protection and preservation of environmentally sensitive lands from the encroachment of urban development.
 - (6) The improvement of air quality by encouraging public transit and alternatives to private automobile use.
 - (7) A variety of density choices.
 - (8) A greater diversity in both residential and nonresidential architecture.
 - (9) The preservation of historical and cultural features.
- (b) These standards will apply to new construction and urban development within the city, including any industrial, retail commercial, office/institutional/civic/public development, and/or residential development having an overall minimum density of at least one (1) dwelling unit per gross acre or greater.
- (c) New development within the city must meet the following minimum standards related to the required degree of contiguity, access, and availability of adequate public infrastructure.
 - (1) At least one-sixth ($1/6$) of the proposed development's site boundaries will be contiguous to, and have shared access and connectivity with, existing urban

development. All such uses and developments are served by completed infrastructure, including but not limited to paved streets, public sewer and water, storm water drainage and other utilities, as well as fire suppression consistent with the adopted fire code. Said standards will further apply to any developments petitioning to annex into the city.

- (2) If the development is an approved scheduled phase of an overall master development plan which meets the contiguity requirement of this section, and if all portions of the development phase are within one-half ($\frac{1}{2}$) mile of an existing urban development as defined in this section, then the development phase is not subject to the minimum contiguity requirement.
- (3) For purposes of this section, contiguity will not be affected by the existence of a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, publicly owned open space, or a lake, reservoir, stream, wash or other natural or artificial waterway located immediately between the proposed development and existing urban development.

Section 122-303 - Site Planning and Community Design Principles

- (a) These principles are intended to promote a uniquely identifiable, pedestrian-oriented, well-landscaped, interconnected, diverse mixture of residential and nonresidential uses and architecture.
- (b) Except as otherwise noted herein, this section will apply to all new development and existing development that is modified to the extent that it includes uses or site design features that were not specifically shown on previously approved plans.
- (c) All new development, with the exception of individual single family residential units that are not part of a master planned development, will provide for certain elements and provisions that include, but are not necessarily limited to:
 - (1) Protection and stabilization measures for environmentally sensitive desert and foothill land areas.
 - (2) An inter-connected street and open space system that physically and visually integrates a proposed development to existing and/or proposed adjacent developments.
 - (3) A mixture of residential, office/employment, commercial, civic and cultural land uses.
 - (4) Pedestrian, bicycle, golf cart, motorcycle, and vehicular access and parking.
 - (5) Lighting.
 - (6) Signage.
 - (7) On-site water and sewer systems.
 - (8) Emergency services access.
 - (9) On-site storm water retention and/or detention.

(10) Refuse collection.

(11) Stormwater conveyance systems to convey offsite flows and compliance with FEMA requirements.

Section 122-304 - Public Infrastructure Level of Service Standards

- (a) Every development within the city will be adequately served by public infrastructure, facilities, and services consistent Engineering Development Standards, Integrated Water Master Plan, and by other applicable federal, state, regional or county legislation.
- (b) The policies and regulations in this section will apply to the use and development of land and buildings, and uses thereon, over which the city has jurisdiction; except they will not apply to those projects that have received approval prior to the date of the adoption of this ordinance, or those projects that have been approved and are being developed under a development agreement with the city. Approval will be conditioned upon the provision of all required public infrastructure, facilities, and services including: fire, police, sanitation, water, sewer, streets, parks, recreation, and any other services provided by the city in the public interest, health, and welfare of the city.

No building permit will be issued unless such public infrastructure, facilities and services are in place, or commitments have been made to provide the required infrastructure and level of service standards described herein. No site-specific development plan or building permit will be approved or issued that will reduce the level of service standards below the adopted level of service standards for the affected development.

Where off-site improvements are required as a result of the standards contained herewith, the developer will pay for such improvements and the city, if required, will collect the proportionate share from off-site users of the infrastructure and reimburse the developer for such improvements through a city-adopted reimbursement agreement.

