



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

Tuesday, May 17, 2016 @ 4:00 PM
COUNCIL CHAMBERS

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- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Call To The Public:

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

[Download the Call to the Public form](#) (PDF download requires [Adobe Acrobat Reader](#))

[Fill out the Call to the Public form online](#) If submitting form electronically, please submit to City Clerk at least one hour before the meeting start time.

The Call to the Public form is also available at the front counter.

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

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

E. Regular City Council Work Session Agenda:

Regular Agenda Item - Non-Public Hearing:

- | | | | |
|----|-------------------|--|---|
| 1. | District Citywide | Discussion pertaining to an intergovernmental agreement with the Maricopa County Library District to operate the Northwest Regional Library and Hollyhock Library. | No Action
Mark A.
Coronado,
Director -
Community
&
Recreation
Services |
| 2. | District 4 | Presentation and discussion pertaining to a zoning text amendment and rezoning application to create a new Surprise Heritage District (SHD) zoning district for the Original Townsite and apply two corresponding overlay zones: Residential Overlay (RO) and Commercial Overlay (CO). | No Action
Joshua Mike,
Community
Development |

- | | | |
|----|---|--|
| 3. | District Citywide <u>Presentation and discussion pertaining to the City's Risk and Insurance programs.</u> | No Action
Mark
Schott,
Human
Resources
Dept. |
| 4. | District Citywide <u>Presentation and discussion from students in the Capitol Scholars program representing Arizona Charter Academy & Imagine Prep.</u> | No Action
Paul
Bernardo,
Youth
Services
Administrator |

F. Executive Session:

For information Purposes; Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, but for only the following purposes:

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2));
- discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));
- discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (a)(4));
- discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or
- discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town. A.R.S. §38-401.03 (A)(6).
- discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

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

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

G. Adjournment:

POSTED:

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



CITY OF SURPRISE
Regular City Council Work Session

May 17, 2016 @ 4:00:00 PM

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Council Meeting Date:	May 17, 2016	Contact Person:	Mark A. Coronado, Director - Community & Recreation Services
Submitting Department:	CRS	District:	Citywide
Staff Recommendations:	No Action		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Discussion pertaining to an intergovernmental agreement with the Maricopa County Library District to operate the Northwest Regional Library and Hollyhock Library.

Motion:

None; discussion only.

Background:

The Maricopa Library District and the City of Surprise entered into an intergovernmental agreement for the operation of the Northwest Regional Library in 2001. The term of the agreement was for ten years, with an option to renew an additional five years. The first ten years the county paid for operating the library. After that the city began to fund a percentage of the operating costs paid by the library district until the city became responsible for 100% of the cost to operate the Northwest Regional Library FY2016. The current IGA expires June 30, 2016. Pending FY2017 budget allocation; the CRS department plans to conduct a feasibility study which will determine future library needs as well as analysis regarding city taking over operations in the future. This renewal will allow continuation of library programming at Hollyhock and the Northwest Regional library.

The term of this Agreement shall be for one (1) year commencing July 1, 2016 and expiring on June 30, 2017. This Agreement is effective only when fully executed by the Parties. This Agreement may be renewed in writing by mutual agreement of the Parties for five (5) additional (1) one-year terms.

Objective Analysis:

The current library IGA expires June 30, 2016. The agreement is needed to continue to provide library services to Surprise residents and Maricopa County residents.

Policy Compliant:

This action is consistent with City and Council Policy.

Financial Impact:

This IGA would continue the current arrangement of paying the Maricopa County Library District to operate the Northwest Regional and Hollyhock Library for at least another year while a library feasibility study is completed. The total cost for one year is approximately \$1,800,000.

Budget Impact:

The City currently has full funding for operation of Hollyhock Library and Northwest Regional Library. For FY2017, a 2.7%, or a \$50,000, increase was included in the tentative budget. The 2.7% increase was due to increases in the medical insurance for Maricopa County Library District full time staff.

FTE Impact:

There is no FTE impact.

ATTACHMENTS:

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☐ [Presentation](#)

☐ [NWRL IGA](#)

COMMUNITY & RECREATION SERVICES

Library IGA



LIBRARY IGA



- The City of Surprise and Maricopa Library District entered into an IGA for the City to build and the County to operate the Northwest Regional Library in 2001.
- The Northwest Regional Library opened in 2002.
- Per the agreement the City built the facility and the County paid to operate the library for the first ten years.
- Per the agreement, after ten years, the City was committed to pay a percentage of the operating costs.

LIBRARY IGA



- The City is currently responsible for 100% of the operational costs for both libraries (total approx. \$1.8M).
- Current agreement expires June 30th 2016.
- The term of the new agreement shall be for one (1) year
- This agreement may be renewed in writing by mutual agreement of the parties for five (5) additional (1) one-year terms.
- Pending final budget approval (FY16/17), CRS to complete Library Feasibility Study FY 17.

LIBRARY PATRONS



FISCAL YEAR	Northwest Regional	Hollyhock
FY 11/12	681,934	17,806
FY 12/13	665,794	15,671
FY 13/14	518,767	9,078
FY 14/15	491,953	7,338

CITY	% OF PATRON BY LOCATION
Surprise	74%
Non Residents	26%

LIBRARY HOURS



Hours

- NWRL open 68 hours per week
 - 11 hours daily Mon-Thurs, 8 Fri-Sun,
 - 2-10 hours higher per week than other valley libraries who average (10) hours daily M-T, (8) F-S, (4) Sun
- Hollyhock Library open 12 hours per week
 - 6 hours Tuesday/Thursday

Reduction scenarios per Maricopa County Library District

10% reduction = \$120,000

- 7 hour reduction – (1 hour per day or one day eliminated)
- Wages and Benefits are estimated to be reduced
- Contract guards service is estimated to be reduced
- Overhead savings (electricity/water)

20% reduction - \$240,000

- 14 hour reduction –(2 hour per day or two days eliminated)
- Wages and Benefits are estimated to be reduced
- Contract guards service is estimated to be reduced
- Overhead savings (electricity/water)

No expectation of circulation reduction or fixed costs would be affected by either scenario.

Questions or Comments?



**INTERGOVERNMENTAL AGREEMENT
BETWEEN THE
MARICOPA COUNTY LIBRARY DISTRICT
AND CITY OF SURPRISE
FOR
OPERATION OF THE NORTHWEST REGIONAL LIBRARY
AND HOLLYHOCK BRANCH LIBRARY**

Agenda # _____

This Intergovernmental Agreement is made between the Maricopa County Library District, a political subdivision of the State of Arizona ("Library District") and the City of Surprise, Arizona, a municipal corporation ("City").

RECITALS:

The parties have the legal capacity to enter into this Intergovernmental Agreement pursuant to A.R.S. § 11-951, et seq.

A.R.S. § 48-390I provides for the establishment of a library district within Maricopa County and further provides that cities and towns within the County may elect to become a part of or to participate in said library district; and

The City is a member of the Maricopa County Library District and desires to continue to make library services available to its residents.

Participation by City with Library District in this project provides expanded benefits to city and its residents such as public library service, specialized library programs, and other services which are not otherwise available to City residents.

Library District benefits from the Agreement by providing library services to Maricopa County residents in the western region of Maricopa County and by the use of space which is provided by City.

NOW, THEREFORE, IN CONSIDERATION OF THE COVENANTS HEREINAFTER SET FORTH, the parties agree as follows:

1. General:

- 1.1. Purpose: The purpose of this Agreement is to provide library services to Maricopa County residents in the western region of Maricopa County in the building space provided by the City ("Facilities") more specifically described as follows and in Attachment A:

- 1.1.1. Northwest Regional library, a 23,000 square-foot building located at 16089 N. Bullard Avenue, Surprise, Arizona; and
 - 1.1.2. Hollyhock Branch Library, a 1,020 square-foot building located at 15844 N Hollyhock Street, Surprise, Arizona.
 - 1.2. The Facilities and library materials are owned by City and for the purposes of this Agreement will house the libraries' materials collections for use by the public.
 - 1.3. Term of Agreement. The term of this Agreement shall be for one (1) year commencing July 1, 2016 and expiring on June 30, 2017. This Agreement is effective only when fully executed by the Parties. This Agreement may be renewed in writing by mutual agreement of the Parties for five (5) additional (1) one-year terms.
 - 1.4. Authorized Representatives. Within thirty (30) days after the effective date of this Agreement, City and Library District shall each appoint an authorized representative to carry out the duties set forth in this Agreement delegated to such authorized representatives. Either party may change the designation of its authorized representative by giving notice the other party pursuant to Paragraph 6.1 herein.
 - 1.5. The Representatives will meet regularly as mutually agreed to by the parties.
2. The City shall:
 - 2.1. Cooperate in good faith with the Library District at all times in order to facilitate the provision of library services.
 - 2.2. Directly or through established IGA, maintain the Facilities in conformance with all applicable laws, ordinances, regulations and codes.
 - 2.3. Cooperatively develop a budget of operating expenditures for both libraries with the Library District annually by April 1st.
 - 2.4. Reimburse the Library District monthly for operating expenses upon presentation of an invoice by the Library District.
 - 2.5. Insure the Facilities for all perils and risk coverage on the structure(s) including, but not limited to, fire, wind, burglaries and other casualties. City understands and acknowledges that Library District is self-insured for loss or damage to property and will provide City with a certificate to this effect.
 - 2.6. Maintain the structures of the Facilities in good repair and shall correct any hazardous conditions existing as the result of any structural defect or

unsoundness. The term “structure” as used herein includes walls, roofs, floors, foundations, stairways, exterior sidewalks and all electrical, plumbing, heating and air-condition systems and equipment. It is understood that the Facilities are currently in a state of good repair.

- 2.7. Conform to all applicable standards contained in the “Uniform Building Code for Life Safety” (U.B.C.), and also to all provisions and stands in “Arizona Revised Statutes for Handicapped Accessibility” in A.R.S. §§ 9-499.02 and 34-401 through 34-439. This will include, but not be limited to, Handicapped Accommodations such as restrooms, drinking fountains, pedestrian ramps, etc.
 - 2.8. City shall also, at its own expense, conform to all Americans with Disabilities Act requirements for Public Accommodations that are “readily achievable unless an undue burden would result.”
 - 2.9. Routine maintenance shall be the responsibility of City, which shall include: electrical and plumbing repairs, painting the interior walls, replacement of all broken glass of the Facilities resulting from all perils including, but not limited to fire, wind, burglaries and other casualties. City shall perform all repair/replacement maintenance of installed building utility systems and maintain all installed floor covering in a state of good repair. Equipment (including water heaters, furnaces, air conditioners and fire extinguishers) of the library shall be maintained by City in a safe operating condition.
 - 2.10. Janitorial and landscape services shall be provided and City shall pay cost of said services.
3. The Library District shall:
- 3.1. Cooperatively develop a budget of operating expenditures for both libraries with the City annually by April 1st.
 - 3.2. Provide centralized acquisitions, cataloging, processing, consulting services, and graphic arts services.
 - 3.3. Provide centralized personnel, fiscal, procurement, supply any other necessary administrative services.
 - 3.4. Provide City an opportunity to participate in the Library District’s Materials Assistance Program through a separate agreement.
 - 3.5. Donate or dispose of used library materials purchased with City funds as directed by City.
 - 3.6. Provide access to all library programs and materials within the Library District’s system.

- 3.7. Provide policies, procedures and operations manuals and support network.
- 3.8. Coordinate with local schools to offer assistance in developing literacy improvement programs.
- 3.9. Supervise all library staff in programming, online reference, and collection development.
- 3.10. Provide coordinated children's programs and services which may include summer reading, year-round reading, storytelling, school visits, crafts, read-aloud programs, performances and special events.
- 3.11. Cooperate with the City to determine the hours of operation.
- 3.12. Encourage input from citizens in the selection of library materials and programs.
4. Future Improvements to Library. If City and Library District mutually agree the Facilities should be expanded, City and Library District will analyze the number of library users associated with City and other communities and unincorporated areas of Maricopa County. City will use good faith efforts to fund expansion of the Facilities, if City and Library District agree expansion is appropriate at that time.
5. Termination. This Agreement shall terminate under the following circumstances:
 - 5.1. Upon non-appropriation by either party for continued funding of the Agreement;
 - 5.2. Upon 120 days written notice by a party;
 - 5.3. By mutual written agreement of the parties on an agreed upon date.
 - 5.4. b) Pursuant to A.R.S. §38-511, a party may cancel this Agreement without penalty or further obligation within three years after execution of the contract, if any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of that party is at any time while the Agreement or any extension of the Agreement is in effect, an employee or agent of any other party to the Agreement in any capacity or consultant to any other party of the Agreement with respect to the subject matter of the Agreement. Additionally, pursuant to A.R.S § 38-511 the party cancelling this Agreement may recoup any fee or commission paid or due to any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on its behalf from any other party to the contract arising as the result of the Agreement.

6. Miscellaneous.

- 6.1. Notices. Notices required pursuant to this Intergovernmental Agreement shall be given by first class mail, postage prepaid, to the following:

For the Library District:

Director
Maricopa County Library District
2700 N. Central Avenue, #700
Phoenix, AZ 85004

For the City:

City Manager
City of Surprise
1600 N Civic Center Plaza
Surprise, AZ 85374

- 6.2. This Agreement comprises the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith. This Agreement may only be amended in writing by mutual agreement of the parties.
- 6.3. Each Party (as "indemnitor") agrees to indemnify, defend, and hold harmless the other Party (as "indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "claims") arising out of the negligent performance of this Agreement, but only to the extent that such claims which result in vicarious/derivative liability to the indemnitee are caused by the act, omission, negligence, misconduct, or other fault of the indemnitor, its officers, officials, agents, employees, or volunteers.
- 6.4. This Agreement shall be governed by Arizona law without regard to its conflict of interest provisions.
- 6.5. The continuation of this Agreement beyond the initial fiscal year is dependent on and subject to the appropriation and availability of funding for each Party in each subsequent fiscal year. If sufficient funding is not made available to allow a Party to continue meeting its contractual obligations under this Agreement, that Party shall so notify the other Parties and the notifying Party may cancel this Agreement and have no further obligation to the other Parties. In the alternative, the Parties may, by mutual written agreement, modify this Agreement to reduce the level of compensation, services or other consideration provided. The Parties may amend, suspend, decrease, or terminate its obligations under, or in connection with, this Agreement. The Parties shall give written notice of the effective date of any suspension, amendment, or termination under this Section, at least thirty (30) days in advance
- 6.6. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement, because it is the intent of the Parties to have this Agreement enforced to the fullest extent possible.

7. Dispute Resolution.

7.1. The Authorized Representatives shall meet and attempt to resolve any dispute arising under this Agreement within five business days after notice is given of the nature of the dispute, unless both parties agree to a longer period of time.

7.2. In the event a dispute arises which cannot be resolved by the Authorized Representatives within a reasonable time, the dispute may be submitted to mediation or non-binding arbitration upon mutual consent of the parties. If either party declines to submit the dispute to mediation or arbitration, either party may elect to initiate litigation in Maricopa County Superior Court.

8. Future Transfer

8.1. City Operation: The parties recognize that the City of Surprise may grow in the future to a degree that warrants full ownership and operation of the Library by the City. If the parties agree that this condition has occurred, they will negotiate in good faith as to ways and means to effect such a transfer as efficiently as possible, including assistance and cooperation by the District in making available to the City appropriate data bases and other technical support.

IN WITNESS WHEREOF, the City of Surprise and the Maricopa County Library District have executed this Agreement effective on the date first above written.

CITY OF SURPRISE

MARICOPA COUNTY
LIBRARY DISTRICT

By: _____
Mayor

By: _____
Clint Hickman, Chairman,
Maricopa County Library District
Board of Directors

ATTEST:

ATTEST:

By: _____
Town Clerk Date

By: _____
Clerk of the Board Date

The foregoing Agreement has been reviewed by the undersigned counsel who has determined that it is in proper form and within the power and authority granted under the laws of the State of Arizona.

