



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

Tuesday, March 7, 2017 @ 6:00 PM
COUNCIL CHAMBERS

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- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. PROCLAMATION AND COMMUNITY ACKNOWLEDGEMENTS
- E. City Manager Report:
- F. City Attorney Report:
- G. City Clerk Report:
- H. 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 only on issues within the jurisdiction of the City Council which are not an item 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.

I. Regular City Council Meeting Agenda:

Consent Agenda:

- 1. District Citywide [Consideration and action pertaining to an Intergovernmental Agreement between Arizona Department of Public Safety and the City of Surprise for law enforcement services at the University of Phoenix Stadium; Resolution # 2017-18.](#) None
John Heffelfinger,
Police Dept.
- 2. District Citywide [Consideration and action reallocating appropriations of \\$76,000 within the SPD Towing Fund for the purchase of equipment and](#) None
John

- | | | |
|---|--|---|
| | <u>marketing materials to launch the Drive Wise Surprise campaign; Resolution # 2017-23.</u> | Heffelfinger,
Police Dept. |
| 3. | District 3 <u>Consideration and action pertaining to conditional acceptance of maintenance of the streets and public utility improvements for the north half of Peoria Avenue, from Sarival Avenue to Reems Road; Resolution # 2017-31.</u> | None
Karl Zook,
Public
Works
Department |
| 4. | District Citywide <u>Consideration and action pertaining to approval of the First Amendment to the Intergovernmental Agreement (IGA) with Maricopa County Flood Control District (MCFlood) for Union Hills Drive Drainage Improvement Project P61060; Resolution # 2017-19.</u> | None
Michael
Boule,
Public
Works |
| 5. | District 5 <u>Consideration and action pertaining on the Final Plat entitled "Cottages on Greenway" dated October 25, 2016, a property generally on the Southwest Corner of Greenway and Litchfield Roads within the Sierra Verde Planned Area Development (PAD).</u> | None
Hobart
Wingard -
Community
Development |
| 6. | District Citywide <u>Consideration and action on the minutes of February 21, 2017 Regular City Council Work Session and Regular City Council Meeting.</u> | None
Sherry Ann
Aguilar,
City Clerk |
| 7. | District 5 <u>Consideration and action on a Series 7 (location/person transfer) Liquor License application for Luv 2 Play AZ LLC, located at 15495 W. Bell Road, Suite 104.</u> | None
Sherry Ann
Aguilar, City
Clerk |
| Regular Agenda Item - Non-Public Hearing: | | |
| 8. | District Internal <u>Consideration and action to appoint Dustin Gardy to fill the remainder of a vacancy on the Arts & Cultural Advisory Commission with a term expiration of June 30, 2019 and direct City Clerk Aguilar to administer the Oath of Office.</u> | None
Sherry Ann
Aguilar, City
Clerk |
| 9. | District Internal <u>Consideration and action to appoint Robert Monahan to fill the remainder of a vacancy on the Disability Advisory Commission with a term expiration of June 30, 2017 and direct City Clerk Aguilar to administer the Oath of Office.</u> | None
Sherry Ann
Aguilar, City
Clerk |
| 10. | District Internal <u>Consideration and action to reappoint Ken Wright to the Municipal Property Corporation Board with a term expiration of June 30, 2021 and direct City Clerk Aguilar to administer the Oath of Office.</u> | None
Sherry Ann
Aguilar, City
Clerk |
| 11. | District 5 <u>Consideration and action pertaining to a Fiscal Year 2017 budget amendment by reallocating appropriations and an actual transfer of \$300,000 within the General Fund to the General Capital Projects Fund to facilitate the construction of fencing around 8-acre park; Resolution # 2017-29.</u> | None
Donna
Miller, CRS
& Tom
McCullough
PW |
| 12. | District Citywide <u>Presentation and discussion pertaining to a proposed Text</u> | No Action |

J. Other Business and Future Agenda Items:

K. Mayor/Council Reports:

L. 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).

M. Adjournment:

SHERRY ANN AGUILAR, CITY CLERK, MMC

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 Meeting

March 7, 2017 @ 6:00:00 PM

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Council Meeting Date:	March 7, 2017	Contact Person:	John Heffelfinger, Police Dept.
Submitting Department:	Police	District:	Citywide
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to an Intergovernmental Agreement between Arizona Department of Public Safety and the City of Surprise for law enforcement services at the University of Phoenix Stadium; Resolution # 2017-18.

Motion:

I move to approve Resolution # 2017-18.

Background:

The cities of Glendale and Surprise entered into a three-year IGA in 2015 authorizing City of Surprise police officers to work off-duty for the City of Glendale at events occurring at the University of Phoenix Stadium. The University of Phoenix Stadium operates under the authority of the Arizona Sports and Tourism Authority who has delegated authority for stadium security to Stadium Management Group (SMG). Recently, AZDPS entered into an agreement with SMG to provide law enforcement services inside the stadium while the City of Glendale will continue to maintain operations outside the stadium. The City of Surprise Police Department desires to assist AZDPS in providing security services by allowing the hiring of Surprise police officers to work in an off-duty capacity for stadium events.

Objective Analysis:

State law requires the City of Surprise to pay for workers' compensation claims filed by our officers while working pursuant to an IGA. However, this IGA has an indemnity provision by which AZDPS will reimburse the City of Surprise for those costs and provides for indemnification for the City of Surprise for litigation concerning any events arising out of the agreement. SMG provides liability insurance; however, the City of Surprise would be required to reimburse them if our employee is negligent.

Policy Compliant:

This action is compliant with City and Council policy. The City regularly partners with other government entities when to do so is beneficial, as is this partnership.

Financial Impact:

While there is no direct financial impact as a result of entering into this IGA, City of Surprise police officers utilize city-funded uniforms and equipment while on off-duty assignments. State law requires the City of Surprise to pay for workers' compensation claims filed by our officers while working pursuant to an IGA. However, this IGA has an indemnity provision by which AZDPS will reimburse the City of Surprise for those costs and provides for indemnification for the City of Surprise for litigation concerning any events arising out of the agreement. SMG provides liability insurance; however, the City of Surprise would be required to reimburse them if our employee is negligent.

Budget Impact:

This item has no budget impact. Funding for officer uniforms and equipment is included as part of the Surprise Police Department's FY2017 General Fund operating budget.

FTE Impact:

This item does impact the overall full-time equivalent count.

ATTACHMENTS:

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- ☐ [AZDPS University of Phoenix Stadium IGA](#)
 - ☐ [Resolution # 2017-18](#)
-

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
ARIZONA DEPARTMENT OF PUBLIC SAFETY
AND
CITY OF SURPRISE POLICE DEPARTMENT**

This intergovernmental agreement (this “Agreement”) is entered into pursuant to Arizona Revised Statutes (“A.R.S.”) § 11-952 by the Arizona Department of Public Safety and the City of Surprise, collectively known herein as the “parties.”

RECITALS

- A. The University of Phoenix Stadium in Glendale (the “Stadium”) is governed by A.R.S. § 5-801 et al, and operates under the authority of the Arizona Sports and Tourism Authority, the owner of the Stadium; and
- B. The Arizona Sports and Tourism Authority delegated its authority for the operation and maintenance of the Stadium to Stadium Management Group, (“SMG”) both of whom has an interest in ensuring the safety and security of those attending events at the Stadium by ensuring proper traffic control and a visible law enforcement presence during certain scheduled events at the Stadium; and
- C. SMG has the need for qualified personnel to provide law enforcement and other personnel services at the Stadium; and
- D. The DPS has entered into an agreement with SMG pursuant to A.R.S. §41-1713(B)(3), to provide law enforcement services at the Stadium; and
- E. The City of Surprise Police Department desires to assist DPS in providing law enforcement security services to SMG for the Stadium by making available City of Surprise Police Department officers in accordance with the terms set forth herein.
- F. The parties desire to enter into this Agreement to cooperatively provide the necessary law enforcement and security services.

AGREEMENT

Therefore, in consideration of the foregoing recitals, the covenants, promises, terms and conditions set forth herein, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties hereby agree as follows:

- 1. Purpose and Intent** - The purpose of this Agreement is to provide the means through which the parties intend to provide professional law enforcement and security services to SMG by maximizing cooperation, by integrating the City of Surprise Police Department and DPS assets, and by addressing issues including, command, control, personnel, planning and training.

2 Supervision and Staffing

2.1 City of Surprise Police Department acknowledges that command and control for all events worked for SMG pursuant to this Agreement (individually “Event” and collectively “Events”) shall be the duty and responsibility of DPS.

2.2 In carrying out this responsibility, DPS will *in good faith* assign officers to work Events in accordance with the procedures adopted in consultation with the Chiefs of Police for all of the member agencies providing officers to Events.

2.3 City of Surprise Police Department Agrees and understands that entities other than the State of Arizona and the DPS have input into the decisions regarding whether, and to what extent, law enforcement will provide service for Events; however, DPS will provide information regarding staffing decisions to City of Surprise Police Department as soon as it becomes available.

3 Assigned Personnel

- 3.1 City of Surprise Police Department shall have the discretion to determine which and how many of its officers will be allowed to apply for assignments at Events and how many officers will be assigned to the Events (hereinafter referred to as “Assigned Officers”).
- a. All Assigned Officers will be required to enter into temporary employment contracts with the State of Arizona.
 - b. The contract will outline the mutual responsibilities of the Assigned Officer and DPS and will specify that the Assigned Officers are “at will” temporary employees of DPS and that either party can terminate the contract, with or without cause at any time and without notice.
 - c. If possible, DPS will consult with the City of Surprise Police Department prior to terminating any Assigned Officer.
- 3.2 While working an Event, the Assigned Officers must wear uniforms approved by DPS and the City of Surprise Police Department and the Assigned Officers may carry other equipment authorized by the City of Surprise Police Department.
- 3.3 When working an Event, DPS will make available to Assigned Officers forms and other supplies that are necessary to work the Event.
- 3.4 Upon termination of this Agreement and conclusion of any assignments, all personal property, assets, equipment, and supplies used by the parties and Assigned Officers in performance of their responsibilities shall remain with or be returned to the owner of such property.

- 3.5 Any inconsistency between DPS and City of Surprise Police Department rules or regulations and all operational disputes will immediately be brought to the attention of the Director of DPS and will be fully and finally addressed and resolved by the DPS Director in accordance with his or her determination of the best practices under the circumstances. The Director may delegate this responsibility to a specific command officer.

4. Compensation, Insurance and Reporting

- 4.1 The parties agree that during Events the Assigned Officers shall be temporary employees of DPS for compensation purposes and not independent contractors; provided however, that each such Assigned Officer will at all times also be deemed an employee of the City of Surprise Police Department and nothing in this Agreement is intended to contradict or otherwise modify the provisions of A.R.S. §23-1022 (D).
- 4.2 Each Assigned Officer who works an Event will be paid the specified hourly rate, laid out in the temporary employment agreement.
- a. Assigned Officers' compensation shall be subject to all applicable federal and state taxes, which shall be deducted prior to payment, and which shall be evidenced by a W-2 statement issued by DPS to each Assigned Officer.
 - b. Each officer's home agency (primary employer) shall provide the workers' compensation coverage for all Assigned Officers in such amounts and under the same terms and conditions as other sworn, full-time employees.
 - c. Except for liability coverage, Assigned Officers are not entitled to any other employee benefits or compensation from DPS.
- 4.3 DPS shall make available to the City of Surprise Police Department information about the hours worked by Assigned Officers no later than seven days following each Event to enable the Surprise Police Department to properly monitor and regulate the hours worked by all of their Assigned Officers.
- 4.4 Each party affirms that it has complied with the provisions of A.R.S. § 23-1022 (E) with respect to activities addressed by the Agreement.

5. Indemnification

- 5.1 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 bodily injury of any person (including death) or property damage, 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, agents, employees, or volunteers.

6. Agreement

- 6.1 Any release of information to the media, other than a public records release, regarding an Event or any activities under this Agreement will be coordinated by DPS in cooperation with City of Surprise Police Department but, except as provided below, no unilateral media releases will be distributed by City of Surprise Police Department without the prior approval of DPS.
- 6.2 A copy of all public record and media releases regarding an Event or any activities under this Agreement shall be forwarded to DPS prior to release; provided however, if an incident is primarily focused upon or concerned with the actions of City of Surprise Police Department’s Assigned Officer, City of Surprise Police Department will be responsible for the release of information to the media relative to the incident.
- 6.3 The parties will not reveal any investigative information or operational procedures except as required by law.

7. Arizona POST Certification

- 7.1 Relative to its Assigned Officers, City of Surprise Police Department agrees that it will be responsible to the Arizona Peace Officers Standards and Training Board (“POST”) for complying with all requirements mandated by Arizona Administrative Code Regulation R13-4-101 *et seq.*; including but not limited to, City of Surprise Police Department's responsibilities to POST for the hiring, fitness for duty, record-keeping, training, and testing requirements imposed upon law enforcement agencies employing police officers in Arizona.

- 7.2 DPS and City of Surprise Police Department agree to cooperate to ensure any issues that arise relative to POST certification are resolved in a reasonable and efficient manner.

8. Execution, Duration and Renewal

- 8.1 This agreement will be effective immediately upon the approval of both parties' governing bodies and shall remain in full force and effect until June 30, 2018.
- 8.2 This Agreement may be executed in counterparts.
- 8.3 This Agreement may be renewed for successive additional one (1) year periods for up to (5) years upon mutual consent of the parties.

9. General Provisions

- 9.1 Entire Agreement. This Agreement embodies the entire understanding of the parties and supersedes any other agreement of understanding between the parties relating to the subject matter of this Agreement.
- 9.2 Severability. The provisions of this Agreement are severable to the extent that any provision of application held to be invalid by a court of competent jurisdiction shall not affect any other provision of application of the Agreement which may remain in effect without the invalid provision of application.
- 9.3 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Arizona.
- 9.4 Conflict of Interest. This Agreement may be canceled by any of the parties pursuant to the provisions of A.R.S. § 38-511.
- 9.5 Termination. City of Surprise Department may, at any time, terminate this Agreement by giving DPS not less than sixty (60) days prior written notice. DPS may at any time terminate this Agreement by giving City of Surprise Police Department not less than sixty (60) days prior written notice.
- 9.6 Dispute Resolution. In the event of any dispute regarding the terms or the interpretation of this Agreement the parties' command staff will consult with each other in an effort to settle the dispute, in good faith. If the parties are unable to settle the dispute, either party may terminate this Agreement. In the event of a

dispute under this IGA, the parties agree to use arbitration to the extent required under A.R.S. §§ 12-1518 and 12-133.

9.7 Waiver. The waiver of any breach of this Agreement shall not be deemed to amend this Agreement and shall not constitute a waiver of any other subsequent breach.

9.8 Headings. Headings of this Agreement are for the convenience only and shall not affect the interpretation of this Agreement.

9.9 Further Acts. Each party shall execute and deliver all such documents and perform all such acts as reasonably necessary, from time to time, to carry out the matters contemplated by this Agreement.

10. E-Verify

10.1 The parties acknowledge that immigration laws require them to register and participate with the E-Verify program (employment verification program administered by the United States Department of Homeland Security and the Social Security Administration or any successor program) as they both employ one or more employees in this state.

10.2 The parties warrant that they have registered with and participate with E-Verify.

10.3 If either party later determines that the other non-compliant party has not complied with E-Verify, it will notify the noncompliant party by certified mail of the determination and of the right to appeal the determination. The parties retain the legal right to inspect the papers of any employee who works pursuant to this Agreement or any related subcontract to ensure compliance with the warranty given above. Either party may conduct a random verification of the employment records of the other party to ensure compliance with this warranty.

10.4 Failure to comply shall be deemed a material breach of the Agreement that is subject to penalties up to and including termination of the Agreement.

11. Availability of Funds

Every payment obligation of DPS under this agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of the agreement, the agreement may be

terminated by DPS at the end of the period for which funds are available. No liability shall accrue to DPS in the event this provision is exercised, and DPS shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

12. Non-Discrimination

The parties must not discriminate against any employee or applicant for employment on the basis of race, color, religion, sex, national origin, age, marital status, sexual orientation, gender identity or expression, genetic characteristics, familial status, U.S. Military Veteran status or any disability.

DPS Contract No: _____

{signatures appear on the following page}

ARIZONA DEPARTMENT OF PUBLIC SAFETY CITY OF SURPRISE POLICE DEPARTMENT

Colonel Frank L. Milstead, Director

CERTIFICATION BY LEGAL COUNSEL

The foregoing Intergovernmental Agreement between DPS and City of Surprise Police Department and is in proper form and is within the powers and authority of the DPS granted under the laws of the State of Arizona.

APPROVED AS TO FORM AND AUTHORITY:

State of Arizona

City of Surprise Police Department

RESOLUTION # 2017-18

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF PUBLIC SAFETY FOR THE PROVISION OF LAW ENFORCEMENT SERVICES AT THE UNIVERSITY OF PHOENIX STADIUM.

WHEREAS, the City of Glendale and the City of Surprise previously entered into an IGA for the provision of law enforcement services within the University of Phoenix Stadium when Glendale was responsible for those services;

WHEREAS, the Arizona Department of Public Safety is now responsible for those services, and

WHEREAS, the parties desire to enter into an intergovernmental agreement in order to continue the provision of law enforcement services within the University of Phoenix Stadium;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. The Intergovernmental Agreement to provide law enforcement services at the University of Phoenix Stadium between the City of Surprise and the Arizona Department of Public Safety, attached as Exhibit A, is hereby approved.

Section 2. The City Manager, or his designee, is hereby authorized to execute and submit all documents and other necessary or desirable instruments in connection with said agreement.

APPROVED AND ADOPTED this ____ day of _____, 2017.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF SURPRISE AND
THE ARIZONA DEPARTMENT OF PUBLIC SAFETY



CITY OF SURPRISE
Regular City Council Meeting

March 7, 2017 @ 6:00:00 PM

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Council Meeting Date:	March 7, 2017	Contact Person:	John Heffelfinger, Police Dept.
Submitting Department:	Police	District:	Citywide
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action reallocating appropriations of \$76,000 within the SPD Towing Fund for the purchase of equipment and marketing materials to launch the Drive Wise Surprise campaign; Resolution # 2017-23.

Motion:

I move to approve Resolution #2017-23.

Background:

The City of Surprise Police Department in conjunction with the Surprise Public Works Department, Communications Department, and the Community Development Department presented a safe driving campaign to the City Council on December 20, 2017. The associated costs of the campaign will be funded through the use of the Police Department's Towing Fund contingency which requires a budget amendment to reallocate appropriations for the purchase of equipment and advertising materials.

Objective Analysis:

The transfer of budget authority will allow the Police Department to purchase radar trailers, Drive Wise, Surprise equipment, hand-held radars, and advertising materials.

Policy Compliant:

A budget amendment to transfer funds is consistent with City and Council policy.

Financial Impact:

This action will allow for the one-time expenditure of \$54,000 in capital equipment, \$12,000 in operating equipment, and \$10,000 in advertising for a total of \$76,000.

Budget Impact:

This action will reallocate appropriations in the amount of \$76,000 within the SPD Towing Fund from contingency to capital equipment, operating equipment, and advertising without exceeding the approved total annual budget for FY2017.

FTE Impact:

This item does not impact the overall full-time equivalent count.

ATTACHMENTS:

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☐ [RESOLUTION](#)

RESOLUTION # 2017-23

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2017 BUDGET BY REALLOCATING APPROPRIATIONS OF \$76,000 WITHIN THE SPD TOWING FUND TO PURCHASE EQUIPMENT AND PROMOTIONAL MATERIALS TO SUPPORT THE DRIVE WISE SURPRISE PROGRAM.

WHEREAS, the Police Department is embarking upon a traffic citizen awareness program entitled “Drive Wise Surprise”;

WHEREAS, the citizen awareness program and related enforcement actions will require the purchase of additional equipment of up to four radar trailers and traffic awareness promotional materials for the “Drive Wise Surprise” campaign;

WHEREAS, the FY2017 adopted budget includes contingency in the amount of \$321,500 within the SPD Towing Fund for traffic operations;

WHEREAS, the FY2017 budget was adopted by Council Resolution #2016-81 on June 21, 2016;

WHEREAS, this action will necessitate a budget amendment; and

WHEREAS, the City of Surprise Administrative Policies require the approval of the Mayor and Council for budget amendments of this nature.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2016 through June 30, 2017.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2017.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2017-23
Exhibit A

The FY2017 Annual Budget is amended by reallocating appropriations among lawfully available appropriations to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these reallocations do not increase or decrease the total budget.

SPD Towing Fund	Current Appropriation	Increase (Decrease)	Amended Appropriation
Machinery and Equipment	\$0	\$54,000	\$54,000
Operating Equipment, Tools, and Parts <\$10,000	0	12,000	12,000
Advertising	0	10,000	10,000
Contingency	321,500	(76,000)	245,500
	<u>\$321,500</u>	<u>\$0</u>	<u>\$321,500</u>

The fund changes are as follows:

- The amendment utilizes contingency within the SPD Towing Fund in the amount of \$76,000 for machinery and equipment; operating equipment, tools, and parts <\$10,000; and advertising without exceeding the approved total annual budget for FY2017.



CITY OF SURPRISE
Regular City Council Meeting

March 7, 2017 @ 6:00:00 PM

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Council Meeting Date:	March 7, 2017	Contact Person:	Karl Zook, Public Works Department
Submitting Department:	Public Works	District:	3
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to conditional acceptance of maintenance of the streets and public utility improvements for the north half of Peoria Avenue, from Sarival Avenue to Reems Road; Resolution # 2017-31.

Motion:

I move to approve Resolution No. 2017-31.

Background:

The Public Works Department conducted the final inspection of the public improvements for the north half of Peoria Avenue, from Sarival Avenue to Reems Road, on or about May 6th, 2016 totaling 21,366 SY (approximately 5,280 LF) and determined that the infrastructure was compliant and acceptable to the city. The infrastructure includes asphalt pavement and concrete.

Objective Analysis:

The improvements for this property provide roadways for conveyance adjacent to the property. This action will accept the required infrastructure.

Policy Compliant:

City Code generally requires development to install public infrastructure adjacent to their development. Upon completion and acceptance of such infrastructure, the infrastructure becomes the property of the City. Acceptance of this infrastructure will officially transfer ownership and future maintenance to the City.

Financial Impact:

Acceptance of roadway infrastructure increases the City's asset base and adds to future maintenance commitments. The total acceptance value of the infrastructure items included with this item is \$981,059.

Budget Impact:

Funding for infrastructure maintenance is included in street preservation and maintenance operational budgets. The anticipated incremental additional maintenance expense associated with the acceptance of these infrastructure items will be incorporated in future budgets.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

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- ☐ [RESOLUTION 2017-31](#)
 - ☐ [MAP](#)
 - ☐ [Notice of Completion Letter](#)
 - ☐ [Inspector Sign Off Form](#)
 - ☐ [RFLS 5522](#)
-

RESOLUTION # 2017-31

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, CONDITIONALLY ACCEPTING MAINTENANCE OF THE STREET AND PUBLIC UTILITY IMPROVEMENTS AT PEORIA AVENUE, GENERALLY LOCATED BETWEEN SARIVAL AVENUE AND REEMS ROAD.

WHEREAS, GD N J Holdings, LLC, an Arizona Limited Liability Company, conveyed to the City of Surprise right-of-way for street and public utility improvements, generally located at Peoria Avenue, from Sarival Avenue to approximately 668 LF east on February 18th, 2004;

WHEREAS, Stephen G. Rustman, Trustee of the Stephen G. Rustman Living Trust, conveyed to the City of Surprise right-of-way for street and public utility improvements, generally located at Peoria Avenue, from Reems Road to approximately 1,426 LF west on February 2nd, 2012;

WHEREAS, the Mayor and City Council of the City of Surprise approved a map of dedication entitled "Greer Ranch South" on, April 13th, 2006;

WHEREAS, Lennar Arizona Construction, the developer of Greer Ranch South, completed the construction of the street and public utility improvements on Peoria Avenue, generally located between Sarival Avenue and Reems Road.

WHEREAS, the City of Surprise Public Works Department Engineering Division conditionally accepted the improvements describes in this resolution on May 6, 2016.

WHEREAS, the City of Surprise notes that the one-year warranty period will commence upon conditional acceptance by the City; and

WHEREAS, the City of Surprise will release the warranty and begin maintenance of the street and public utility improvements upon final acceptance of the improvements.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. The City of Surprise conditionally accepts the street and public utility improvements generally located as depicted on the map attached as Exhibit A and listed on Exhibit B.

Section 2. Upon final acceptance by the City Engineer, the City Council hereby directs the City to release warranty and begin maintenance of the street and public utility improvements.

APPROVED AND ADOPTED this _____ day of _____, 2017.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

Exhibit A

Map of Infrastructure

PEORIA AVENUE

North Half - Sarival to Reems



EXHIBIT B

List and Cost of Improvements

Memorandum

To: City of Surprise City Council
From: Public Works – Engineering Services
Date: 2/08/17
Re: Peoria Ave Street Improvements and City Acceptance

The public improvements for the above project have been completed and are on the March 7, 2017 council agenda for acceptance. The amounts for the infrastructure have been provided by a third party and not the City of Surprise. The following are the infrastructure improvements included with this acceptance and the corresponding valuation that the City will be accepting.

- City Paving - \$839,456.03
- City Concrete - \$134,002.71
- City Storm Drain - \$7,600.00

PEORIA AVENUE

North Half - Sarival to Reems





Public Works Department
Engineering Development Services
16000 North Civic Center Plaza
Surprise, Arizona 85374
Phone 623-222-6141
Fax 623-222-6006

May 18, 2016

Lennar Arizona Construction
1725 W. Greentree Dr. 114
Tempe, AZ 85285

**RE: NOTICE OF COMPLETION AND COUNCIL ACTION REQUIREMENT FOR
PEORIA AVE STREET IMPROVEMENTS-FS14-447**

The City of Surprise Public Works Department has completed the inspection of the street and public utility improvements for the above referenced subdivision. These improvements are in substantial compliance with the approved plans and specifications. Council action is required prior to conditional acceptance and the official beginning of the warranty period. The time frame for Council action is approximately 90 days after the following items have been submitted:

- A copy of all lien releases or a title report
- Actual construction cost for related civil permits issued
- Warranty assurance in a format acceptable by the City

A notice of the required assurance amount and acceptable formats will be sent via email once actual construction costs have been submitted by the applicant. The warranty period starts upon council acceptance for a period of two (2) years; please ensure warranty assurance will not expire prior to this date. The applicant will be notified of the council date as soon as it is scheduled and the warranty financial assurance is required to be submitted to the city 10 calendar days prior to the council date. If a warranty financial assurance is not received within 10 calendar days, council action and start of the warranty period will be delayed, at a minimum, an additional two (2) weeks.

A letter of conditional acceptance and notification that the warranty period has begun will be forwarded upon the completion of council acceptance. Also, a request to release the associated completion assurance will be made; notification will be sent when assurance document is available for pick up.

If you have any questions or concerns, you can reach me at 623-222-6141.