Section 122-305 - Hazardous Materials Standards

- (a) This section will protect the community and neighborhoods from potential harm caused directly or indirectly by hazardous materials and toxic or noxious matter. The proper location, construction, and processing of hazardous materials facilities are important to controlling community risk. If the type and magnitude of hazardous materials emergencies can be predicted, the potential impact on adjacent land uses, emergency providers, and the environment can be minimized.
- (b) Hazardous material standards will apply to all development or redevelopment proposals containing the storage or manufacture of hazardous or toxic materials and having the potential to cause off-site impacts as a result of the release of a hazardous material or toxic or noxious matter.
- (c) All development proposals that have the potential to cause off-site impacts as a result of the release of a hazardous material or toxic or noxious matter will include a Hazardous Materials Impact Analysis (HMIA). Said analysis will provide the basis for an informed evaluation by the City Manager or designee regarding the type and magnitude of impact of the hazardous materials proposed for a specific site, and to determine the risk of release thereof. The developer will comply with the following general standards and criteria:

(1) Release and discharge of hazardous materials.

- a. No land use activity will, for any period of time, result in the discharge across the boundaries of a lot on which it is located, either by surface run-off or by underground plume, a hazardous, toxic, or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, or welfare.
- b. The release of any hazardous, toxic, or noxious matter will not cause injury or damage to persons, land or the use of land, or render unclean the surface or underground waters of the city to the extent of being harmful to the public health or to animal or aquatic life, or to the use of such waters for domestic water supply, industrial purposes, recreation, or other legitimate and necessary uses.
- c. Any operation involving ionizing radiation such as the use of gamma rays, X-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other atomic or nuclear particles, will be permitted only in accordance with the codes, rules, and regulations of the Arizona Radiation Regulatory Agency (ARRA).
- d. No person will operate or cause to be operated for any purpose any planned or unplanned source of electromagnetic radiation, including overhead utility transmission lines, which does not comply with current federal, state, and local regulations governing the location of such sources.
- e. Electromagnetic radiation generated by operating sources in compliance with and the under the regulatory auspices of the Federal Communications Commission will be deemed unlawful if such radiation causes abnormal degradation of performance of any electromagnetic receptor of quality and proper design. The determination of "abnormal degradation of performance" and of "quality and proper design" will be made in accordance with good

engineering principles and practices, and the standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers and the Electronics Industries Association.

- f. No use, activity, or process will be conducted in a manner that will release hazardous air pollutants.

(2) Site development.

- a. If any proposed use entails the use or storage of hazardous materials on-site (including hazardous wastes and/or toxic or noxious matter), the development will be planned and designed to comply with all city fire, safety, and building codes regulating the use and storage of the hazardous materials.
- b. The planning and design of a development site that entails or could entail the use and storage of hazardous materials (including hazardous wastes and/or toxic or noxious matter) will utilize any special features such as topographical conditions, earthen berms, proximity siting to other buildings on the site or adjoining property, building design, and walls to lessen the impact of hazardous material releases.

Section 122-306 - Luke Air Force Base Compatibility

The city may adopt and enforce standards in order to promote the public health and safety in the vicinity of the Luke Air Force Base and any associated facilities by minimizing conflict with high noise levels and hazards generated by aircraft uses; and to create orderly, efficient, and functional development patterns that are compatible with the continued operation of Luke Air Force Base per state statute.

Section 122-307 - Environmentally and Culturally Sensitive Land Area Standards

- (a) This section will identify and protect environmentally and culturally sensitive lands in the city and to promote the public health, safety, and welfare by providing appropriate and reasonable controls for the development of such lands:
 - (1) Minimize disturbance of the site's existing topography and direct development away from sensitive environmental and cultural resources.
 - (2) Protect and preserve significant natural and visual resources. Such resources include, but are not limited to, major boulder outcrops, major ridges and peaks, prime wildlife habitat and corridors, unique vegetation specimens, significant washes, and significant riparian habitats.
 - (3) Enhance existing site conditions, by restoring and/or replacing the resource value lost to the community (either on-site or off-site), when a development proposal will result in the disturbance of natural habitats and features and/or environmentally and culturally sensitive lands.