Attorney for the Date
City of Surprise

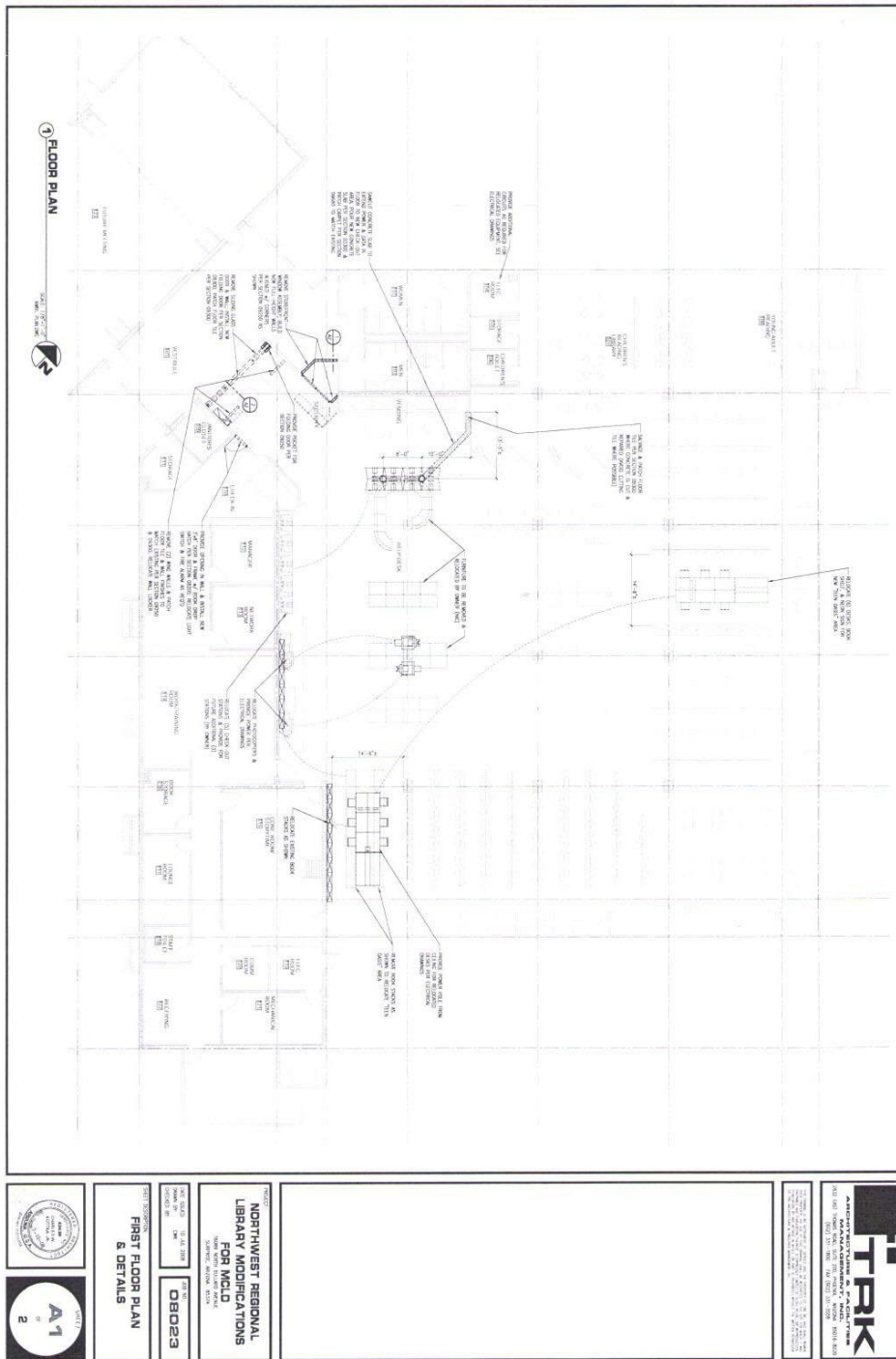
Attorney for the Maricopa Date
County Library District

Date: _____

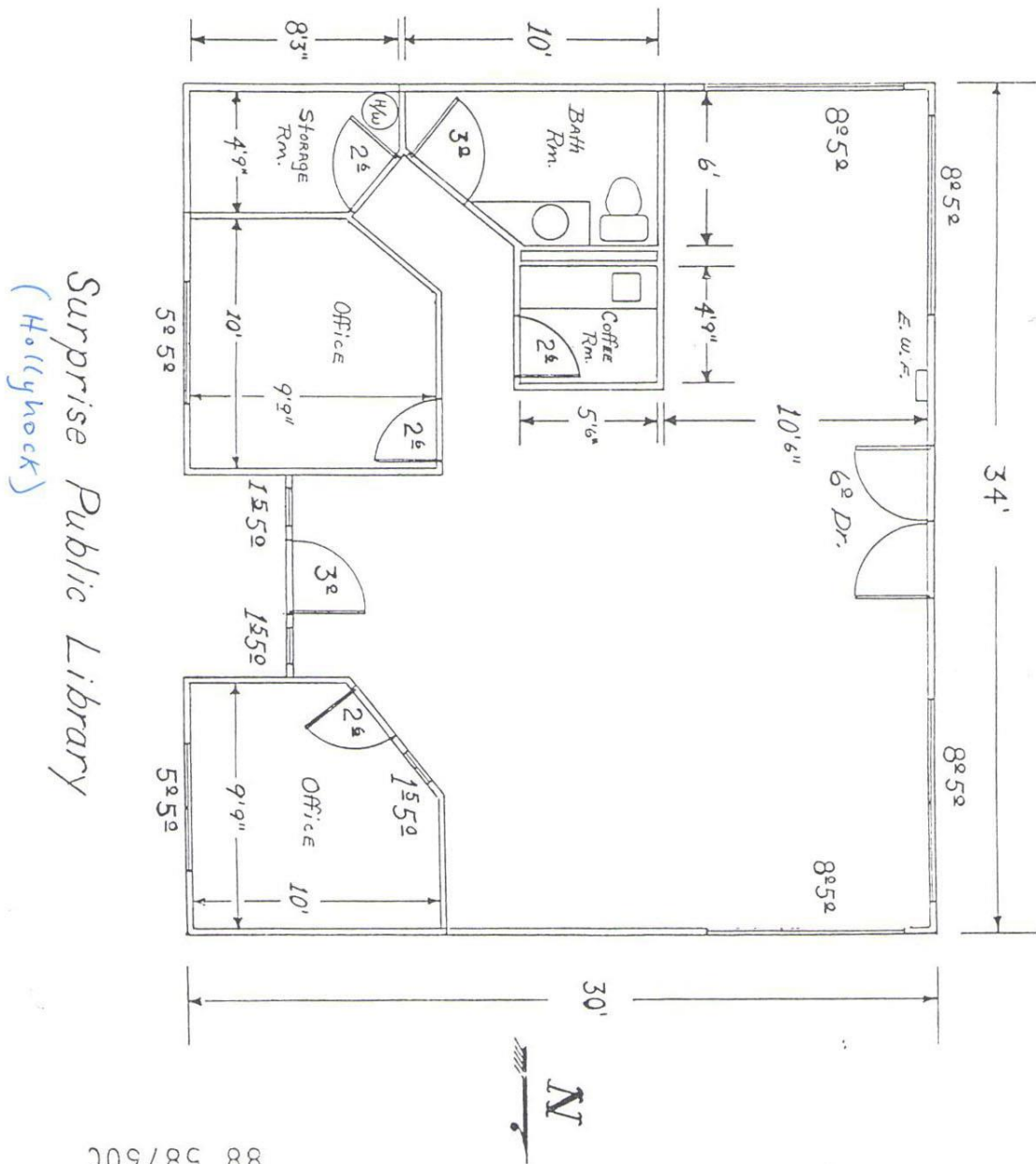
Date: _____

SCHEDULE A

The Northwest Regional Library is a 23,000 square-foot building located at 16089 North Bullard Avenue Surprise, AZ 85374.



The Hollyhock Branch Library is a 1,020 square-foot building located at 15844 North Hollyhock Street Surprise, AZ 85374.





CITY OF SURPRISE
Regular City Council Work Session

May 17, 2016 @ 4:00:00 PM

Back Print

Council Meeting Date:	May 17, 2016	Contact Person:	Joshua Mike, Community Development
Submitting Department:	CD	District:	4
Staff Recommendations:	No Action		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Presentation and discussion pertaining to a zoning text amendment and rezoning application to create a new Surprise Heritage District (SHD) zoning district for the Original Townsite and apply two corresponding overlay zones: Residential Overlay (RO) and Commercial Overlay (CO).

Motion:

Discussion only.

Background:

The City of Surprise has prepared this ordinance to further the efforts and objectives of the existing Original Townsite (OTS) Revitalization Plan that was adopted by City Council in 2002.

Objective Analysis:

The Surprise Heritage District is designed to preserve, protect and enhance the types of uses that are indicative of historic residential neighborhoods and to provide and promote the local arts and culture as well as business opportunities that are compatible with the Residential Neighborhood Overlay.

Policy Compliant:

The Surprise Heritage District and associate overlay zones are consistent with City and Council Policy.

Financial Impact:

None at this time; however, topics covered in this work session could lead to future actions which may have a fiscal impact on city operations.

Budget Impact:

None at this time; however, topics covered in this work session could lead to future actions which may

have a budget impact.

FTE Impact:

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

ATTACHMENTS:

Click to download

- ☐ [00 - FS16-149 - Surprise Heritage District - Staff Report](#)
 - ☐ [01 - FS16-149 - Surprise Heritage District - Supplemental Presentation Packet](#)
 - ☐ [02 - FS16-149 - Surprise Heritage District - Draft Section 122-69.1](#)
 - ☐ [03 - FS16-149 - Surprise Heritage District - Draft Chapter 109](#)
 - ☐ [04 - FS16-149 - Surprise Heritage District - PowerPoint](#)
-

ZONING TEXT CHANGE

REPORT TO THE CITY COUNCIL – WORK SESSION

Case:	FS16-149
Project Name:	Surprise Heritage District, Residential Overlay and Commercial Overlay
Council District:	District 4 – Mulberry
Meeting Date:	May 17, 2016
Planner:	Joshua Mike, 623.222.3134, joshua.mike@surpriseaz.gov
Owner:	City of Surprise
Applicant:	City Initiated
Request:	Zoning text amendment and rezoning application to create a new Surprise Heritage District (SHD) zoning district for the Original Townsite and apply two corresponding overlay zones, Residential Overlay (RO) and Commercial Overlay (CO).
Site Location:	The Original Townsite; specifically the area bounded by Bell Road on the north, Greenway Road on the south, El Mirage on the east and Dysart Road on the west.
General Plan 2035:	The proposal is consistent with the Surprise General Plan 2035
Support/Opposition:	General feedback has been supportive.
Staff Analysis:	Collaborative efforts with the residents of the Original Townsite have included presentations, an interactive workshop, visual surveys, and numerous discussions. This process has led to the proposed text for the Surprise Heritage District zoning district and the two (2) accompanying zoning overlays.

40 **Project Background:**

41
42 The current Surprise Unified Development Code, Section 122-67 – Original Townsite (OTS) is a
43 zoning overlay that is the principal section of code that provides incentives for redevelopment
44 in the OTS. It also identifies the “Specific Plan for the Revitalization of the Original Townsite”
45 (adopted under Resolution No 02-104 on May 23, 2002). The design guidelines and desired
46 uses within these documents are the guiding factors for developers, property owners, staff, the
47 Planning and Zoning Commission, and City Council when considering projects.

48
49 The City of Surprise has prepared this ordinance to further the efforts and objectives of the
50 existing Original Townsite (OTS) Revitalization Plan that was adopted by City Council in 2002.
51 The proposed Surprise Heritage District (SHD) zoning district will repeal and replace the existing
52 OTS overlay zoning district as a “hard zone” for this area, create two distinct overlays unique to
53 this area, codify the standards, and implement the revitalization plan. Associated this district,
54 the following overlays will be provided:

- 55
56
 - The Residential Overlay (RO) that will focus on residential areas within the SHD to
 - reinforce the desired standards and uses allowed within the neighborhood.
 - 58 • The Commercial Overlay (CO) will be used to facilitate shopping for residents and
 - visitors with appropriate consumer-oriented retail and service functions.

60
61 **Project Description:**

62
63 *Inside the Surprise Unified Development Code*

64 Updating the Surprise Unified Development Code (SUDC) through a Zoning Text Amendment
65 requires public hearings and an ordinance associated with the changes. The proposed Surprise
66 Heritage District (SHD) is a proposed zoning district under Division 9 – Flexible Zoning and will
67 be included as Section 122-69.1. The adoption of this text amendment will cause the SHD
68 Zoning to repeal and replace Section 122-67 – OTS Overlay and amend Section 109-51 – Infill
69 Incentive District.

70
71 This new section to the SUDC will contain all components directly associated with this zoning
72 district; i.e. design standards, two zoning overlays exclusively correlating to the SHD, a new land
73 use matrix, development standards, development incentives, definitions, and specific use
74 standards. Any future update to the SUDC may require the reorganization of these
75 components without any substantial changes to the regulations.

76
77 *Location with Surprise*

78 The physical boundary for the SHD will be consistent with the OTS; bound by Bell Road to the
79 north, El Mirage Road to the east, Greenway Road to the south, and Dysart to the west.
80 Neither of the two overlays have a defined boundary at this time but will generally be aligned
81 with the existing uses; RO in the central residential areas and the CO along major roadways and
82 exterior boundaries of the OTS.

84 *Expectations for all Properties*

85 Certain design standards and parameters will be applicable to all properties within the SHD as
86 part of implementing of the vision and goals within the revitalization plan. The design
87 guidelines and general character expectations for the area embodied within the SHD text. They
88 are taken from the revitalization plan that is currently used to evaluate projects.

89
90 *Development Incentives*

91 While development incentives are not a “property right”, they are offered by the City to
92 encourage new construction and redevelopment of properties needing an update. The existing
93 financial incentives within Sec. 109-51 – Infill Incentive District are applied specifically to the
94 Original Townsite and adopted according to state statute. An increased number of financial
95 incentives are also proposed in addition to retaining some current incentives.

96
97 There are also many other benefits built into the ordinance through the standards and allowed
98 uses. The SHD will continue to offer these various incentives to those property owners within
99 one of the two proposed overlay zones.

100
101 There may be some properties that choose to opt-out of the proposed overlay zones, as it’s
102 their right to retain the existing standard zoning district with the associated land uses,
103 development standards, and other regulations. Those properties that chose to opt-out will no
104 longer be eligible for the existing incentives. However, these properties will have several new
105 incentives available that continue to encourage improvements to the area and/or help alleviate
106 some of the nonconforming issues that may hinder these properties.

107
108 *Land Uses*

109 The SHD hard zoning district will not add new land use regulations within the OTS. Any new
110 land use regulations in the proposed Land Use Matrix will be applied only to properties rezoned
111 to the Residential Overlay (RO) or the Commercial Overlay (CO).

112
113 For example, a property with an existing CN zoning will become SHD-CO after the proposed text
114 amendment and rezoning and will be subject to the change in allowed land uses. It is during
115 this process that property owners will have the opportunity to opt-out of the overlays and
116 retain the current standard zoning and land uses. If the owner were to opt-out, the example
117 property would be identified as SHD-CN and retain the standard zoning rights.

118
119 In order to capture the preferred land uses identified in the Specific Plan for the Revitalization
120 of the Original Townsite, the proposed Land Use Matrix provides an easy to read and easy to
121 administer regulation. It creates a balance of land uses that reflect the ability to live, work, and
122 play within the heritage neighborhood.

123
124 The most significant change in the proposed Land Use Matrix removes any future industrial and
125 intense commercial uses that may detract from the scale and cultural character of the district.
126 It also encourages the inclusion of new neighborhood scale businesses that may feature arts
127 and cultural type uses.

Additional changes include an increased number of uses in the residential area along with the creation of an Administrative Use Permit (AUP) to facilitate applications that warrant more review than a building permit but do not require a public hearing.

Cottage Industries

Part of growing the OTS is developing strong economic base and supporting entrepreneurs. Surprise has made great strides with the development of the AZ TechCelerator and by allowing home based businesses. However, there is a gap between what the SUDC regulates for “home occupations” and the type of business that will progress into an innovation business incubator.

Unique to the SHD-RO is the introduction of the “Cottage Industry” in a residential setting. Similar to home occupations, it is not a specific land use but a method of conducting business within a residential setting. By definition a cottage industry is an accessory use to the single-family dwelling unit and must retain the residential architecture and character. Cottage industries go beyond home occupations by allowing a small number of employees, the presence of customers, and an expansion of where and how much of the property can be used for the business.

Standards and expectations for cottage industry include maintaining the residential character and intensity within the neighborhood; the home must still look like a home. Any outdoor activities associated with the cottage industry must be screened. The only distinguishing feature to identify the business is a small sign on or near the home and away from the street.

New Development Standards

In addition to the proposed Land Use Matrix, there are development standards specific to properties rezoned into the two (2) proposed overlays. These properties receive natural incentives built into the rights of the overlay zones with standards such as smaller minimum lot sizes than currently allowed. This will encourage the desired neighborhood character of the historic Phoenix market. Lot coverage has been increase to provide optimal use and flexibility.

The ultimate goal is to bring “legal non-conforming” properties into conformance by providing an opportunity to obtain building permits for sheds, garages and carports, additions, and other renovations that will improve the neighborhood. This will also allow properties to obtain financing from banks that would otherwise not lend due to current nonconforming issues with the SUDC.