Sincerely,



Kristin Tytler P.E.
Development Engineering Manager

kt/jg

c: David Mobley, Civil Inspector
Mike Gent, Public Works
David Kohlbeck, Public Works
John McFarland, Public Works
Lee Lambert, Water Resource Management
File

Lora Ingram, Finance
Antonio DeLaCruz, Public Works
Fermin Camacho, Public Works
Terry Lowe, Water Resource Management
Warren Dancer, Water Resource Management



PROJECT SIGN OFF FORM

PUBLIC WORKS - ENGINEERING SERVICES, INSPECTIONS

Date Submitted: 5/11/2016 ☐ Commercial ☐ Commercial w/Offsite ☒ Residential

☒ COMPLETION ACCEPTANCE (End of Construction) ☐ FINAL ACCEPTANCE (End of Warranty)

4/30/2016 Date of Punch-List Walk 5/6/2016 Date Punch-List Completed

Permit Number: E14P-0059

Project Name: Peoria Avenue FS14-447 Project Description (Phase/Parcel): _____

Project Developer/Builder: (Name, Address, and Phone #)

Lennar Arizona Construction

1725 W. Greentree DR 114, Tempe Az 85285

MAG TIP Reporting:

Street Name	Classification	Begin Limits	End Limits	# Lanes	Length to nearest ¼ mi.	Features
Peoria Road	Arterial	Sarival Road	Reems Road	3 Lanes	3 Miles	1/2 Street improvement

MATERIALS:

Asphalt: Airzona Materials Supplier 3 Total Lane Miles 21,366 Total Square Yards

Water: N/A Size/Type _____ Total Linear Feet _____ Size/Type _____ Total Linear Feet

_____ Size/Type _____ Total Linear Feet _____ Size/Type _____ Total Linear Feet

Sewer: N/A Size/Type _____ Total Linear Feet _____ Size/Type _____ Total Linear Feet

_____ Size/Type _____ Total Linear Feet _____ Size/Type _____ Total Linear Feet

Fire Ln: N/A Size/Type _____ Total Linear Feet _____ Size/Type _____ Total Linear Feet

Additional Comments:

SUPPORTING DOCUMENTATION REQUIRED:

☒ Copy of Punch List

☐ Final Certification Letter from Engineer of Record

☒ Complete Geotechnical Testing Packet

☐ Sewer Pressure Testing Results

☐ Sewer Manhole Vacuum Testing Certification

☐ Sewer Manhole Insecticide Certification

☐ Sewer Videos with Operators Notes (inc. re-videos)

_____ Other _____ (Specify)

☐ Asphalt Concrete Emulsion Fog Seal Cert. (SS1H)

☒ Asphalt Concrete Ticket w/ Name of Contractor

☒ Streetlight Energize Letter

☒ As built Documents (PDF copy on CD)

☒ As Built Documents in PDF format (copy on CD)

☒ Updated asbuilt CAD base files (copy on CD)

APPROVAL:

Civil Inspector: [Signature]

Date: 5/11/2016

Civil Engineering Supervisor: [Signature]

Date: 05/11/2016

RFLS NO:	5522
SUBMIT DATE:	2/8/2017

**SURPRISE CITY ATTORNEY
REQUEST FOR LEGAL SERVICES**

Please retain form with document throughout the entire process.

Requestor: Kristin Tytler

**Department &
Extension:** PW - Engineering, Ext. 21653

Contract Title: Accept Public Infrastructure North Side of Peoria Ave.

**Date of Contract,
Event/Performance:** 2/22/2017

**Description of Legal
Services Requested:** Resolution to accept public infrastructure for the north side of
Peoria Avenue, between Sarival and Reems.

**Vendor Name, Address
& Phone:**

To Council? Yes, with
Resolution

**If Yes, Council Meeting
Date:** 03/07/2017

*****City Attorney's Office Use*****

RFLS Status: Approved

Attorney Comment:

Please see attached resolution.

CINDY.COEN

City Attorney's Office

2/15/2017

Date

2/21/2017 7:21:31 AM



CITY OF SURPRISE
Regular City Council Meeting

March 7, 2017 @ 6:00:00 PM

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

Council Meeting Date:	March 7, 2017	Contact Person:	Michael Boule, Public Works
Submitting Department:	Public Works	District:	Citywide
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to approval of the First Amendment to the Intergovernmental Agreement (IGA) with Maricopa County Flood Control District (MCFlood) for Union Hills Drive Drainage Improvement Project P61060; Resolution # 2017-19.

Motion:

I move to approve Resolution # 2017-19.

Background:

In 2014 Council approved the original Rights-of-Way Acquisitions, utility relocations, construction, construction management, and operation and maintenance IGA with the MCFlood. Since then the design has been finalized, all necessary rights-of-way have been acquired and the construction bids have been received. Construction is scheduled to start in March of 2017.

The purpose of this project is to provide 100-year flood protection to the properties between 107th Avenue and 115th Avenue, and from Beardsley Road to Union Hills Drive, and along 115th Avenue south of Bell Rd. The study area is located within three jurisdictions, City of Surprise, City of Peoria, and Unincorporated Maricopa County. The benefited areas associated with this project are the Lake Pleasant Mobile Home Estates, the Paradise Acres RV Resort, the Coyote Lakes Development, 107th Ave, Union Hills Dr., and 115th Ave., Bell Road.

This IGA amendment will simply allow the city to make our construction funding contributions over four years rather than the previous IGA terms that required half of the construction funding up front and the remaining half at construction completion.

The construction IGA requires a 25% construction cost share contribution from Surprise. Cost breakdown for construction is listed below.

- 1 Construction Cost Share 25% - \$1,912,68
- 1 Post Design Services- \$57,380
- 1 Construction Administration- \$153,014

- 1 Construction Contingency- \$176,923
- 1 Total- \$2,300,000

Total annual cost for Surprise starting in FY2018 through FY2021- \$575,000

Objective Analysis:

The objective of this project is to alleviate the flooding occurring in the regions general bounded by Bell Rd. to Beardsley Rd. and 115th Ave. to 107th Ave.

Policy Compliant:

This action is compliant with City and Council Policy

Financial Impact:

Per the IGA, the total estimated project cost is \$9,700,000. This estimate has been revised by MCFlood based on actual bids received for this project. The revised cost share estimate for the City of Surprise is \$2,300,000. The total estimated annual payment amount for this project is \$575,000 commencing in FY2018 through FY2021.

Budget Impact:

The FY2017 adopted budget includes funding in the amount of \$14,100 within the General Capital Projects Fund for the 107th and Union Hill Drainage project. These funds are for reimbursements to MCFlood for this project under the current IGA. If approved, this project will be included as part of the FY2018 recommended budget.

FTE Impact:

There is no FTE associated with this item.

ATTACHMENTS:

Click to download

- ☐ [Resolution # 2017-19](#)
 - ☐ [IGA Amendment No 1](#)
 - ☐ [Presentation 107th Union Hills](#)
-

RESOLUTION #2017-19

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING THE FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE MARICOPA COUNTY FLOOD CONTROL DISTRICT, MARICOPA COUNTY, CITY OF PEORIA, AND THE CITY OF SURPRISE.

WHEREAS, pursuant to Arizona Revised Statutes § 11-951, *et seq.*, the City of Surprise has the authority to enter into intergovernmental agreements with other governmental entities for the purposes set forth within;

WHEREAS, the City of Surprise entered into an intergovernmental agreement with the Flood Control District of Maricopa County, Maricopa County and the City of Peoria for the rights-of-way acquisition, utility relocations, construction, construction management, and operation and maintenance of the 115th Avenue and Union Hills Drive Drainage Improvements Project on December 2, 2014 by Resolution 2014-105; and

WHEREAS, the District wishes to amend the IGA to revise the invoicing and reimbursement portions of the original IGA to accommodate current funding capability and revise the estimated cost of the project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. The First Amendment of the Intergovernmental Agreement between the City of Surprise, the City of Peoria, Maricopa County and the Flood Control District of Maricopa County, attached as Exhibit A, is hereby approved.

APPROVED AND ADOPTED this ____ day of _____, 2017.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

Flood Control District of Maricopa County
2801 West Durango Street
Phoenix, AZ 85009-6399

AMENDMENT NO. 1
TO
INTERGOVERNMENTAL AGREEMENT IGA FCD2014A002
AMONG
THE CITY OF SURPRISE, THE CITY OF PEORIA, MARICOPA COUNTY,
AND THE
FLOOD CONTROL DISTRICT OF MARICOPA COUNTY
FOR THE
RIGHTS-OF-WAY ACQUISITION, UTILITY RELOCATIONS, CONSTRUCTION, CONSTRUCTION
MANAGEMENT, AND OPERATION AND MAINTENANCE
OF THE
115TH AVENUE AND UNION HILLS DRIVE DRAINAGE IMPROVEMENTS PROJECT
IGA FCD2014A002A

FCD Agenda Item C-69-15-027-3-01
MCDOT Agenda Item C-64-15-070-M-01

This Amendment Number 1, also known as Intergovernmental Agreement (IGA) FCD2014A002A, to IGA FCD2014A002 is entered into by and among the City of Surprise, a municipal corporation, acting by and through its City Council, hereinafter called SURPRISE, the City of Peoria, a municipal corporation, acting by and through its City Council, hereinafter called PEORIA, Maricopa County, a political subdivision of the State of Arizona, acting by and through its Board of Supervisors, hereinafter called the COUNTY, and the Flood Control District of Maricopa County, a political subdivision of the State of Arizona, acting by and through its Board of Directors, hereinafter called the DISTRICT. The DISTRICT, SURPRISE, PEORIA, and the COUNTY, are hereinafter called the PROJECT PARTNERS.

This Amendment shall become effective as of the date it has been executed by all parties.

STATUTORY AUTHORIZATION

1. The DISTRICT is empowered by Arizona Revised Statutes (A.R.S.) Section 48-3603, as revised, to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the DISTRICT.

2. SURPRISE is empowered by A.R.S. Section 11-951 et. al., as amended, to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of SURPRISE.
3. PEORIA is empowered by Peoria City Charter Article 1, Sec. 3 (15) and by Arizona Revised Statutes Section 11-951, as amended, to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of PEORIA.
4. The COUNTY is empowered by Arizona Revised Statutes 11-251, as amended, and Section 28-6701, as amended, to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the COUNTY.

BACKGROUND

5. In 2011, the 107th Avenue and Union Hills Drive Design Concept Report was completed by the DISTRICT to address specific on-going drainage and flooding issues along Union Hills Drive from 107th Avenue to 115th Avenue. This study recommended a regional flood mitigation project that was recommended for inclusion in the DISTRICT's 2012/2013 CIP program. In 2013 the DISTRICT conducted an Alternatives Analysis to study alternative solutions for conveyance of the Beardsley Channel flows.
6. The Design Concept Report and Alternatives Analysis recommended structural solutions to mitigate flooding hazards in the area bounded on the west by 115th Avenue, on the north by Beardsley Road, and east by 107th Avenue, and on the south by the Agua Fria River. The anticipated features include improvements to existing channels, construction of new storm drains, and construction and/or improvements to basins.
7. On March 28, 2012, the Board of Directors of the DISTRICT adopted Resolution FCD 2011R009 (C-69-12-050-6-00), authorizing the DISTRICT to cost-share in the PROJECT, and to negotiate Intergovernmental Agreements for the design, rights-of-way acquisitions, construction, construction management, and operation and maintenance of the PROJECT. On June 19, 2013, the Board of Directors adopted Resolution FCD 2011R009A (C-69-12-050-6-01) which revised the PROJECT authorized area for obtaining land rights.
8. On April 24, 2013, the Board of Directors of the DISTRICT approved Intergovernmental Agreement FCD 2012A005 (C-69-13-041-3-00), among the DISTRICT, PEORIA, and SURPRISE, for the design of the PROJECT. On January 29, 2015, the Board of Directors of the DISTRICT approved Intergovernmental Agreement FCD 2014A002 (C-69-15-027-3-00), among the DISTRICT, PEORIA, SURPRISE, and COUNTY, for the rights-of-way acquisition, utility relocations, construction, construction management, and operation and maintenance of the PROJECT.
9. The PROJECT PARTNERS have agreed to construct under a single contract both Phase 1 and Phase 2 now known as the PROJECT. The timing of funding obligations must now be clarified to accommodate funding constraints now that the PROJECT is to move forward for construction.

PURPOSE OF THE AGREEMENT

10. The purpose of this Amendment is to revise the invoicing and reimbursement paragraphs of the original IGA to accommodate current funding capability, and revise the estimate for the Project Cost.

TERMS OF AGREEMENT

11. The current cost estimate for the PROJECT Cost is \$9,700,000.00.

12. The DISTRICT shall

12.1 invoice SURPRISE for 25% of its estimated cost-share at the beginning of each fiscal year, beginning in FY18; and for its final cost-share based on actual costs, on or about July 1, 2020.

12.2 invoice PEORIA for its full cost-share based on actual costs, on or about July 1, 2020. If PEORIA has funds available sooner, the DISTRICT shall invoice PEORIA for partial payments in accordance with the available funding as identified by PEORIA, beginning in Fiscal Year 2018, and shall invoice PEORIA its remaining final cost-share based on actual costs on or about July 1, 2020.

12.3 invoice the COUNTY its \$367,000 cost-share upon completion of construction of the PROJECT.

13. SURPRISE shall

13.1 pay 25% of its estimated cost-share each fiscal year beginning in FY2018, and within thirty (30) days of invoice by the DISTRICT..

13.2 pay the remainder of its cost share, based on actual costs on or about July 1, 2020 or sooner based on funding availability, and within thirty (30) days of invoice by the DISTRICT.

14. PEORIA shall

14.1 pay its full cost-share based on actual costs within thirty (30) days of invoice by the DISTRICT, in Fiscal Year 2021.

14.2 If funding is available, pay partial payments based on available funding and within thirty (30) days of invoice by the DISTRICT, beginning in Fiscal Year 2018. PEORIA shall pay the remainder of its cost share within thirty (30) days of invoice by the DISTRICT, based on actual costs, in Fiscal Year 2021.

15. The COUNTY shall pay \$367,000.00 upon completion of the Project construction and within thirty (30) days of invoice by the District.

16. This Amendment governs where terms conflict with the original IGA FCD 2014A002. However, the original IGA FCD 2014A002 is applicable unless specifically changed by this Amendment. The paragraph numbering in this Amendment is coincidental and is not intended to indicate that these same numbered paragraphs in the original IGA FCD 2014A002 are being replaced in their entirety.

17. Nothing in this Amendment (whether express or implied) is intended to confer upon either party other than the parties hereto and their respective representatives, successors, and permitted

assigns, any rights or remedies under or by reason of this Amendment nor is anything in this Amendment intended to relieve or discharge the liability of either party hereto.

18. Attached to this or contained herein are the written determinations by the appropriate attorneys for the DISTRICT, SURPRISE, PEORIA and COUNTY that these agencies are authorized under the laws of the State of Arizona to enter into this Amendment and that it is in proper form.
19. If legislation is enacted after the effective date of this Amendment, which changes the relationship, or structure of one or more parties to this Amendment, the parties agree that this Amendment shall be renegotiated at the written request of either party.

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY

Recommended by:

William D. Wiley, P.E. Date
Chief Engineer and General Manager

Approved and Accepted:

By: _____
Chairman, Board of Directors Date

Attest:

By: _____
Clerk of the Board Date

The foregoing Intergovernmental Agreement FCD 2014A002A has been reviewed pursuant to Arizona Revised Statutes 11-952, as amended, by the undersigned General Counsel, who has determined that it is in proper form and within the powers and authority granted to the Flood Control District of Maricopa County under the laws of the State of Arizona.

Flood Control District General Counsel Date

CITY OF SURPRISE
A Municipal Corporation,

Sharon Wolcott, Mayor

By: _____
Date

Attest:

By: _____
City Clerk Date

The foregoing Intergovernmental Agreement IGA FCD 2014A002A has been reviewed pursuant to Arizona Revised Statutes 11-952, as amended, by the undersigned attorney who has determined that it is in proper form and within the power and authority granted to the City of Surprise under the laws of the State of Arizona.

By: _____
City Attorney Date

CITY OF PEORIA
A Municipal Corporation,

Bob Barrett, Mayor

By: _____
Date

Attest:

By: _____
City Clerk Date

The foregoing Intergovernmental Agreement IGA FCD 2014A002A has been reviewed pursuant to Arizona Revised Statutes 11-952, as amended, by the undersigned attorney who has determined that it is in proper form and within the power and authority granted to the City of Peoria under the laws of the State of Arizona.

By: _____
City Attorney Date

MARICOPA COUNTY

Recommended by:

Jennifer Toth, P.E.
Transportation Director

Date

Approved and Accepted:

By: _____
Chairman, Board of Supervisors Date

Attest:

By: _____
Clerk of the Board Date

The foregoing Intergovernmental Agreement FCD 2014A002A has been reviewed pursuant to Arizona Revised Statutes 11-251, as amended, by the undersigned Deputy County Attorney, who has determined that it is in proper form and within the powers and authority granted to Maricopa County under the laws of the State of Arizona.

Deputy County Attorney

Date

107th & Union Hills Drainage Improvements IGA Amendment

March 7, 2017
Public Works Department



IGA Amendment No. 1



- The amendment to the Construction IGA will allow the City of Surprise to make four equal construction cost share payments to the Flood Control District rather than paying 50% now and 50% upon construction completion.



Construction Cost Information



The construction IGA requires a 25% construction cost share contribution from Surprise. Here is our total share of the construction costs:

25% Construction Cost Share- \$1,912,683

Post Design Services- \$57,380

Construction Administration- \$153,014

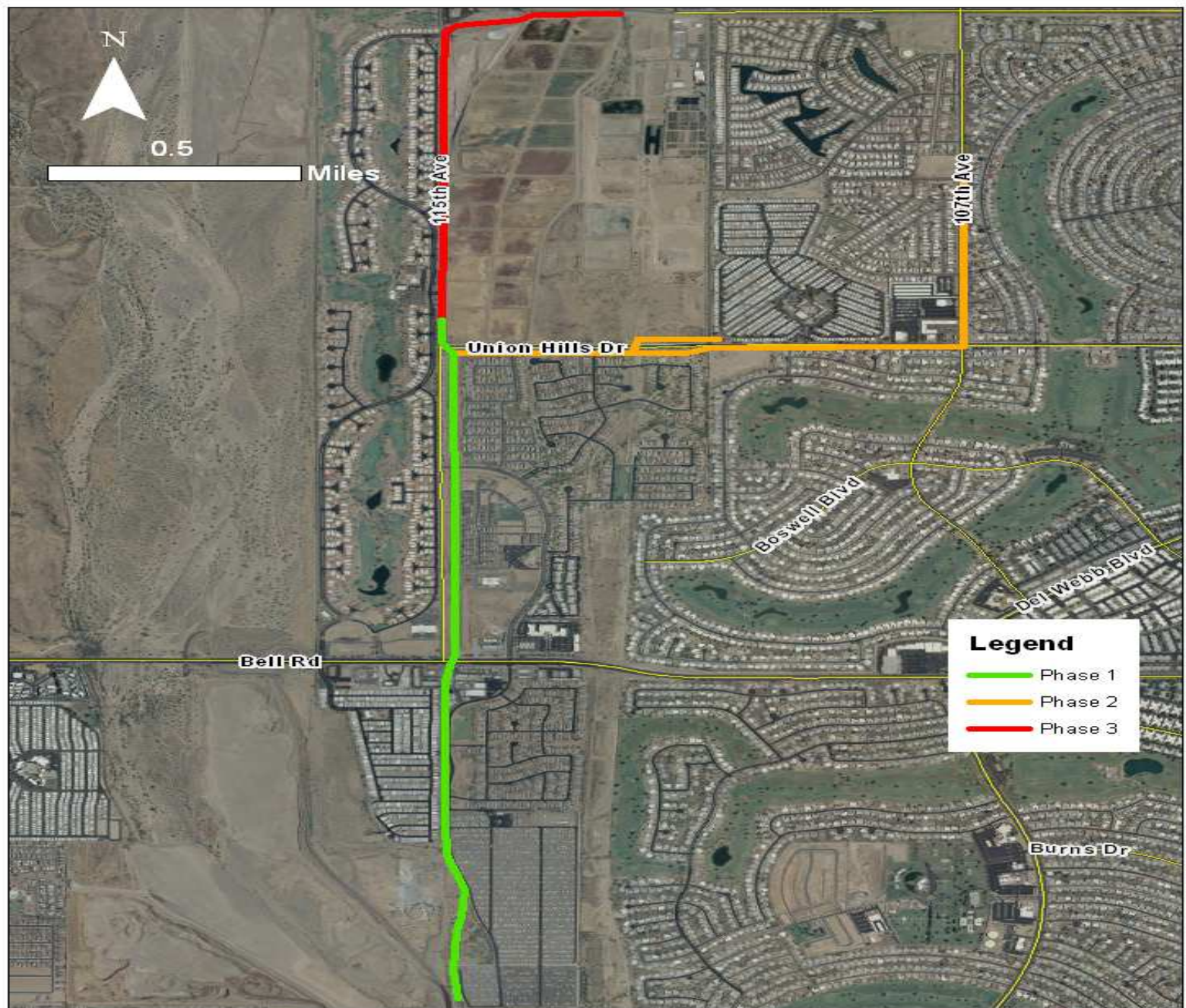
Construction Contingency- \$176,923

Total- \$2,300,000

Total annual cost for Surprise starting in FY18 through FY21- \$575,000

*Prior to having construction bids our construction cost share estimate was \$2.8M

Limits



Background



- Council Work Session in October 2011
 - Presented the findings within the Design Concept Report (DCR)
- Council Work Session in August 2012
 - Presented revised DCR
- Regular Council March 19, 2013
 - Design IGA approval
- Regular Council Meeting November 11, 2014
 - Construction IGA approval



CITY OF SURPRISE
Regular City Council Meeting

March 7, 2017 @ 6:00:00 PM

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

Council Meeting Date:	March 7, 2017	Contact Person:	Hobart Wingard - Community Development
Submitting Department:	CD	District:	5
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining on the Final Plat entitled "Cottages on Greenway" dated October 25, 2016, a property generally on the Southwest Corner of Greenway and Litchfield Roads within the Sierra Verde Planned Area Development (PAD).

Motion:

I move to approve the Final Plat entitled "Cottages on Greenway" dated October 25, 2016.

Background:

Westland Resources, Incorporated seeks approval of a Final Plat to divide an approximately 14.83 parcel into two (2) parcels to provide for the Cottages on Greenway project while providing for a lot for anticipated commercial use.

Objective Analysis:

The proposed Final Plat will provide the mechanism needed to allow the owners of the land to continue to build the Cottages on Greenway multi-family project while providing for additional mixed-use development on the hard corner of Greenway Road and Litchfield Avenue in a manner that is consistent with the goals and policies of the General Plan.

Policy Compliant:

The proposed project is consistent with City and Council Policy.

Financial Impact:

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

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

Click to download

- ☐ [00 - FS16-491 - Cottages on Greenway - Final Plat - Staff Report](#)
 - ☐ [01 - FS16-491 - Cottages on Greenway - Final Plat - Location Maps](#)
 - ☐ [02 - FS16-491 - Cottages on Greenway - Final Plat - Final Plat](#)
 - ☐ [03 - FS16-491 - Cottages on Greenway - Final Plat - Approved SP](#)
 - ☐ [04 - FS16-491 - Cottages on Greenway - Final Plat - Presentation](#)
 - ☐ [04 - FS16-491 - Cottages on Greenway - Final Plat - Presentation](#)
-

Case: FS16-491

Project Name: Cottages on Greenway Final Plat

Council District: 5 - Palm

Meeting Date: March 7, 2017

Planner: Hobart Wingard, 623-222-3156, hobart.wingard@surpriseaz.gov

Owner: SWC Litchfield Greenway, LLC

Applicant: Westland Resources, Inc.

Request: A Final Plat to divide an approximately 14.83 parcel into two (2) parcels to provide for the Cottages on Greenway project while providing for a lot for anticipated commercial use.

Site Location: Generally on the Southwest Corner of Greenway and Litchfield Roads within the Sierra Verde Planned Area Development (PAD).

Site Size: Approximately 14.83 acres

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

Support/Opposition: No support or opposition was encountered

Project Description:

Westland Resources, Incorporated seeks approval of a Final Plat to divide an approximately 14.83 parcel into two (2) parcels to provide for the Cottages on Greenway project while providing for a lot for anticipated commercial use.

Background:

February 25, 1999: The subject parcel was annexed into the City of Surprise.

August 22, 2002: The City Council approved a PAD for Sierra Verde under case PADA06-460.

October 19, 2006: The Mayor and City Council approved a PAD amendment for Sierra Verde Parcel 8 to change from mixed use to medium/high density residential under case PADA06-460.

July 10, 2008: The Mayor and City Council approved a PAD amendment for Sierra Verde Parcel 8 to change from medium/high density residential to mixed use under case PADA08-044.

August 16, 2016: The Mayor and City Council a PAD amendment to accommodate the unique housing product proposed designed for the subject site.

November 4, 2016: The applicant filed a request for a Minor Site Plan Amendment and a Final Plat for the Cottages on Greenway project under case FS16-491, the subject case.

Analysis and Discussion:

Westland Resources Incorporated seeks approval of a Final Plat to divide an approximately 14.83 parcel into two (2) parcels to provide for the Cottages on Greenway project while providing for a lot for anticipated commercial use. The Cottages on Greenway consists of an approved 136 unit multi-family residential rental development that comprises approximately 10.59 acres of the 14.83 acre parcel. The remaining 4.24 acres is anticipated to be a commercial facility.

Surprise General Plan 2035: The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports residential and mixed-use development that is planned to occur after the anticipated approval of this Final Plat.

Reviewing Agencies:

In addition to the standard City reviewing departments, Luke Air Force Base and Maricopa Water District were included in the routing of this case and indicated no objections to the request.

Summary:

Staff believes the proposed Final Plat will provide the mechanism needed to allow the owners of the land to continue to build the Cottages on Greenway multi-family project while providing for additional mixed-use development on the hard corner of Greenway Road and Litchfield Avenue in a manner that is consistent with the goals and policies of the General Plan.

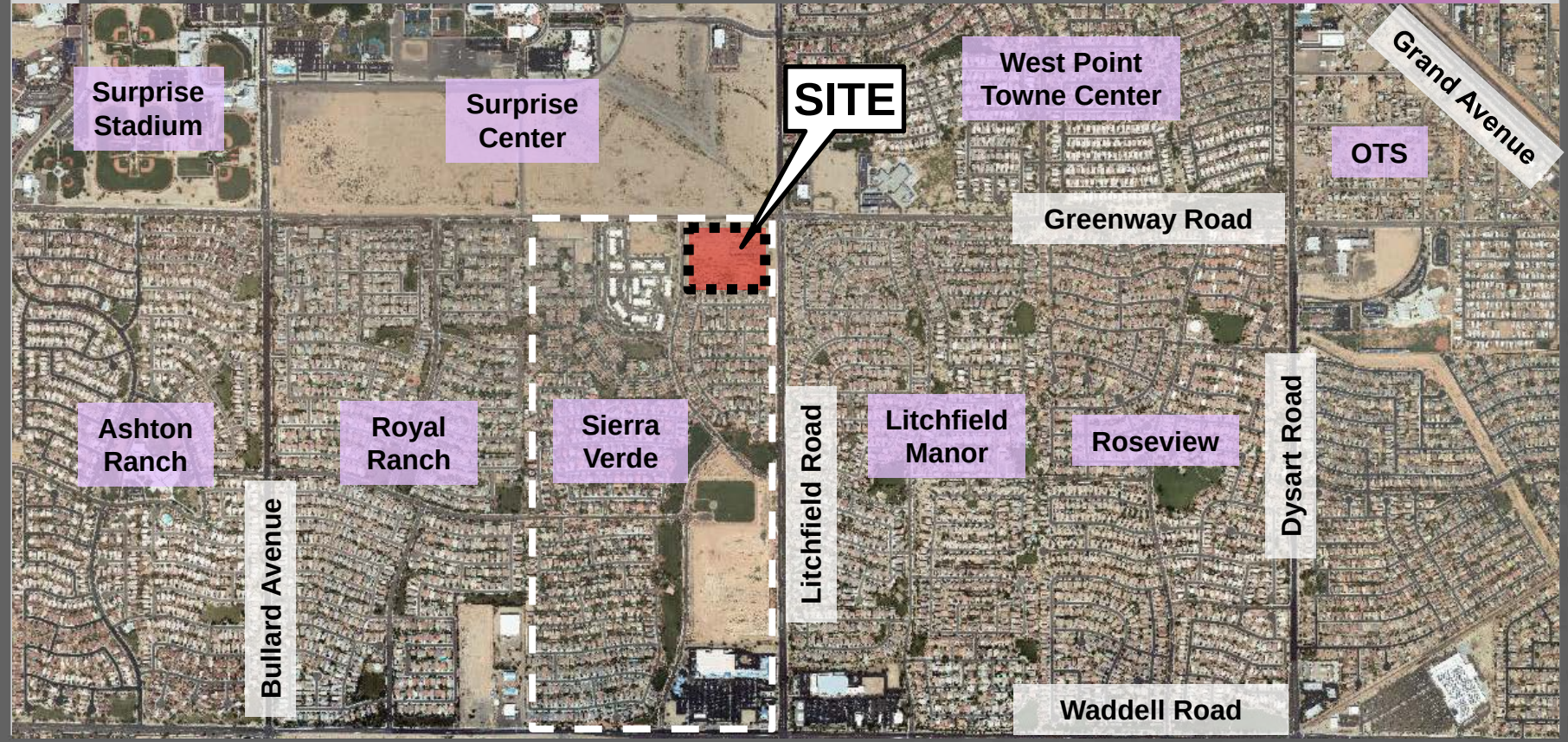
Findings:

- The proposed Final Plat Amendment is consistent with the Surprise General Plan 2035
- The proposed Final Plat Amendment is consistent with the Sierra Verde PAD
- The reviewing agencies have indicated no objections to the request.