- (4) Minimize the impacts of development by controlling the location, intensity, pattern, design, construction techniques, and materials of development and construction.
 - (5) Maintain significant open spaces which provide view corridors and land use buffers, protect landmarks, large boulders, and prime wash habitats by preserving these features in their natural state to maintain the city's unique desert setting.
 - (6) Protect renewable and nonrenewable resources such as water quality, air quality, soils, and natural vegetation from incompatible land uses.
 - (7) Assure that design of the development in environmentally sensitive areas are based on complete and accurate information about the environmental conditions including drainage features and possible development impacts.
 - (8) Encourage innovative planning, design, and construction techniques for development in environmentally sensitive areas.
 - (9) Provide physical and visual connectivity to adjoining and contiguous, existing and proposed development, and community open space.
 - (10) Minimize potential impacts on existing rural/agricultural lands adjacent to the edge of the urbanizing part of the city that may result from increased traffic, parking, pedestrian, bicycle, and golf cart access and circulation, street and building lighting and glare, noise, odors, and dust.
- (b) The applicant will assure compliance with the standards set forth in this section before any submittal, including but not limited to general plan amendments, planned unit developments, planned area development amendments, zone changes, site planning, and/or platting. All reports required in this section will be completed and submitted to the Community and Economic Development department with the applicable case.

This section will apply if any portion of the development site contains one (1) or more of the following conditions:

- (1) Land slopes of fifteen (15) percent or greater
- (2) Water courses, floodways, washes, or swales
- (3) Special features such as:
 - a. Rock outcroppings consisting of boulder features having a circumference of greater than five (5) feet
 - b. Natural land marks, including archaeological sites
 - c. Protected peaks
 - d. Protected ridges
- (4) Undisturbed native vegetation or protected native plants. Protected native plants are trees that are five (5) inches or greater in caliper or cacti that are three (3) feet or greater in height or cacti that have reached their full height at maturity of the following species:

Table 3-1 – Protected Native Plants

Botanical name	Common Name
Acacia constricta	Whitethorn Acacia
Acacia greggii	Catclaw Acacia
Berberis haematocarpa	Red Barberry
Bursera Microphylla	Elephant Tree
Canotia holocantha	Crucifixion Thorn
Celtis pallida	Desert Hackberry
Cercidium floridum	Blue Palo Verde
Cercidium microphyllum	Foothill Palo Verde
Chilopsis linearis	Desert Willow
Juniperous species	Juniper
Olneya tesota	Ironwood
Populus fremontii	Cottonwood
Prosopis species	Mesquite
Quercus species	Scrub Oak
Rhus ovata	Sugar Sumac
Vauquelinea californica	Arizona Rosewood
Cacti and Succulents	
Carnegiea gigantean	Saguaro
Ferocactus	Barrel
Fouquieria splendens	Ocotillo
Peniocereus greggii	Desert Night-Blooming Cereus
Yucca elata	Soaptree Yucca

(5) Wildlife habitat or wildlife linkage corridors.

(6) Landform classes as indicated in the Landform Character Physical Division Map:

- a. Sonoran Mountain
- b. Sonoran Uplands
- c. Bajada
- d. River wash Corridor
- e. West Valley Plain

- f. Mid Valley Plain
 - g. Luke Valley Plain
- (c) The following standards will govern the identification and establishment of environmental and culturally sensitive land boundaries, subsequent environmental buffer zones, and preservation and mitigation measures for any natural habitat/feature and/or environmentally or culturally sensitive land within a development site:
- (1) Boundaries of a natural habitat or environmentally or culturally sensitive land area that have not been clearly delineated will be defined through site evaluations and reconnaissance. Boundary determination will be based upon the ecological characterization of the natural habitat, feature and/or the environmentally or culturally sensitive nature of the land.
- a. The development applicant will provide to the city for any projects that meet the requirements for environmentally and culturally sensitive standards, an ecological characterization report prepared by a certified professional qualified in the areas of ecology, wildlife biology, or other relevant discipline. This study will be provided at the time of application for any development. The City Manager or designee may waive any or all of the following elements of this requirement if the city already possesses adequate information required by this subsection to establish an environmental buffer zone(s), as set forth in this section. The ecological characterization report will describe, without limitation, the following:
 - 1. A comprehensive wildlife and habitat inventory report which includes the biological significance that the area holds for such wildlife species.
 - 2. Drainage features on the site including wetlands, washes, streams, swales, or other watercourses with floodplain and floodway delineations.
 - 3. Prominent view corridors to mountains, buttes, or other unique natural formations.
 - 4. An inventory of the pattern, species, and location of "protected native plants" as well as other native vegetation.
 - 5. Environmental features including applicable landforms, protected peaks and ridges, unstable slopes, and boulder features.
 - 6. Any issues regarding the timing of development-related activities stemming from the ecological character of the area.
 - 7. Any measures needed to mitigate the projected adverse impacts of the development project on natural habitats and features.
 - b. An environmental buffer will be required to protect the public health, safety, and welfare, preserve sensitive environmental conditions, retain and protect meaningful desert open space, and conserve environmentally and culturally sensitive areas identified on a development site.