Reviewing Agencies:

In addition to the standard internal city reviewing divisions, EPCOR Water, the Arizona Department of Transportation, Maricopa Water District, Luke AFB, USPS, the City of El Mirage, and the Maricopa Association of Governments were included in the routing of this request. It is still early in the process and there are additional opportunities for input.

172 *Luke AFB*

173 Overall support was received from Luke AFB. Concern was expressed towards the allowed
174 density up to 8 dwelling units/acre in the proposed SHD-RO text. According to the general
175 policy in the graduated density concept, the maximum density to gain full support from Luke
176 AFB for this area is 6 dwelling units/acre. This policy is directed towards any one property being
177 too dense under the extended flight patterns.

178
179 As an area focusing on redevelopment and infill projects, there are no large properties that will
180 conflict with the flight patterns around Luke AFB. The OTS is expected achieve an overall
181 density of 6 dwelling units/acre that will ensure the area meets this policy.

182
183 **Citizen Review:**

184
185 Over the course of the past year, Community Development has been a guest and presenter at
186 the monthly District 4 meetings hosted by Councilwoman Villanueva. Collaborative efforts with
187 the residents have included presentations, and interactive workshop, visual surveys, and
188 numerous discussions. This process has led to the proposed text for the Surprise Heritage
189 District zoning district and two (2) accompanying zoning overlays.

190
191 Formal Citizen Review meetings are scheduled for April 27 and May 11, 2016. A summary these
192 meetings will be presented at the formal Public Hearings.

193
194 **Project Summary:**

- 195
196 1. This continues the efforts of the Specific Plan for the Revitalization of the Original
197 Townsite (OTS) that was adopted in 2002 by consolidating the existing design standards
198 and development incentives from various documents into an easy to read regulation,
199 called the Surprise Heritage District.
200 2. It creates and applies two overlay zones that will reinforce the desired development
201 standards and uses allowed within the neighborhood and will facilitate shopping for
202 residents and visitors with appropriate consumer-oriented retail and service functions.
203 a. Residential Overlay and Commercial Overlay
204 b. The goal is to have all properties associated with one of the overlay zones,
205 but not required
206 3. This is a City initiated rezoning application to remove the burden of cost and obligation
207 from the different property owners. They are not individually responsible for the work
208 and effort necessary to rezone the numerous separate properties throughout the OTS.
209 4. Property owners that find it necessary to retain the standard zoning that is currently on
210 the property will be allowed to opt-out of the overlay zones.
211 a. The "Opt-Out Letter" will be included in the Public Outreach Packet.
212 b. Once signed by the property owner and submitted to the City, an
213 administrative process will retain the current zoning, and associate land uses,
214 development standards, and other regulations.
215 c. The property owner has up to three years to sign and turn it into the City.

216 **Findings:**

- 217
- 218 • The proposed zoning text amendment is consistent with the Surprise General Plan 2035
 - 219 o Land Use Element – Goal 1: Policy 2. The City shall coordinate with established
 - 220 neighborhoods to continue to foster stable households, while new
 - 221 development will provide options for future residents.
 - 222 o Land Use Element – Goal 1: Policy 3. The City shall collaborate with property
 - 223 owners and other stakeholders to ensure that Surprise Center will grow as
 - 224 the heart of the city, with a dynamic mixed use environment where people
 - 225 can live, shop, work, and socialize.
 - 226 o Land Use Element – Goal 1: Policy 5. The city shall proceed with the preparation
 - 227 of individual specific area plans for the identified sub areas and/or
 - 228 Commerce and Office character areas presented in the General Plan.
 - 229 o Land Use Element – Goal 7: Public Outreach. Promote public participation in the
 - 230 City’s planning processes.
 - 231 o Conservation, Rehabilitation, & Redevelopment Element – Goal 2: Existing
 - 232 Dwellings. Preserve the quality of existing dwellings and neighborhoods so
 - 233 that people will find our community a healthy, safe, and attractive place to
 - 234 live.
 - 235 • The proposed zoning text amendment will advance the goals of the City Council.
- 236

237 **Next Steps:**

238 Staff will continue public outreach and stakeholder review prior to the public hearings

239 necessary for this zoning text amendment and rezoning. The overall timeline for this project

240 includes:

241

- 242 • Citizen Review Meeting – April and May
 - 243 • City Council Work Session – May
 - 244 • Zoning Text Amendment Public Hearings – June
 - 245 • The draft text in **Exhibit 1** will become Section 122-69.1 under DIVISION 9 – FLEXIBLE
 - 246 ZONING within the Surprise Unified Development Code.
 - 247 • Section 122-67 - Original Townsite (OTS) will be deleted from the SUDC
 - 248 • Sec. 109-51 – Infill Incentive District will be amended to be included additional
 - 249 development incentives
 - 250 • The properties within the OTS will effectively be rezoned with the SHD zoning district
 - 251 and corresponding overlay
 - 252 • The approval of the text amendment for the proposed zoning district and overlays will
 - 253 be followed by the rezoning of properties within the new SHD. Each property will fall
 - 254 under one of three (3) basic groupings after the City initiated rezoning application:
 - 255 1) retains existing zoning district, land use rights, and development standards, or
 - 256 2) rezone to become SHD-RO or
 - 257 3) rezone to become SHD-CO
- 258

259 **Attachments:**

260

261 01 – Supplemental presentation packet

262 02 – Draft Section 122-69.1 – Surprise Heritage District

263 03 – Draft Chapter 109 – Miscellaneous Provisions, Article III. – Infill Incentive Districts

Presentation - Supplemental Packet

Project: Surprise Heritage District

Zoning Text Amendment – Surprise Heritage District (SHD)

- A. Zoning Text Amendment
 - 1. Consolidate existing regulations into a single document
 - 2. Create Surprise Heritage District
 - 3. Create two new overlay zones
 - a. Residential Overlay (RO)
 - b. Commercial Overlay (CO)
- B. Apply existing design standards from the Revitalization Plan to all properties within the OTS

City Initiated Rezoning Application – Residential Overlay (RO) and Commercial Overlay (CO)

- A. Rezone Properties within the OTS
 - 1. Residential Properties will become SHD-RO
 - 2. Commercial Properties will become SHD-CO
- B. Apply development standards and land uses based on overlay zone
- C. Property owners will have the right to opt-out of the overlay and retain existing underlying zoning and the associated land uses and development standards.
 - 1. For example, a 'CN' commercial property will be SHD-CN
 - 2. For example, a 'RL-5' residential property will be SHD-RL-5

How We Got Here:

The City of Surprise has prepared this ordinance to further the efforts to protect the Original Townsite (OTS). Collaborative efforts with the residents of the OTS have included presentations, an interactive workshop, visual surveys, and numerous discussions.

The objective is to create a tool that is easy to read and administer. It will consolidate 3 different documents that separately protect the residents and character of the OTS.

“Specific Plan for the Revitalization of the Original Townsite”

- Adopted under Resolution No 02-104 on May 23, 2002 as the central document for review and analysis of any development application or building permit within the OTS.
- The design guidelines and desired uses within this document are the guiding factors for the use of developers, property owners, staff, the Planning and Zoning Commission, and City Council when considering projects.

Surprise Unified Development Code, Section 109-51 – Infill Incentive District

- An established district that provides incentives for redevelopment in the OTS

Surprise Unified Development Code, Section 122-67 – Original Townsite (OTS)

- Existing overlay zone that gives authority to the Revitalization Plan and reinforces the tools to protect the architectural expectations for the OTS

The ultimate goal is to bring “legal non-conforming” properties into conformance by providing an opportunity to obtain building permits for sheds, garages and carports, additions, and other renovations that will improve the neighborhood. This will also allow properties to obtain financing from banks that would otherwise not lend due to current nonconforming issues with the SUDC.

How It Will Work:

The proposed Surprise Heritage District (SHD) zoning district will be a “hard zone” for this area

- Comprehensive design standards apply the desired character and architecture throughout the entire OTS
- Takes the next step to implement the OTS Revitalization Plan
- SHD hard zoning district will not add new land use regulation within the OTS
- SHD hard zoning district will not add new development standards (setbacks, lot coverage, etc.)
- Adopting this zoning text amendment will effectively rezone all properties to ensure the protections and design criteria are commonly applied within the OTS. For Example
 - o RL-5 becomes SHD-RL-5
 - o CN becomes SHD-CN

Within the text of the proposed SHD, the following overlays will be provided to reinforce the desired development standards and uses allowed within the neighborhood and will facilitate shopping for residents and visitors with appropriate consumer-oriented retail and service functions

- Residential Overlay (RO) generally aligned with existing residential areas of the OTS.
- Commercial Overlay (CO) generally aligned with existing commercial areas of the OTS.
- New Land Use Matrix created from the OTS Revitalization Plan
- Goal to have all properties associated with one of the overlay zones
- Not required for all properties, preferred
- City initiated rezoning request, later date

Design Requirements for ALL Properties:

Certain design standards and parameters will be applicable to all properties within the SHD as part of implementing of the vision and goals within the revitalization plan. The design guidelines and general character expectations for the area embodied within the SHD text. They are taken from the revitalization plan that is currently used to evaluate projects.

- Only applies to new construction or a major renovation
- Doesn’t require existing buildings or homes to change, unless owners wants to make a change

- Promotes desired pedestrian scale; **requires front porches** on new homes or major renovations
- Architectural features of all buildings and structures shall reflect the historical character of Phoenix-valley architecture from the 1880's to the 1950's
- Examples below are residential but similar construction can be used for commercial buildings



California Bungalow



Craftsman Bungalow



Spanish Colonial Revival



Classical Bungalow



Southwest Style



Pueblo Revival

Residential Overlay (RO)

The Residential Overlay (RO) is designed to preserve, protect and enhance the types of uses that are indicative of historic residential neighborhoods. Limited multi-family uses that are designed to match the scale, massing, and appearance of the single-family neighborhood may be appropriate on infill parcels.

It also allows for a variety of residential land uses and residential dwellings types:

- single-family, possible for more than 1/property
- duplex, or architecturally integrated apartments
- live/work units
- Consolidates a Variety of residential zoning, i.e. RL-5 and RM-6 become SHD-RO

While there are financial development incentives available to encourage development the RO has more flexibility built into the code.

- Reduced setbacks
- Increased lot coverage
- Increased number of allowed accessory structures and maximum overall size

Cottage Industries

Part of growing the OTS is developing strong economic base and supporting entrepreneurs. Surprise has made great strides with the development of the AZ TechCelerator and by allowing home based businesses. However, there is a gap between what the SUDC regulates for “home occupations” and the type of business that will progress into an innovation business incubator.

Unique to the SHD-RO is the introduction of the “Cottage Industry” in a residential setting. Similar to home occupations, it is not a specific land use but a method of conducting business in a home.

- By definition a cottage industry is an accessory use to the single-family dwelling unit and must retain the residential architecture and character; use less than 50% of home
- Cottage industries go beyond home occupations by allowing a small number of employees, the presence of customers, and an expansion of where and how much of the property can be used for the business.
- The home must still look like a home; standards and expectations for cottage industry include maintaining the residential character and intensity within the neighborhood.
- Any outdoor activities associated with the cottage industry must be screened.
- The only distinguishing feature to identify the business is a small sign on or near the home and away from the street.

Manufactured Homes

As a viable housing option, and response to the existing community, manufactured homes will be allowed within the OTS. Manufactured homes will be held to the same architectural standards in order to be consistent with the requirements of any new home. This will help protect the character desired by the residents and neighborhood.

Commercial Overlay (RO)

The Commercial Overlay (RO) consolidates all the desired land uses associated with the variety of commercial zones into one commercial list. It promotes the local arts and culture businesses that are compatible and support the residential neighborhoods in the area. The new list of allowed land uses are a mix use identified in the OTS Revitalization Plan and communicated by residents and property owners during public outreach meetings.

Allows a wide variety of development projects

- Merges the different commercial zones into 1 label; No separate commercial/industrial zones
- For Example: CN, CC, CR, IL districts will become SHD-CO
- Mix of neighborhood-scale commercial, retail, entertainment and mixed-use development
- Promotes integrated-use development projects
- Allows multi-family and true mixed-use buildings
- Requires pedestrian connections or trails to adjacent properties and neighborhoods

Land Uses

The preferred land uses identified in the Specific Plan for the Revitalization of the Original Townsite are incorporated into proposed Land Use Matrix. It provides an easy to read and easy to administer regulation that will only be applied only to properties in either of the proposed SHD overlay zones.

- The SHD hard zoning district will not add new regulations land uses within the OTS

- The existing rights within the underlying zoning and uses will be maintained prior to any properties being rezoned into either of the new overlay zones
- It creates a balance of land uses that reflect the ability to live, work, and play within the heritage neighborhood
- This matrix will regulate land uses for both the Residential Overlay (RO) and the Commercial Overlay (CO).
- An increased number of uses in the residential area
- Creation an Administrative Use Permit (AUP) to facilitate applications that warrant more review than a building permit but do not require a public hearing
- Removes any future industrial and intense commercial uses that may detract from the scale and cultural character of the district
- Encourages the inclusion of new neighborhood scale businesses that may feature arts and cultural type uses

Development Incentives

There are many benefits built into the ordinance, but an increased number of development incentives will be available. Some of the proposed incentives are included from previous regulations and consolidated into one easy to read document. As such the SHD will continue to offer these as well as several new incentives to those property owners within one of the two proposed overlay zones.

<u>Development Incentive</u>	<u>Current</u>	<u>Proposed SHD</u>
Approval of Incentive	Requires approval from City Council	All properties SHD-RO or SHD-CO will <u>automatically qualify</u> for development incentives
100% waiver of Surprise development fees	All Residential Properties	• New residential development zoned SHD-RO or SHD-CO • Qualifying commercial
100% waiver of Surprise Plan Review fees and Permit fees	Qualifying commercial	• New residential development zoned SHD-RO or SHD-CO • Qualifying commercial
50% rebate of the City's sales tax during first 2 years	Not currently available	Adaptive reuse projects
Waived annual fee for City of Surprise Business License	Not currently available	"Cottage Industry" business is affiliated with a local-oriented small business promotion organization
Reduced front yard setback, front porch only	Not currently available	All single-family dwellings
Individual accessory structure size Increased to 600 sq. ft.	Not currently available	When currently defined through Section 122-70 – Accessory Uses
Increased Lot Coverage	Maximum of 45%	Increased to a maximum of 64%
20% increase in permitted density when the development provides • recreational facilities, community space, AND • connectivity to existing adjacent developments and neighborhood	Not currently available	When currently defined through either the SHD-RO or SHD-CO
Reduced on-site parking	Not currently available	Participation in a joint use parking lot project or a parking improvement district
"Cottage Industry" uses	Not currently available	Specific list of business allowed in the Residential Overlay
Reduced Minimum Lot Size	• Minimum of 6,000-7,000 sq. ft. residential • Minimum of 12,000-20,000 sq. ft. commercial	• Minimum of 5,000 sq. ft. residential • No minimum for commercial

What's Next?

The zoning text amendment and rezoning will be brought forward to City Council as one project and presentation. The process to complete this will include citizen review meetings, letters and materials mailed to property owners, and public hearings.

The basic components of the project, which will take the next step in achieving the goals for the OTS:

1. Zoning text amendment
 - a. Adopt the proposed Surprise Heritage District (SHD)
 - b. Create the Residential Overlay and the Commercial Overlay
2. Rezoning – City initiated application to apply the proposed overlay zones
 - a. Consolidates the numerous parcels into a single rezoning application and eliminates the need for a separate process conducted by each different property owner.
 - b. Apply development standards and land uses based on overlay zone
 - c. It is during this process that property owners will have the opportunity to opt-out of the overlays and retain the current standard zoning and land uses.