Attachments:

- 01 – Vicinity Maps
- 02 – Final Plat
- 03 – Approved Site Plan
- 04 – PowerPoint

VICINITY MAP

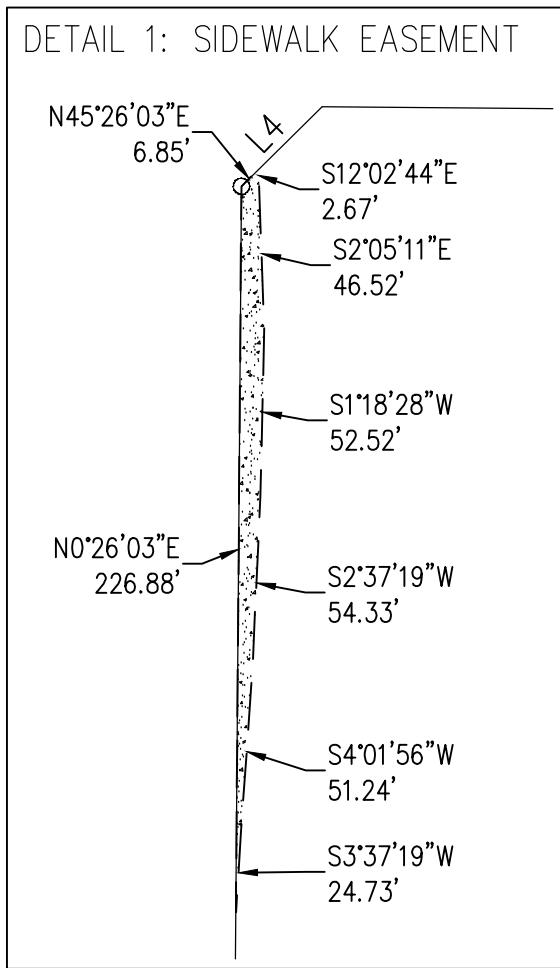
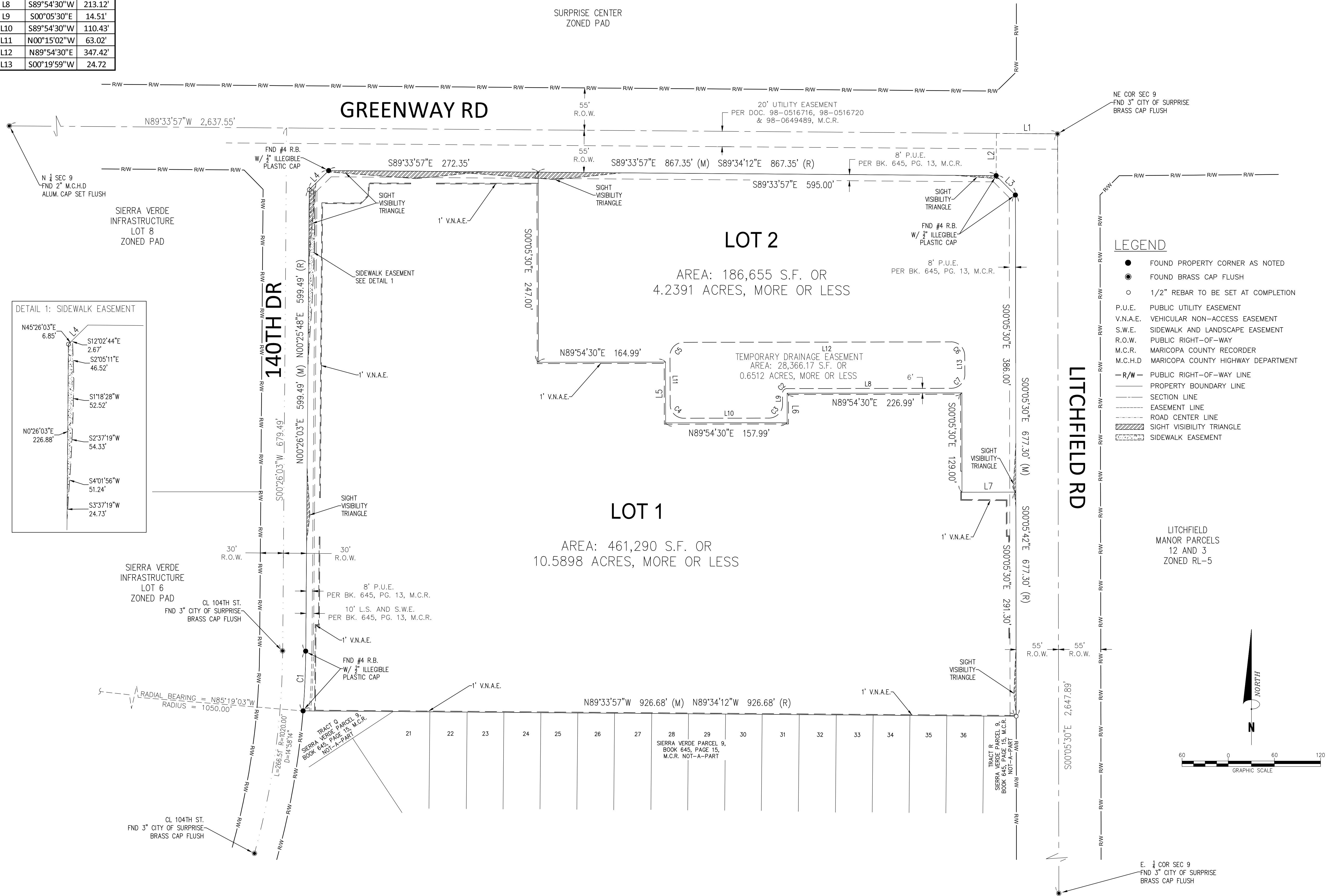


LOCATION MAP



LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°33'57"W	79.50'
L2	S00°26'03"W	55.00'
L3	S44°49'42"E	35.52'
L4	N45°26'03"E	35.36'
L5	S00°05'30"W	79.00'
L6	N00°05'30"W	38.31'
L7	N89°54'30"W	70.00'
L8	S89°54'30"W	213.12'
L9	S00°05'30"E	14.51'
L10	S89°54'30"W	110.43'
L11	N00°15'02"W	63.02'
L12	N89°54'30"E	347.42'
L13	S00°19'59"W	24.72'

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
C1	1050.00'	77.85'	4°14'54"	N02°33'30"E	77.84'
C2	6.00'	9.43'	90°00'18"	S44°54'45"W	8.49'
C3	17.80'	27.96'	90°00'00"	S44°54'30"W	25.17'
C4	17.80'	29.92'	89°51'29"	N44°09'45"W	25.14'
C5	17.80'	28.01'	90°08'49"	N44°50'05"E	25.21'
C6	17.80'	27.89'	89°45'31"	S45°12'45"E	25.12'
C7	17.80'	28.04'	90°14'29"	S44°47'15"W	25.23'



- LEGEND**
- FOUND PROPERTY CORNER AS NOTED
 - FOUND BRASS CAP FLUSH
 - 1/2" REBAR TO BE SET AT COMPLETION
 - P.U.E. PUBLIC UTILITY EASEMENT
 - V.N.A.E. VEHICULAR NON-ACCESS EASEMENT
 - S.W.E. SIDEWALK AND LANDSCAPE EASEMENT
 - R.O.W. PUBLIC RIGHT-OF-WAY
 - M.C.R. MARICOPA COUNTY RECORDER
 - M.C.H.D. MARICOPA COUNTY HIGHWAY DEPARTMENT
 - R/W- PUBLIC RIGHT-OF-WAY LINE
 - PROPERTY BOUNDARY LINE
 - SECTION LINE
 - EASEMENT LINE
 - ROAD CENTER LINE
 - △ SIGHT VISIBILITY TRIANGLE
 - ▨ SIDEWALK EASEMENT

WHPacific
7310 North 16th Street Suite 315
Phoenix, AZ 85020
(602) 343-7862
www.whpacific.com

REVISIONS		SHEET INFO	
NO.	BY	DATE	REMARKS
1	JG	10/14	ADDRESSED CLIENT REDLINES
2	JG	10/18	TEMPORARY DRAINAGE EASEMENT
3	JG	10/24	SIDEWALK EASEMENT

DRAWN	CHECKED	APPROVED	LAST EDIT
J. George	J. Ross		

PLOT DATE	SUBMITTAL
10/25/2016	

FINAL PLAT
COTTAGES ON GREENWAY
WESTLAND RESOURCES, LLC
SWC LITCHFIELD-GREENWAY, L.L.C.

PROJECT NUMBER	PO015638W
DRAWING FILE NAME	COTTAGES-ON-GREENWAY-PLAT Rev3.DWG

SHEET NUMBER	2 of 2
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Cottages on Greenway

LEGAL DESCRIPTION:
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

LOT 8 OF THE FINAL PLAT OF SIERRA VERDE INFRASTRUCTURE, ACCORDING TO THE PLAT OF RECORD IN BOOK 645 OF MAPS, PAGE 13, RECORDED IN THE OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA AND THEREAFTER CORRECTED BY AFFIDAVIT OF CHANGE RECORDED IN DOCUMENT NO. 2003-1402700 AND AFFIDAVIT OF CORRECTION RECORDED IN DOCUMENT NO. 2004-0616643.

SAID PARCEL CONTAINS 645,945 SQUARE FEET, OR 14.8289 ACRES, MORE OR LESS.

SITE PLAN YIELD

GROSS ACREAGE	± 17.48 AC
NET ACREAGE	± 14.83 AC
GROSS ACREAGE (COMMERCIAL)	± 5.62 AC
NET ACREAGE (COMMERCIAL)	± 4.24 AC
GROSS AREA (MULTI-FAMILY)	± 11.86 AC
NET AREA (MULTI-FAMILY)	± 10.59 AC
DENSITY	11.47 DU/GROSS AC

PROJECT DATA

YIELD DATA

UNIT TYPE	YIELD	TOTAL # BEDS	MIX %
1 BEDROOM	56	56	41
2 BEDROOM	80	160	59
	136	216	100

APN NUMBER 509-17-008

LOT COVERAGE ALLOWED PER PAD 50%
LOT COVERAGE PROVIDED (NET) 26.7%

CURRENT ZONING SIERRA VERDE PARCEL 8 MIXED USE PAD
PROPOSED ZONING SIERRA VERDE PARCEL 8 MIXED USE PAD

PARKING REQUIRED:
56 1-BEDROOM x 1.5 PARKING SPACES = 84 SPACES
80 2-BEDROOM x 2 PARKING SPACES = 160 SPACES
TOTAL PARKING REQUIRED = 244 SPACES
PARKING PROVIDED = 251 SPACES

ACCESSIBILITY PARKING:
REQUIRED PER ADA 7
PROVIDED 7

BUILDING ALLOWED HEIGHT MAX 30'-0"
ALLOWED PER PAD 1 STORY
PROVIDED 15'-6" HT

DENSITY:
ALLOWED PER PAD 12 DU/AC
PROVIDED 136 UNITS/11.86 GROSS ACRES=11.47 DU/ACRE

OPEN SPACE SUMMARY:
COMMON OPEN SPACE CALCULATION:
POOL/RAMADA 4,207 SF
PASSIVE RECREATION FIELD 14,026 SF
RAMADA & BBQ/AMENITY AREA 5,138 SF
POCKET AMENITY AREAS 6,750 SF
AMENITY OPEN SPACE (SUM) 30,121 SF
OPEN SPACE WALKING AREA 150,335 SF
TOTAL PROVIDED COMMON OPEN SPACE (SUM*) 180,456 SF
69% OF OPEN SPACE, 1,348 SF/UNIT

PRIVATE OPEN SPACE:
REAR YARD OPEN SPACE 60,548 SF
24% OF OPEN SPACE, 473 SF/UNIT

LANDSCAPE OPEN SPACE OUTSIDE PROJECT:
OPEN SPACE OUTSIDE PERIMETER WALL 18,377 SF
7% OF OPEN SPACE, 144 SF/UNIT

- NOTE:
- ANY PERIMETER OFF-SITE IMPROVEMENTS ARE TO BE COMPLETED WITH FIRST PHASE OF CONSTRUCTION.
 - ALL DWELLING UNITS ARE SEPARATED BY A MINIMUM OF 6' AND FIRE SPRINKLED FOR FIRE PROTECTION.
 - ALL STREET CURVES AND TURNS INTO COMMON DRIVEWAYS COMPLY WITH AASHTO SU-40.

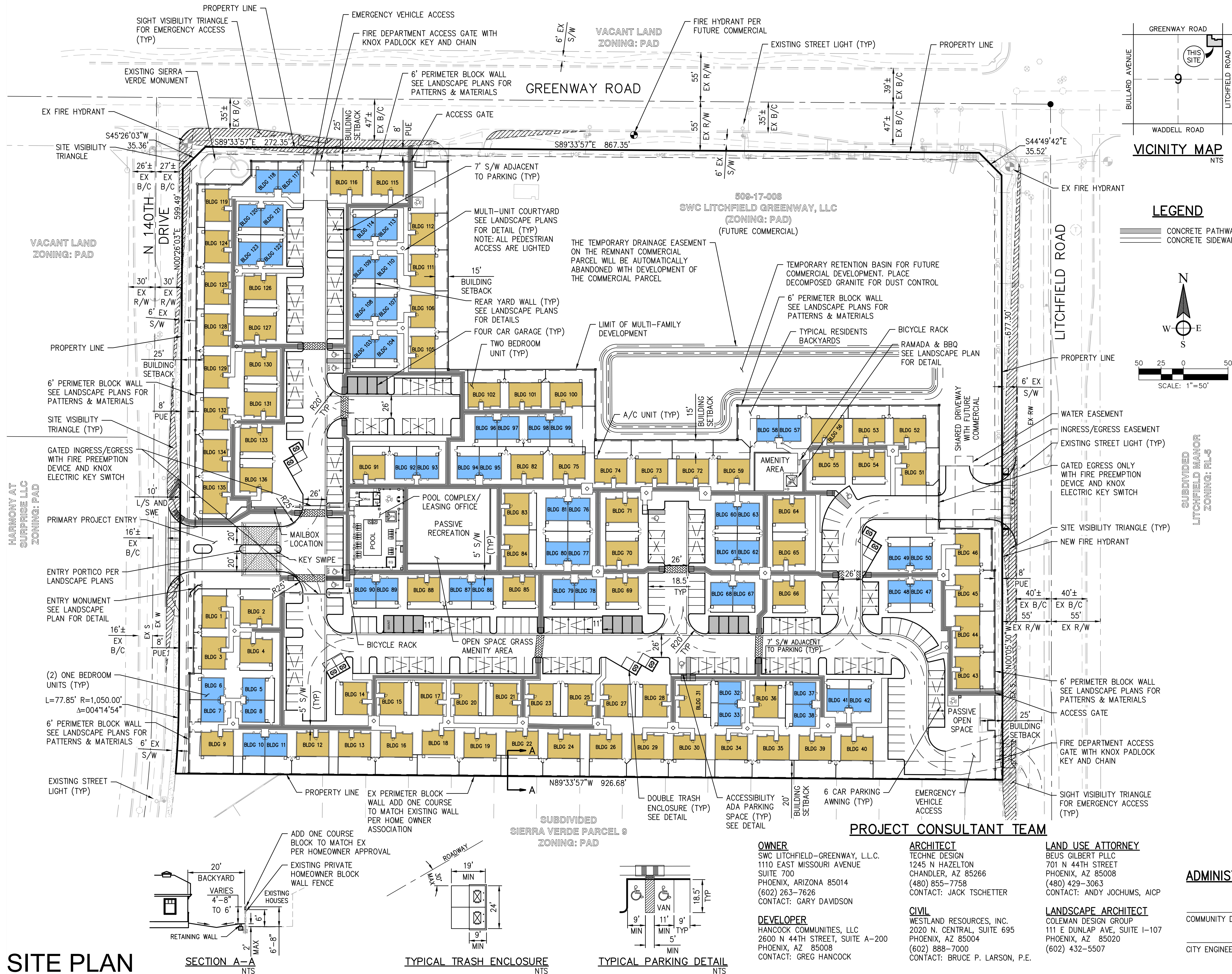
ADMINISTRATIVE APPROVAL

COMMUNITY DEVELOPMENT DIRECTOR DATE

CITY ENGINEER DATE



2020 N. Central Avenue
Suite 695
Phoenix, Arizona 85004
(602) 888-7000
WestLand Resources



SITE PLAN

SECTION A-A
NTS

TYPICAL TRASH ENCLOSURE
NTS

TYPICAL PARKING DETAIL
NTS

PROJECT CONSULTANT TEAM

OWNER
SWC LITCHFIELD-GREENWAY, L.L.C.
1110 EAST MISSOURI AVENUE
SUITE 700
PHOENIX, ARIZONA 85014
(602) 263-7626
CONTACT: GARY DAVIDSON

DEVELOPER
HANCOCK COMMUNITIES, LLC
2600 N. 44TH STREET, SUITE A-200
PHOENIX, AZ 85008
CONTACT: GREG HANCOCK

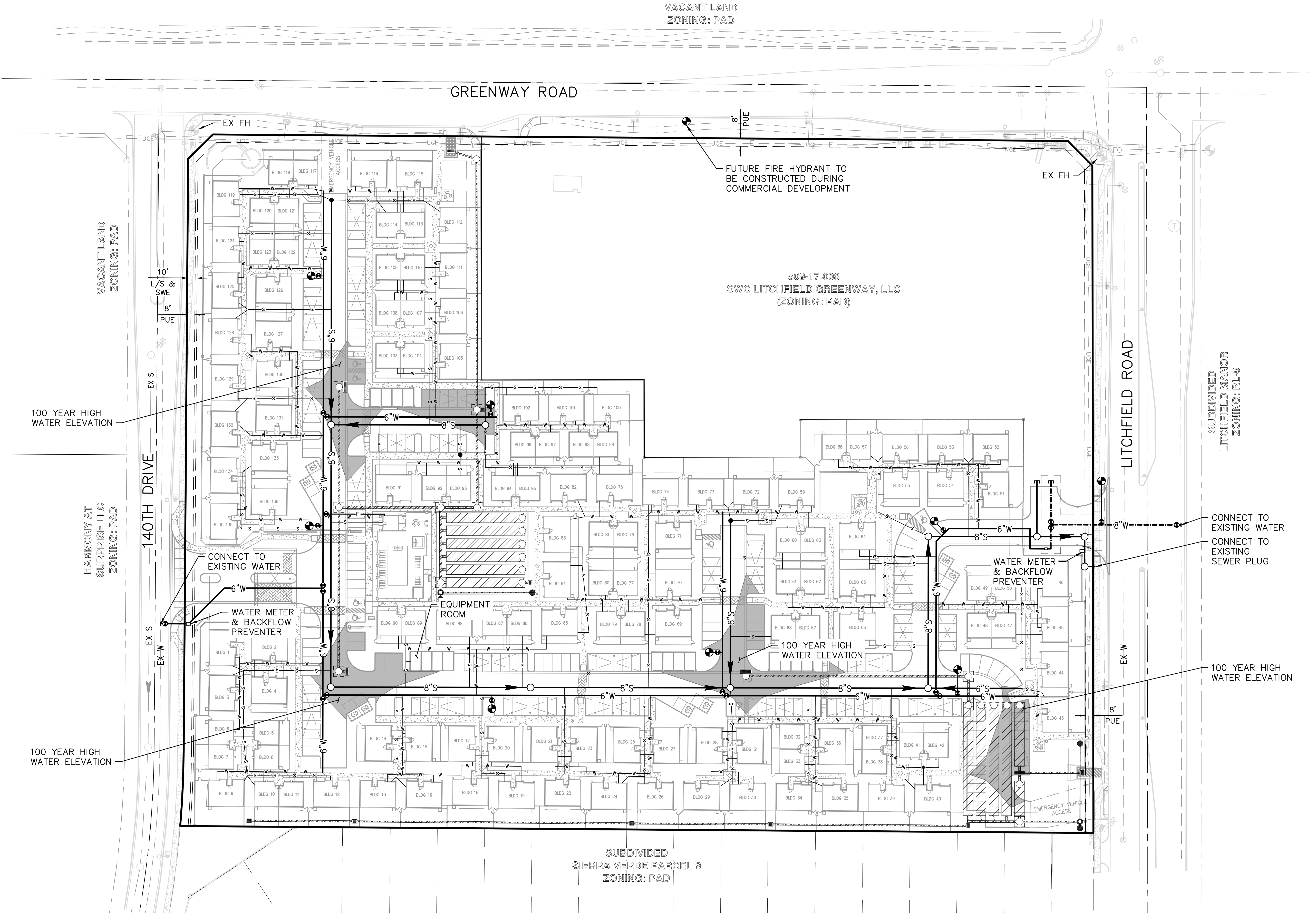
ARCHITECT
TECHNE DESIGN
1245 N. HAZELTON
CHANDLER, AZ 85266
(480) 855-7758
CONTACT: JACK TSCHETTER

CIVIL
WESTLAND RESOURCES, INC.
2020 N. CENTRAL, SUITE 695
PHOENIX, AZ 85004
(602) 888-7000
CONTACT: BRUCE P. LARSON, P.E.

LAND USE ATTORNEY
BEUS GILBERT PLLC
701 N. 44TH STREET
PHOENIX, AZ 85008
(480) 429-3063
CONTACT: ANDY JOCHUMS, AICP

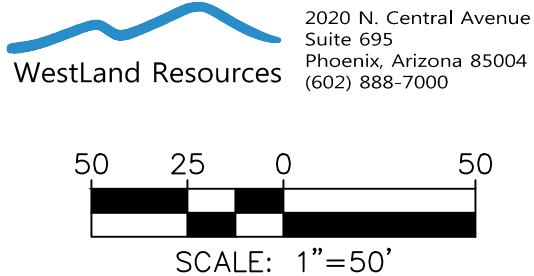
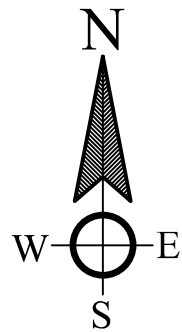
LANDSCAPE ARCHITECT
COLEMAN DESIGN GROUP
111 E. DUNLAP AVE., SUITE 1-107
PHOENIX, AZ 85020
(602) 432-5507

UTLITY PLAN



LEGEND

- FIRE HYDRANT
- TAP SLEEVE & VALVE
- 6"W PRIVATE WATERLINE
- 8"W PUBLIC WATERLINE
- PRIVATE 2" WATERLINE/FIRELINE
- 8"S PRIVATE SEWERLINE MAIN
- 4" PRIVATE SEWER SERVICES
- STORM DRAIN
- CATCH BASIN
- MANHOLE
- SEWER CLEANOUT
- WATER METER BOX
- DRYWELL
- INTERCEPTOR
- BUILDING SETBACK LINE
- PUBLIC UTILITY EASEMENT
- LANDSCAPE EASEMENT
- SIDEWALK EASEMENT