1. The Environmental Buffer Zones, or EBZ within each development will be preserved according to slope and landform type as provided in the following EBZ slope/landform matrix:

Table 3-2 – EBZ Slope / Landform Matrix

LANDFORM TYPE	SLOPE RANGE	MINIMUM REQUIRED EBZ
South, Luke, Mid, and West Valley Plain	0%-10%	15%
Bajada	0-5%	15%
	5%-10%	25%
	10%-15%	35%
	15%-20%	45%
	Over 20%	45%
Sonoran Uplands and Sonoran Mountain	0%-15%	50%
	15%-20%	65%
	25% and over	80%

2. EBZ will be comprised of the conservation features listed and defined in the ecological characterization study.
3. The minimum horizontal dimension for EBZ will be seventy-five (75) feet. The dimension may be increased based upon the significance and sensitivity of the habitat as determined by a certified professional qualified in the areas of ecology, wildlife biology, archaeology, hydrology, or other relevant discipline.
4. The minimum contiguous area for EBZ is four thousand (4,000) square feet.
5. Land designated as EBZ will be permanently maintained as open space. The applicant will demonstrate to the satisfaction of the city that the entire EBZ will be permanently maintained as natural open space through easements, donation or dedication to the city and/or conservancy, land trust, or similar entity.
6. If EBZ is located in a common tract owned by a homeowners association, the property will be maintained by the homeowners association.
7. If EBZ is located on individual lots, the individual property owner will be responsible for maintenance.
8. Common-tract EBZ locations and boundaries, including precise acreage, will be shown on the subdivision plat and/or map of dedication.

9. The development applicant will comply with the following performance standards when setting aside an EBZ. Each development project will be planned and designed to:
- i. Preserve or enhance the ecological character or function and wildlife use of the natural habitat, feature, or sensitive land area.
 - ii. Minimize, or adequately mitigate, the foreseeable impacts of development.
 - iii. Preserve or enhance the existence of wildlife movement corridors between natural features, both within and adjacent to the site.
 - iv. Preserve any protected native plant.
 - v. Prevent any adverse impact upon:
 - A. Species utilizing special habitat features, including nest sites, night roosts, and key feeding areas as identified by the Arizona Department of Game and Fish.
 - B. Key production areas, wintering areas, and migratory feeding areas for fowl.
 - C. Key use areas for migrant songbirds.
 - D. Key nesting areas for birds and desert tortoises.
 - E. Fox and coyote dens.
 - F. Key areas for rare, migrant, or resident butterflies.
 - G. Areas of high terrestrial insect diversity.
 - H. Remnant native desert habitat.
 - I. Stands of mature desert saguaros.
 - J. Any wetland greater than one-quarter ($\frac{1}{4}$) acre in size.
 - vi. Minimize the degradation of the ecological character or wildlife use of the affected natural habitats or features through site planning design that is sensitive to the character of the proposed development in terms of use, density, traffic generation, quality of runoff water, noise, lighting, and similar potential development impacts.
 - vii. Integrate with and preserve existing site topography, including but not limited to such characteristics as steepness of slopes, existing drainage features, rock outcroppings, river and stream terraces, valley walls, ridgelines, and scenic topographic features.
 - viii. Enhance the natural ecological characteristics of the site. If existing landscaping within the buffer zone is determined by the City Manager or designee to be incompatible with the purposes of the buffer zone, then the applicant will undertake restoration and mitigation measures such as re-grading and the replanting of native vegetation.