After the City initiated rezoning application, each property will fall under one of 3 basic categories:

- Rezone to become SHD-RO, or
- Rezone to become SHD-CO, or
- Retains standard zoning district, land use rights, and development standards
 - o For example, a 'CN' commercial property will be SHD-CN
 - o For example, a 'RL-5' residential property will be SHD-RL-5

Calendar of Events

- Citizens Review Meetings
 - o May 11, 2016 at AZ TechCelerator, 5-7pm
- City Council Work Session
 - o May 17, 2016, 4pm
- Public Hearings – Adopt proposed Surprise Heritage Text and apply 2 overlay zones
 - o June 16, 2016 - Planning and Zoning Commission, 6pm
Consideration and Recommendation
 - o June 21, 2016 - City Council, 6pm
Consideration and Action

(Repeal and replace Sec 122-67 in its entirety with below text)

Code of Ordinances

Part II – Land Development Ordinances

Chapter 122 – Surprise Unified Dev. Code

Article 6 – Zoning Districts

Division 9 Flexible Zoning

SEC 122-69.1 SURPRISE HERITAGE DISTRICT (SHD)

- A. Application.** The “Surprise Heritage District” (“SHD”) creates a specific zoning district to further delineate, and only be applied to, that specific area known as the original town site square mile. More specifically the area bounded by Bell Road on the north, Greenway Road on the south, El Mirage on the east and Dysart Road on the west. The SHD is a hard zone that replaces and repeals the existing Original Townsite (“OTS”) overlay zoning district. The SHD shall be applied to all properties within this very specific geographic area and in conjunction with either one of the two overlay zoning districts described in Sec 122-69.1(C) below or the existing underlying zoning district present on the property at the time of the adoption of this zoning ordinance. The City will not support any further rezoning in this area other than into one of the two overlay zoning districts.
- B. Purpose.** The purpose of this district is to enhance and protect the historic character of the residential core while providing infill opportunities and encouraging redevelopment for both residential and commercial uses that further reflect the historic character of the area. Further it is intended to promote the ability to live, work, and play within the heritage neighborhood by allowing for a refined mix of land uses and cottage industry that will revitalize and serve the neighborhood while maintaining both the scale and cultural character of the neighborhood.
- C. Establishment of Overlay Zoning Districts.** Further, and only in association with the SHD zone, is the creation of two overlay zoning districts to be known as; 1) the “Surprise Heritage District/Residential Overlay” (“SHD/RO”) and, 2) the “Surprise Heritage District/Commercial Overlay” (“SHD/CO”).
1. SHD/RO: This overlay is designed to preserve, protect and enhance the types of uses that are indicative of historic residential neighborhoods and the small scale cottage industry uses that are pedestrian-oriented and support the residents and allow for them to live, work, and play within their neighborhood. Limited multi-family uses that are designed to match the scale, massing, and appearance of the single-family

neighborhood may be appropriate on infill parcels. The density of the multi-family use may be increased if the parcel is located at the fringe of the neighborhood and the architectural design, scale, and massing is harmonious with the adjacent neighborhood. Overall density for the SHD/RO zoning district is compliant with the Suburban Development Type in the General Plan 2035 up to 8 dwelling units per acre.

2. SHD/CO: This overlay is designed to provide and promote the local arts and culture as well as business opportunities that are compatible with and supportive of the Residential Overlay. A mix of neighborhood-scale commercial, retail, entertainment, live/work and mixed-use development shall be the primary land uses. Attached multi-residential complexes may also be permitted within this overlay district if appropriately located at the fringes of the district to serve as a buffer to the adjacent residential neighborhood. Overall density for the SHD/CO zoning district is compliant with the Mixed Use Residential and Commercial Development Types in the General Plan 2035 up to 10 dwelling units per acre.

D. Specific Terms Defined. The following words, terms and phrases, when used in this section, shall have the following meanings ascribed to them.

1. Adaptive Reuse: The conversion of historic or obsolescent building(s) from their original or most recent use to a new use representing compatible and appropriate change.
2. Cottage Industry: A small business, owned and operated by the residential occupant, in a residential area conducted within the dwelling or in an accessory building. The business may have employees and customers but must be clearly incidental and secondary to the use of the property for single-family residential purposes as well as adhere to the Use Specific Standards in Sec 122-69.1(G) below.
3. Community Garden: Land gardened collectively by a group of people. Gardening may include, but is not limited to, all types of horticulture such as flowers, vegetable or field crops, and orchards containing berry, bush or tree crops.

E. Development Incentives. Development within the SHD shall be eligible for those specific incentives as outlined below.

1. Within the SHD Zoning District any new development or redevelopment, including resolution of existing non-conformance issues, shall be eligible for the following incentives:

- a. A reduction in the front yard setback, for the front porch portion of the structure only, by five (5) feet.
 - b. The maximum square footage of an individual accessory structure shall be 800 square feet; with the total number of such structure(s) limited by the maximum lot coverage.
- 2. In addition to any incentives permitted in section 1 above, development that is zoned one of the two overlay zoning districts associated with the SHD Zoning District (SHD/RO or SHD/CO) shall also be eligible for any of the following incentives:
 - a. New mixed-use projects and multi-residential projects shall be eligible for up to a twenty percent (20%) increase in permitted density when the development provides recreational facilities, community space, and connectivity to existing adjacent developments and the greater neighborhood.
 - b. In lieu of providing on-site parking, participation in a joint use parking lot project or a parking improvement district shall be permitted.

F. Land Use Matrix for the SHD Zoning District.

- 1. For those properties not in one of the overlay zones associated with the SHD, the Land Use Matrix in Sec 122-43 shall apply.
- 2. For those properties in one of the overlay zones associated with the SHD, the following Land Use Matrix, **Table No. 1**, shall apply.
- 3. The following Land Use Matrix, **Table No. 1**, describes land uses that are allowed in the two overlay zones in the SHD. Those uses delineated as needing a Conditional Use Permit (CUP) shall be processed as a Type III development application (see Sec 122-154). Those uses delineated as needing an Administrative Use Permit (AUP) shall be processed as a Type I development application (see Sec 122-152).
- 4. Permitted (P) uses within the SHD overlay zones shall be those land uses listed as permitted by-right within the specific zoning district as listed in **Table No 1**; all other uses are prohibited (indicated by a double-hyphen "--"). Permitted uses are subject to all applicable standards of this Chapter and the Surprise Unified Development Code (SUDC).

TABLE NO. 1 LAND USE MATRIX FOR THE SHD OVERLAY ZONING DISTRICTS (P = Permitted; AUP = Administrative Use Permit; CUP = Conditional Use Permit; "--" = Prohibited)			
LAND USE GROUP		SHD/RO	SHD/CO
Agricultural, Ranching and Open Space Uses			
1.	Animal Hospitals, Clinic, and Boarding Facilities (refer to Sec 122-74)	--	P
2.	Community Garden (refer to Use Specific Standards of Sec 122-69.1G2 below)	P	P
3.	Farmers Market (refer to Sec 122-82)	AUP	P
4.	Parks, Recreation, and Open Lands	P	P
Residential Uses			
5.	Assisted Living Center	AUP	P
6.	Assisted Living Home (refer to Sec 122-99)	P	--
7.	Bed And Breakfast Establishments (refer to Sec 122-76)	AUP	--
8.	Caretaker, Guest or Granny Flat Dwelling (refer to Sec 122-83)	P	--
9.	Group Home (refer to Sec 122-84)	P	--
10.	Home Occupations (refer to Sec 122-86)	P	P
11.	Hotels, Timeshares (refer to Sec 122-88)	--	P
12.	Manufactured Homes (refer to Use Specific Standards of Sec 122-69.1G5 below)	P	--
13.	Multi-Family Dwellings (refer to Use Specific Standards of Sec 122-69.1G3. below)	CUP	P
14.	Nursing Care Institution	CUP	P
15.	Single-Family Dwellings (detached)	P	--
16.	Single-Family Dwellings (detached with multiple single-family structures on 1 lot of record)	AUP	--
17.	Single-Family Dwelling (attached) (refer to Use Specific Standards of Sec 122-69.1G4. below)	AUP	--
Retail and Service Uses			
18.	Alcohol—Bar and/or Tavern, Microbrewery (refer to Sec 122-104)	CUP	P
19.	Animal Hotel/Overnight stay (refer to Sec 122-74)	--	P
20.	Banks	--	P
21.	Day Care Center - Child and/or Adult Care (refer to Sec 122-80)	AUP	CUP
22.	Drive-Through Facilities (refer to Sec 122-78)	--	P
23.	Funeral Home, Mortuary	--	P
24.	Linen/Uniform/Diaper Service (Pickup and Supply Only)	--	P
25.	Massage - Therapeutic	--	P
26.	Medical Clinic or Laboratory	--	P
27.	Medical Office	--	P
28.	Mobile Vending	P	P
29.	Nursery (display & sale of plants, seeds, or other horticultural items) (refer to Sec 122-93)	CUP	P

TABLE NO. 1 LAND USE MATRIX FOR THE SHD OVERLAY ZONING DISTRICTS (P = Permitted; AUP = Administrative Use Permit; CUP = Conditional Use Permit; "--" = Prohibited)		
LAND USE GROUP		SHD/RO
Retail and Service Uses (continued)		
30.	Personal Services Establishment (Typical personal service uses include arts and craft studios, barber/beauty shops, locksmith, shoe repair, tailors, photo studios, cleaning pickup and receiving station, travel agencies, printing or copy shops)	P
31.	Personal Services Establishment (Uses Listed Above) - as a "cottage industry" (refer to Sec 122-69.1D and Sec 122-69.1G1 below)	AUP
32.	Restaurant, Sit-down (Principally for the sale and consumption of food on the premises)	P
33.	Restaurant, Convenience (Sale and consumption of food which has direct window service allowing customers to pick up food for off-premise consumption) (refer to Sec 122-78)	P
34.	Restaurant, Sit-down or Convenience (excluding drive-thru) - as a "cottage industry" (refer to Sec 122-69.1D and Sec 122-69.1G1 below).	--
35.	Retail Shopping Establishment limited to under 45,000 sf (Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry goods, food and/or alcohol, home décor, home improvements, toys, furniture, antiques, books and stationery, pets, and similar consumer goods. Food store uses include grocery, delicatessen, catering, and specialty foods stores.)	P
36.	Retail Shopping Establishment – Less than 3,000 sq. ft. (Uses Listed Above)	AUP
37.	Retail Shopping Establishment (Uses Listed Above) - as a "cottage industry" (refer to Sec 122-69.1D and Sec 122-69.1G1 below).	--
38.	Vehicle Fueling Stations (refer to Sec 122-106)	P
Office Uses		
39.	Call Center - as a "cottage industry" (refer to Sec 122-9.1D and Sec 122-69.1G1 below).	--
40.	Call Center	P
41.	General Office	P
42.	Professional Office - as a "cottage industry" (refer to Sec 122-69.1D and Sec 122-69.1G1 below).	--
Public/Quasi-Public Facility Uses		
43.	Business/Technology Incubator Space	P
44.	Library	P
45.	Post Office	P
46.	State and County Facilities	P
47.	Utility Equipment Infrastructure	P
48.	Wireless Telecommunication Facility (WTF)	refer to Sec 122-112 for permitting requirements

TABLE NO. 1 LAND USE MATRIX FOR THE SHD OVERLAY ZONING DISTRICTS (P = Permitted; AUP = Administrative Use Permit; CUP = Conditional Use Permit; "--" = Prohibited)			
LAND USE GROUP		SHD/RO	SHD/CO
Assembly Uses			
49.	Assembly Uses limited to under 5,000 sf (Private Clubhouse and Lodges, Community Facilities, Public Meeting Hall, Youth Organization Clubs & Associated Activities, Auditoriums, Places of Worship)	AUP	AUP
50.	Assembly Uses (Uses Listed Above) greater than 5,000 sf (refer to Sec 122-69.1G3 below)	CUP	CUP
51.	School—University or College (refer to Sec 122-101)	--	CUP
52.	School—Pre-K through 12 (refer to Sec 122-100)	CUP	CUP
Recreational and Amusement Uses			
53.	Athletic or Fitness Club, Commercial Recreation Facilities	--	P
54.	Athletic or Fitness Club, Commercial Recreation Facilities (Less than 5,000 gross sq. ft. and Indoor Activities Only)	P	P
55.	Athletic Fields—Non-commercial	P	P
56.	Bowling Alley, Dance Hall, Pool Hall	--	P
57.	Galleries, Museums (including display and production space)	--	P
58.	Galleries - as a "cottage industry" (refer to Sec 122-69.1D and Sec 122-69.1G1 below).	AUP	--
59.	Theater - Indoor including Dinner Theatres	--	P
Transportation Uses			
60.	Park and Ride	--	CUP
61.	Surface Parking Lot and Parking Structure	CUP	P
62.	Transit Depot	CUP	CUP
Mixed Use Buildings			
63.	Mixed Use Buildings – for uses previously listed in this Matrix (refer to Sec 122-91)	CUP	P
Manufacturing and Process Uses			
64.	Food Service Establishment under 15,000 sf that has manufacturing, on-site restaurant & retail combined as part of the establishment	--	CUP
65.	Paper Products – as a "cottage industry" (refer to Sec 122-69.1D and Sec 122-69.1G1 below).	AUP	--
66.	Warehousing, Mini	--	CUP
67.	Welding Shop in association with art gallery - as a "cottage industry" (refer to Sec 122-69.1D and Sec 122-69.1G1 below).	AUP	--

G. Use-Specific Standards

1. Cottage Industry as accessory to a single-family residential use, as defined in Sec 122-69.1(D), shall adhere to the following use-specific standards:

- a. Not more than forty-nine (49%) percent of the dwelling unit may be used for cottage industry. Up to one hundred (100%) percent of accessory buildings may be used for cottage industry.
- b. The maximum size, including all portions of the dwelling and any and all accessory buildings used as a cottage industry shall be limited to 4,000 square feet or not more than sixty-five (65%) percent lot coverage, whichever is less.
- c. The cottage industry use shall be limited to the first floor of the dwelling, accessory buildings, and outdoor areas of the lot.
- d. A cottage industry use that receives patrons, students or any business-related individuals may only do so between the hours of 8:00 a.m. and 8:00 p.m.
- e. Individual accessory buildings used as part of a cottage industry may be a maximum of 800 sq. ft. with the number of such buildings being subject to the total lot coverage limitations.
- f. Accessory buildings and outdoor areas used for cottage industry purposes are intended to be limited to low intensity uses that produce or repair a product, and operate in such a way that they do not adversely affect adjacent properties. Parking and storage of business related commercial-rated vehicles, equipment, and products shall be limited to an enclosed building or within the rear yard and screened by an opaque wall or landscaping of approved drought-tolerant plant materials in combination with a wall.
- g. Outdoor dining accessory to a cottage industry:
 - i. Shall not be located within the required front yard, shall be a minimum of fifteen (15') feet from an adjacent residential use, and screened by a minimum three (3') foot high opaque screening barrier or landscaping of approved drought-tolerant plant materials in combination with the barrier.
 - ii. Shall not be more than fifty (50%) percent of the dwelling unit's ground floor gross area.
 - iii. Shall not operate outside of the indoor restaurant's hours of operation.

- h. A cottage industry use shall not change the character of the structure or alter the residential character of the neighborhood and shall be pedestrian-oriented.
- i. Cottage industries may employ up to 5 employees in addition to those residing in the residence.
- j. Signage shall be limited and shall comply with the following:

- i. One Shingle Sign designed to be hung from the front porch element of the structure and oriented primarily for the aid of pedestrians is permitted per business; the sign area shall not exceed six (6) square feet. The minimum clearance between the bottom of the shingle sign and any underlying pedestrian walkway shall be seven feet, six inch.



- ii. One A-frame Sign may be permitted; it shall not to exceed six (6) square feet in surface area on any one side and must be located on-site and within ten (10) feet from the edge of the front porch (or front door if no porch is present) of the business.



- 2. Community Gardens as defined in Sec 122-69.1(D), shall adhere to the following use-specific standards:
 - a. A fence shall be provided on the perimeter of the garden in accordance with the design standards in Sec 122-69.1.I.6 herein.
 - b. The site shall be designed and maintained so that water and fertilizer will not drain to adjacent property.
 - c. Hours of operation shall be limited to the hours between 6 a.m. – 8 p.m.
 - d. Waste receptacles shall be provided and screened from neighboring properties. Refuse shall be removed so as not to be a nuisance.
 - e. Composting equipment and containers, if provided, shall be specifically designed for that purpose and shall be located away

from adjacent residences, businesses, and parks. Open composting piles are prohibited.

- f. Facilities shall be provided for the storage of any tools, fertilizers, equipment or other materials used in conjunction with the community garden. Such facilities shall screen materials from neighboring properties and shall be adequately secured and meet setback requirements.
- g. The property shall be maintained in a neat and orderly fashion as required by the Surprise Property Maintenance Code.

3. Multi-Family Dwellings and Assembly Uses over 5,000 square feet shall adhere to the following use-specific standards:

- a. The residential development shall have a building frontage presence to the neighborhood street rather than a parking lot frontage. The front entry shall include a walkway to the street or surrounding neighborhood.
- b. All multi-story buildings shall have unified and stylistic design elements present on all sides of the building(s). A variety of massing and building heights and stepping rooflines are strongly encouraged. Straight rooflines should be minimized by using offsets, differing heights, stepping, or different orientations to produce variety within a development.
- c. A color palette of earth tones shall be the predominate color used. The use of accent colors is encouraged to provide a festive and lively streetscape. Accent color, different from the dominate wall color, should be used to accent entryways and special architectural features of a building.
- d. The required off-street parking spaces shall be located in the rear, to the side, or beneath the structures with cars recessed one-half level to avoid interrupting the rhythm of the established streetscape, to make land on site available for gardens and courtyards rather than for surface parking, and to provide a pedestrian level connection to the neighborhood.
- e. Mechanical equipment and similar utility devices, whether ground level or roof mounted, shall be screened from public view and designed to appear as an integral part of the building, with the exception of solar panels. The mechanical equipment screening shall be included in the overall allowed building height. Mechanical equipment shall be treated to be non-reflective.