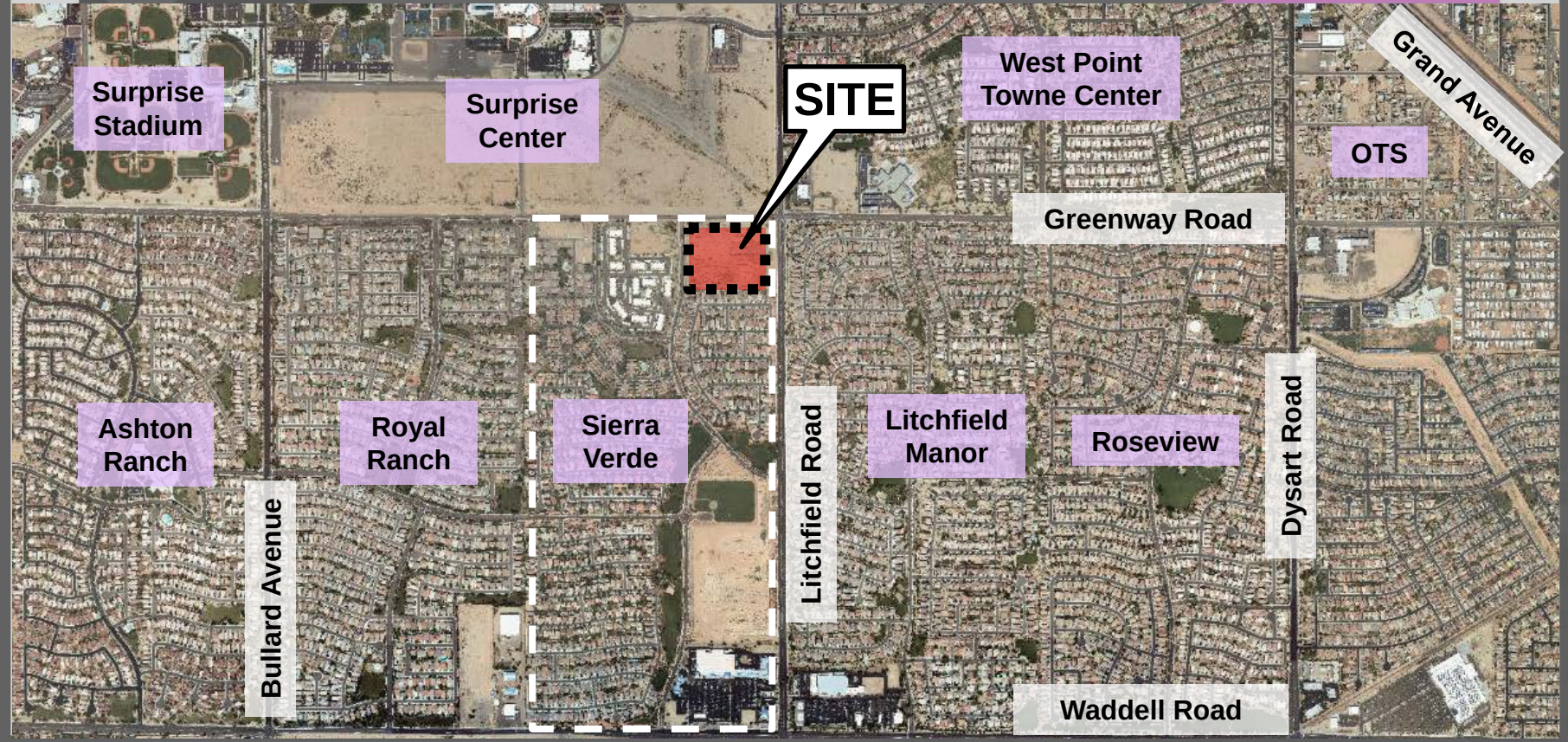


SURPRISE
ARIZONA

COTTAGES ON GREENWAY

Final Plat – March 7, 2017

VICINITY MAP

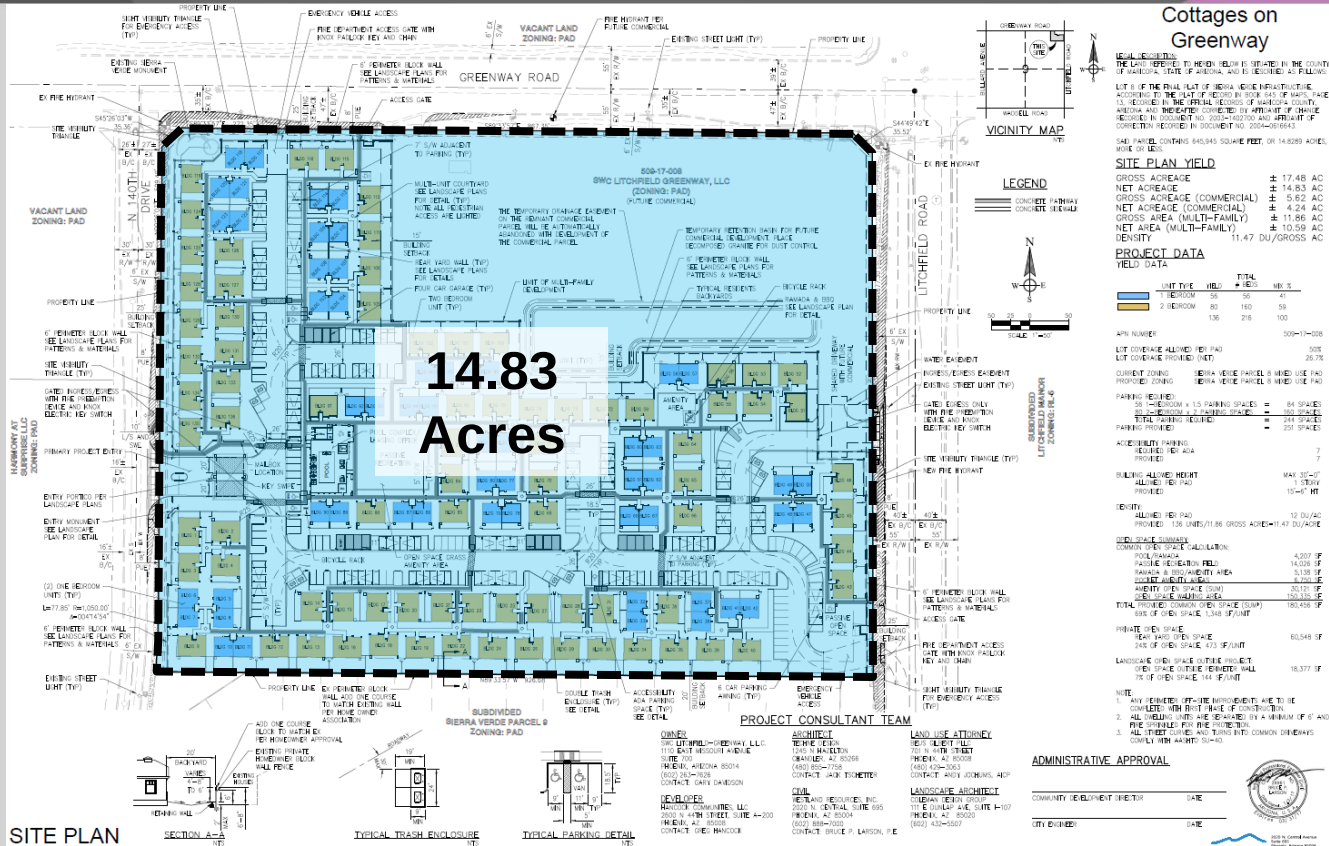


LOCATION MAP



2020 N. Central Ave.
Chapel Hill, NC 27514

ORIGINAL PARCEL







SURPRISE

ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You

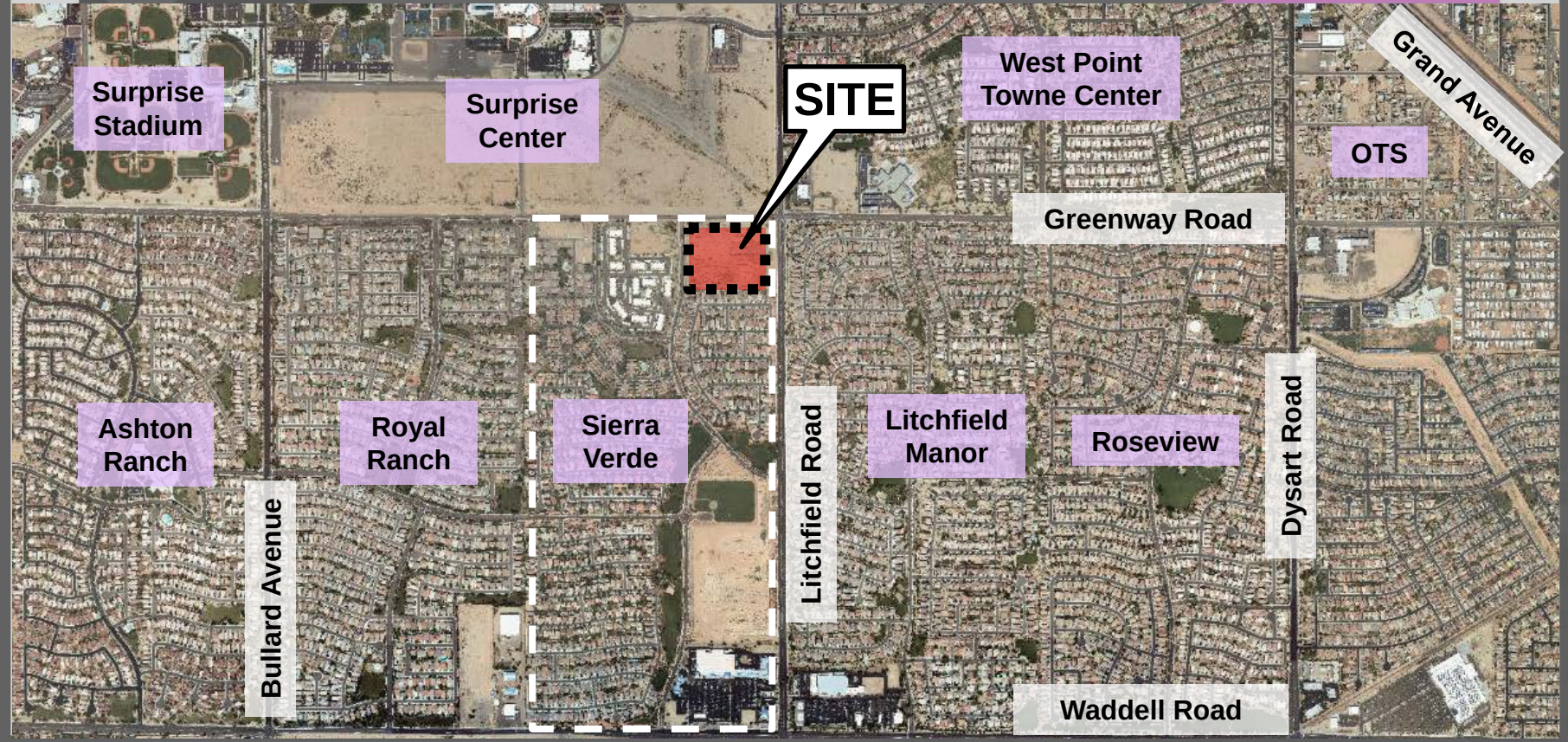


SURPRISE
ARIZONA

COTTAGES ON GREENWAY

Final Plat – March 7, 2017

VICINITY MAP

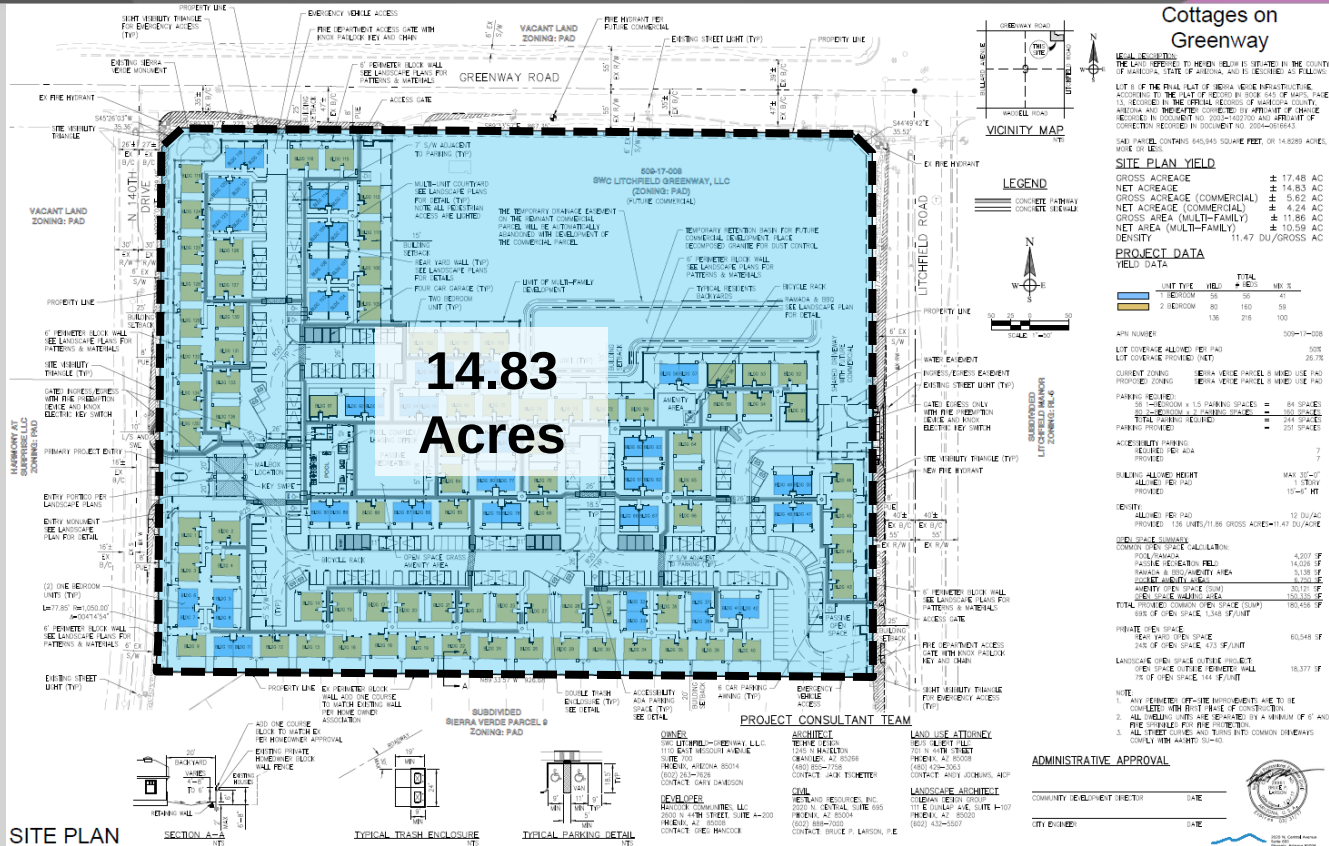


LOCATION MAP



2020 N. Central Avenue
Suite 400
Phoenix, AZ 85004

ORIGINAL PARCEL



SITE PLAN



COMMUNITY DEVELOPMENT DIRECTOR

CITY ENGINEER





SURPRISE

ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE
Regular City Council Meeting

March 7, 2017 @ 6:00:00 PM

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

Council Meeting Date: March 7, 2017
Submitting Department:
Staff Recommendations: None

Contact Person: Sherry Ann Aguilar, City Clerk
District: Citywide

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on the minutes of February 21, 2017 Regular City Council Work Session and Regular City Council Meeting.

Motion:

I move to approve the meeting minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

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CITY OF SURPRISE
Regular City Council Meeting Minutes
16000 North Civic Center Plaza
Surprise, AZ 85374

Tuesday, February 21, 2017 @ 06:00 PM

Call to Order

Roll Call

Mayor Wolcott called the **Regular City Council Meeting** to order at 06:00 p.m. at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, February 21, 2017**. Also in attendance with Mayor Wolcott were Vice Mayor Tande, Council Member Winters, Council Member Hayden, Council Member Williams, Council Member Remley, and Council Member Hall.

Staff City Manager, Bob Wingenroth, City Attorney, Robert Wingo, and Deputy
Present: City Clerk, Linda Stevens.

Pledge of Allegiance

The Pledge was led by Westpoint Elementary students.

Proclamation and Community Acknowledgements

City Manager Report

City Manager Wingenroth introduced Mike Cassidy and Westpoint Elementary students. Students Emma Smith and Emily Skirvin spoke of their school.

City Attorney Report

City Clerk Report

Call to the Public

Mr. Hanzel spoke of his gratitude and thanks for two groups of people who makes it a much better place to live in; Mayor, City Council, City Manager and staff. Ottawa University is now a part of our city. Our kids no longer have to travel to Glendale or

Regular City Council Meeting Minutes – February 21, 2017 – Page 2

Avondale they can now get a full education in Surprise. He also acknowledged PD for breaking up a huge marijuana ring in Surprise.

Ken Wright - Bell Grand overpass, he referred to an article in Valley and State regarding setting up Community Engagement Districts, franchise businesses.

Consent Agenda

1 – Consideration and action pertaining to acceptance of an Arizona Department of Homeland Security (AZDOHS) grant in the amount of \$9,000 and amending the Fiscal Year 2017 budget by reallocating same within the Grants Fund to purchase communication headsets for the Police Department's Tactical Team; Resolution # 2017-08 - APPROVED

2 – Consideration and action pertaining to an amendment to the Fiscal Year 2017 budget by reallocating appropriations of \$145,300 from the Neighborhood Revitalization Fund to the Contingency within the Grants Fund for the purpose of adjusting various grants within the Human Service & Community Vitality Department (HSCV); Resolution # 2017-013 - APPROVED

3 – Consideration and action pertaining to an amendment of the FY2017 budget by reallocating appropriations of \$8,700 within the Grants Fund, \$800 within the General Fund, and authorizing the addition of 0.2 full-time equivalent to support operations at the Surprise Resource Center; Resolution # 2017-014 - APPROVED

4 – Consideration and action pertaining to establishment of the City of Surprise Workers' Compensation Trust and authorizing submission of the Request for Exemption from posting statutory deposit to the Industrial Commission of Arizona - APPROVED

5 – Consideration and action pertaining to approval of the Intergovernmental Agreement (IGA) with the City of El Mirage for the Dysart Road medians and amending the Fiscal Year 2017 budget by reallocating appropriations and actual funds in the amount of \$500,000 from the Economic Development Contingency Fund to the General Capital fund to establish the project; Resolution # 2017-12 - APPROVED

6 – Consideration and action on the meeting minutes of February 7, 2017 Regular City Council Work Session and Regular City Council Meeting - APPROVED

Council Member Williams made the motion to approve the consent agenda. Council Member Winters seconded the motion. Seven yes votes, motion carried.

Regular City Council Meeting Minutes – February 21, 2017 – Page 3

Regular Agenda Item - Public Hearing

7 – Consideration and action pertaining to approval of a Major Amendment to the Sycamore Farms PAD, by amending, among other things, land uses, density, certain commercial development standards, and allowing off-premise signage, all within a 266.7 acre property generally bounded by West Cactus Road to the north, North Sarival Avenue to the east, West Peoria Avenue to the south, and North Cotton Road to the west; Ordinance # 2017-05 - APPROVED

City Planner, Hobart Wingard reported on Ordinance 2017-05.

Council Member Hall - likes commercial orientation on to Peoria. He questioned the park reduction.

Mr. Wingard - it is more condensed.

Council Member Hall - Maintenance of trails?

Mr. Wingard - HOA's will maintain.

Council Member Williams - attended the first attempt of a community meeting on August 10th. A lot of questions were addressed. Clarification: movement of traffic, 165th drive - that's what will connect to the commercial round-about and then eventually connect to Peoria Avenue?

Mr. Wingard - that is correct.

Council Member Williams - love commercial orientation, programmability, referred to parks on I-10. On number 6 and 7 - where are kids going to go to school? He referred to the area for institutional use.

Mr. Wingard - addressed schools, they can go anywhere in there, he then referred to the eastern side.

Council Member Winters - objective analysis, more "appropriate" dwelling units. What do you mean by appropriate?

Mr. Wingard - good question, it's more of what the residents people want on a higher scale: no higher density, this is addressing more of the medium density.

Mayor Wolcott - is the sign on the cover page?

Mr. Wingard - this is in more inline of what our code allows.

Regular City Council Meeting Minutes – February 21, 2017 – Page 4

Mayor Wolcott - referred to pile-on signs, being limited and tasteful, doesn't want to look like the 101.

Council Member Hall - Peoria Avenue is two lanes? They will improve the North side as it develops.

Mr. Wingard - yes that's correct.

Public Works Director Gent - my guess is the County will be very interested in that plan.

Vice Mayor Tande - near loop 303, commercial center, don't forget about including the landscape median in there as well, it's important.

Attorney for the applicant, Matthew R. Bereus - referred to the NE 80 acres is no longer of the control of the applicant. It will be moving forward after we finish with this portion of the application.

No public comments were made.

Council Member Williams made the motion to approve Ordinance 2017-05. Council Member Hall seconded the motion. Seven yes votes, motion carried.

Regular Agenda Item - Non-Public Hearing

8 – Consideration and action pertaining to approval of an annexation of a 3.34 acre portion of Peoria Avenue, a contiguous public roadway located between Sarival Avenue and Reems Road; Ordinance # 2017-06 - APPROVED

Long Range Planning Manager, Lloyd Abrams reported on the roadway annexation.

Council Member Williams - clarification - simply acceptance of roadway?

Mr. Abrams - yes, this is just accepting it in.

Council Member Williams made the motion to approve Ordinance 2017-06. Council Member Remley seconded the motion. Seven yes votes, motion carried.

10 – Consideration and action pertaining to repealing the Bell and Grand Temporary Sign and Temporary Use Permit Policy; Resolution # 2017-21 - APPROVED AS AMENDED

Community Development Director, Eric Fitzer gave a recap of Resolution 2017-21.

Regular City Council Meeting Minutes – February 21, 2017 – Page 5

Council Member Hall - time frame?

Mr. Fitzer - spoke of, there was discussion regarding 30 days and 60 days, news release, working with the Chamber

Vice Mayor Tande - language regarding timing wise?

Mr. Fitzer - commented on the timing.

Vice Mayor Tande - kiosk program, I like those options.

Council Member Winters - 60 day period is fair.

City Attorney Wingo - recommended Council amend the resolution to provide a provision delaying the effectiveness for 60 days.

Council Member Remley - was going to make that same comment, it gives them sufficient time to pick up the signs.

Council Member Williams - it's heavy handed, it's about how they market their businesses, I think we need to do this and 60 days is warranted.

Mayor Wolcott - it sounds like there is a consensus for a 60 day period, there is a lot that has accumulated during construction.

Council Member Hall made the motion to approve amending Resolution 2017-21, to 60 days. Council Member Williams seconded the motion. Voice vote: seven yes votes, motion carried.

Council Member Hall made the motion to approve Resolution 2017-21 as amended. Council Member Williams seconded the motion. Seven yes votes, motion carried.

9 – Consideration and action pertaining to repealing the City Wide Temporary Sign Policy; Resolution #2017-20 - APPROVED AS AMENDED

Mr. Fitzer reported on Resolution 2017-20.

Council Member Winters made the motion to approve Resolution 2017-20.

City Attorney Wingo - recommended Council amend the resolution to include a 60 day effective date.

Regular City Council Meeting Minutes – February 21, 2017 – Page 6

Vice Mayor Tande - commented on Churches and use of signs on weekends.

Council Member Winters made the motion to approve amending Resolution 2017-20, to include a 60 day effective date. Council Member Williams seconded the motion. Voice vote: seven yes votes, motion carried.

Council Member Winters made the motion to approve Resolution 2017-20, as amended. Council Member Williams seconded the motion. Seven yes votes, motion carried.

11 – Consideration and action pertaining to approving the purchase of 5.84 acres of real property within the Original Townsite commonly known as 15627 North Nash Street, Surprise, Arizona, and amending the Fiscal Year 2017 budget by reallocating appropriations of \$1, 350, 000 from the Grant Fund to General Capital Projects Fund to facilitate the purchase; Resolution # 2017-22.

Community Development Director, Eric Fitzer reported on the purchase of property.

Mayor Wolcott - this is a positive thing for the city.

Council Member Remley - this is a real win-win for the city and revitalization plan, we are putting some things into action.

Public comments:

Rachel Villanueva - we worked really in the past year, please consider purchasing it so we can move forward.

Council Member Remley made the motion to approve Resolution 2017-22. Council Member Hall seconded the motion. Seven yes votes, motion carried.

12 – Consideration and action pertaining to approval of a Fiscal Year 2017 budget amendment by reallocating appropriations and actually transferring \$500,000 from the General Fund to the General Capital Projects Fund to provide funding for the Surprise Farms Landscaping and Fence Project; Resolution # 2017-24 - APPROVED

City Manager Wingenroth reported on the area and project site.

Council Member Winters - will the pumps that are sticking out of the pond going to be covered up?

Regular City Council Meeting Minutes – February 21, 2017 – Page 7

Mr. Wingenroth - will do all we can with the money that we have to construct this project, we won't go over the \$500,000.

Council Member Remley - opportunity with CRS to tour that park, it will be great for the community and will make it look nice.

Council Member Williams - thanked the HOA, spoke of Community partnership. He commented about the trail and extending it.

Council Member Hall - I surveyed some people and none of the comments were positive, they love the dog park. He commented on the grass maintenance and a lot of yellow/brown grass out there.

Vice Mayor Tande - he acknowledged staff, this is long overdue.

Mayor Wolcott - this is taking care of old business.

Public comments:

Scott Henderson - directly south of the pump, the green fence does not cover the fence.

Walter Montgomery - we appreciate the words and works, more grass for kids to practice soccer, thank you, we can't shovel sunshine.

Mark Beaudry - President of Surprise Farms III, we are almost built-out, it's such a plus for our community.

Council Member Winters made the motion to approve Resolution 2017-24. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

13 – Consideration and action pertaining to approval of a Fiscal Year 2017 budget amendment by reallocating appropriations and an actual transfer of \$700,000 within the General Fund to the General Capital Projects Fund to facilitate the construction of eight additional Pickleball courts (\$500,000) and recommended shade structures (\$200,000); Resolution # 2017-02 - APPROVED

City Manager Wingenroth reported on two projects.

Council Member Winters - this is another needed item in parks, he commented on the shade structures.

Regular City Council Meeting Minutes – February 21, 2017 – Page 8

Vice Mayor Tande - spoke with Marley Park parents and they asked for shading, this is a good use of city funds. Pickleball - we already have the people here, this is already in-line.

Council Member Remley - spoke of pickleball and use of courts, I support this.

Council Member Williams - we spent a lot of money tonight, the shade structures need to be a component of everything we do. He spoke of pickleball and the bond that failed. He stated that he wants to make sure we are talking about the bigger picture.

Council Member Hall - shade structures - I think they are needed, shade in the dog park, it's good for the kids. Pickleball - I've always supported it. He spoke of economic impact - they never really make it concrete. He also spoke of our City Manager reaching out to the group regarding taking it off the bond. I am really concerned about the kids safety at the 8-acre park, putting pickleball in front of child safety bugged me to the core.

Council Member Hayden - spoke on pickleball court and shading. Lived in the valley 50 years, hand ball and racquet ball, drove to Glendale to play.

Assistant CRS Director, Donna Miller - we have looked at that area

Mayor Wolcott - addressed the fact that this item did go down, it just wasn't cooked yet. We should be considering shading in every new recreational facility that we explore, it's critical.

Vice Mayor Tande made the motion to approve Resolution 2017-02. Council Member Winters seconded the motion. Seven yes votes, motion carried.

14 – Consideration and action pertaining to approval of a third amendment to the Surprise Center Compromise Settlement Agreement by extending certain performance deadlines to March 29, 2017 - APPROVED

City Manager Wingenroth reported on the third amendment to the Surprise Center Compromise Settlement Agreement.

Council Member Williams made the motion to approve the third amendment to the Surprise Center Compromise Settlement Agreement. Council Member Hall seconded the motion. Seven yes votes, motion carried.

Other Business

Council Member Hall - 8-acre multi-purpose field fencing with Council Member Winters as the second.

Mayor/Council Report

Mayor and Council attended and/or reported on the following:

Council Member Williams: recognized staff on Ottawa University, Economic Development along with every other department that were involved, people were excited.

Council Member Hall - congratulated Council for being a class representation with Ottawa, they felt really good with the leadership of Council and Mr. Wingenroth. It has more definition to it, I'm really excited about it.

Council Member Remley - since I've moved to the city I've never been so excited and optimistic. Ottawa and its possibilities, it brings it into focus.

Council Member Winters - City Manager Wingenroth did a lot of work on this and also City Attorney. Ribbon Cutting 99 Cent store and commented on the bridge.

Council Member Hayden - Ottawa University, looking forward to more growth like that in the future.

Vice Mayor Tande - attended a couple meetings, I got to talk about Surprise - Bell/Grand, come to Spring Training, good financial management and Ottawa University.

Mayor Wolcott - State of the City Address tomorrow. Thanked Economic Development, Ottawa is the right fit.

Vice Mayor Tande made the motion to recess into executive session at 8:07 PM. Council Member Winters seconded the motion. Seven yes votes, motion carried.

Executive Session

15 - Consideration and action to enter into executive session with the City Attorney for discussion and consultation for legal advice pertaining to zoning of property within the vicinity of City Hall pursuant to A.R.S. 38-431.03(A)(3).

Adjournment

Council Member Hall made the motion to adjourn the Regular City Council Meeting of February 21, 2017 at 8:49 PM. Council Member Winters seconded the motion. Four yes votes, three absent (Wolcott, Tande and Williams), motion carried.

Sharon R. Wolcott, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Meeting of **Tuesday, February 21, 2017.**

Sherry Ann Aguilar, City Clerk

CITY OF SURPRISE
Regular City Council Work Session Minutes
16000 North Civic Center Plaza
Surprise, AZ 85374

Tuesday, February 21, 2017 @ 04:00 PM

Call to Order

Roll Call

Mayor Wolcott called the **Regular City Council Work Session** to order at 04:00 p.m. at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, February 21, 2017**. Also in attendance with Mayor Wolcott were Vice Mayor Tande, Council Member Winters, Council Member Hayden, Council Member Williams, Council Member Remley, and Council Member Hall.

Staff Present: City Manager, Bob Wingenroth, City Attorney, Robert Wingo, and Deputy City Clerk, Linda Stevens.

Pledge of Allegiance

Call to the Public

Regular Agenda Item - Non-Public Hearing

1 – Discussion pertaining to the fiscal year 2018 budget - NO ACTION

Finance Director, Lindsey Duncan and Assistant Finance Director, Jared Askelson reported on FY18 budget and amendments.

Council Member Remley - before we have the reserves specifically to (cap) are we changing the philosophy?

Ms. Duncan - referred to the general reserves slide, in one lump sum.

Vice Mayor Tande - GFOA - what are their recommendations?

Ms. Duncan - no specific policy and how they should be used

Regular City Council Work Session Minutes – February 21, 2017 – Page 2

Vice Mayor Tande - GFOA recommended overall balance

Ms. Duncan - based on culture and risk adversity

Council Member Remley - forward looking - one element have an emergency has ability to respond quickly

City Manager Wingenroth - to Vice Mayor's question regarding GFOA, it puts us in a better position with the rating agency. He recognized Ms. Duncan as President of AZ Chapter of GFOA.

Council Member Hall - fund balance of 11% that's of 114 million comes out to 12 to 12.6?

Mr. Askelson - expected to be ending fund balance or our beginning fund balance

Council Member Hall: FY17 we thought it would be more?

Mr. Askelson - less in 2016.

Council Member Hall - is that good or bad performance? Did we spend more than we budgeted?

Ms. Duncan - referred to 2016 estimate, we spent less.

Council Member Hall - I got lost on the pie chart slide.

Mr. Askelson - explained one-time uses.

Ms. Duncan - we have been spending down available fund balance over the past several years on one-time uses.

Council Member Remley - we spent more than expected but ended up with more than we estimated we were going to end up with. How does that work?

Mr. Askelson - we ended up spending less, 9 million less.

Council Member Hall - I'm confusing FY16 with FY17.

Vice Mayor Tande - in FY16 spending appropriations we don't have to come back to Council?

Regular City Council Work Session Minutes – February 21, 2017 – Page 3

Mr. Askelson - yes, we do come back to Council.

Ms. Duncan - asked for feedback from Council.

Mayor Wolcott - what are our special focus areas we want to target this year, let's discuss priorities.

Vice Mayor Tande - referred to the chart, primary property tax, sales tax and additional population.

Council Member Remley - very similar to Vice Mayor Tande thoughts are prop taxes are the item that is most sensitive to the residents of Surprise - realtor how high the tax is. question .7317 what was the levy last year.