- ix. Provide appropriate human access to natural habitats and features and their associated buffer zones to provide for passive recreational uses such as hiking, photography, nature observation, and environmental education; provided that such access is compatible with the ecological character and wildlife use of the natural habitat or feature.
- c. Permitted development activities within an EBZ.
- 1. No disturbance will occur within any EBZ and no person will engage in any activity that will disturb, remove, fill, dredge, clear, destroy, or alter any area, including vegetation within natural habitats or features and/or environmentally or culturally sensitive land areas, including without limitation, lakes, ponds, wetlands, stream corridors, floodways, and desert washes and swales, except as provided herein.
 - 2. If the development causes any disturbance within the EBZ, the development applicant will undertake restoration and mitigation measures within the buffer zone such as re-grading and the replanting of native vegetation. The applicant will undertake mitigation measures to restore any damaged or lost natural resource either on-site or off-site. Any such mitigation or restoration will be at least equal in ecological value to the loss suffered by the community because of the disturbance, and will be based upon such mitigation and restoration plans and reports as have been requested, reviewed and approved by the City Manager or designee. Any existing vegetation (whether native or nonnative) that is destroyed or disturbed, will be replaced with native vegetation and landscaping.
 - 3. Disturbance or construction activity within the buffer zone may be allowed for the following limited purposes:
 - i. Mitigation of development activities.
 - ii. Restoration of previously disturbed or degraded areas or planned enhancement projects to benefit the natural area or feature.
 - iii. Emergency public safety activities.
 - iv. Utility installations when such activities and installations cannot reasonably be located outside the buffer zone or other nearby areas of development.
 - v. Construction of a trail or pedestrian walkway that will provide public access for educational or recreational purposes provided that the trail or walkway is compatible with the ecological character or wildlife use of the natural habitat or feature.
 - vi. Construction or installation of passive recreation features or public park elements (such as benches, observation blinds, picnic tables, and similar items), provided that such features or elements are compatible with the ecological character or wildlife use of the natural habitat or feature.
 - vii. Limited construction of needed transportation facilities.

(2) Protection of wildlife habitat and ecological character.

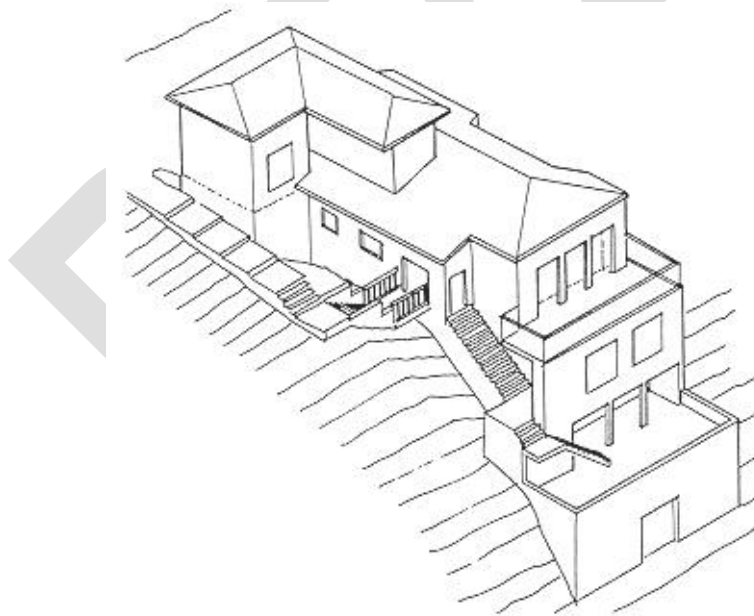
- a. *Sensitive or specially valued species.* If an ecological characterization report, as required above, has been undertaken for a proposed development, and the results conclude there exists within the development a natural habitat, feature or sensitive land area which contains a plant or wildlife species identified by the city as a sensitive or specially valued wildlife of special concern, or by state or federal agencies as "threatened" or "endangered"; then the applicant's development plan will include provisions to ensure that any habitat contained in any such natural habitat, feature, sensitive land area or within the adjacent buffer zone established for the use or survival of any such species, will not be disturbed or diminished and, to the maximum extent feasible, such habitat will be enhanced.
- b. *Natural connectivity.* If the development site contains existing natural habitats, features, and/or sensitive land areas that connect to other off-site natural habitats, features, or similar sensitive land areas, the development plan, to the maximum extent possible, will preserve such natural connections. If off-site natural habitats, features, or sensitive land areas lie adjacent in the immediate area of the development site, but such natural habitats or features are not presently connected across the development site, then the development plan will, to the extent reasonably feasible, provide such connection. Such connections will be designed and constructed to allow for the continuance of existing wildlife movement between natural habitats, features or sensitive land areas and to enhance the opportunity for the establishment of new connections between other areas for the movement of wildlife.
- c. *Wildlife conflicts.* Wildlife that has the potential to create conflicts for future occupants of the development (including, but not limited to, desert tortoise, mule deer, Gila monsters, coyotes, javelina, and rattlesnakes) are known to exist in areas adjacent to or on the development site, then the development plan must, to the extent reasonably feasible, include provisions such as barriers, protection mechanisms for landscaping and other site features to minimize conflicts that might otherwise exist between such wildlife and the developed portion of the site.
- d. *Rivers/lakes/riparian area protection.* If a development site is to contain a lake, reservoir, river or pond, the development plan will include such enhancements and restoration measures as necessary to provide a reasonable wildlife habitat and to improve the aesthetic quality of areas along the high water mark that are in transition, and that are subject to erosion. The development plan will also include a design for uniform and ecologically and aesthetically compatible treatment of lots or tracts that are proposed to surround the lake, reservoir, river or pond. Erosion control protection and landscaping plans will be provided for parcels adjacent to the high water mark. Water bodies and features such as irrigation ponds, reflecting pools and lagoons constructed as new landscaping features of a development project will be exempt from the standards contained herein.