Electrical meters, service components, and SES cabinets should be screened from public view or designed to appear as an integral part of the building.

- f. Reflective building materials are prohibited. Metallic surfaces, including roof materials, shall be treated to be non-reflective.
 - g. The use of metal or corrugated metal as the primary building material is prohibited; it may however be used as an architectural accent or decorative element.
 - h. The building materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments. The City strongly encourages all new buildings to meet LEED (Leadership in Energy and Environmental Design) certification standards and building sites to utilize Low Impact Development (LID) technologies.
 - i. All buildings shall harmonize architecturally with the residential character of the neighborhood.
 - j. Assembly Uses may be required to provide a traffic study, depending on the specific location.
4. Attached Single-Family Dwellings shall adhere to the following use-specific standards.
- a. All buildings shall have their main entrance opening to a street or a central interior courtyard.
 - b. A variety of rooflines styles and heights shall be used as well as projections and recesses. The structures shall have stylistic architectural design elements on all sides. The architecture shall incorporate style-appropriate and varied door and window openings and architectural embellishments. A variety of porch configurations shall be used to provide functional architectural integrity to the buildings.
 - c. Brick, integral colored block, or slump block shall be used (not painted concrete masonry units) for buildings using masonry as the primary material.
 - d. Flat asphalt shingles shall not be permitted. Clay tile, concrete tile, architectural asphalt shingles, cementitious or fiberglass tiles, and standing-seam or corrugated metal shall be the permitted roofing material. New roofing products shall require city approval.

5. Manufactured Homes, as defined in Sec 122-178, may be permitted to provide affordable and diversified housing opportunities within the SHD provided they maintain the aesthetic and architectural design standards similar to those required for conventional site-built homes; more specifically the following use-specific standards.
- a. Existing mobile homes or manufactured homes that are not in compliance with the use-specific standards listed herein at the time of the adoption of this Ordinance shall be governed by the provisions of the SUDC – Zoning Ordinance on non-conforming structures.
 - b. The existing mobile home or manufactured home may be replaced in its' entirety with a conventional site-built home or with a multi-sectional manufactured home that will provide a dimensional appearance similar to the site-built homes in the neighborhood.
 - c. All manufactured homes shall be required to meet the current HUD Code standards, be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, and comply with State of Arizona Office of Manufactured Housing regulations.
 - d. A manufactured home shall not have been constructed more than ten (10) years prior to the date of application for building installation permit.
 - e. A mobile home, recreational vehicle, or park model may not be used as a residential dwelling within the SHD Zoning District.
 - f. Foundations. The manufactured home shall be pit set and placed on an excavated foundation with permanent stem wall so that the home appears to have a foundation wall similar in appearance and kind to conventional site built homes.
 - g. Exterior Building Materials. Reflective building materials are prohibited. Metallic surfaces, including roof materials, shall be treated to be non-reflective. The building materials shall be durable, require low maintenance, and be of the same or higher quality as the surrounding site-built homes. Acceptable siding materials include: vinyl, wood, stucco, brick, stone, or other masonry materials or any combination of these materials.
 - h. Roof Materials. Flat asphalt shingles shall not be permitted. Clay tile, concrete tile, architectural asphalt shingles, cementitious or

fiberglass tiles, and standing-seam or corrugated metal shall be the permitted roofing material.

- i. Mechanical equipment. Roof-mounted mechanical equipment is prohibited. Mechanical equipment, propane tanks, water filters, coolers and air conditioning units and similar utility equipment shall be installed at ground level or wall mounted and should be screened from public view.
- j. Garage or Carports. The design and materials of any garage or carport shall be compatible with the design and materials of the main structure.
- k. Semi-Attached Accessory Structures. An open covered porch, deck or veranda is required on the front elevation. Uncovered porches, decks, or verandas are permitted on the side and rear of the home provided they meet the setback requirements. Canopies, awnings or other structures to provide shade or protection from weather shall be open on three (3) sides.
- l. Steps. If the dwelling unit has steps leading to the front entry the steps shall be attached to a permanent foundation and designed and constructed to compliment the architectural style of the dwelling unit.
- m. Anchor Ties. The structure shall be anchored to the ground, in accordance with engineered plans and/or approved manufactured home installation standards.
- n. Additions. All additions and alterations shall be in compliance with the current Building Code as adopted by the City or in compliance with the most current HUD Code standards.

H. Development Standards for the SHD Zoning District.

- 1. The development standards shown in **Table No. 2** and **Table No. 3** below are applicable to all properties within the SHD. These tables identify the development standards for properties that either retain the standard zoning (for example: SHD-RL-5 or SHD-CN) or have been rezoned into one of the overlay zones (for example: SHD-RO and SHD-CO).

Table No. 2 – SHD Residential Neighborhood					
	Retaining Existing Zoning		Residential Overlay Zoning (RO)		
	Existing RL-5	Existing RM	Attached Product	Detached Product	Multi-Family Product
Min. Lot Area	7,000	6,000	5,000	5,000	15,000
Min. Lot Width	60'	50'	--	--	--
Min. Lot Depth	100'	60'	--	--	--
Min. Front Setback	20' w/ 5' BTL ²	20' w/ 5' BTL ²	15' ^{2,3}	15' ^{2,3}	15' ^{2,3}
Max. Front Setback	--	--	30' ⁴	30' ⁴	30' ⁴
Min. Side Setback	5'/15'	5'/10' ¹	5'/10' ¹	5' w/ 15' total ¹	20'
Min. Rear Setback	12'	12'	12'	15'	20'
Max. Bldg. Height	35'	35'	30'	30'	35'
Lot Coverage %	45%	45%	65%	65%	65%
Notes: 1 0 feet; side yard setback permitted for common wall attached dwelling option. End units shall maintain minimum total yard setback on one side of building. 2 Only a covered front porch may encroach closer to the street by up to 5 feet. 3 Front facing garage doors shall be setback a minimum of 20 feet. 4 Measured from the primary dwelling; excluding front porch					

Table No 3 – Non- Residential Area				
	Retaining Existing Zoning			Commercial Overlay (CO)
	Existing CN	Existing CC	Existing IP	
Min. Lot Area	12,000	18,000	20,000'	--
Min. Lot Width	100'	100'	50'	--
Min. Lot Depth	--	--	--	--
Front Yard Setback	Est. BTL	Est. BTL	Est. BTL	15'
Side Yard Setback	10'/0' ¹	24'/0' ¹	15' ²	10'/0' ¹
Rear Yard Setback	20'	24'	25' ²	10'
Max. Bldg. Height	30'	35'	35'	45'/35' ³
Lot Coverage %	--	--	--	85%
Notes: 1 0 feet side yard setback permitted for common wall option. 2 50 feet setback from residential. 3 45 foot height limit for Mixed-use, Multi-Family & Assembly Uses. All other uses limited to 35 feet.				

I. Design Standards for all new development in the SHD Zoning District.

- These Design Standards shall apply to any and all new development in the SHD regardless if the property is within one of the two overlays zones or not.
- Prior to any permits being issued for new development, or renovation of existing building, the architectural, site, and landscape plans shall be

reviewed by Development Services for adherence to the following Design Standards, in addition to other adopted regulations.

3. Plants and landscape materials shall be drought-tolerant. All areas of bare soil shall be covered with grass, drought tolerant plantings or decomposed granite to discourage weeds and control dust. Edible citrus and nut trees are permitted. All landscaping shall be well-maintained with diseased and/or dead plant material removed and replaced promptly.
4. Trellis work, open front porches, and cloth shade sails will not be counted as part of the lot coverage allowance.
5. Architectural features of all buildings and structures shall reflect the historical character of Phoenix-valley architecture from the 1880's to the 1950's. These architectural features shall be present on all elevations, and include: projections and reveals; back and side porches on residential structures; roof and cornice lines; doors, windows, and window treatments such as shutters, awnings, and lintels; and other architectural features such as porte-cocheres, garage doors, dormers, chimneys, and patios etc. This also includes the types of building materials, textures, roof treatments and pitches, building heights, building mass, and proportions indicative of historical Phoenix-valley architecture.

Architectural Styles that Reflect the History of the Southwest



California Bungalow



Craftsman Bungalow



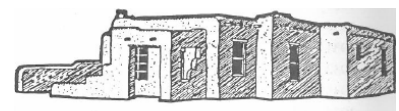
Spanish Colonial Revival



Classical Bungalow



Southwest Style



Pueblo Revival

6. An open and covered porch on the front elevation for all new residential development shall be required as a means to help create a pedestrian scale connection to the street and permit interaction with neighbors, enhance citizen Block Watch programs, and enhance the sense of

neighborhood. Building orientation shall consider the existing environmental conditions and solar orientation.

7. Although not required, residential walls and fences may be built to a height not exceeding six (6') feet in a side or rear yard or thirty-six (36") inches in a required front yard. The wall or fence material shall be compatible with the design style and material of the main structure, preferably masonry, wrought iron, painted wood. The use of chain link fencing (with or without slats) is prohibited.
8. All non-residential land uses that abut residential properties are required to provide visual screening from those residences by an opaque wall or landscaping of approved drought-tolerant plant materials in combination with a wall. This screening shall include accessory uses, loading and unloading areas, and trash receptacles. The use of concertina wire is prohibited when adjacent to a public right-of-way.
9. On-site retention shall be required for all non-residential properties, all multi-family residential properties, and residential properties with more than one (1) single-family dwelling. Rainwater harvesting for plant irrigation is encouraged.
10. A color palette of earth tones shall be the predominate color used. The use of accent colors is encouraged to provide a festive and lively streetscape. Accent color, different from the predominate wall color, should be used to accent entryways and special architectural and trim elements (i.e. columns, trellises, lintels, sills, door and window frames, cornices and moldings).
11. Roof-mounted mechanical equipment shall be screened from public view and designed to appear as an integral part of the building, with the exception of solar panels. Mechanical equipment, propane tanks, water filters, coolers and air conditioning units and similar utility equipment installed at ground level or wall mounted shall be screened from public view.

Chapter 109 - MISCELLANEOUS PROVISIONS

ARTICLE III. - INFILL INCENTIVE DISTRICTS

Sec. 109-46. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adaptive Reuse: The conversion of historic or obsolescent building(s) from their original or most recent use to a new use representing compatible and appropriate change.

Commercial development ~~and/or industrial development~~ means all buildings and lots within the territorial limits of the city, other than ~~single-family residences, multifamily residences, apartments, mobile home subdivisions, and recreational vehicle parks or other residential~~ dwelling units.

Dwelling unit means a room or group of rooms within a building or structure containing cooking accommodations. An apartment, ~~a mobile~~, manufactured or modular home, **live/work unit**, ~~a recreational vehicle, and a travel trailer~~ shall be considered dwelling units, but a motel room or hotel room is not considered a dwelling unit under the provisions of this article.

~~Mobile, manufactured~~, **Manufactured or modular** home space means any lot or space, **but not necessarily located**, ~~contained~~ in a mobile home park or manufactured housing subdivision.

New business means new construction or 51 percent reconstruction of the total building square footage of an existing building. For the purposes of this article, a new business is not an existing business, which has only changed ownership.

Qualifying commercial ~~and/or industrial~~ developments means new or expanding developments that will be:

- (1) Legal and conforming upon project completion;
- (2) In possession of all required development approvals pursuant to city **regulations**, process, procedures and policies;
- (3) Occupying vacant property or replacing dilapidated buildings, or if expanding ~~will comply with the criteria for expanding existing businesses~~ **an existing business facility by at least 1,000 square feet and increasing the number of employees by ten (10%) percent.**

~~Recreational vehicle pad or travel trailer pad means any lot or space contained in a recreational vehicle park.~~

Secs. 109-47—109-50. - Reserved.

Sec. 109-51. - Infill incentive district **area boundaries**.

(a) Established. There is established, pursuant to the authority granted in A.R.S. § 9-499.10(A), an infill incentive district in the area bounded by Bell Road to the north, El Mirage to the east, Greenway Road to the south and Dysart Road to the west. This district is designated as the original town site infill incentive district.

(b) **Specific** ~~Original town site~~ infill incentives ~~plan~~.

(1) Residential development. ~~All residential development within the original town site infill incentive district shall receive a 100 percent waiver of development fees. Any~~ **new residential development zoned either as SHD/RO or as SHD/CO shall receive a one-hundred percent (100%) waiver of City of Surprise development impact fees**

(2) Commercial development.

a. **New or expanding** qualifying commercial ~~and/or industrial~~ developments within the original town site infill district shall receive a 100 percent waiver of building permit, ~~and building plan review fees, and~~ **City of Surprise development impact fees.**

b. ~~Qualifying commercial and/or industrial developments within the original town site infill district shall be eligible to receive expedited plan review services. Commercial site plans, commercial subdivision plats, landscape plans, civil plans and building plans shall be reviewed within a maximum of 12 business days from date of submittal to issuance of redline or administrative comments. The city shall bear all cost associated with the expedited review process. Adaptive reuse projects shall be eligible to receive up to a fifty percent (50%) rebate of the City's sales tax apportionment of revenues during its first two years.~~

c. ~~Qualifying commercial and/or industrial developments within the original town site infill district shall be eligible to receive expedited administrative processing for rezones when possible. Administrative processes will be accelerated to facilitate advancing the project to the planning and zoning commission and city council. If a "cottage industry" business is affiliated with a local-oriented small business promotion organization (such as "Local First Arizona") the annual City of Surprise Business License fee shall be waived. Proof of such affiliation must be presented annually to the City.~~

(c) Application for incentives under plan. Persons developing **residential property per the standards listed in (b)1 above shall automatically receive incentive upon issuance of a building permit.** Commercial property within the original town site infill district wishing to receive incentives under the original town site infill incentive plan shall submit an

application to the community development director. The community development director shall process the request and make recommendations to city council for final approval. ~~If approved, the community development director shall administer the original town site infill incentive plan.~~

- (d) **Original Town Site Infill Incentive Plan.** The City of Surprise “Specific Plan for the Revitalization of the Original Townsite”, adopted on May 23, 2002 by Resolution No. 02-104 shall be the master plan for development in the infill incentive district along with other regulations adopted by the City Council.

Sec. 109-52. - ~~Expanding existing businesses.~~ **Reserved.**

~~In order to be considered an expanding existing business, a business must demonstrate all of the following requirements:~~

- ~~(1) Facility expansion of at least an additional 1,000 square feet.~~
- ~~(2) A ten percent increase in employees.~~

Sec. 109-53. - Penalties for violation.

Any person found to have violated any provision of this article shall be guilty of a class 1 misdemeanor.