Mr. Askelson - holding the levy amount bringing down that rate. 2nd choice is keeping the rate as it is today.

Council Member Remley - 268,000 dollars more,

Council Members Hall and Williams - maintain the current levy rate.

Vice Mayor Tande - additional feedback from the residents. say we need our streets fixed, public safety, etc.

Vice Mayor Tande - I am leaning towards leaving the rate the same

Mayor Wolcott - I am in agreement with bulk of Council of leaving it the same is appropriate at this time.

Ms. Duncan reviewed the calendar.

2 – Discussion pertaining to adoption of a plan for the City of Surprise Art in Public Places at City Hall - NO ACTION

Edith Baltierrez; Arts and Cultural Advisory Commission Chair, Susan DeJong and John Cane of Architecton gave an overview of Art in Public Places.

Mayor Wolcott - no better place to get a good sense when he was designing this building. I like the lighting, the identification, framing concept and adding more color. The blue wall is crying for something, please integrate something on the blue wall. Thank you and the commission you are ready to move forward.

Regular City Council Work Session Minutes – February 21, 2017 – Page 4

Council Member Hall - did an excellent job in the plan - how did you come up with the priorities?

Ms. DeJong - some was high and some was low cost, a lot is lower cost.

Council Member Hall - we need something to bring the color from outside in.

Ms. Baltierrez - were not set in stone on the color.

Council Member Hall - our input is important, remove the defib and paint it a nice violet. He referred to a written policy.

Ms. DeJong - our plan is coming in two weeks that's included the plan.

Council Member Hall- likes the lighting, defined template, the oracle somewhere on the 2nd floor and move totem to the public safety building.

Ms. Baltierrez - moved on first floor, customer service area.

Council Member Hall - commented on the bench.

Mr. Cane - flexible seating area, can replace it with a built in bench with the oracle in the center.

Council Member Hall - the atrium lighting cost.

Mr. Cane - we're getting costs, it will block out 50% of sun reduce the amount of direct light and protect from ultraviolet.

Council Member Hall - signage, I didn't understand the signage.

Mr. Cane - the signs don't have contrast.

Council Member Winters - procedure manual - good job with the totem, the Commission has come a long way.

Council Member Williams - commented that he loves what's being presented, put art on all our city property, I look forward to that discussion.

Ms. Baltierrez - we are working on that coming in future plan.

Regular City Council Work Session Minutes – February 21, 2017 – Page 5

Vice Mayor Tande - I appreciate the thought you put into it, the lights, shadows and textures, etc. I like all recommendations.

Council Member Remley - driving around the city it's like I found a gem station 301, the library etc. Hopefully we can get more of those, it was a great presentation.

Mayor Wolcott - I hope you got some feedback, adding color and texture can be an energizer.

Executive Session

Adjournment

Council Member Hall made the motion to adjourn the Regular City Council Work Session of February 21, 2017 at 5:29 PM. Council Member Williams seconded the motion. Seven yes votes, motion carried.

Sharon R. Wolcott, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Work Session of **Tuesday, February 21, 2017.**

Sherry Ann Aguilar, City Clerk



CITY OF SURPRISE
Regular City Council Meeting

March 7, 2017 @ 6:00:00 PM

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

Council Meeting Date: March 7, 2017

Contact Person: Sherry Ann Aguilar, City Clerk

Submitting Department:

District: 5

Staff Recommendations: None

Consent	☒	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on a Series 7 (location/person transfer) Liquor License application for Luv 2 Play AZ LLC, located at 15495 W. Bell Road, Suite 104.

Motion:

I move to approve the license for Luv 2 Play.

Background:

This request is of a routine nature, all departmental reports have been received with no objections. A complete copy of the application is available in the City Clerk's Office for review.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

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-



MEMO

Date: 02/16/2017

To: Sherry Aguilar, City Clerk
Linda Stevens, Deputy City Clerk
From: Stacie McQuarrie, Fiscal Support Specialist

RE: Liquor License Application – Luv 2 Play @ 15495 W. Bell Rd., Ste. 104

Business License Status:

Application packet mailed on 2/16/17.

Mailing to:

Luv 2 Play AZ, L.L.C.
dba Luv 2 Play
Attn: Mr. Jason M. Caricato
13260 W. Foxfire Dr., Ste. 2
Surprise, AZ 85378

S U R P R I S E P O L I C E D E P A R T M E N T
L I Q U O R L I C E N S E A P P L I C A T I O N R E V I E W

REFERENCE:

DATE: February 22nd, 2017

LICENSE NUMBER- 07070753
Series #7 – Location/Person Transfer

APPLICANT:

Luv 2 Play

15495 W. Bell Road, Suite 104
Surprise, Arizona 85374

FINDINGS:

- 1) ***Evidence concerning the nature of the proposed business, its potential market and its likely customers.***

Luv2Play is an entertainment center. The surrounding area consists of residential and commercial buildings. There are several other businesses in the area that also serve alcohol. There is no evidence to support a substantial impact on the area.

- 2) ***Effect of vehicular traffic in close proximity.***

There is no anticipated impact on vehicle traffic in close proximity to this location.

- 3) ***The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report of such activity at least 20 days before the hearing.***

There are no reported liquor violations at this location.

- 4) ***Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.***

The hours of operation are relatively consistent with the existing businesses in close proximity.

- 5) ***Appropriateness of series license requested.***

The series 7 license is appropriate.

Submitted by Sergeant Tim Klarkowski #2137



COMMUNITY DEVELOPMENT DEPARTMENT

Date: February 17, 2017
To: Sherry Aguilar, City Clerk
From: Eric Fitzer, Community Development Director
By: James Stewart, Zoning Specialist
Re: Liquor License Application for:

**LUV 2 PLAY AZ, LLC
Person/Location Transfer, LLC
15495 W. Bell Road, Suite 104
Surprise, Arizona 85374**

The number and series of licenses in close proximity to the subject site are:

1. Fry's #61 (Series 9) – 15510 W. Bell Rd.
2. Lucky's Pizza #3 (Series 12) – 15508 W. Bell Rd. #107
3. Macayo's Mexican Kitchen (Series 12) – 15565 W. Bell Rd.
4. Babbo Italian Eatery (Series 12) – 15609 W. Bell Rd.
5. Booty's (Series 12) – 15557 W. Bell Rd. # 404, 405, 406
6. Tailgaters Sports Grill (Series 12) – 15529 W. Bell Rd.
7. 4 Sons Food Store #604 (Series 10) – 15505 W. Bell Rd.
8. Walgreens #4620 (Series 10) – 15490 W. Bell Rd.
9. Red Line Grill (Series 12) – 15332 W. Bell Rd. #101 & 102
10. Brookside II (Series 6) – 15170 W. Bell Rd. #115
11. New York Flavor (Series 12) – 15170 W. Bell Rd. #103 (Expired)
12. Residence Inn (Series 7) – 16418 N. Bullard Avenue
13. Mom's Fixins (Series 12) – 15226 W. Bell Rd #100

The immediate area is composed of commercial establishments. The property is zoned PAD C-2 which is consistent with the proposed use.

Residential population will most likely remain static. Commercial growth will likely remain static.

If managed properly, the effects of granting this liquor license on surrounding residences will be minimal. This license will have little to no affect on parking in the area. Staff believes that granting this liquor license will not directly impact the surrounding business and residential areas in a negative way.



Surprise Fire-Medical Department
14250 W. Statler Plaza Ste. 101
Surprise, AZ 85374-7479
Phone: 623-222-5000
Fax: 623-222-5001



February 21, 2017

To: Sherry Ann Aguilar, City Clerk
From: James Whitehead, Fire Inspector
Subject: Liquor License Application
Applicant: LUV 2 PLAY AZ LLC
15495 W Bell Suite #104
Surprise, Arizona 85374

The Surprise Fire-Medical Department recently reviewed plans for the above referenced location to ensure compliance with the applicable fire codes within the tenant space and building. Based on the plans submitted we recommend approval of the liquor license.

Final approval for occupancy will require an approved fire final inspection once construction is completed.

If you have any questions feel free to contact me.

James Whitehead, Fire Inspector
Fire Prevention Division
Surprise Fire-Medical Department

LUV 2 PLAY AZ, LLC

PAD
KINGSWOOD PARK/SUN VILLAGE

PAD
SUN CITY GRAND

SITE

PAD
MOUNTAIN VISTA RANCH

PAD ORCHARDS

RR / R1-43



CITY OF SURPRISE
Regular City Council Meeting

March 7, 2017 @ 6:00:00 PM

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

Council Meeting Date:	March 7, 2017	Contact Person:	Sherry Ann Aguilar, City Clerk
Submitting Department:		District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action to appoint Dustin Gardy to fill the remainder of a vacancy on the Arts & Cultural Advisory Commission with a term expiration of June 30, 2019 and direct City Clerk Aguilar to administer the Oath of Office.

Motion:

I move to appoint Dustin Gardy to fill the remainder of a vacancy on the Arts & Cultural Advisory Commission with a term expiration of June 30, 2019 and direct City Clerk Aguilar to administer the Oath of Office.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

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☐ [APPLICATION](#)

Date/Time/Initials Received by Clerk's Office: 1-31-17 JS



City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: Dustin Gardy Date Submitted: 1-26-17

Address: [REDACTED] Zip Code: 85388

Phone (Home): [REDACTED] Cell: [REDACTED]

E: Mail Address: [REDACTED]

Resident of Surprise: ☒ Yes ☐ No Number of Years: 7

Board/Commission(s) you are applying for? Arts & Cultural Advisory Commission

Education: Bachelor of Science in Cross-Cultural
Adult Education

EMPLOYMENT BACKGROUND:

Present Employer/Position: Sylvan Learning Center of
Goodyear / Assistant Director of Education

Previous Employer(s)/Position (Last 5 Years): Grand Canyon University /
Academic Advisor; Student Services Advisor;
Operations Specialist

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):

Emcee'd WHAM Open-Mic
Poetry Nights in May 2016 & Oct. 2016

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s):

No.

Statement as to why you want to serve as a Commission Member for the City of Surprise:

I would like to play a part in elevating the community's appreciation of, and support for, public arts and art in general. As both an educator and a writer, I believe that art and education have inherent value to enrich and enliven our lives, they are pursuits that make life worth living. Therefore, my goal is to serve the residents of Surprise by presenting them with art to enrich and enliven their lives.

Additional Information/Comments:

I, Dustin Gardy certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.

Dustin Gardy
Applicant's Signature

Please return to:

City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200

Please note that applications are accepted on an open rolling basis and shall be maintained as an active application for future vacancies.



CITY OF SURPRISE
Regular City Council Meeting

March 7, 2017 @ 6:00:00 PM

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Council Meeting Date:	March 7, 2017	Contact Person:	Sherry Ann Aguilar, City Clerk
Submitting Department:		District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action to appoint Robert Monahan to fill the remainder of a vacancy on the Disability Advisory Commission with a term expiration of June 30, 2017 and direct City Clerk Aguilar to administer the Oath of Office.

Motion:

I move to appoint Robert Monahan to fill the remainder of a vacancy on the Disability Advisory Commission with a term expiration of June 30, 2017 and direct City Clerk Aguilar to administer the Oath of Office.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

Click to download

☐ [APPLICATION](#)

Date/Time/Initials Received by Clerk's Office: _____



City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: Robert Monahan Date Submitted: 8-3-16

Address: [REDACTED] Zip Code: 85387

Phone (Home): None Cell: [REDACTED]

E: Mail Address: [REDACTED]

Resident of Surprise: ☒ Yes ☐ No Number of Years: 3 months

Board/Commission(s) you are applying for? Disability Advisory Commission

Education: MS - Public Policy, BS - Social Work
BS - Education

EMPLOYMENT BACKGROUND:

Present Employer/Position: retired

Previous Employer(s)/Position (Last 5 Years): Social Security Admin.
Area Work Incentives Coordinator
Employment Support Representative.

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):

previous disability board + commission
experience - see resume attached.

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s):

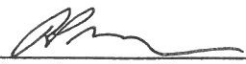
Statement as to why you want to serve as a Commission Member for the City of Surprise:

desire To use my skills and
experience in a collaborative setting
in contributing To enhanced quality
of life for persons with disabilities
residing in Surprise, AZ.

Additional Information/Comments:

see attached resume

I, Robert Monahan certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.


Applicant's Signature

Please return to:

City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200

Please note that applications are accepted on an open rolling basis and shall be maintained as an active application for future vacancies.

Objective Part time employment that allows me to use my skills and experience in contributing to the successful employment of people with disabilities.

Experience Panel Chair - SSA WIPA Federal Grants Process - 2015

Technical Resource/Training and Resource Materials Writer
2013 VCU National Training Center – Independent Contractor

Area Work Incentives Coordinator
2003 - 2012 Social Security Administration, Madison, WI

- Assisted in development and implementation of eWork Work Review software
- Assisted in development and implementation of 4-State Offset Demonstration Pilot

Employment Support Representative/Technical Expert
2000 - 2003 Social Security Administration, Madison, WI

Social Insurance Representative
1978 - 1999 Social Security Administration, Flint, MI/Madison, WI

Outreach Coordinator
1977 Mental Health Association, Cedar Rapids, IA

Education University of Wisconsin, Madison, WI
1985 - 1989 MS – Public Policy and Administration

Minnesota State University, Mankato, MN
1971 – 1976 BS – Social Work, BS – Education

Community and Volunteer Activities Commissioner and Officer
1996 - 2010 Commission on People with Disabilities, Madison, WI

Committee Member
2003 - 2009 Equal Opportunities Employment Committee, Madison, WI

Board Member and President
1982 – 1992 Access to Independence, Madison, WI

Steward, Officer and Negotiator
1980 – 1999 American Federation of Government Employees, Madison, WI

News Reader 2008 – 2012 WORT Community Radio, Madison, WI

Docent/Receptionist 2012 – 2013 Las Cruces Museum of Art

References References available on request.



CITY OF SURPRISE
Regular City Council Meeting

March 7, 2017 @ 6:00:00 PM

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

Council Meeting Date: March 7, 2017

Contact Person: Sherry Ann Aguilar, City Clerk

Submitting Department:

District: Internal

Staff Recommendations: None

Consent

Regular

Public Hearing

Report/Discussion

Agenda Wording:

Consideration and action to reappoint Ken Wright to the Municipal Property Corporation Board with a term expiration of June 30, 2021 and direct City Clerk Aguilar to administer the Oath of Office.

Motion:

I move to reappoint Ken Wright to the Municipal Property Corporation Board with a term expiration of June 30, 2021 and direct City Clerk Aguilar to administer the Oath of Office.

Background:

The applicants have met the criteria outlined in the City Code listed below with submittal of a new application.

Sec. 2-296. - Member selection and replacement process.

The following process will apply to all openings or vacancies for appointment to a public body, unless otherwise indicated in the ordinance or resolution creating the body:

(a) Application process.

(1) Upon notice of a vacancy, the city clerk will promptly notify the nominations committee chair, and post all vacancies on the city website. Vacancies will also be posted at all designated posting locations, no later than three business days after a vacancy is created and continue such posting until the position is filled.

(2) The city clerk will maintain and distribute applications to all persons interested in being a member of a public body.

(3) All persons, including current members seeking re-appointment, interested in becoming a member of a public body must submit an application to the city clerk's office. Only applications received by the city clerk's office may be considered for body vacancies. Members with expiring terms who submit a timely application will automatically be nominated for reappointment unless the nominations committee objects to reappointment. Notice of the nominations committee's objection for reappointment will be

provided to the member no less than ten business days after referral by the city clerk.

(4) All applications will be accepted on an open rolling basis and will be maintained as an active application for four years.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

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No Attachments Available



CITY OF SURPRISE
Regular City Council Meeting

March 7, 2017 @ 6:00:00 PM

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

Council Meeting Date:	March 7, 2017	Contact Person:	Donna Miller, CRS & Tom McCullough PW
Submitting Department:	Public Works	District:	5
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to a Fiscal Year 2017 budget amendment by reallocating appropriations and an actual transfer of \$300,000 within the General Fund to the General Capital Projects Fund to facilitate the construction of fencing around 8-acre park; Resolution # 2017-29.

Motion:

I move to approve Resolution # 2017-29.

Background:

The 8-Acre park is the multi-purpose field located North of Surprise Stadium on Bullard Avenue. This field is used extensively for youth sports such as soccer, flag football, tee-ball, baseball and softball practices throughout the year.

In addition, the area is utilized for City special events such as the annual Surprise Party. The fence would provide a safety barrier for users of the field from Bullard Ave and Paradise Lane, allow for a greater span of control during special events, and would create a venue for ticketed events throughout the year. The fence would also allow maintenance staff to close the area during times of maintenance or over-seeding. 8-Acre park would remain open to the public when the field is not being used for programming or closed for maintenance.

8-Acre multi-purpose field fence installation will consist of wrought iron fencing, brick pillars with lights, and rolling gates to match existing stadium fencing. The fencing would be 2,300 linear feet of 8' high ornamental fencing with six 20' x 8' rolling gates, one 40' x 8' iron double role gate and one 8' x 8' double drive gate for accessibility.

Objective Analysis:

Installation of the fence will provide a safer environment for youth sports activities and allow the city to better control special events at the park.

Policy Compliant:

This action is compliant with city and council policy.

Financial Impact:

As a part of finalizing FY2016, additional funding within the General Fund was identified. Approval of this item will authorize the use of \$300,000 of savings identified within the General Fund to provide funding for the fencing around 8-acre park and reduce the amount available for other opportunities or needs.

The total project cost for the construction of the fencing will be \$300,000. The estimated annual ongoing operating costs are approximately \$8,000 for power and maintenance associated with the fencing and gates. There is no annual operating revenue associated with this project however, annual revenues generated from the events mentioned in the background section of this item are currently programmed within the Community and Recreation Services Department budget.

The impact of the operating costs and revenues for this project will be seen after the completion of the project in FY2018.

Budget Impact:

This action will allocate a total of \$300,000 of General Fund savings to fund fencing around 8-acre park project. As this additional fund balance was unforeseen during the FY2017 budget process, budget authority will be reallocated from contingency in the Grants fund normally reserved for unforeseen revenues such as this. The action will also result in an actual transfer of funds from the General Fund to the General Capital Projects Fund in the amount of \$300,000 thus reducing the amount of funding available to support other projects or future needs. If approved, the anticipated annual operating costs, will need to be incorporated in the FY2018 budget.

FTE Impact:

There is no FTE associated with this item.

ATTACHMENTS:

Click to download

- ☐ [Resolution 2017-29](#)
 - ☐ [Presentation](#)
-

RESOLUTION # 2017-29

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2017 BUDGET BY REALLOCATING APPROPRIATIONS OF \$300,000 FROM CONTINGENCY WITHIN THE GRANTS FUND TO THE GENERAL CAPITAL PROJECTS FUND AND A TRANSFER OF ACTUAL FUNDS OF \$300,000 FROM THE GENERAL FUND TO THE GENERAL CAPITAL PROJECTS FUND FOR THE INSTALLATION OF A MULTI-PURPOSE FENCE AT THE 8 ACRES PARK.

WHEREAS, the 8 Acres Park is the multi-purpose field located north of the Surprise Stadium;

WHEREAS, the field is primarily used for youth sports and special events like the annual Surprise Party;

WHEREAS, the installation of a multi-purpose fence would provide a safety barrier for users of the field, create a venue for ticketed events throughout the year, allow for a greater span of control during special events, and allow the area to be closed during times of maintenance or over-seeding;

WHEREAS, the General Fund ending fund balance for FY2016 is higher than estimated;

WHEREAS, the City of Surprise wishes to authorize the use of General Fund savings to provide funding for the installation of a multi-purpose fence at the 8 Acres Park;

WHEREAS, the FY2017 budget was adopted by Council Resolution #2016-81 on June 21, 2016;

WHEREAS, this action will necessitate a budget amendment; and

WHEREAS, the City of Surprise Administrative Policies requires the approval of the Mayor and Council for budget amendments of this nature.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2016 through June 30, 2017.

APPROVED AND ADOPTED this ____ day of _____, 2017.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2017-29
Exhibit A

The FY2017 Annual Budget is amended by reallocating appropriations among lawfully available appropriations to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these reallocations do not increase or decrease the total budget.

- 1. Expenditures** – The allocations below represent a reallocation of appropriations in the amount of \$300,000 from contingency within the Grants Fund to the General Capital Projects Fund for the installation of a multi-purpose fence at the 8 Acres Park without exceeding the approved total annual budget for FY2017.

Fund / Project or Dept. / Category	Current Appropriation	Increase (Decrease)	Amended Appropriation
General Capital Projects Fund / 8 Acres Multi-Purpose Field Fencing #P54100	\$0	\$300,000	\$300,000
Grants Fund / General Operations / Contingency	19,929,100	(300,000)	19,629,100
Total	\$19,929,100	\$0	\$19,929,100

- 2. Transfers** – The allocations below represent an actual transfer of funds in the amount of \$300,000 from the General Fund to the General Capital Projects Fund to support the reallocation of appropriations.

Fund / Category	Current Appropriation	Increase (Decrease)	Amended Appropriation
General Fund / Transfer Out	\$15,457,200	\$300,000	\$15,757,200
General Capital Projects Fund / Transfer In	(9,478,100)	(300,000)	(9,778,100)
Total	\$5,979,100	\$0	\$5,979,100



8 Acres Fencing Project

\$300,000



City of Surprise – 8 Acre Park

Fencing Benefits

- Provide a Safety Barrier
- Allow for a ticketed venue for Special Events
- Allow for Maintenance to close area for over seeding.
- Would remain open to the public when field is not being used for programming or closed for maintenance.



Project Scope

- Decorative Fence with pillars and lights surrounding 8 acres.
- 2300' linear feet 8' high
- Access gates –
 - (6) 20' x 8' rolling gates,
 - (1) 8' x 8' swing gate,
 - (1) 40' x 8' double rolling gate
- Total projected construction cost: \$300,000
- Anticipated annual operations costs less than \$8,000





SURPRISE
ARIZONA

QUESTIONS AND DISCUSSION

Thank You



CITY OF SURPRISE
Regular City Council Meeting

March 7, 2017 @ 6:00:00 PM

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

Council Meeting Date:	March 7, 2017	Contact Person:	Robert Kuhfuss, Community Development
Submitting Department:	CD	District:	Citywide
Staff Recommendations:	No Action		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Presentation and discussion pertaining to a proposed Text Amendment to Chapter 113 of the Surprise Municipal Code regarding signs.

Motion:

None; discussion only.

Background:

Staff introduced the sign code re-write in a general manner to the Planning and Zoning Commission as a discussion item on April 16, 2015 and again to the City Council on April 21, 2015. Staff then proceeded to capture photographic images of various sign conditions present in the west valley and to conduct additional research regarding signage in general. In the meantime, the U.S. Supreme Court opined on the matter of Reed v. Town of Gilbert, which dealt largely with temporary signage in the public right-of-way. In response, staff attended several workshops and seminars regarding the Reed case. On September 1, 2015, the City Council held a workshop regarding the Reed case. In response to feedback received, and research conducted, staff created the attached draft language.

Objective Analysis:

While the Reed case dealt largely with temporary signs in the public right-of-way, the U.S. Supreme Court's ruling on Reed raised the issue of "content-neutrality". Staff has endeavored to create a content-neutral sign code, while balancing business needs and aesthetics by regulating time, place, and manner aspects of signs.

Policy Compliant:

The City's goal is to balance business needs with aesthetics, while meeting the requirements of law. The draft Sign Code update meets these objectives. The city's goal is also to provide ample opportunities for public input. To that end, citizen outreach has begun in earnest. Staff anticipates that effort will generate significant comment, with likely revisions to the proposed sign code language. Staff will bring revised language to the Planning and Zoning Commission as a work session item at a later date. Ultimately, the Planning and Zoning Commission will hear the matter at a public hearing and forward their

recommendation to the City Council. Staff anticipates reviewing revised language with the City Council at the June 20, 2017 workshop, with the final draft to the City Council tentatively on July 18, 2017.

Financial Impact:

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

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

Click to download

- ☐ [00 - FS15-311 - Sign Code Update - Staff Report](#)
 - ☐ [01 - FS15-311 - Sign Code Update - Public Review Version 1](#)
 - ☐ [02 - FS15-311 - Sign Code Update - Presentation](#)
-

TEXT AMENDMENT

REPORT TO THE CITY COUNCIL

Case: FS15-311

Project Name: Sign Code Update

Council District: All

City Council Date: March 7, 2017

Planner: Robert H. Kuhfuss, AICP

Applicant: City of Surprise

Request: Text Amendment to Chapter 113 of the Surprise Municipal Code regarding Signs

Location: City Wide

Support/Opposition: None as of the writing of this report

Alternative Actions: None – this is a discussion item only

Project Description:

The Surprise Community Development Department seeks an amendment to Chapter 113 of the Surprise Municipal Code regarding signs. This effort is associated with the larger zoning code update, which is in progress; however, with the recent U.S. Supreme Court decision regarding Reed v. Town of Gilbert, staff wishes to move forward with the sign code update in order to ensure the city's compliance with the 1st Amendment and applicable case law.

Background:

Staff introduced the sign code re-write in a general manner to the Planning and Zoning Commission as a discussion item on April 16, 2015 and again to the City Council on April 21, 2015. Staff then proceeded to capture photographic images of various sign conditions present in the west valley and to conduct additional research regarding signage in general. In the meantime, the U.S. Supreme Court opined on the matter of Reed v. Town of Gilbert, which dealt largely with temporary signage in the public right-of-way. In response, staff attended several workshops and seminars regarding the Reed case. On September 1, 2015, the City Council held a workshop regarding the Reed case. In response to feedback received, and research conducted, staff created the attached draft language.

43 **Citizen Outreach:**

44
45 Staff has scheduled four (4) outreach meetings during the month of March, 2017. These meetings
46 will be held at venues in and around City Hall. While staff has received considerable interest in this
47 matter from several individuals representing various interest groups, staff has received minimal
48 input to-date. Staff anticipates the aforementioned outreach meetings, together with the posting
49 of the draft ordinance on the city's website, will generate robust discussion and comment, which
50 staff will assimilate through the process.

51
52 **Summary:**

53
54 While the Reed case dealt largely with temporary signs in the public right-of-way, the ruling
55 raised the issue of "content-neutrality". Staff has endeavored to create a content-neutral sign
56 code and wishes to present this matter to the City Council as a discussion item. Citizen
57 outreach has begun in earnest, and staff anticipates that effort will generate significant
58 comment, with likely revisions to the proposed sign code language. Staff will bring revised
59 language to the Planning and Zoning Commission as a work session item at a later date.
60 Ultimately, the Planning and Zoning Commission will hear the matter at a public hearing and
61 forward their recommendation to the City Council. Staff anticipates reviewing revised language
62 with the City Council at the June 20, 2017 workshop, with the final draft to the City Council
63 tentatively on July 18, 2017.

64
65 **Findings:**

- 66
67 • None at this time

68
69 **Attachments:**

70
71 Chapter 113, Surprise Municipal Code (Sign Code) draft

**PROPOSED TEXT AMENDMENT TO CHAPTER 113 OF THE SURPRISE
MUNICIPAL CODE REGARDING SIGNS**

CITY OF SURPRISE PLANNING CASE FS15-311

Public Review Version 1

Public Review Version 1

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Section 113-01 – Title; Findings and Purpose; Intent

- A. **Title:** Chapter 113 of the Surprise Municipal Code may hereafter be referred to as the “City of Surprise Sign Code” or “Sign Code”.
- B. **Findings and Purpose:** *Signs* obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this Chapter is to regulate the size, illumination, movement, materials, location, height and condition of all *signs* placed on private property for exterior observation, thus ensuring the protection of property values, the character of neighborhoods, the creation of a convenient, attractive and harmonious community, and encouraging economic development. This Chapter allows adequate communication through signage while encouraging aesthetic quality in the design, location and size of all *signs*. This paragraph shall not be construed as to exempt from regulation privately owned *signs* within the public right-of-way or on publicly owned land.
- C. **Intent:** To safeguard the public interest from the negative impacts of *signs*, this Chapter establishes standards for the regulation of *signs* to:
1. Allow adequate signage for business identification while meeting public and private objectives. A *sign* placed on land or in a *building* for the purpose of identification, protection, or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of the land or *building*. Therefore, the intent of this Chapter is to establish limitations on *signs* in order to ensure they are appropriate to the land, *building* or use to which they are appurtenant and are adequate for their intended purpose while balancing individual and community interests identified Subsection B herein.
 2. Promote the free flow of traffic, while protecting pedestrians and motorists from injury and property damage that may be caused by cluttered, distracting and illegible signage. These regulations distinguish between portions of the City designed for primarily vehicular access and portions of the City designed for primarily pedestrian access.
 3. Promote the use of *signs* that are well designed, of appropriate scale, structurally sound, and integrated with surrounding *buildings* and landscape in order to meet the community's desire for quality development.
 4. Protect property values, the local economy, and the quality of life. These regulations are intended to preserve and enhance the appearance of the streetscape that affects the image of the city.