- e. *Floodway, wash, swale, and stream channel and bank stabilization.* Whenever the city requires bank stabilization of floodways, washes, swales, and streams, native vegetation will be utilized for such purpose, and engineered stabilization techniques. Exposed riprap will be avoided to the maximum extent feasible. The use of native vegetation will be the principal means of channel and bank stabilization. The use of riprap, concrete, gunite or other similar hard-surface materials for channel and bank stabilization will be restricted to locations where the use of vegetation techniques is not reasonably feasible.

(3) *Ridgeline protection.*

- a. *Ridgeline setback.* No development will intrude into a designated ridgeline protection area. A designated ridgeline protection area will include the crest of any hill or slope so designated, plus the land located within three hundred (300) horizontal feet on either side of the crest of the hill or slope. Said protection area will require that all structures adjacent to or located within foothill areas blend naturally into the landscape, rather than stand out as a prominent focal point through the use of materials and colors compatible with the natural earth colors of the ridgeline area.
- b. *Building height and profile.* Multilevel buildings, as well as all rooflines of buildings, will follow the general slope of the site in order to keep the building height and profile in scale with surrounding natural features.

Figure 3-1 – Building Height and Profile Example



- (4) *Design and aesthetics.* Projects in the vicinity of large natural habitats and natural habitat corridors will be designed to complement the visual context of the natural habitat. Techniques such as architectural design, site design, the use of native landscaping, and choice of colors and building materials will be utilized in such a

manner that scenic views across or through the site are protected, and that manmade facilities are screened from off-site observers and blend with the natural visual character of the area. These requirements will apply to all elements of a project, including any aboveground utility installations.

Projects will be designed to minimize the degradation of the visual character of affected natural features within the site and to minimize the obstruction of scenic views to and from the natural features within the site.

- (5) *Stormwater Drainage/Erosion Control.* All stormwater drainage and erosion control plans will meet the standards adopted by the city council to design and construct stormwater facilities, and will, to the maximum extent feasible, utilize nonstructural control techniques, including but not limited to:
 - a. Limitation of land disturbance and grading.
 - b. Maintenance of vegetated buffers and natural vegetation.
 - c. Minimization of impervious surfaces.
 - d. Use of terraces, contoured landscapes, runoff spreaders, grass or rock-lined waterways.
 - e. Use of infiltration devices.
 - f. Use of recharge basins, seepage pits, dry wells, seepage beds or ditches, porous pavement, or drains.
- (6) *Water rights.* To the extent that a development plan proposes the creation of water features such as lakes, ponds, streams, or wetlands, the plan must include clear and convincing evidence that such water features will be supplied with sufficient water whether by natural means or by the provision of sufficient appropriative water rights including reclaimed water. No development plan will be approved which would have the effect of injuring or diminishing any legally established water supply for any natural area.
- (7) *Compatibility with public natural areas.* If the project contains or abuts a publicly owned natural area, the development plan will be designed so that it will be compatible with the environmental management of the public property. In order to achieve this, the development plan will include measures such as barriers or landscaping measures to minimize wildlife conflicts, setbacks or open space tracts to provide a transition between the development and the natural area, and educational signage or printed information regarding the natural values, management needs and potential conflicts associated with living in close proximity to a natural area.
- (8) *Access to public natural areas.* In the event that the development plan contains or abuts a publicly owned natural area, the development plan will include such easements and rights-of-way as are necessary to allow reasonable access for the public to such natural area, unless such access is deemed to be unnecessary and undesirable for the proper public utilization of the natural area. Any such access requirement or dedication will be credited (based upon a fair market value analysis) against any open space dedication or fee-in-lieu thereof required by the city. If the

development site contains any privately owned natural area, any access provided to such area, whether for private or public use, will be designed and managed in such manner as to minimize the disturbance of existing wildlife using such area.