City Council - Work Session

Surprise Heritage District

May 17, 2016



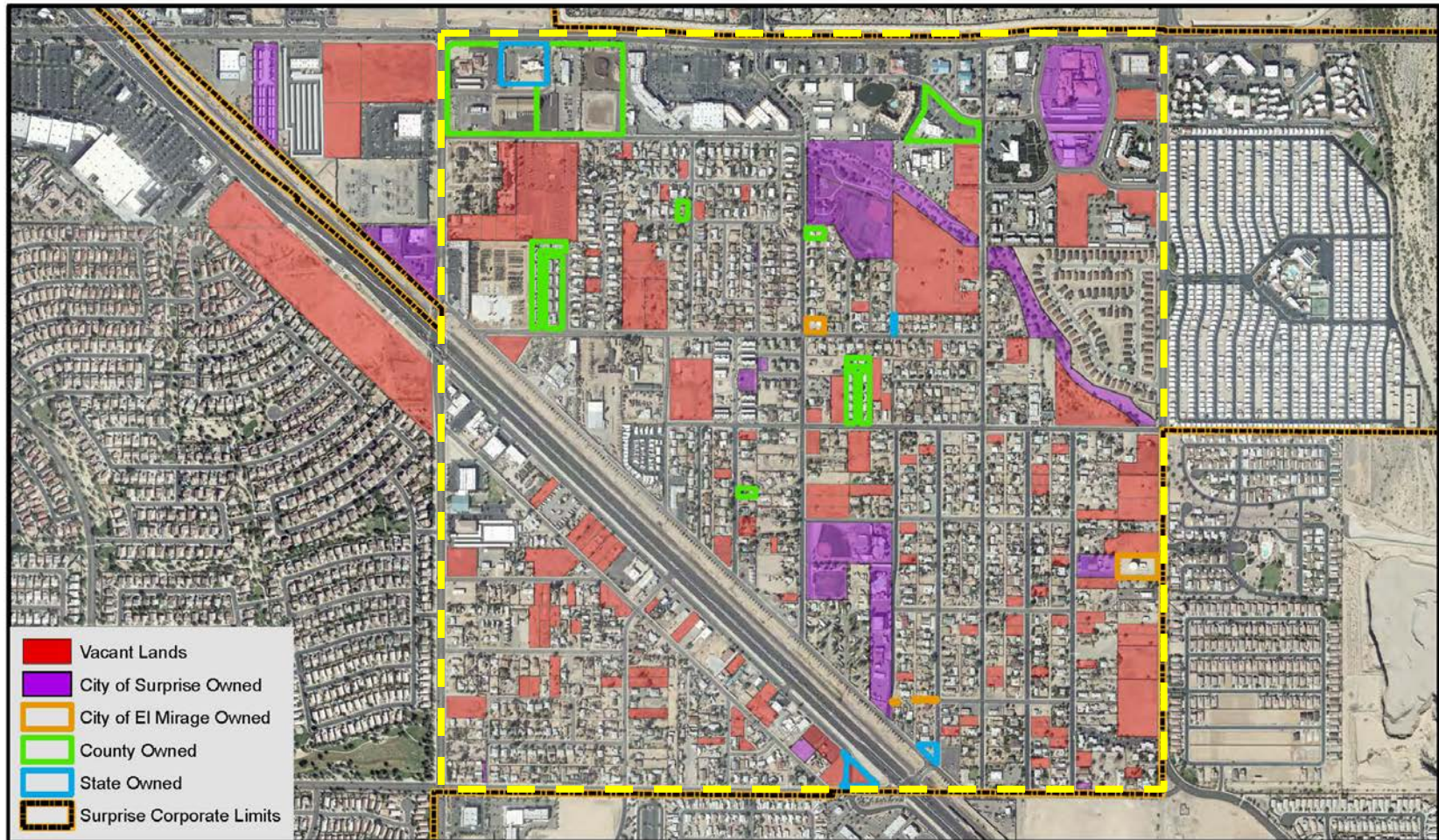
Today's Agenda



- I. Surprise Heritage District
- II. Residential Overlay (RO)
- III. Commercial Overlay (CO)
- IV. Development Incentives
- V. Project Summary
- VI. Next Steps
- VII. Questions & Comments

I. SURPRISE HERITAGE DISTRICT

How We Got Here



Vacant & Public Lands
Original Townsite

1:8,000
0 500 1,000 Feet

I. SURPRISE HERITAGE DISTRICT

How We Got Here

Public Outreach - January 2015

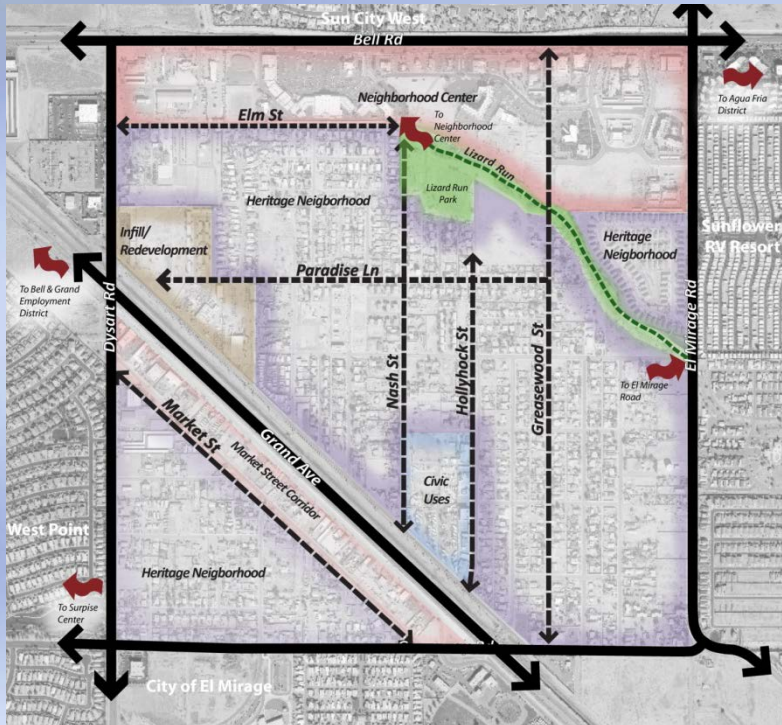
- Met with residents
- Conducted Survey to learn goals of community for the OTS

Public Outreach – March 2015

- Hosted a Charrette to illustrate desires of residents

Monthly District 4 Meetings with Councilwoman Villanueva

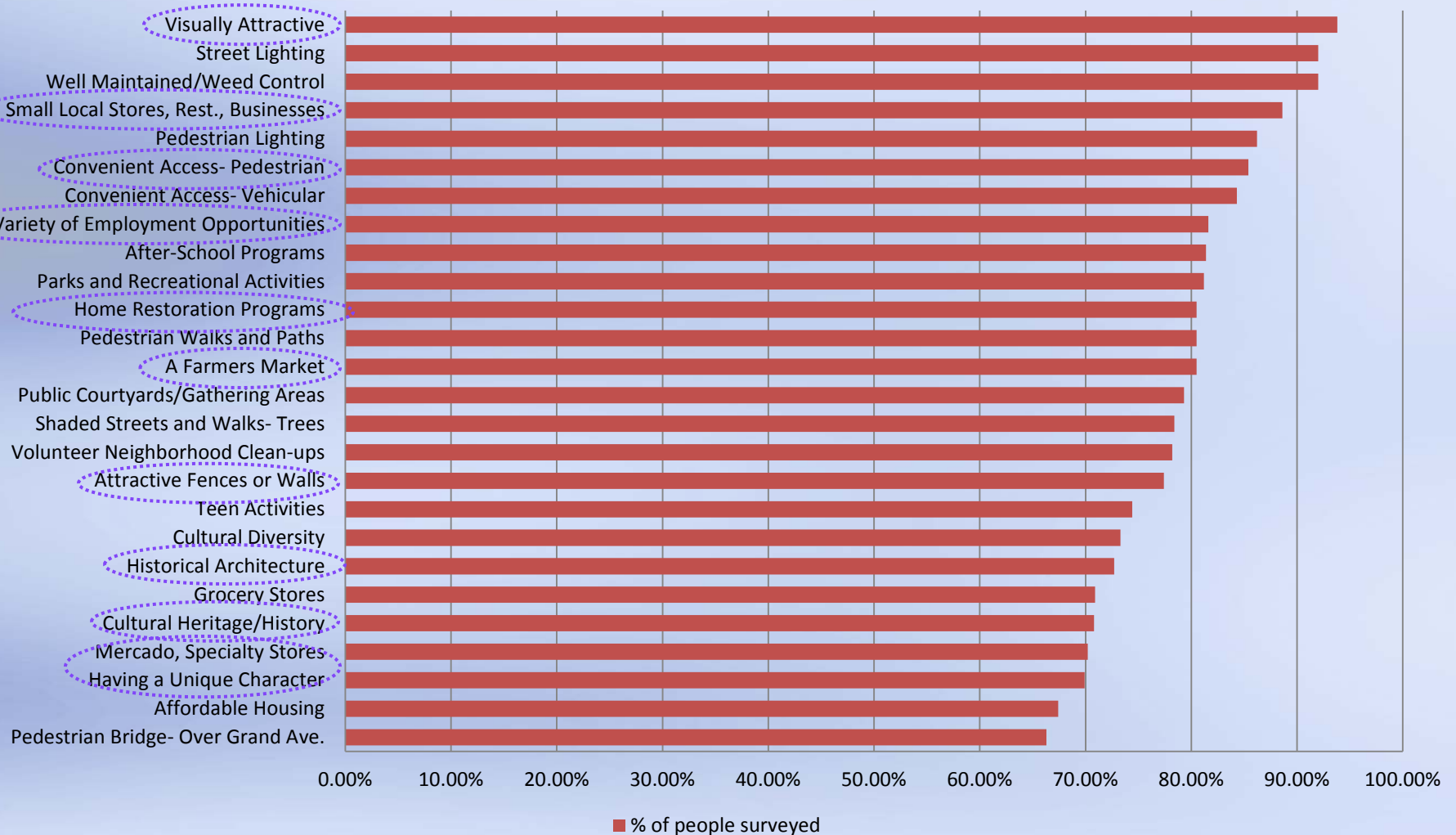
- Presented regular updates to residents for feedback



I. SURPRISE HERITAGE DISTRICT

How We Got Here

Most Desired Need/Element



I. SURPRISE HERITAGE DISTRICT



How We Got Here



City of Surprise

Specific Plan for the
Revitalization of the
Original Townsite

Prepared for the City by:
Community Sciences Corporation
3900 East Camelback Road, Suite 611
Phoenix, AZ 85018



Municipal Code of Ordinances
Part II – Land Development Ordinances
Chapter 122 – Surprise Unified Dev. Code
Article 6 – Zoning Districts
Division 9 Flexible Zoning

Section 122-69.1- Surprise Heritage District (SHD)

Revitalization Plan for the OTS

- Adopted in 2002
- Preferred Land Uses
- Design Standards
- Doesn't allow new C-3 or Industrial Zoning
- 1 of 3 documents needed to review projects in the OTS



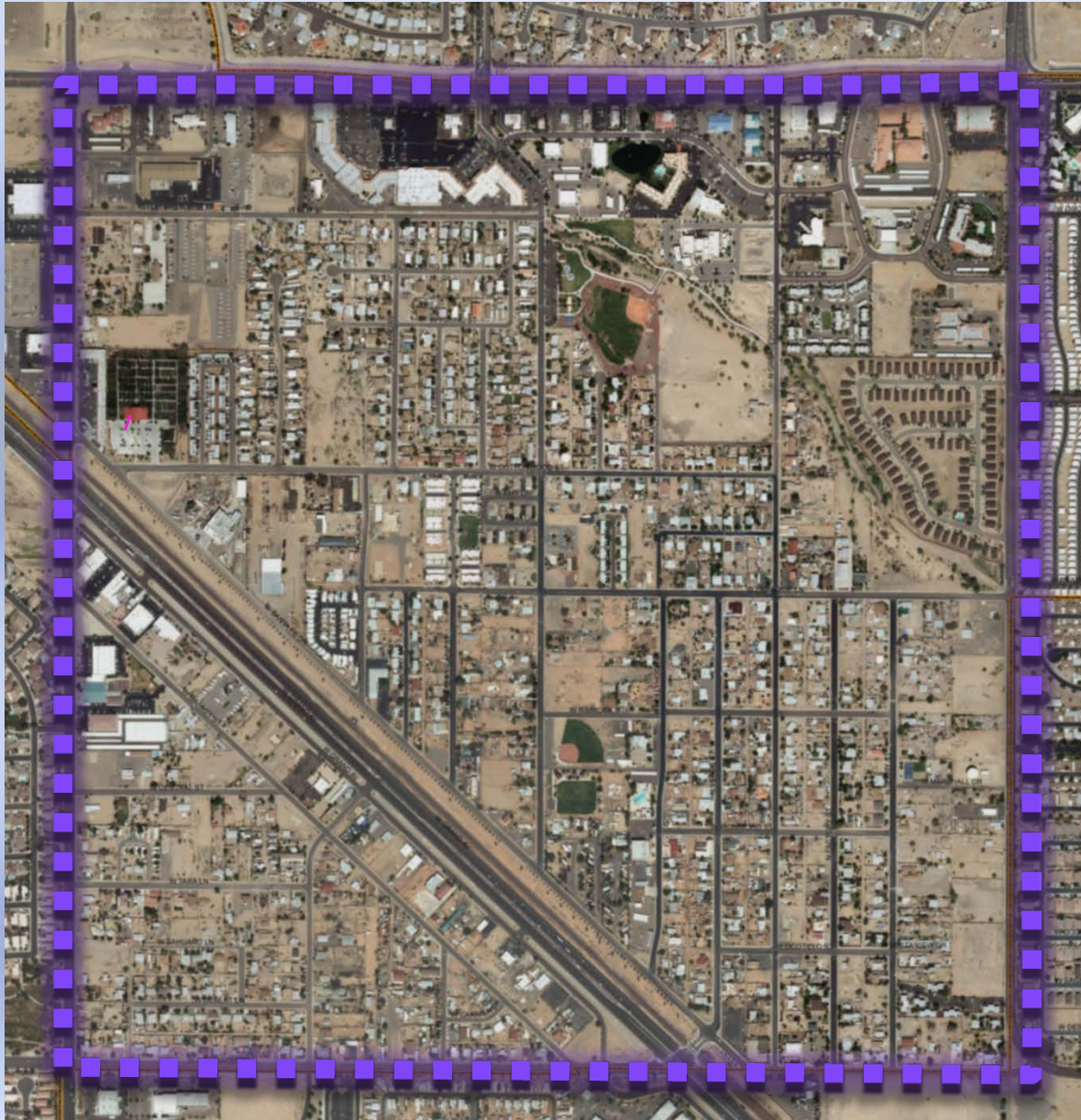
Surprise Heritage District (SHD)

- Proposed text amendment to zoning ordinance
 - Consolidates 3 documents into 1 section to review projects in the OTS
 - Increased protection for neighborhoods and created more development incentives
- Residential Overlay (RO) and Commercial Overlay (CO)
- New Land Use Matrix, enforceable through code
 - Introduction of new "Land Use" terms
 - Doesn't allow new C-3 or Industrial Zoning

I. SURPRISE HERITAGE DISTRICT

How it Will Work

- ■ ■ **SURPRISE HERITAGE DISTRICT (SHD)**
 - SHD is the hard zoning of the geographic boundary for the Original Townsite (OTS)
 - SHD will consolidate existing design expectations and development incentives
 - Ensures that the desired character and architecture is implemented throughout the entire OTS
 - SHD hard zoning district will not add new land use regulation within the OTS



I. SURPRISE HERITAGE DISTRICT

How it Will Work

■ ■ ■ SURPRISE HERITAGE DISTRICT (SHD)

- SHD is the hard zoning of the geographic boundary for the Original Townsite (OTS)

Proposed Overlays

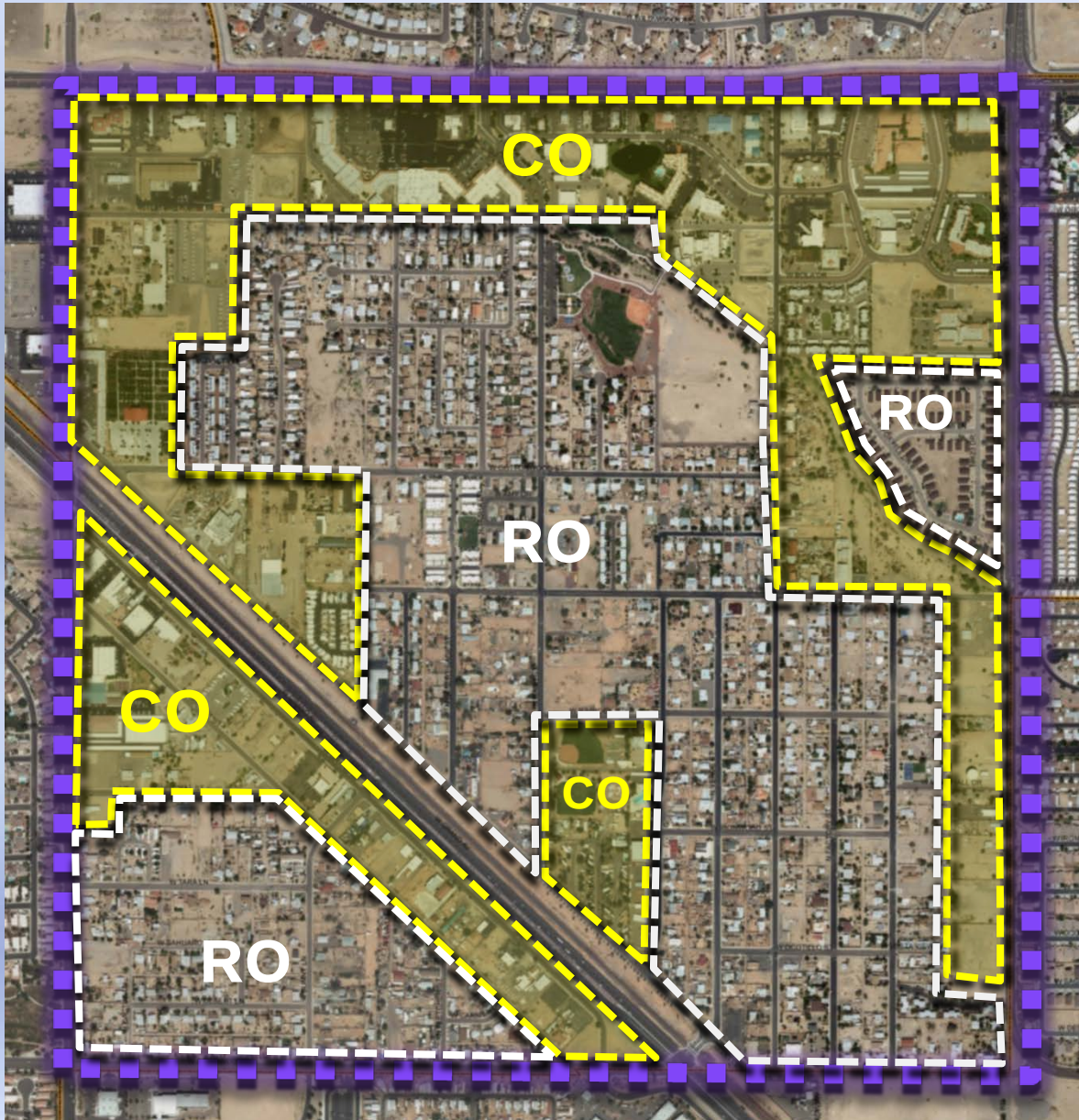
- City initiated rezoning request
- Not required for all properties, preferred
- Goal to have all properties associated with one of the overlay zones
- New Land Use Matrix created from the OTS Revitalization Plan

--- COMMERCIAL OVERLAY (CO)

- Proposed boundary: majority of existing commercial and industrial zoned parcels
- Used to facilitate shopping for residents and visitors with appropriate consumer-oriented retail and service functions.