5. Maintain acceptable outdoor lighting levels. These regulations are intended to enhance the livability of the community while respecting the natural habitat for animals and the desire for dark skies in environmentally sensitive areas.
6. Provide for adequate wayfinding through and within the city. These regulations are intended to aid motorists and pedestrians in navigating to local businesses and other points of interest safely.
7. Promote the health, safety, morals, and general welfare of the citizens of the City of Surprise.

D. Limitations:

1. These regulations do not regulate every form and instance of visual communication that may be displayed within the jurisdictional limits of the City of Surprise. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the stated purposes set forth.
2. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of *signs*. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by *signs*.
3. These regulations are not intended to and do not apply to *signs* erected, maintained or otherwise posted, owned or leased by this State, the federal government or the City of Surprise. The inclusion of “government” in describing some *signs* does not intend to subject the government to regulation, but instead helps illuminate the type of *sign* that falls within the immunities allowed for government speech.

Section 113-02 – Applicability

The provisions of this Chapter apply to all incorporated areas within the City of Surprise and shall supersede all previous sign codes and references thereto adopted by the Surprise City Council as of the effective date of Ordinance [insert adopting Ordinance Number], except that where such land is located within an approved Planned Area Development (PAD), or is subject to an approved Comprehensive Sign Program (CSP) existing at the time of the adoption of this Ordinance, the time, place and manner provisions of said PAD or CSP shall apply. Whenever an approved PAD or CSP is silent on a matter relating to signage, the provisions of this Chapter shall apply to the extent that such provisions are not in conflict with the provisions of the approved PAD or CSP.

Section 113-03 – First Amendment Interpretation and Severability

This Chapter must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this Chapter is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this Chapter which can be given effect without the invalid provision.

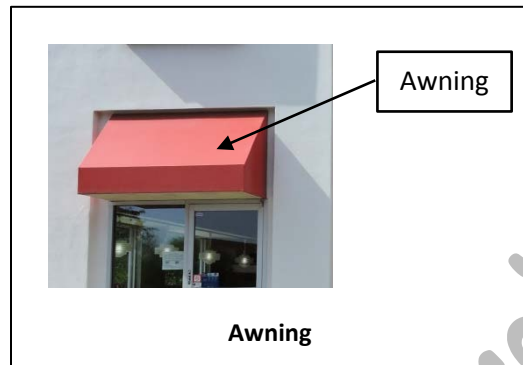
Section 113-04 – Rules of Interpretation

- A. Words or phrases within this Chapter which are expressed using *italics* shall assume the meaning as ascribed in Section 113-05 of this Chapter. Words or phrases not expressed in italics shall assume the common meaning of the word or phrase unless such word or phrase is otherwise included in Section 122-178 of the Surprise Municipal Code. Whenever the definition of a word or phrase used in this Chapter is in conflict with any word or phrase used elsewhere in the Surprise Municipal Code, the definitions of this Section shall apply for purposes of interpreting this Chapter.
- B. Graphical representations are often used throughout this Chapter to further clarify the intent of the text; however, whenever there is a conflict between the text and the illustration, the language of the text shall prevail.
- C. Words in singular form shall include the plural form and words in plural form shall include the singular form.
- D. The word “shall” is mandatory and the word “may” is permissive.
- E. The City of Surprise shall not evaluate any *sign* based on the message content of the *sign* provided the *sign copy* contains no vulgar or profane language, hate speech, or language intended to incite violence, in which case the *sign copy* shall not be permitted.

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Section 113-05 – Definitions

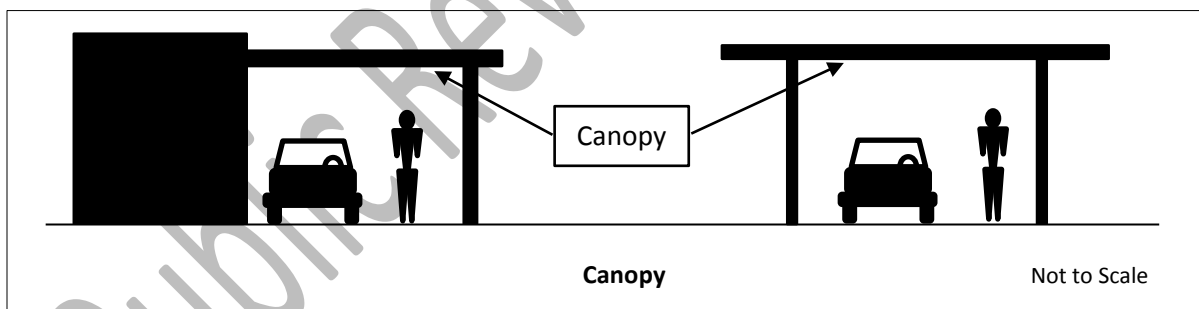
Awning: An architectural projection, typically made of cloth or metal, which projects from and is supported by the walls of a *building* and is intended to provide shade or shelter above a window or door.



Blight: Unsightly conditions including but not limited to damage, tattered, faded, cracking, peeling, rusting or any other condition of disrepair, deterioration, or lack of maintenance.

Building: Any *structure* having a *roof* supported by walls or columns used for the shelter of persons, animals, or personal property.

Canopy: A *building* or portion thereof, which is open on not less than two (2) sides and is entirely or partially supported by the ground.



Copy, changeable: *Sign copy* that is changed or capable of being changed at intervals of more than once per day.

Cottage industry: Specific to the Surprise Heritage District as outlined in Section 122-69.1 of the Surprise Municipal code, a *cottage industry* is a small business, owned and operated by the residential occupant, in a residential area, conducted within the dwelling or in an accessory building. The business may have employees and customers but must be clearly incidental and secondary to the use of the property for single-family residential purposes as well as adhere to the Use Specific Standards in Section 122-69.1(G) of the Surprise Municipal Code.

Daylight hours: That portion of the day beginning when the sun breaks the morning horizon and ending when the sun falls below the evening horizon.

Drive-in business: A retail business establishment where on-site transactions may be conducted from the confines of a parked vehicle. See also *drive-through business*.

Drive-through business: A retail business establishment where on-site transactions may be conducted from the confines of a vehicle which is staged in a drive-through lane. See also *drive-in business*.

Electronic Messaging Center (EMC): A *sign* that utilizes computer-generated messages or some other electronic means of *changeable copy*. These *signs* include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

Electronic Messaging Centers, Level 1: An *EMC* that contains monochromatic static messages which may only be changed manually and which do not employ “scroll”, “fade” or “dissolve” transitions, animation or video, or similar subtle transitions or frame effects which create the appearance of moving text or images.

Electronic Messaging Centers, Level 2: An *EMC* that contains monochromatic or full-color static messages which may be changed automatically at a rate not exceeding once every eight (8) seconds, and which do not employ “scroll”, “fade” or “dissolve” transitions, animation, or similar subtle transitions or frame effects which create the appearance of moving text or images.

Flag: Any fabric or flexible material attached to or designed to be flown from a flagpole or similar device, but not including *banners*.

Illuminance: The amount of light falling upon a real or imaginary surface, measured in either foot-candles or lux. See also “*luminance*”.

Illumination, bare-bulb: A type of *external illumination* consisting of light bulbs or a string of light bulbs, or takes on the appearance of such including LEDs.

Illumination, bent-tube: A source of light for *externally illuminated* graphics supplied by a glass tube that is bent to form letters, symbols, or other shapes and filled with a gas that when electrically charged emits light, or any other method or technology, such as but not limited to LED rope lighting, utilized to achieve the same effect.

Illumination, external: A light source that is separate and apart from the *sign*.

Illumination, internal: A light source that is concealed or contained within the *sign* and becomes visible in darkness through a translucent surface.

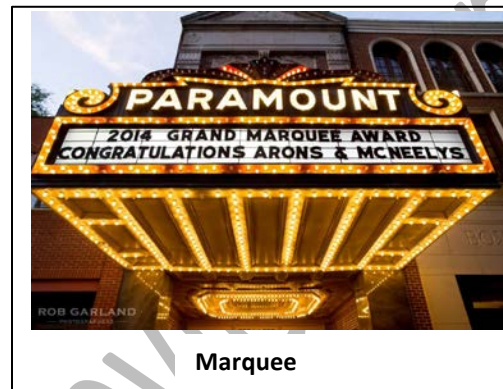
Lawful temporary event: A use of land that is permitted by and in accordance with Section 122-105 of the Surprise Municipal Code.

Logo: A graphic symbol representing a business, activity or use.

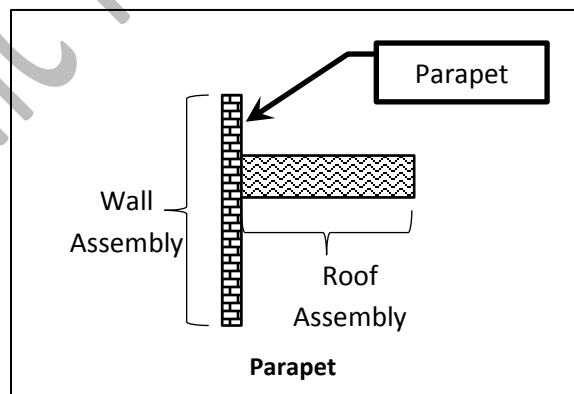
Luminance: The light that is emitted by a light source or reflected from a surface, measured in foot-Lamberts or Nits. See also “*illuminance*”.

Maintenance: The replacing or repairing of a part or portion of a *sign* necessitated by ordinary wear, tear or damage beyond the control of the owner, or the reprinting of existing *sign copy* without changing the wording, composition, design, original color or size of the *sign copy*.

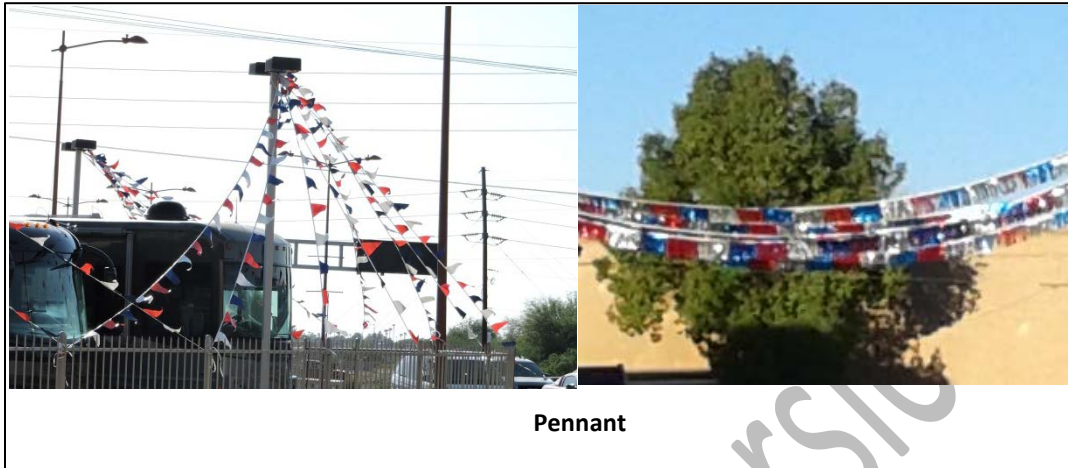
Marquee: A type of *building* projection typically attached to and projecting from the front entrance of a hotel or theater, and intended to provide an opportunity for signage.



Parapet: That portion of a *building's* exterior wall which projects above the *roof* of the *building*.



Pennant: A type of *flag*, generally in the shape of a triangle and typically flown from a string.



Roof: That portion of a *building's* exterior intended to provide overhead protection from the elements.

Roof, exposed pitch: Any *roof* where the pitch of the *roof* is visible from the ground.

Roofline: The highest point of the main *roof* or the highest point on a *parapet*, but not including cupolas, pylons, projections or minor raised portions of the *roof*.

Sign: Any device depicting written letters, words, numerals, figures, emblems, logos, trademarks, pictures, or any part or combination thereof used for visual communication that attracts the attention of the public and is visible from public or private rights-of-way or other properties, but not including athletic scoreboards when associated with a sanctioned athletic field.

Sign, 3-Dimensional: A *sign* in which is meant to be viewed from all angles.



Sign, abandoned: Any *sign* located on a vacant property or premises, which is vacant for a period of 90 calendar days, or a *sign* which is damaged, in disrepair, or vandalized and not repaired within 90 calendar days of the date of the damaging event.

Sign, Address: A *sign* intended for the display of a property's address.

Sign, A-frame: A *portable sign* designed in the shape of the letter "A" consisting of two rigid surfaces joined along an adjacent edge.

Sign, animated: A *sign* which incorporates movement or the optical illusion of movement of any part of the *sign* or *sign structure*, including the flashing or varying of light intensity; or the automatic changing of all or any part of the *sign*; or any movement or rotation of the *sign* or any part of the *sign structure*.

Sign, area: The smallest rectangular area or areas of a 2-dimensional *sign* which can enclose all of the *sign copy*, or in the case of a 3-dimensional *sign*, 50% of the volume of the smallest cuboid which can enclose the *sign*.

Sign, Awning: Any information or graphics painted on or integrated into an *awning*.

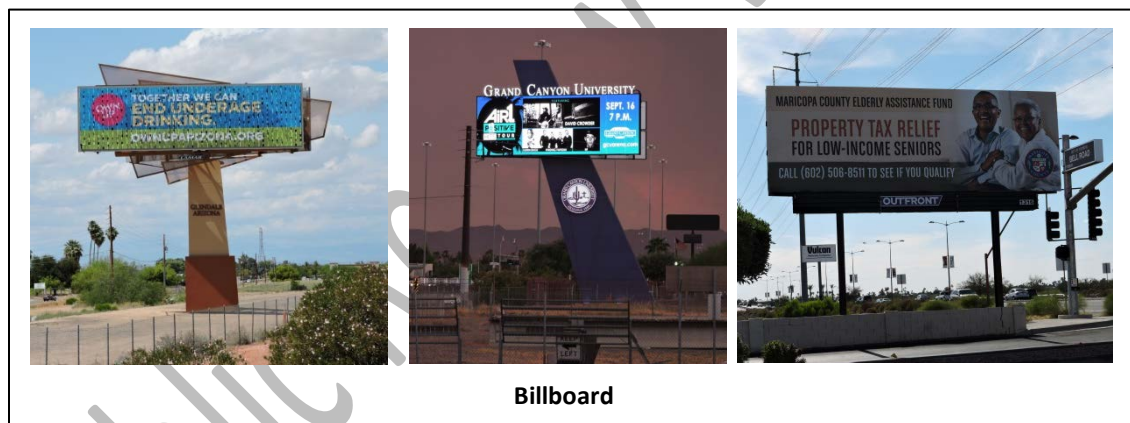


Sign, backlit: A *sign* typically utilizing opaque graphics, in which the light source is concealed or contained within the graphic thereby causing the graphic to become visible against the illuminated surface onto which the graphic is mounted.

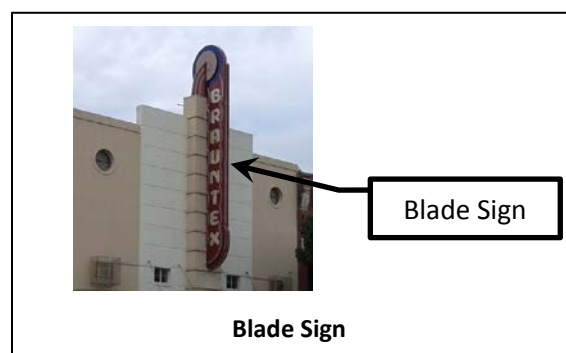
Sign, Banner: A *sign* consisting of fabric, paper, or other lightweight pliable material, either enclosed or not enclosed in a rigid frame, and secured or mounted to minimize movement in the wind, but not including *inflatable signs*.



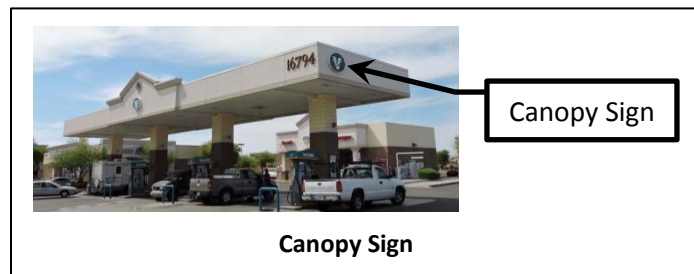
Sign, Billboard: A *sign* that advertises a business, commodity, service, entertainment, product or attraction which is sold, offered or existing elsewhere than on the property where the *sign* is located or which takes on the physical characteristics historically associated with such *signs*.



Sign, Blade: A *sign* which stands off from the façade of the *building* and is designed to be read in a vertical manner.



Sign, Canopy: A type of *Building Wall Sign* that is mounted to the face of a *canopy*.



Sign copy: The letters, words or graphics used to convey information on a *sign*.

Sign, freestanding: A *sign* that is erected on its own self-supporting structure, detached from any supporting elements of a *building*.

Sign, Hanging: See "*Shingle Sign*".

Sign, illuminated: A *sign* of which the surface is artificially lighted either internally or externally. (See also "*illumination*" et. seq.)

Sign, inflatable: Any flexible fabric device which is filled with a gas or pressurized air that is tethered or anchored to the ground or other stationary object, or any device taking on such an appearance.

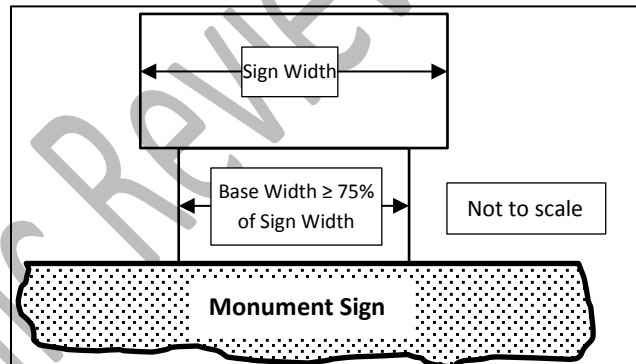


Sign, legal non-conforming: A *sign* lawfully erected and maintained prior to the adoption of the Ordinance from which this Chapter or amendments thereto is derived that does not conform to the requirements of this Chapter.

Sign, Light Pole Banner: A fabric *sign* suspended between two horizontal supports, which are attached to a light pole for the purpose of supporting the *sign*.



Sign, Monument: A freestanding sign with a base that is at least 75 percent of the width of the *sign*.



Sign, Monument, Class I: Commonly referred to as a “menu sign”, a Class I Monument Sign is a *monument sign* associated with the drive-through lanes of a *drive-through business*, and which is equipped with a loudspeaker and microphone for the purpose of placing and confirming an order.



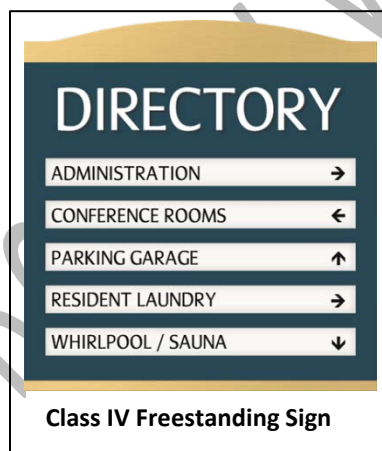
Sign, Monument, Class II: Commonly referred to as a “preview sign”, a Class II Monument Sign is a *monument sign* associated with the drive-through lanes of a *drive-through business*, and which is not equipped with a loudspeaker or microphone.



Sign, Monument, Class III: Commonly referred to as a “directional sign”, a Class III Monument Sign is a *monument sign* typically associated with a multi-family, commercial or industrial driveway or drive aisle.



Sign, Monument, Class IV: Commonly referred to as a “directory sign”, a Class IV Monument Sign is a *monument sign* typically associated with a pedestrian promenade or parking lot drive aisle.



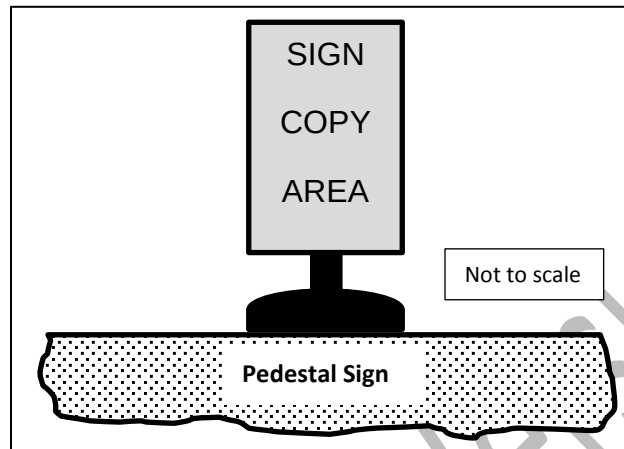
Sign, Monument, Class V: A *monument sign* associated with a High Volume Collector Street, Residential Collector Street, or Commercial Collector Street, as defined by the Surprise Engineering Design Standards, and provides the primary source of signage for the property served by the *sign*.

Sign, Monument, Class VI: A *monument sign* associated with a Parkway, Major Arterial, or Minor Arterial, as defined by the Surprise Engineering Design Standards, or Grand Avenue, and provides the primary source of signage for the property served by the *sign*.

Sign, non-conforming: A *sign* that does not conform to the requirements of this Chapter.

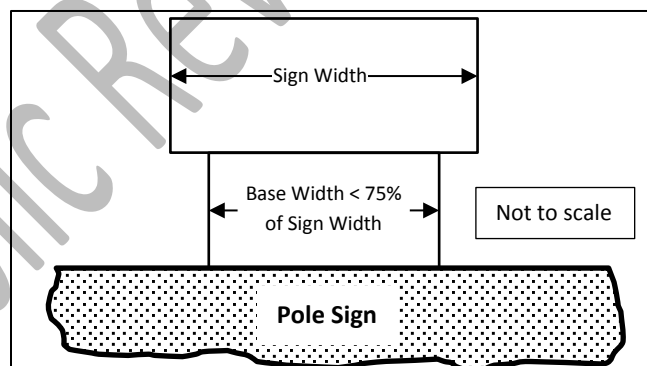
Sign panel: The surface on which *sign copy* is depicted.

Sign, Pedestal: A *portable sign* in which the *sign panel* is affixed to and supported by a weighted base.



Sign, permanent: A *sign* that due to its physical characteristics and method of attachment is intended for permanent display.

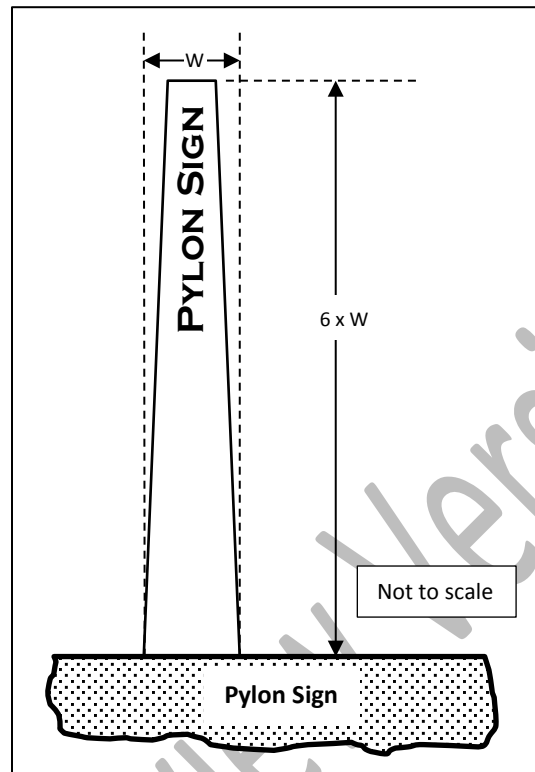
Sign, Pole: A *freestanding sign* where the width of the supporting poles, uprights or braces are collectively less than 75 percent of the width of the *sign*. For purposes of this Chapter, a *light pole banner* is not considered a pole sign. (See also "*Sign, Monument*" and "*Sign, Pylon*".)



Sign, portable: A *temporary sign* that may be readily moved from location to location without the need of any specialized knowledge or equipment, and that is not affixed to the ground or any *structure*.

Sign, public: A *sign* erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, or direct or regulate pedestrian or vehicular traffic.

Sign, Pylon: A *Monument Sign* in which the height of the *sign structure* is at least six (6) times the width of the base of the *sign structure*.



Sign, Reader Panel: A *sign* in which the individual characters of the *sign copy* may be changed manually and immediately, but not including Electronic Messaging.



Reader Panel

Sign, Roadway Arch: A *sign* mounted to a *structure* that spans a roadway or commercial driveway in which the *structure* is intended for that sole purpose.



Sign, Roof: A *building-mounted sign* that is attached to or extends above the *roof* of a *building*.



Sign, Sandwich: A type of *A-Frame sign* designed to be worn by a person.

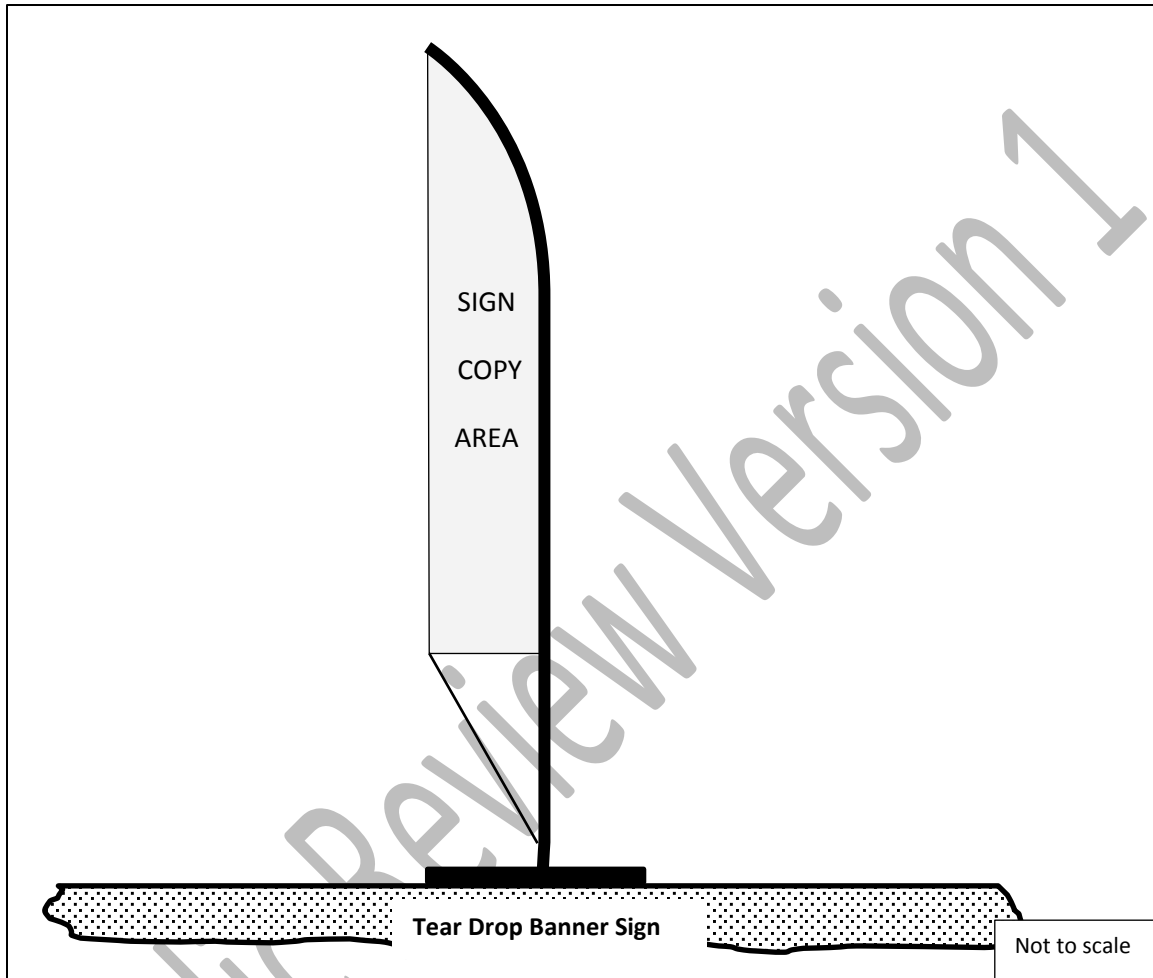
Sign, Shingle: A *sign* suspended from, and located entirely under a covered porch, walkway, *canopy* or *awning*.