- (9) *Standards for protection during construction.* Protective measures will be implemented during the actual construction phase of the project to ensure protection of natural habitats, features, environmentally and culturally sensitive lands and associated buffer zones, as follows:

- a. *Limits of Development.* Limits of Development (LOD) line(s) will be identified and delineated on the development plan, the purpose of which will indicate those natural habitats, features, environmentally and culturally sensitive lands and associated buffer zones to be protected from inadvertent damage during the construction of the project. Said LOD line(s) will clearly encompass those areas of the project site where no land disturbance activities can occur during the construction of the project.

The location of the LOD line(s) will be such so as to ensure preservation of significant ecological characteristics of the identified and affected natural habitat or feature on the project site that could not reasonably be restored if disturbed by construction activities associated with the project. The LOD will also be designed to accommodate the practical needs of approved construction activity in terms of ingress and egress to the developed project and necessary staging and operational areas.

- b. *Designation.* A LOD will be shown on all plans. LODs will be designated in the field prior to commencement of excavation, grading or construction with fencing or other methods approved by the City Manager or designee.
- c. *Barrier fencing.* Construction barrier fencing will be provided at and/or along the limits of development during construction. For the protection of trees and clumps of trees to be preserved with a buffer zone that is to be disturbed, refer to tree protection specifications.
- d. *Construction timing.* Construction will be organized and timed to minimize the disturbance of sensitive or specially valued species occupying or using on-site and adjacent natural habitats or features.

(10) *Proof of Compliance*

- a. For proposed developments that will disturb an existing wetland, the developer must provide to the city a written statement from the U.S. Army Corps of Engineers that the development plan fully complies with all applicable federal wetland regulations as established in the Federal Clean Water Act.
- b. The developer will also provide to the city written statements from such other governmental agencies having jurisdiction that the development plan fully complies with all applicable federal, state and county environmental regulations. Such written statements will be provided prior to the scheduling of a public hearing and/or approval for the project.

- (d) *Density Averaging.* Parcels found to contain lands containing environmentally and culturally sensitive lands, are also eligible to transfer densities within the development plan as long as the overall average density meets the requirements set forth in the General Plan and any other applicable requirements of this chapter.

Section 122-308 - Archaeological Resources Protection

- (a) *Purpose.* It is hereby declared that the protection, enhancement and examination of significant archaeological resources are in the interest of the health, safety, and welfare of the people of the City of Surprise. The purpose of this section is to:
- (1) Establish a procedure for review of development proposals on lands which have been identified as containing archaeological resources.
 - (2) Establish a method to review the potential archeological value of previously unidentified sites after the discovery of prehistoric and historical artifacts, skeletal or fossilized human remains, or non-human vertebrate fossils during the development of a site.
 - (3) Establish a mechanism to protect, when appropriate, resources of significant archaeological value identified pursuant to this section, that are deemed important by a qualified archaeologist to the prehistory or history of the city, county, state, or nation.
 - (4) Facilitate protection of resources of significant archaeological value without substantially delaying development.
- (b) *Applicability.* An archeological assessment and survey will be required by a professional archeologist if any one of the following is identified:
- (1) Land currently within or outside the city limits proposed for annexation upon which an archaeological resource has been previously identified; or
 - (2) Land upon which a previously identified artifact or any human skeletal or fossilized human remains or non-human vertebrate fossils is discovered during development of a site, or during any other activity which may disturb an archaeological site.
- (c) *Development standards and approval criteria.* Any developer whose land has been identified as requiring an archaeological review will follow the following standards and procedures:
- (1) An archaeological assessment and survey will be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery will be completed as per ARS.
 - (2) Copies of final clearance reports from the State Historic Preservation Office (SHPO) will be submitted to the city prior to construction work commencing.
 - (3) If during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery

site will be secured, and the Arizona State Museum will be immediately notified as required under ARS.

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