--- RESIDENTIAL OVERLAY (RO)

- Proposed boundary: majority of existing residential properties
- Reinforce the desired standards and uses allowed within the neighborhood



I. SURPRISE HERITAGE DISTRICT

Design Requirements for ALL Properties

- Only applies to new construction or a major renovation
 - Doesn't require existing buildings or homes to change, unless owners want to make a change
- Promotes desired pedestrian scale by **requiring front porches** on new homes or major renovations
- Architectural features of all buildings and structures shall reflect the historical character of Phoenix-valley architecture from the 1880's to the 1950's
- Examples shown below are residential but similar construction can be used for commercial buildings
- Still allows for walls in the back yard and short view fences in the front

***Sample image from proposed text amendment**

Architectural Styles that Reflect the History of the Southwest



California Bungalow



Craftsman Bungalow



Spanish Colonial Revival



Classical Bungalow



Southwest Style



Pueblo Revival

I. SURPRISE HERITAGE DISTRICT

Design Requirements for Residential Properties

General sample of residential architecture to reinforce the desired historical architecture

Bungalow Style



I. SURPRISE HERITAGE DISTRICT

Design Requirements for Residential Properties

General sample of residential architecture to reinforce the desired historical architecture

Pueblo Revival



I. SURPRISE HERITAGE DISTRICT

Design Requirements for Residential Properties

General sample of residential architecture to reinforce the desired historical architecture

Spanish Colonial



I. SURPRISE HERITAGE DISTRICT

Design Requirements for Residential Properties

General sample of residential architecture to reinforce the desired historical architecture

Porch and Recessed Garage



II. RESIDENTIAL OVERLAY

Different From Traditional Single-family Residential Neighborhoods

Use Specific Standards have been developed to insure that these uses blend into the residential character of the neighborhood and do not contradict the desired impact and intensity at the street level.

The **Residential Overlay (RO)** allows for a variety of residential land uses

- single-family, possible for more than 1/property
- duplex, or architecturally integrated apartments
- live/work units
- Consolidates a Variety of residential zoning
 - RL-5 and RM-6 become SHD-RO

New Development standards may help bring current “legal, non-conforming” properties into conformance

- Smaller setbacks
- Increased maximum Lot Coverage
- Allow more than 1 accessory structure
- Obtain financing from lenders

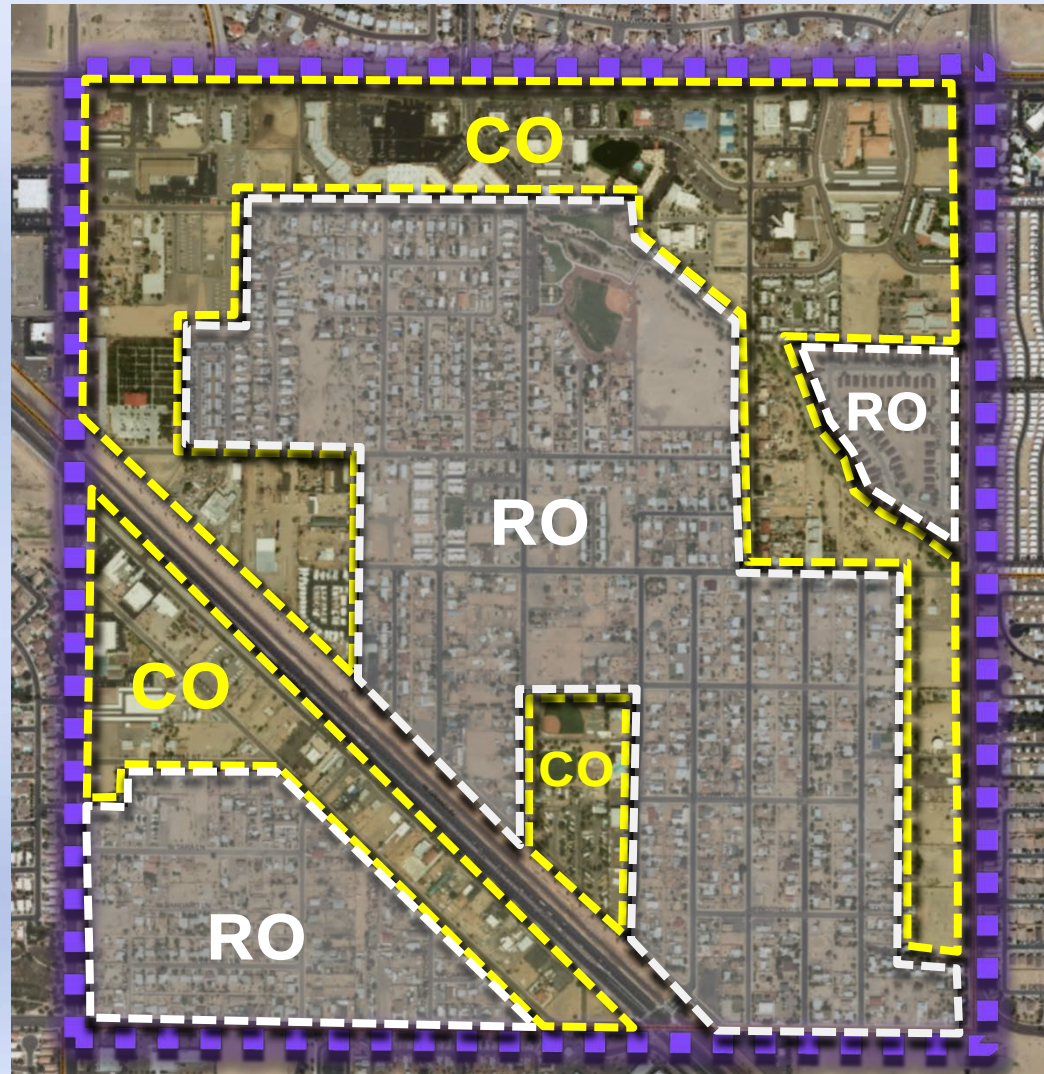
The RO promotes desired pedestrian scale with flexible front yard setbacks.

Introduces “cottage industry” into the OTS

- Help economic base between home occupation and businesses that will progress into AZ TechCelerator

Allows Manufactured Homes

- Must meet specific use standards and SHD design standards



II. RESIDENTIAL OVERLAY

Cottage Industry

- A small business conducted as an accessory to the residence
- Must use less than 50% of the home, with limited business hours
- Allow a small number of employees and some customers to come to the home
- Any activities outside the house must be behind the residence and screened from the street
- Only a select number of business types may be conducted as a “Cottage Industry”
- Small sign type is an example of the **only identification** that there is a business in the home



II. RESIDENTIAL OVERLAY

Manufactured Homes

Viable housing option within the OTS, many currently exist but need to be replaced/updated

Cannot be more than 10 years old when acquiring building permit

Must maintain the aesthetic and architectural design standards similar to conventional site-built homes

- Still requires a front porch
- Garage/carports shall match architecture of the home
- All additions must meet building code requirements and be compliant with HUD standards

These are example that DO NOT meet the design standards



Even though it looks “newer”, the architecture and the design does not resemble SHD design requirements.



Even though it has steps, the architecture and the foundation do not resemble SHD built design requirements.

II. RESIDENTIAL OVERLAY

Manufactured Homes

Viable housing option within the OTS, many currently exist but need to be replaced/updated

Cannot be more than 10 years old when acquiring building permit

Must maintain the aesthetic and architectural design standards similar to conventional site-built homes

- Still requires a front porch
- Garage/carports shall match architecture of the home
- All additions must meet building code requirements and be compliant with HUD standards

These are example that meet the design standards



The only feature missing from this house is the front porch



This is an accurate example of the allowed bungalow style, and the required porch.

III. COMMERCIAL OVERLAY

Different From Traditional Commercial properties

Use Specific Standards have been developed to insure that these uses blend into the residential character of the neighborhood and do not contradict the desired impact and intensity at the street level.

The **Commercial Overlay (CO)** consolidates commercial land uses into one zoning overlay

- Merge commercial/industrial zoning districts
- CN, CC, CR, IL districts will become SHD-CO
- Promote the local arts and culture businesses that are compatible and supportive of the residential neighborhood

New Land Use Matrix is easy to read

- Includes all desired existing land uses
- Excludes intense commercial/industrial uses
- Adds new land uses to attract new businesses

Allows Variety of Development Projects

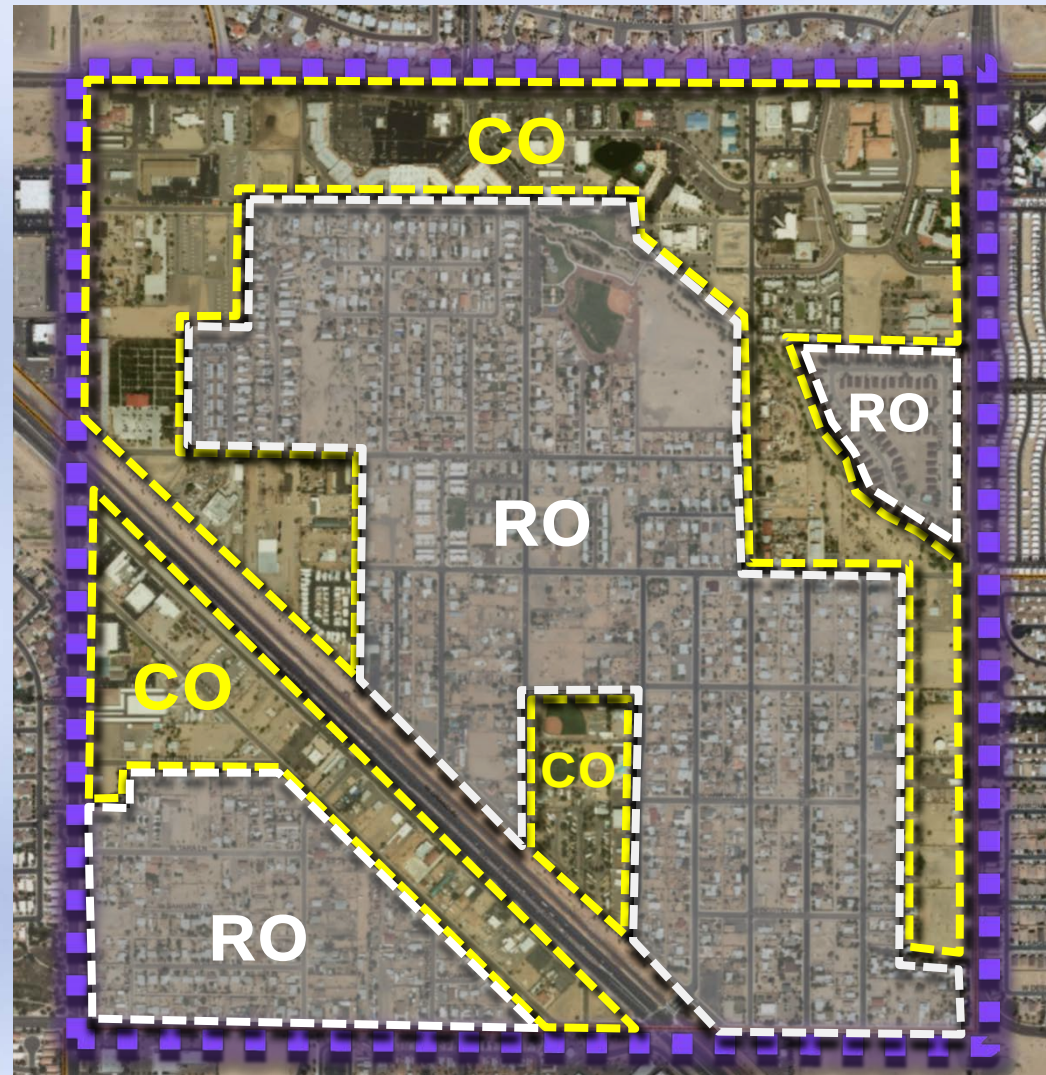
- Mix of neighborhood-scale commercial, retail, entertainment and mixed-use development
- Promotes integrated-use development projects
- Allows multi-family and true mixed-use buildings

Prohibits new CR and IL land use after rezoned

- This will not take away existing land use right
- Properties may opt-out of the City rezoning application to retain existing zoning

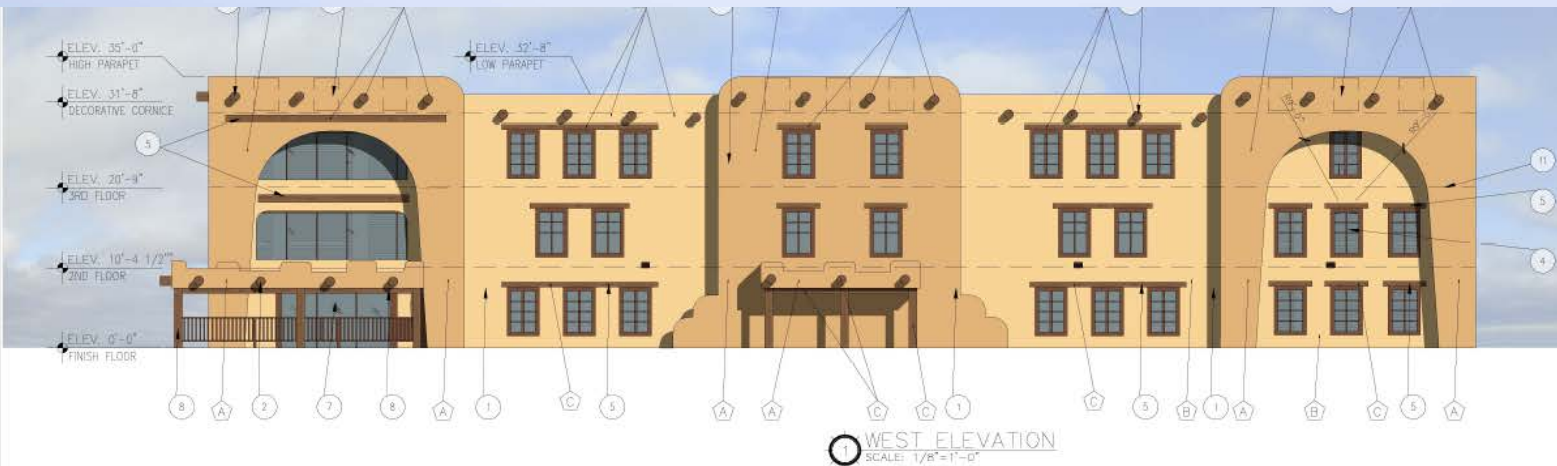
The CO promotes pedestrian activity

- Requiring pedestrian connections or trails to adjacent properties and neighborhoods



III. COMMERCIAL OVERLAY

Approved Mini Storage Design – Appropriate architecture and colors



8. WOOD POST
9. WOOD BEAM
10. ROOF DRAINS
11. INTERIOR FLOOR LINE BEYOND WALL

ICC-REPORT-STUCCO

100 REPORT FOR WESTERN OMC COAT SYSTEM
BR-2729

GENERAL NOTES

- CONTRACTOR SHALL KEEP AREA CLEAN AT ALL TIMES DURING CONSTRUCTION.
- ALL DIMENSIONS ARE TAKEN FROM FACE OF DIM. BOARDS, BRACKETS, OR CONCRETE UNLESS NOTED OTHERWISE (UNLESS).
- ALL DOORS ARE THRESHOLD 4" FROM WALL TO CHAIR, UNLESS.
- FEED VERIFY ALL DIMENSIONS PRIOR TO FABRICATION OF ANY CABINETRY, FRAMES, STAIRS, STRUCTURAL ITEMS, ETC.
- PROVIDE WEATHER RESISTANT DIMS. BOARD AT REQUIRED PLUMBING WALLS FOR 15'C.
- SURNAME PACKAGE TO BE SUBMITTED UNDER SEPARATE PERMIT.
- FIRE EXTINGUISHER RED CARBETS ARE TO BE MOUNTED ON WALL. CONTRACTOR TO VERIFY WALL, MOUNT AND OPENING PRIOR TO CONSTRUCTION. 2-A: 15-A: 15-B: 15-C AS A MINIMUM.
- LOCATE FIRE EXTINGUISHERS AT A MAX. FRAME DISTANCE OF 10'-0" APART OF PER THE DIRECTION OF THE FIRE MARSHALL.
- SEE SHEET A-101 FOR DOOR TYPES.
- ALL MILLWORK SHALL BE ARCHITECTURAL GRADE AND HAVE DOORWAY GRINDS AT ALL CORNERS.
- SEE ELECTRICAL FOR FURTHER LIGHTING INFORMATION.
- SEE MECHANICAL FOR FURTHER MECHANICAL INFORMATION.
- SEE SHEET A-101 FOR WINDOW TYPES.