Sign, Snipe: Any *sign*, other than a *public sign*, that is posted on a tree, landscaping, utility pole or *structure*, streetlight, fence, fire hydrant, bridge, curb, sidewalk, park bench, parkway, street, or right-of-way.

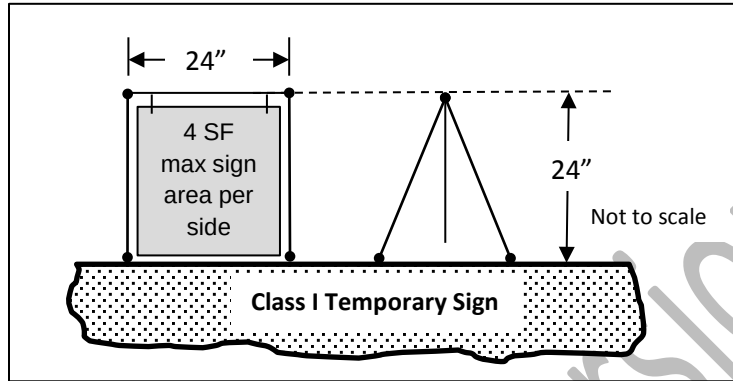
Sign structure: The supports and framework of a *sign*.

Sign, Teardrop Banner: A *sign* consisting of a narrow strip of fabric material which is attached to a flexible or partially flexible pole in a vertical manner.

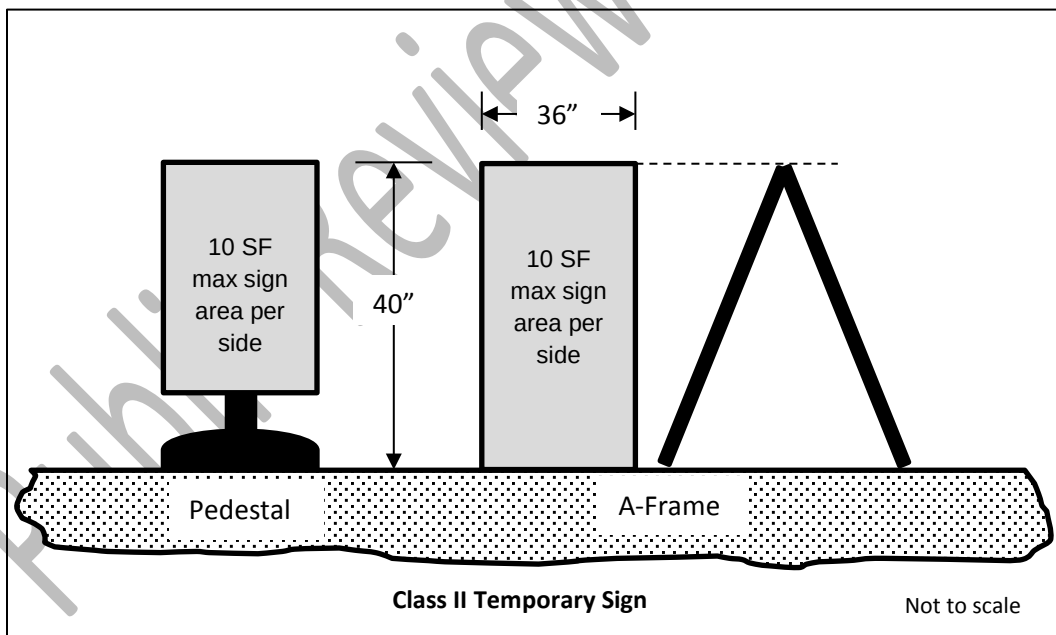


Sign, temporary: A *sign* that due to its physical characteristics and method of attachment is not intended for permanent display. See also "*sign, permanent*".

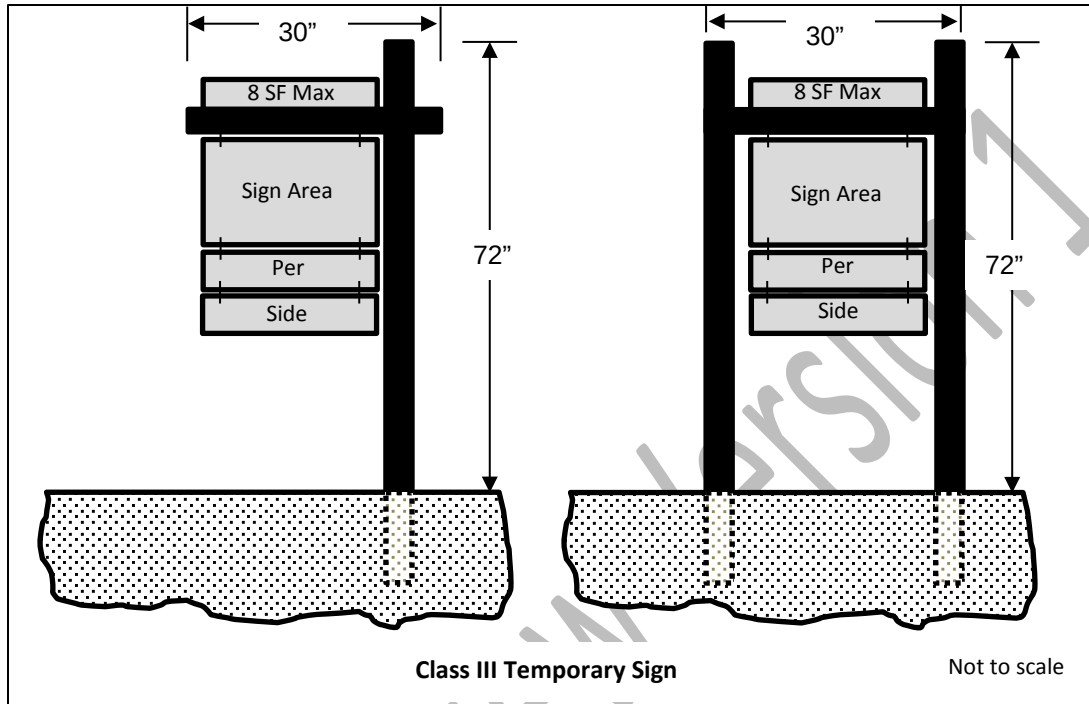
Sign, Temporary, Class I (Small A-Frame Sign): A temporary, portable sign generally in the shape of the letter “A” in which the overall height of the *sign structure* does not exceed twenty-four (24) inches, the overall width of the *sign structure* does not exceed twenty-four (24) inches and which does not exceed eight (8) square feet of aggregate *sign area*.



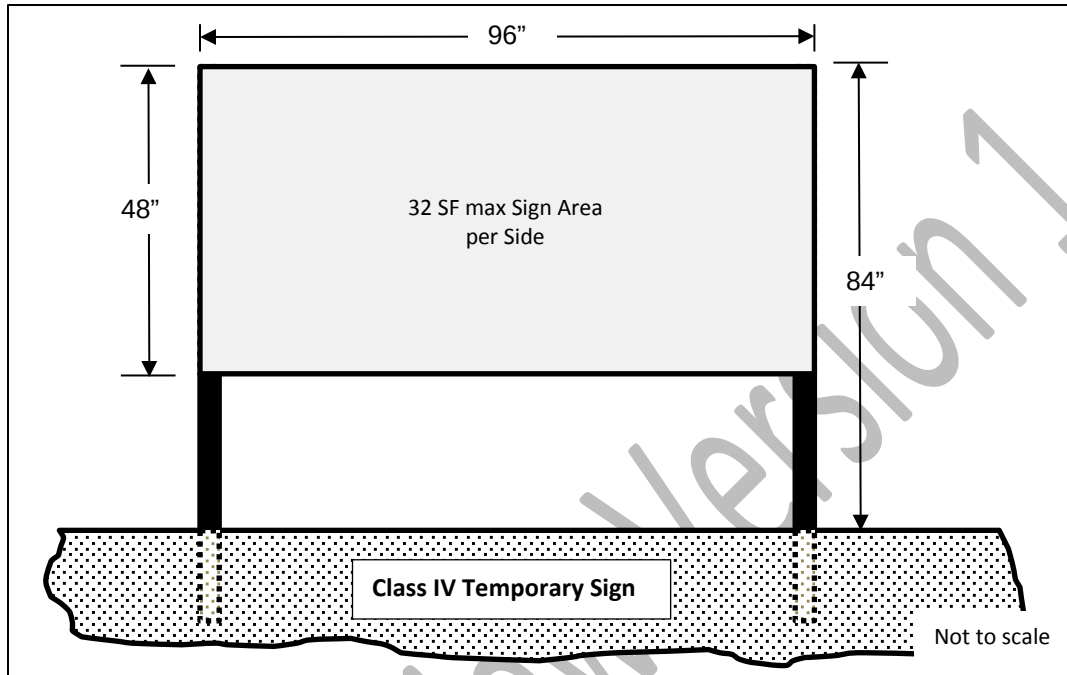
Sign, Temporary, Class II (A-Frame Sign and Pedestal Sign): A temporary, portable sign in which the overall height of the *sign structure* does not exceed forty (40) inches, the overall width of the *sign structure* does not exceed thirty-six (36) inches and which does not exceed twenty (20) square feet of aggregate *sign area*.



Sign, Temporary, Class III (Small Post Sign): A temporary sign supported by one or more rigid posts in which the overall height of the *sign structure* does not exceed 72 inches, the overall width of the *sign structure* does not exceed thirty (30) inches, and the aggregate *sign area* does not exceed sixteen (16) square feet.



Sign, Temporary, Class IV: A temporary sign supported by two (2) rigid posts in which the overall height of the *sign structure* does not exceed 84 inches, the overall width of the *sign structure* does not exceed 96 inches, and the aggregate *sign area* does not exceed 64 square feet.



Sign, Vehicle: Any sign mounted, painted, or otherwise erected on a *vehicle*.

Sign Walker: A live person carrying a *portable sign* intended to convey a message to motorists and passersby.



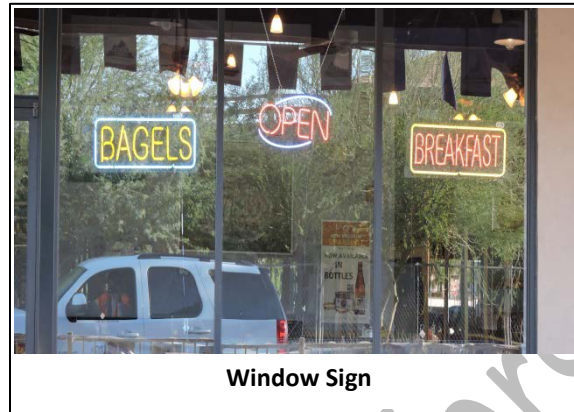
Sign, Wall, Building: A *sign* mounted flat against a *building wall* with the exposed face of the *sign* in a plane generally parallel to the face of the wall, but not including *Window Signs*.



Sign, Wall, Subdivision Perimeter: A *sign* mounted or painted onto a *subdivision perimeter wall*.



Sign, Window: Any combination of decals, posters, murals or other media which are affixed to a window pane or otherwise intended to be viewed through the window pane from the exterior of the *building*, but not including merchandise normally displayed within a show window of a retail merchant shop.



Structure: Anything constructed or erected that requires attachment to the ground, or is structurally connected to something having attachment to the ground.

Vehicle: Any car, truck, motorcycle, All-Terrain Vehicle, Recreational Vehicle, boat, trailer, tractor, crane, mobile machinery, or similar.

Wall, building: A wall that is integral to a *building*.

Wall, subdivision perimeter: A freestanding wall that is located around a subdivision.

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Section 113-06 – Permitted and Prohibited Signs

- A. **Permitted Signs by Zoning District** – Only those *sign* types and classes that are specifically listed in Table 113-06.A for each zoning district may be allowed, subject to the provisions outlined elsewhere in this Chapter.

TABLE 113-06.A – PERMITTED SIGNS (P=Permitted, shaded cell = Not Permitted)											
Code Reference	Sign Type	Location									
		Public Rights-of-Way	Private Rights-of-Way	Single-Family	Multi-Family	Mixed-Use	Commercial and Industrial	SHD-RO	SHD-CO	Open Space	PF
TEMPORARY SIGNS											
113-08.A.2	Class I Temporary Signs (Small A-Frame Signs)			P	P	P	P	P	P	P	P
113-08.A.3	Class II Temporary Signs (Large A-Frame Signs)			P	P	P	P	P	P	P	P
113-08.A.4	Class III Temporary Signs (Small Post Signs)			P	P	P	P	P	P		P
113-08.A.5	Class IV Temporary Signs (Large Post Signs)			P	P	P	P	P	P		P
113-08.A.6	Banner Signs						P		P		P
113-08.A.7	Light Pole Banner Signs	P	P		P	P	P	P	P		P
113-08.A.8	Teardrop Banner Signs			P	P	P	P	P	P	P	P
113-08.A.9	Sign Walkers	P	P	P	P	P	P	P	P	P	P
BUILDING MOUNTED SIGNS											
113-08.B.1	Building Wall Signs			P	P	P	P		P		P
113-08.B.2	Blade Signs			P	P	P	P		P		P
113-08.B.3	Canopy Signs				P	P	P		P		P
113-08.B.4	Marquee Signs						P				P
113-08.B.5	Awning Signs						P		P		P
113-08.B.6	Hanging Signs					P	P	P	P		P
113-08.B.7	Window Signs and Sunscreens			P	P	P	P	P	P		P
FREESTANDING SIGNS											
113-08.C.1	Class I Monument Signs (Menu Signs)						P		P		
113-08.C.1	Class II Monument Signs (Preview Signs)						P		P		
113-08.C.2	Class III Monument Signs (Directional Signs)	P	P	P	P	P	P	P	P	P	P
113-08.C.3	Class IV Monument Signs (Directory Signs)				P	P	P		P		
113-08.C.4	Class V Monument Signs (Minor Monument Signs)			P	P	P	P		P		P
113-08.C.5	Class VI Monument Signs (Major Monument Signs)				P	P	P		P		P
113-08.C.6	Roadway Arch Signs	P	P				P		P		
113-08.C.7	Subdivision Perimeter Wall Signs			P	P	P	P				P
OTHER SIGNAGE											
113-10	Level 1 Electronic Messaging			P	P	P	P	P	P		P
113-10	Level 2 Electronic Messaging				P	P	P		P		P
113-11	Reader Panels			P	P	P	P	P	P		P
113-12	Address Identification			P	P	P	P	P	P	P	P
113-13	Flags and Flagpoles			P	P	P	P	P	P		P

- B. **Signs in the Public Street Right-of-Way:** *Signs* are permitted within the public street right-of-way regardless of the zoning of said right-of-way, only when erected by, or on behalf of, the City of Surprise, or as permitted under Section 113-08.A.2.b and 113-08.A.3.b below.
- C. **Signs in the Private Street Right-of-way:** *Signs* are permitted within private street rights-of-way only when associated with an approved Planned Area Development (PAD) or Comprehensive Sign Program (CSP), or as required by the City of Surprise.
- D. **Encroachments:** No portion of any *sign* erected on any property may encroach into the public right-of-way unless expressed written permission is granted by the City of Surprise to allow said encroachment.
- E. **Signs as an Accessory Use:** All *signs* must be an accessory use to a primary use. In no case shall a *sign* be established as a primary use of the property; except that *temporary signs* as otherwise allowed within a given zoning district are exempt from this provision.
- F. **Prohibited Signs** – the following *sign* types are specifically prohibited:
1. *Abandoned signs, Billboard Signs, Pole Signs* of a permanent nature, *Roof Signs and Snipe Signs*;
 2. *Animated Signs*, flashing, blinking, or rotating *signs*, festoons, *Inflatable Signs* including latex or Mylar balloons, permanent *Banner Signs, Pennants*, searchlights, streamers, *signs* other than *Class 1 Monument Signs* that emit audible sound, and any clearly similar features;
 3. *Vehicle Signs* when the *vehicle* is placed in a location not approved for vehicular parking or storage;
 4. *Signs* containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals;
 5. Merchandise, equipment, products or other items which are not available for purchase, but are intended to attract attention, or for identification or advertising purposes;
 6. *Signs* located on trees, utility poles, public benches, or any other form of public property, or within any public right-of-way, unless explicitly permitted by these regulations;
 7. *Signs* containing vulgar or profane messages, hate speech, or language intended to incite violence.

8. *Signs* greater than thirty (30) inches in height and which are located within any sight visibility triangle of any street or driveway intersection as required by the Surprise Engineering Design Standards.
 9. *Signs* not expressly permitted as being allowed by right under this Chapter, or by specific requirements in another portion of this Chapter, or otherwise expressly allowed by the City of Surprise Board of Adjustment, are expressly prohibited.
- G. **Signs Exempt from these Regulations** – The following *signs* are exempt from regulation under this Chapter:
1. Any public-purpose or public-safety *sign*, or any other notice or warning required by a valid and applicable federal, state or local law, regulation, or resolution, and posted by or on behalf of a governmental agency;
 2. Any *sign* that is not visible from another property to the naked eye, provided said *sign* otherwise meets applicable Building Code requirements.
- H. **Violation** – Any *sign* that is not in compliance with this Section is in violation of this ordinance.

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Section 113-07 – General Provisions

A. Permitting Requirements:

1. **Permits Required:** With the exception of those *sign* types listed in 113-07.A.3 below, a permit is required for all *signs* regulated by this Chapter and erected within the City of Surprise.
2. **Property Owner Authorization Required:** No *sign* regulated by this Chapter shall be erected on a property not owned by the person or entity erecting the *sign* without the expressed written permission from the property owner of the property onto which the *sign* is erected. Said written permission shall be made available to the City of Surprise upon request.
3. **Exceptions from the Permitting Requirement:** The following *sign* types are exempt from the permitting requirement:
 - a) *Temporary Signs*
 - b) *Sign Walkers*
 - c) *Window Signs*, provided the *sign* is not electrically connected to the *building*
 - d) *Sun screens*
 - e) *Shingle Signs*, provided the *sign* is not electrically connected to the *building*
 - f) *Address Signs* provided the *sign* is not electrically connected to the *building*
 - g) *Flags* except that in the event the flagpole is greater than six (6) feet in length, then a permit is required for the flagpole
 - h) *Signs* relating to citizen review or public hearings

B. Sign Quality and Construction:

Signs shall be designed in compliance with the applicable construction codes adopted by the City and in effect at the time of construction.

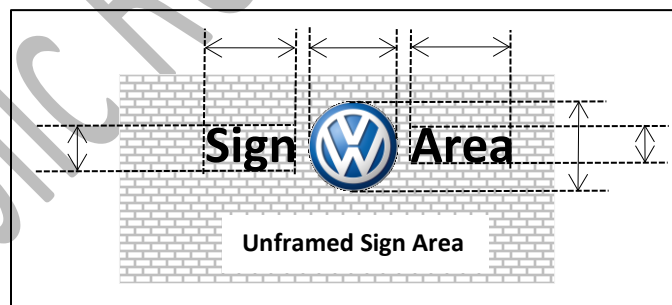
C. **Sign Maintenance:**

1. All *signs* shall be maintained in a stated of good repair, operational, and free of *blight* and/or hazards. Weathered, sun damaged, tattered or faded *signs* or related components shall be repaired or replaced.
2. Whenever any *sign*, either legally conforming or legally nonconforming, is required to be removed for the purpose of repair, lettering or repainting, the same may be done provided;
 - a) There is no alteration or remodeling to the *structure* or to the mounting of the *sign* itself;
 - b) There is no enlargement or increase in any of the dimensions of the *sign*, *sign copy*, or *sign structure*;
 - c) The *sign* is an accessory to a legally conforming use, conditional use, or legally nonconforming use.

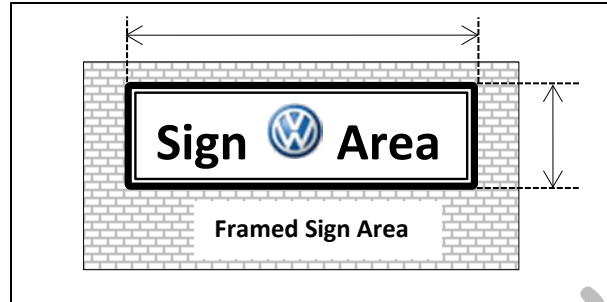
D. **Methods of Measurements:**

1. **Sign Area:**

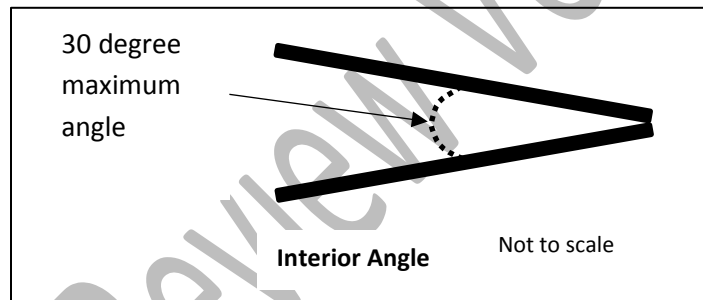
- a) **Unframed Signs:** Where the individual letters, logos and graphics of a *sign* are mounted directly to a wall or *sign structure*, the *sign area* is determined by calculating the smallest rectangle or rectangles containing *sign copy*.



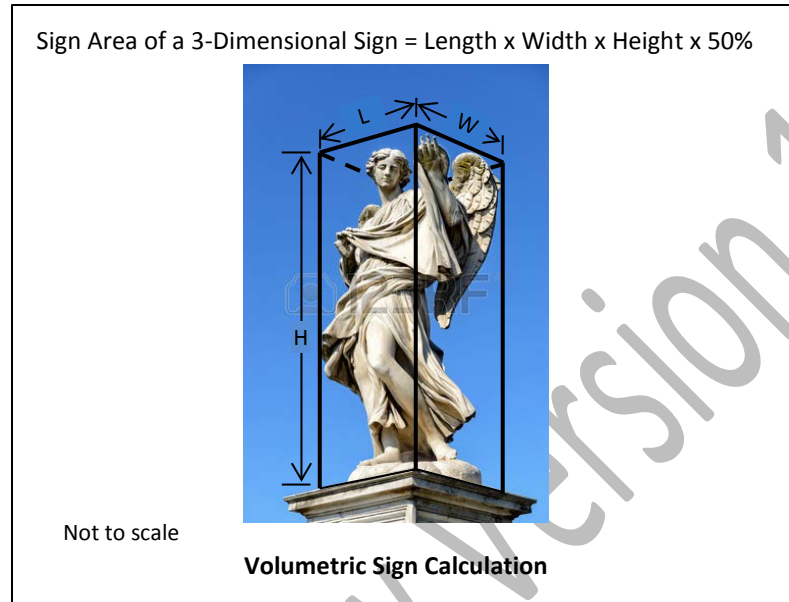
- b) **Framed Signs:** Where the individual letters, logos and graphics are integral to a *sign panel*, or are framed in by an architectural element or contrasting color apart from the color of the wall or *sign structure*, the *sign area* shall be the area of the panel or frame.



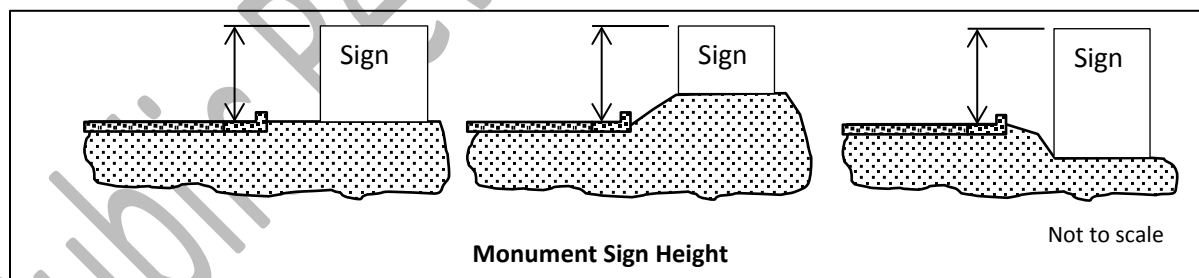
- c) **Double-Sided Signs:** Only one side of a double-sided *freestanding sign* shall be used to calculate the *sign area*, provided the interior angle between *sign faces* is not greater than 30 degrees. This provision does not apply to *A-Frame Signs*.



- d. **3-Dimensional Signs:** Where a *sign* consists of a 3-dimensional, free-form, sculptural or other non-planar design, the *sign area* shall be calculated as 50% of the total volume of space contained within the smallest cuboid, which will enclose the *sign* structure.



2. **Monument Sign Height:** Unless otherwise noted, notwithstanding adjacent topography, the height of any class of *monument sign* shall be measured from the closest adjacent curb, or if no curb is present, the closest adjacent pavement.



3. **Fractional Calculations:** When any requirement of Chapter 113 results in a fractional calculation, that fraction shall be rounded up to the nearest whole number.

Section 113-08 – Sign Classifications and Types

The following *sign* classifications and types as defined in Section 113-05 are permitted in the City of Surprise as outlined in Table 113-06.A subject to the following “time, place and manner” restrictions.

A. **Temporary Signs:** When allowed, *Temporary Signs* shall conform to the following requirements:

1. **General Requirements:**

- a) *Temporary signs* shall not be illuminated in any manner except by ambient lighting present on the property.
- b) *Temporary signs* shall include the name and phone number of the contact person responsible for placing the *sign*.
- c) No *temporary sign* may interfere with the free movement of pedestrian or vehicular traffic through the site.
- d) The supporting elements for *Class III Temporary Signs* and *Class IV Temporary Signs* may be directly buried or inserted into the soil; however, in no case shall concrete, or other permanent attachments to the ground, or attachment to other permanent *structure(s)* be utilized.

2. **Class I Temporary Signs (Small A-Frame Signs):**

- a) Not more than three (3) *Class I Temporary Signs* are permitted in conjunction with a *lawful temporary event*, including those associated with *cottage industries*, but not home occupations, subject to the specific requirements as outlined in this Section except that in no case shall a *Class I Temporary Sign* be allowed on a vacant property.
- b) In no case shall a *Class I Temporary Sign* be located within a public right-of-way except as outlined in Section 113-06.B above or when associated with a *lawful temporary event*.
- c) There is no limit to the number of *sign panels* per *sign structure* provided the defined height, width and *sign area* limitations are not exceeded.
- d) The *sign* may be weighted or ballasted; however, no such *sign* may be affixed to the ground or to any permanent *structure*.

- e) The *sign* may be displayed only during the business hours of the business or temporary event served by the *sign*.