COLOR/MAT'R LEGEND

(A)	EXTERIOR WALLS	DUNN EDWARDS -DE5367 -DESERT PATH
(B)	EXTERIOR WALLS	DUNN EDWARDS -DE5352 -SUN KISSED
(C)	DECORATIVE WOOD ELEMENTS	DUNN EDWARDS -BETTER3 -WILD HORSE



III. COMMERCIAL OVERLAY



Sample of a restaurant pushed up towards the street and locates parking in the rear

Meets the desired character in the OTS



IV. Development Incentives



Development Incentives

Surprise has an adopted Infill Incentive District

It only applies the OTS and, according to A.R.S., allows financial incentives through the relief of various fees

While they are not a “property right”, they are offered by the City to encourage new construction and redevelopment

An increased number of financial incentives are also proposed in addition to retaining some current incentives

Other benefits are built into the ordinance through the standards and allowed uses

Propose to only apply to properties that do not Opt-Out of the overlay zones

Financial Incentives

Waive Surprise Development Impact Fees

- Current: New Residential Development
- Should it include “Qualifying Commercial”?

Waive Plan Review Fees and Permit Fees

- Current: Qualifying Commercial
- Should it include new residential development?

Approval of Incentives

- Current: Granted by City Council
- Should it be automatic if properties are part of the Residential Overlay or Commercial Overlay?

Sales Tax Rebate – 50% for the first 2 years

- Current: Not Available
- Should this be allowed for “Qualifying Commercial”?

Waive Business License Fee: Cottage Industry

- Proposed, if associated with a local-business group

Other Incentives Proposed

- Reduced minimum lot size and setbacks
- Increased lot coverage and allowed uses in SHD-RO
- Expanded list of home-based business though the “Cottage Industries”

V. Project Summary



Zoning Text Amendment Surprise Heritage District (SHD)

- A. Zoning Text Amendment
 - 1. Consolidate existing regulations into a single document
 - 2. Create Surprise Heritage District
 - 3. Create two new overlay zones
 - a. Residential Overlay
 - b. Commercial Overlay
- B. Apply existing design standards universally throughout the whole OTS

City Initiated Rezoning Application Residential Overlay (RO) Commercial Overlay (CO)

- A. Rezone Properties within the OTS
 - 1. Residential Properties will become SHD-RO
 - 2. Commercial Properties will become SHD-CO
- B. Apply development standards and land uses based on overlay zone
- C. Property owners will have the right to opt-out of the overlay and retain exiting zoning, associated regulations.
 - 1. For example, a 'CN' commercial property will be SHD-CN
 - 2. For example, a 'RL-5' residential property will be SHD-RL-5

VI. Next Steps



A. Citizens Review Meetings

1. May 11, 2016 at AZ TechCelerator, 5-7pm

B. City Council Work Session

1. May 17, 2016, 4pm

C. Public Hearings – Proposed Text Amendment and Rezone Properties

1. June 16, 2016 - Planning & Zoning Commission
Consideration and Recommendation
2. June 21, 2016 - City Council
Consideration and Action

Questions or Comments?



CITY OF SURPRISE
Regular City Council Work Session

May 17, 2016 @ 4:00:00 PM

Back Print

Council Meeting Date:	May 17, 2016	Contact Person:	Mark Schott, Human Resources Dept.
Submitting Department:	Human Resources	District:	Citywide
Staff Recommendations:	No Action		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Presentation and discussion pertaining to the City's Risk and Insurance programs.

Motion:

None, discussion only.

Background:

This presentation is intended to provide an overview of the City's Human Resources risk component, which is responsible for identifying and mitigating the organization's risks and exposures while providing a safe environment for employees and the public.

Objective Analysis:

None, discussion only.

Policy Compliant:

The material presented for informational purposes only is consistent with City and Council Policy.

Financial Impact:

None at this time; however presentation topics covered are related to ongoing operational expenses already accounted for.

Budget Impact:

None; discussion only.

FTE Impact:

No FTE impact, informational presentation only.

ATTACHMENTS:

Click to download

☐ [Risk Management PowerPoint](#)

Risk Management Overview

Identify, Assess, Mitigate



Risk Management Overview

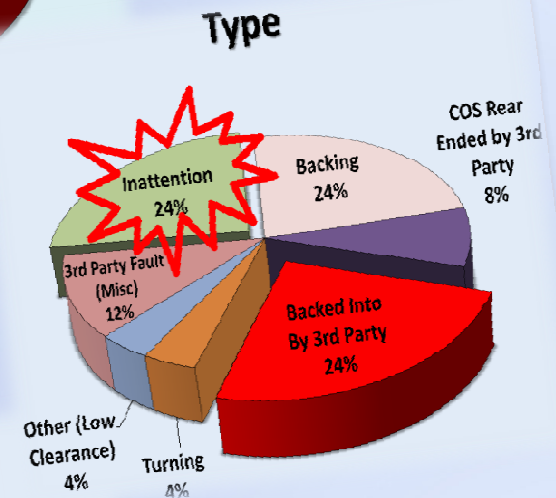
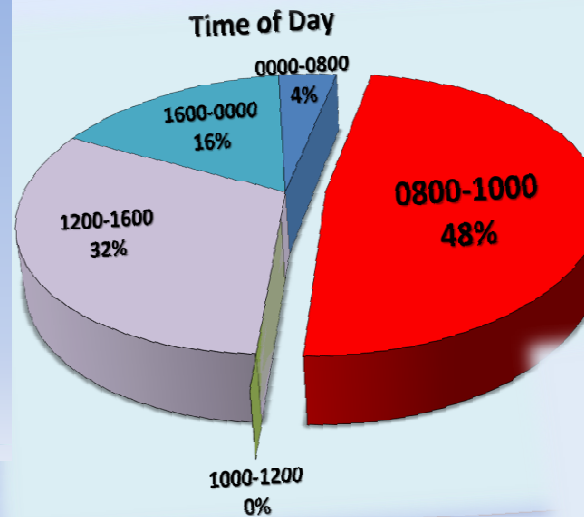
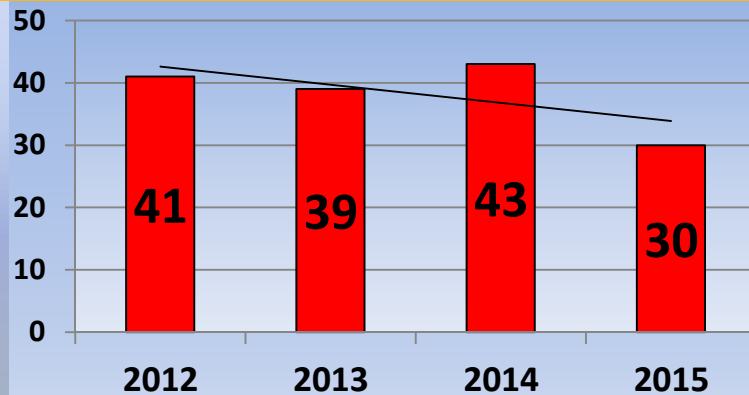


- Identifying potential exposures
 - Team Approach
 - The “What if” Mindset
 - COMMUNICATION

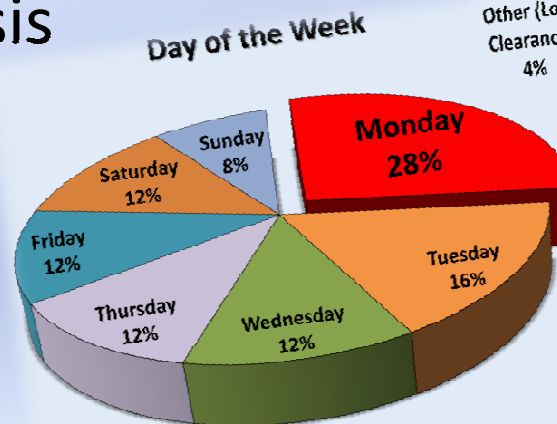
Risk Management Overview



Risk Management Overview



- Assessing concerns
 - Prioritize Possible Exposures
 - Cost/Benefit Analysis
 - Industry Standards



Risk Management Overview



Recent Success:

- **Subrogation Recoveries**

2015

- Billed \$171,288.82
- Collected \$164,261.11

- **Worker's Compensation Program**

- Losses were disproportionate to industry counterparts.
- Cultural and process improvements

IN THE EVENT OF A WORKPLACE INJURY

EN CASO DE UNA LESIÓN EN EL LUGAR DE TRABAJO



Step 1) Injured Employee Notifies Supervisor of Incident

Empleado lesionado notifica a su Supervisor del incidente

If this is a life or limb threatening injury immediately call 911.

Si se trata de una lesión que amenaza la vida o una extremidad, llame inmediatamente al 911

Step 2) Supervisor & Injured Employee Immediately Call TriageNow

Supervisor y empleado lesionado llamen inmediatamente a TriageNow

844-282-7823

Step 3) TriageNow gathers pertinent information and guides the Injured Employee to appropriate care.

TriageNow recopila información pertinente y guía al empleado lesionado a atención adecuada.

Step 4) TriageNow immediately notifies Medical Facility if injured employee is arriving and sends Incident Reports to employer.

TriageNow inmediatamente notifica al centro médico si el empleado lesionado está por llegar y envía informes de incidente al empleador.

**Call 24 hours
Llame las 24
horas**

IMPORTANT

Please call TriageNow prior to seeking any treatment for non-life threatening emergencies and before leaving the job site when possible.

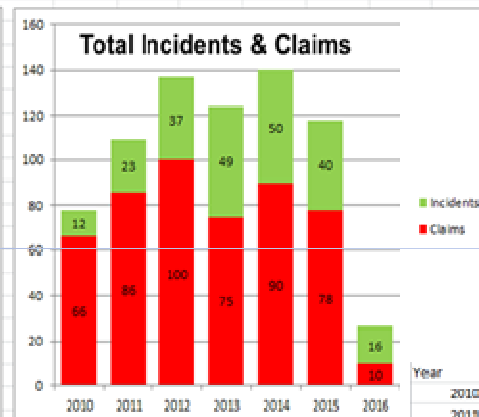
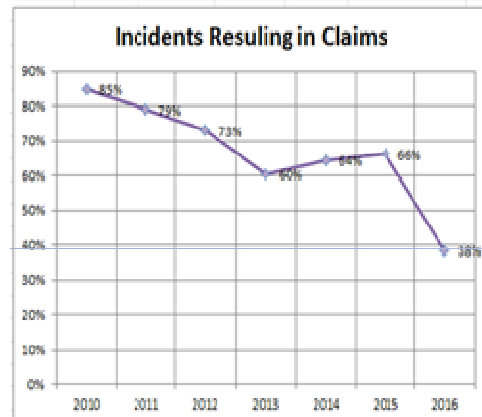
IMPORTANTE

Por favor llame a TriageNow ante de procurar tratamiento para emergencias que no constituyan una amenaza a la vida y antes de abandonar el lugar de trabajo cuando sea posible.

RESULTS



Year	Claims	Incidents	Total	Claim %	Net Total Incurred	\$/Claim
2010	66	12	78	85%	\$147,901.35	\$2,240.93
2011	86	23	109	79%	\$690,543.60	\$8,029.58
2012	100	37	137	73%	\$772,982.68	\$7,729.83
2013	75	49	124	60%	\$792,907.55	\$10,572.10
2014	90	50	140	64%	\$736,856.91	\$8,187.30
2015	78	40	118	66%	\$569,947.36	\$7,307.02
2016	10	16	26	38%	\$49,228.68	\$4,922.87



1st Quarter 2016

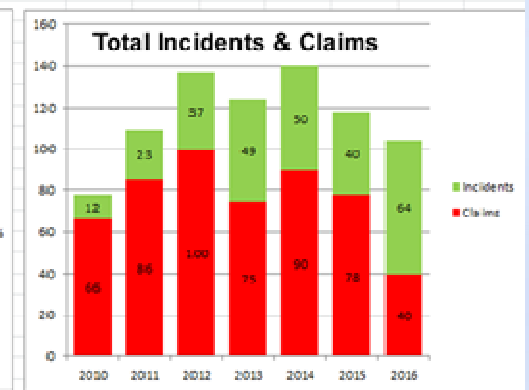
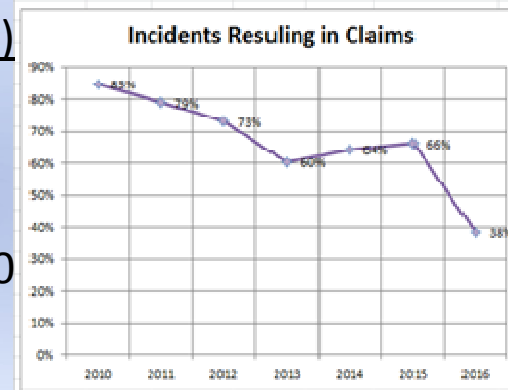
2016 Projected Year-End
(at current loss rate)

Year	Claims	Incidents	Total	Claim %	Net Total Incurred	\$/Claim
2010	66	12	78	85%	\$147,901.35	\$2,240.93
2011	86	23	109	79%	\$690,543.60	\$8,029.58
2012	100	37	137	73%	\$772,982.68	\$7,729.83
2013	75	49	124	60%	\$792,907.55	\$10,572.10
2014	90	50	140	64%	\$736,856.91	\$8,187.30
2015	78	40	118	66%	\$569,947.36	\$7,307.02
2016	40	64	104	38%	\$196,912.00	\$4,922.80

Highlights

2010-2015 (Avg) 2016 (Proj)

Claim/Incident	71%	38%
Net Incurred	\$618,523.24	\$196,912.00



Questions or Comments?





CITY OF SURPRISE
Regular City Council Work Session

May 17, 2016 @ 4:00:00 PM

Back Print

Council Meeting Date:	May 17, 2016	Contact Person:	Paul Bernardo, Youth Services Administrator
Submitting Department:	City Mgr	District:	Citywide
Staff Recommendations:	No Action		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Presentation and discussion from students in the Capitol Scholars program representing Arizona Charter Academy & Imagine Prep.

Motion:

Discussion only.

Background:

The Capitol Scholar Program began as the brainchild of Representative Rick Gray who wanted a program that would engage students at the legislative level. Imagine Prep and Arizona Charter Academy agreed and the program began in 2013. The goal of the program was to teach the students the legislative process and what it takes to create a bill, from inception to passage.

Last year, the program changed its focus to local government in Surprise. The students have been meeting since January and have met with city directors and other staff to fine tune their presentations.

This item will include six brief presentations by the students about various programs/initiatives they feel are important to youth/teens and the Surprise community.

Objective Analysis:

The Capitol Scholars program is one example of how the City works with other community partners to engage students from the Surprise area in the inner workings of local government. The City Council Strategic Plan identifies the goal of providing a direct connection between the city and schools in programs such as Capitol Scholars.

Policy Compliant:

This action is compliant with City and Council policy

Financial Impact:

None at this time; however, topics discussed in this work session could lead to future actions which may have a fiscal impact on city operations.

Budget Impact:

None at this time; however, topics discussed in this work session could lead to future actions which may have a budget impact on city operations.

FTE Impact:

There is no FTE impact associated with this item.

ATTACHMENTS:

Click to download

No Attachments Available