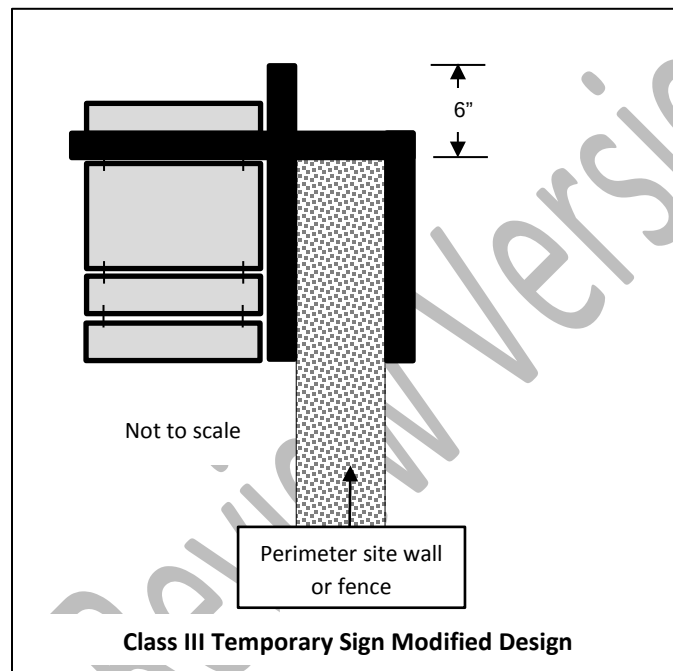
3. ***Class II Temporary Signs (Large A-Frame Signs and Pedestal Signs):***

- a) Not more than one (1) *Class II Temporary Sign* meeting the specific requirements outlined in this Section are permitted in conjunction with a lawful commercial use or a *lawful temporary event*, including those associated with *cottage industries* but not home occupations, subject to the specific requirements as outlined in this Section except that in no case shall a *Class II Temporary Sign* be allowed on a vacant property.
- b) In no case shall a *Class II Temporary Sign* be located within a public right-of-way except as outlined in Section 113-07.B above, or when associated with a *lawful temporary event*, or when the customer entrance to the *building* served by the *Class II Temporary Sign* opens directly onto a public right-of-way.
- c) There is no limit to the number of *sign panels* per *sign structure* provided the defined height, width and *sign area* limitations are not exceeded.
- d) The *sign* shall be placed within 15' of the customer entrance of the business served by the *sign*.
- e) The *sign* shall not be located within any landscape area.
- f) The *sign* may be weighted or ballasted; however, no such *sign* shall be affixed to the ground or to any *structure* or object.
- g) The *sign* may be displayed only during the business hours of the business or temporary event served by the *sign*.

4. ***Class III Temporary Signs (Small Post-Signs):***

- a) Not more than one (1) *Class III Temporary Sign* meeting the specific requirements outlined in this Section is permitted per lot of record except that if said lot abuts more than one (1) street, one (1) additional *Class III Temporary Sign* meeting said requirements may be erected along each additional street frontage.
- b) In the event a property is vacant, additional *Class III Temporary Signs* may be erected on said property provided the spacing between such *signs* is not less than 600 feet.

- c) There is no limit to the number of *sign panels* per *sign structure* provided the defined height, width and *sign area* limitations are not exceeded.
- d) In the event that a lot's *perimeter site wall* or fence is adjacent to or within twenty (20) feet of a street, the *Class III Temporary Sign* may be modified to allow the *sign* to be hung from but not attached to the *perimeter site wall* or fence provided the *sign* does not exceed the height of the wall or fence by more than six (6) inches and does not interfere with pedestrian movement.



5. **Class IV Temporary Signs (Large Post-Signs):**

- a) Not more than one (1) *Class IV Temporary Sign* meeting the specific requirements outlined in this Section is permitted per lot of record except that if said lot abuts more than one street, one (1) additional *Class IV Temporary Sign* meeting said requirements may be erected along each additional street frontage.
- b) In the event a *Class IV Temporary Sign* is associated with a public hearing, one (1) additional *Class IV Temporary Sign* is permitted for each 660 feet of right-of-way frontage.
- c) The maximum number of *sign panels* per *sign structure* shall not exceed two (2).

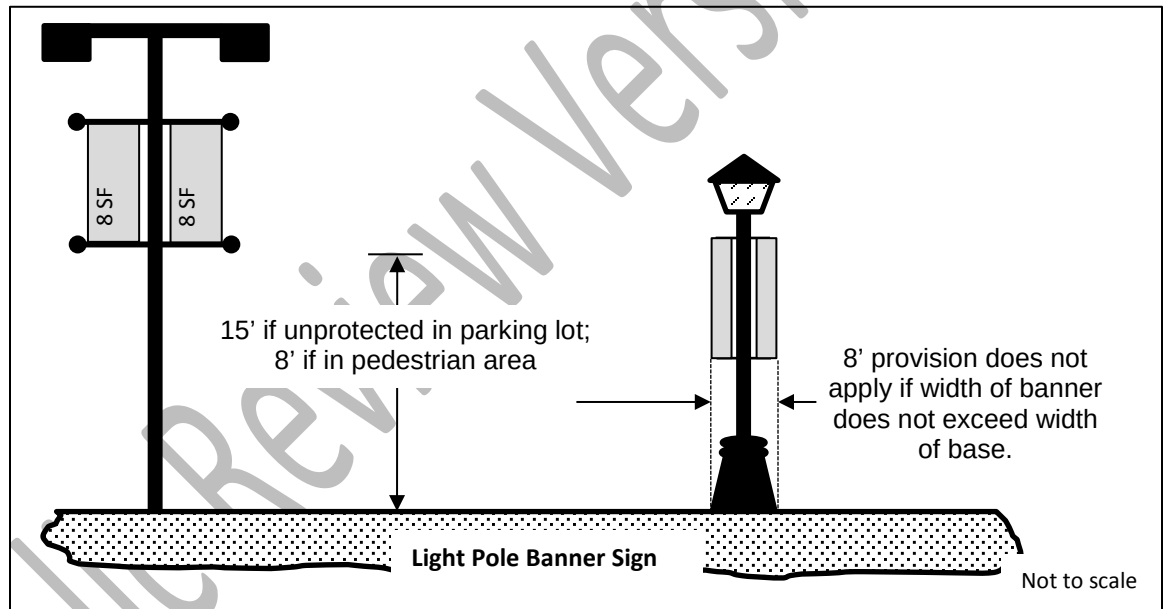
6. **Banner Signs:**

- a) One (1) *Banner Sign* may be placed on any *building*, except those associated with a single-family use. If associated with an active construction project, the one (1) additional *Banner Sign* may be attached to the construction fence surrounding the construction site.
- b) All four corners of a *Banner Sign* shall be securely attached to the *building* or fence.
- c) The maximum area of a *Banner Sign* affixed to a *building* shall not exceed 1 square foot per linear foot of *building* elevation; not to exceed 500 square feet. The maximum area of a *Banner Sign* affixed to a construction fence shall not exceed thirty (30) square feet.
- d) For a single-tenant *building*, the width of the *Banner Sign* shall not exceed 80% of the width of the *building* elevation onto which the *Banner Sign* is attached. For multi-tenant *building*, the width of the *Banner Sign* shall not exceed 80% of the leased tenant frontage.
- e) *Banner Signs* shall be equipped with ventilation flaps.

7. **Light Pole Banner Signs:**

- a) *Light Pole Banner Signs* may be attached to light poles when the pole is so equipped to receive such banner, except that in no case shall a *Light Pole Banner Sign* be affixed to a light pole in a public right-of-way without the expressed written permission from the City of Surprise.
- b) The surface area of a single *Light Pole Banner Sign* shall not exceed eight (8) square feet as measured on a single side.
- c) When two (2) *Light Pole Banner Signs* are affixed to a single light pole, both *Light Pole Banner Signs* shall be consistent with each other with respect to size and shape so as to create uniformity.
- d) When the light pole onto which a *Light Pole Banner Sign* is placed is located within the paved portion of a parking lot, and the light pole base is unprotected from vehicular traffic, the bottom of the *Light Pole Banner Sign* shall be a minimum of fifteen (15) feet above the parking surface over which the banner is placed. If the base of the light pole is protected from vehicular traffic, this provision shall not apply.

- e) When the light pole is located within a pedestrian area, the bottom of the *Light Pole Banner Sign* shall be a minimum of eight (8) feet above the surface over which the *Light Pole Banner Sign* is placed, unless the *Light Pole Banner Sign* is sufficiently narrow so as to not extend beyond the base of the light pole.
- f) Any horizontal supporting members shall either be removed when not in use or shall be of a hinged design and folded into a vertical position when not in use.
- g) *Light Pole Banner Signs* shall not be illuminated in any manner except as incidental to the lighting fixture supported by the light pole.
- h) Light Pole Banner Signs shall be equipped with ventilation flaps.



8. **Teardrop Banner Signs**

- a) Not more than two (2) *Teardrop Banner Signs* are permitted in conjunction with a *lawful temporary event* subject to the specific requirements as outlined herein except that in no case shall a *Teardrop Banner Sign* be allowed on a vacant property.
- b) *Teardrop Banner Signs* may only be erected on the property on which the *lawful temporary event* is occurring. In no case shall a *Teardrop Banner Sign* be located within a public or private right-of-way.

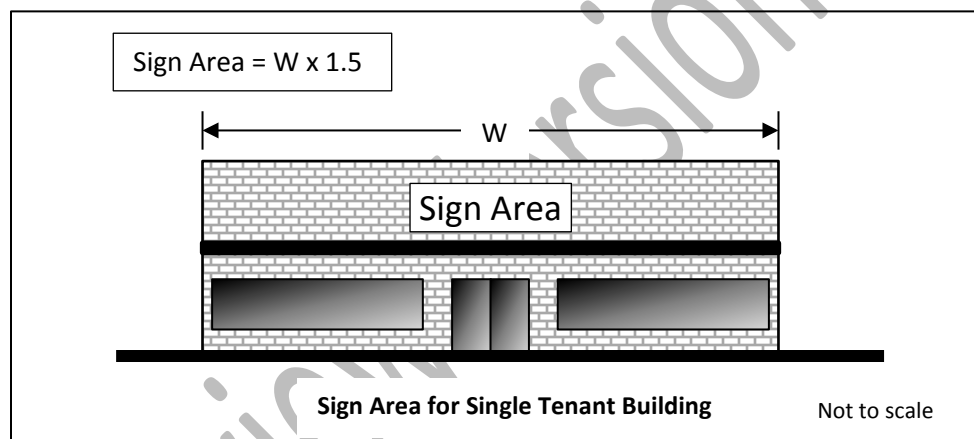
- c) No *Teardrop Banner Sign* shall be located within fifteen (15) feet of a pedestrian path, sidewalk, or trail, whether public or private.
 - d) No *Teardrop Banner Sign* shall be located within fifteen (15) feet of any vehicular parking surface or driveway.
 - e) No *Teardrop Banner Sign* shall be located within fifty (50) feet of any public or private right-of-way.
 - f) The maximum height of the *sign structure* as measured from the nearest adjacent grade shall not exceed twelve (12) feet with the flag portion of the *sign* not exceeding sixteen (16) square feet.
 - g) The *Teardrop Banner Sign* shall be supported by a pedestal, which may be weighted or ballasted to prevent being overturned, but in no case shall the supporting *sign structure* be inserted into the ground.
9. **Sign Walkers:** *Sign Walkers* are permitted to operate within the City of Surprise subject to the following restrictions:
- a) *Sign Walkers* may only operate during *daylight hours*.
 - b) *Sign Walkers* may only operate on a sidewalk intended for pedestrian travel, but shall at no time block the free and unobstructed movement of pedestrians or vehicles.
 - c) *Sign Walkers* may carry a maximum of two (2) single-sided *signs* not exceeding three (3) square feet of *sign copy* each or one (1) double-sided *sign* not exceeding twelve (12) square feet of aggregate *sign copy*; however, in no case shall a *Sign Walker* carry any form of *electronic messaging*.
 - d) *Sign Walkers* shall not display a *sign* in any manner other than by personally holding or wearing said *sign*.

B. Building-Mounted Signs:

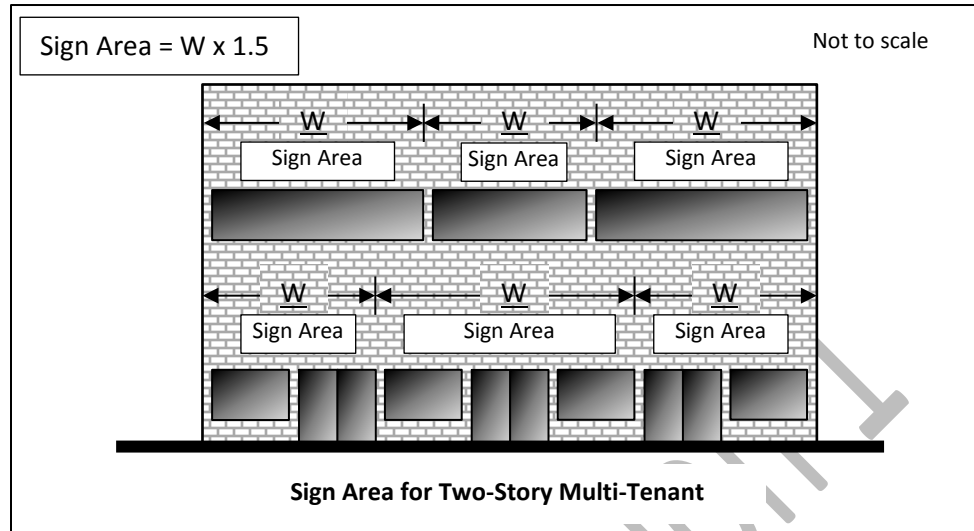
1. Building Wall Signs:

In other than residential zoning, *Building Wall Signs* are permitted on any *building* elevation of any primary use *building*, regardless of orientation to the street or parking lot, subject to the following:

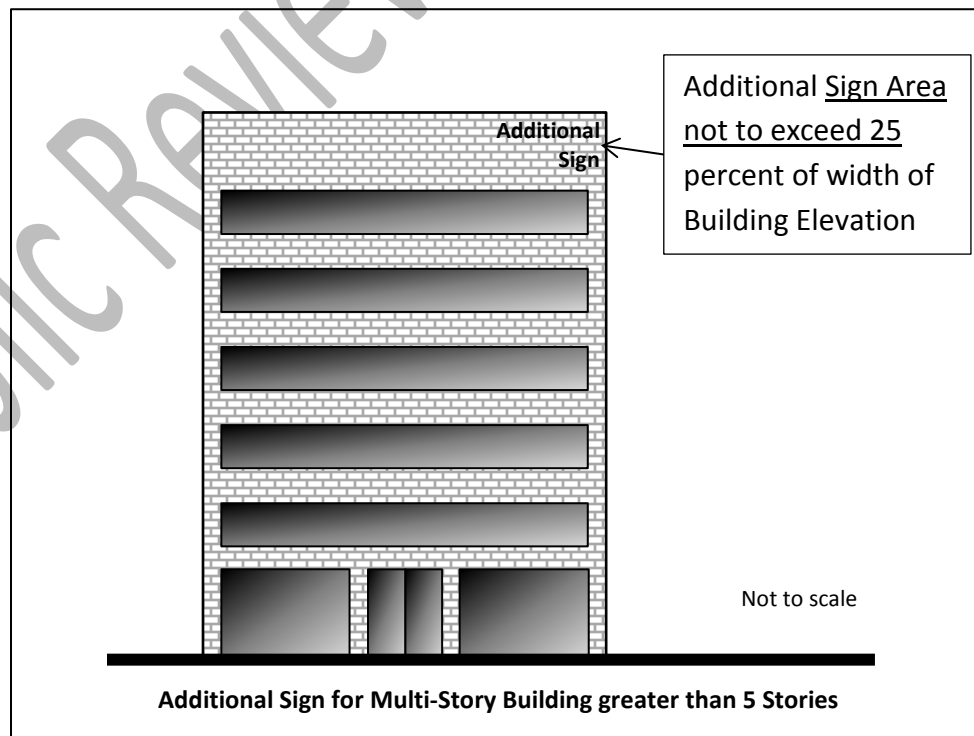
- a) For single-tenant *buildings*, any number of *Building Wall Signs* may be affixed to any *building* elevation, provided the aggregate *sign area* does not exceed one and one-half (1.5) square foot per one (1) linear foot of *building* elevation on which the *sign* is mounted.



- b) For two-story multi-tenant office *buildings* or two-story mixed-use *buildings*, each tenant who possesses leased tenant frontage on the exterior wall of the building may affix any combination of *Building Wall Signs* provided the aggregate *sign area* does not exceed one and one-half (1.5) square foot per one (1) linear foot of that tenant's leased frontage. In the event a tenant does not possess leased tenant frontage located along the exterior of the building, this provision does not apply.



- c) For multi-story *buildings* greater than five (5) one (1) additional *Building Wall Sign*, the area of which not exceeding 25 percent of the width of the elevation may be affixed to each *building* elevation at a location that is nearest the top of the *building* provided said *sign* does not extend above the *parapet*, or in the case of an *exposed pitch roof*, the drip line of the roof. In no case shall such signs be affixed to an elevator shaft or equipment screening.

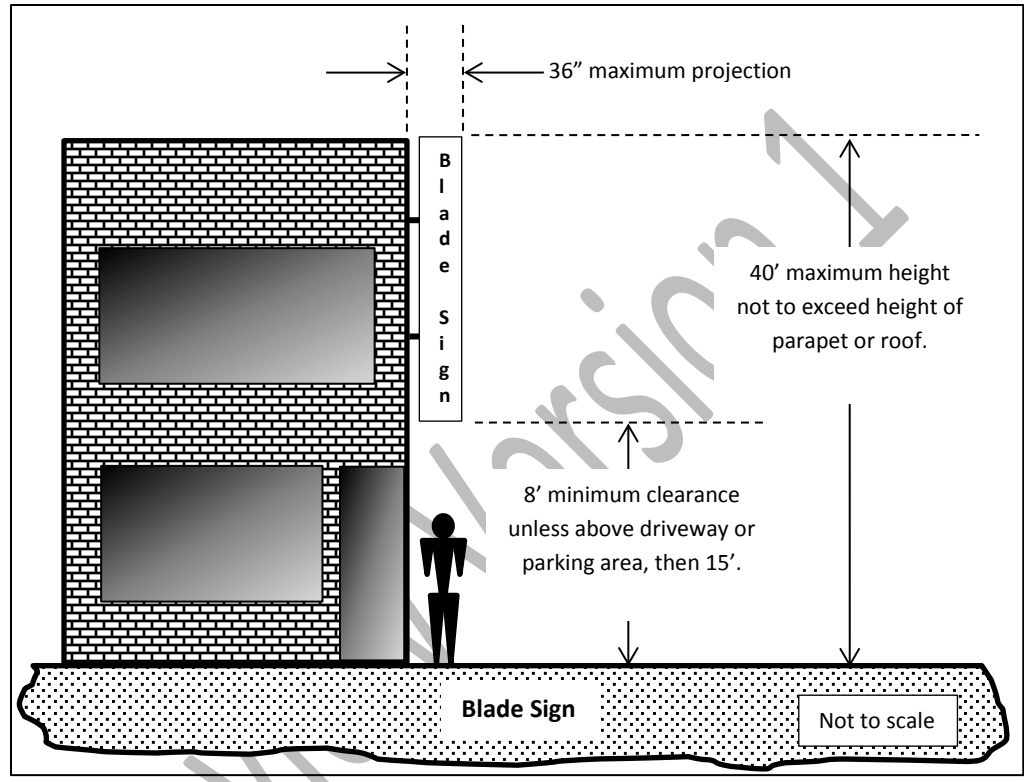


- d) The *sign area* of any *Building Wall Sign* may be increased by twenty-five (25) percent when the *building* is setback at least 600 feet from the public right-of-way and may be further increased an additional twenty-five (25) percent for each additional 200 feet of setback, up to a maximum of 100%, provided the increase in *sign area* does not cause the *sign* to be in violation with the other provisions of this Section.
- e) The maximum width of a *Building Wall Sign* shall not exceed eighty (80) percent of the leased tenant frontage for a multi-tenant *building*, or *building* elevation for a single-tenant *building*.
- f) *Building Wall Signs* shall be installed in a manner that does not obscure architectural features such as, but not limited to, pilasters, arches, windows, cornices, pop-outs, decorative trims, moldings, and frieze.
- g) *Building Wall Signs* may be *internally illuminated*, externally illuminated, or *back-lit*, but may not include *electronic messaging* (EMCs). Further, illumination shall be in accordance with the requirements set forth in Section 113-09.

2. **Blade Signs:**

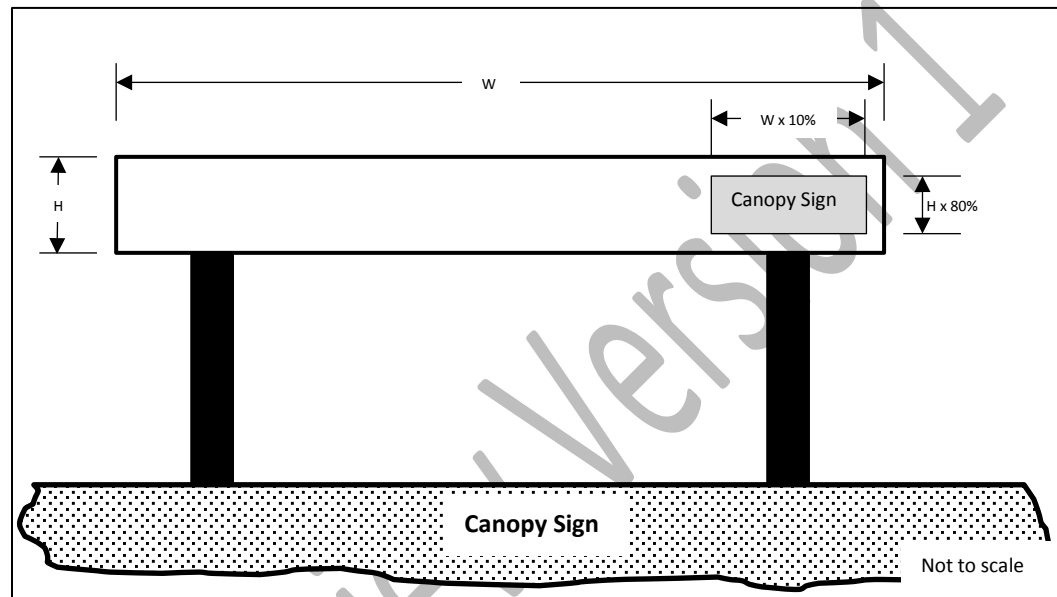
- a) One (1) *Blade Sign* is permitted per primary use multi-story *building* located in multi-family, commercial, mixed-use or industrial zoning subject to the *specific* requirements outlined below.
- b) When a *Blade Sign* extends over a pedestrian area a distance of six (6) inches or more, the bottom of the *sign* shall not be any closer than eight (8) feet above the walking surface over which the *sign* is placed. When a *Blade Sign* extends any distance over a parking lot or vehicular area, the bottom of the *sign* shall not be any closer than fifteen (15) feet above the paving surface over which the *sign* is placed.
- c) The *Blade Sign* shall be mounted such that the top of the *sign* is not higher than forty (40) feet above the ground, sidewalk, or pavement surface above which the *sign* is mounted, except that in no case shall the *Blade Sign* extend above the *roof* of the *building* onto which the *sign* is mounted, or if mounted adjacent to a *parapet*, the *sign* shall not extend above the *parapet*.
- d) The *Blade Sign* shall not project more than thirty-six (36) inches from the wall onto which the *Blade Sign* is mounted.

- e) The *Blade Sign* shall not be *externally illuminated* in any manner except by ambient lighting as may be present on the property; however, *Blade Signs* may be *internally illuminated* in accordance with the requirements set forth in Section 113-09.



3. **Canopy Signs:**

- a) *Canopy Signs* shall not exceed 80% of the height of the face of the canopy onto which the *Canopy Sign* is mounted.
- b) *Canopy Signs* shall not exceed ten (10) percent of the width of the face of the canopy onto which the *Canopy Sign* is mounted.



- c) *Canopy Signs* may be *internally illuminated* or *back-lit* in accordance with the requirements set forth in Section 113.09. *Level 1 Electronic Messaging* is permitted on a *Canopy Sign*, subject to the provisions outlined in Section 113-10.

4. **Marquee Signs:**

- a) The *Marquee Sign* shall be affixed to the face plane of the marquee and shall not extend above the uppermost or lowermost limits of the marquee.
- b) The *Marquee Sign* shall not exceed eighty percent (80%) of the width of the face of the marquee onto which the *sign* is mounted.
- c) *Marquee Signs* may be *internally illuminated* or *back-lit* in accordance with the requirements set forth in Section 113.09. *Level 1 Electronic Messaging* is permitted subject to the provisions outlined in Section 113-10.

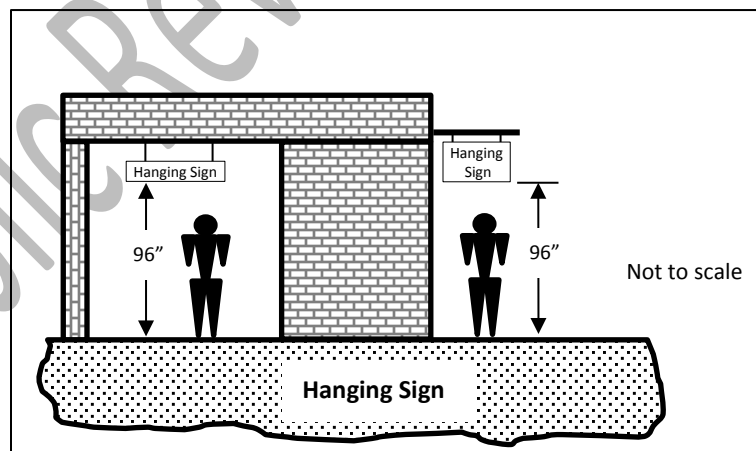
5. ***Awning Signs:***

In mixed-use, commercial and industrial zoning districts, *awnings* may be integrated with *sign copy*, but shall not contribute towards the overall *Building Wall Sign area* of a particular *building*.

6. ***Hanging Signs:***

In mixed-use, commercial and industrial zoning districts, hanging signs are permitted subject to the following time, place, and manner restrictions:

- a) Not more than one (1) *Hanging Sign* is permitted per customer entrance and shall be mounted above the customer entrance or as close as reasonably practicable.
- b) The maximum *sign area* of the *Hanging Sign* shall not exceed six (6) square feet.
- c) Where a *Hanging Sign* is erected above a pedestrian pathway, the bottom of the *sign* shall be not less than ninety-six (96) inches from the walkable surface above which the *Hanging Sign* is placed.
- d) The *Hanging Sign* shall not be *externally illuminated* in any manner except by ambient lighting present on the property; however, such *signs* may be *internally illuminated* in accordance with the requirements set forth in Section 113-09.



7. **Window Signs and Screens:**

- a) *Window Signs* are allowed provided the combined *sign area* for all *window signs* affixed to a particular window does not exceed forty (40) percent of the individual window pane. Etched or stained glass, when integral to the window, shall not be included in the *sign area* calculation.
- b) Sunscreen material may cover 100 percent of the window pane, provided not more than forty (40) percent of the window pane is covered by any mural or other graphics.
- c) *Window Signs* shall not contribute towards the aggregate *Building Wall Sign Area* of a *building*.

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C. Freestanding Signs

1. ***Class I Monument Signs (Menu Signs) and Class II Monument Signs (Preview Signs) for Drive-through Businesses:***

Drive-through businesses may utilize one (1) Class I Monument Sign and one (1) Class II Freestanding Sign per drive-through lane subject to the following:

- a) The bottom of the *sign copy* of a *Class I Monument Sign* or *Class II Monument Sign* shall not be less than two (2) feet above the adjacent drive-through lane's paved surface.
- b) The overall height of the *sign structure* of a *Class I Monument Sign* or *Class II Monument Sign* shall not be more than six (6) feet above the adjacent drive-through lane's paved surface.
- c) The *sign area* for an individual *Class I Monument Sign* or *Class II Monument Sign* shall not exceed twenty-four (24) square feet.
- d) A *Class I Monument Sign* shall not be audible from any residential zoning district or residential use, hotel or motel room, or patient room of an overnight medical facility.
- e) No *Class I Monument Sign* or *Class II Freestanding Sign* may be located within 100 feet of a residential zoning district or use.
- f) *Class I Monument Signs* and *Class II Monument Signs* may be *internally illuminated* in accordance with the requirements set forth in Section 113.09.
- g) *Level 2 Electronic Messaging* is permitted, subject to the provisions outlined in Section 113-10.

2. ***Class III Monument Signs (Directional Signs):***

Class III Monument Signs are permitted along the street frontage in conjunction with a driveway serving any multi-family residential, commercial or industrial development, subject to the following:

- a) The *Class III Monument Sign* shall not exceed thirty (30) inches in height as measured from the adjacent pavement surface of the roadway served by the *sign*;

- b) The *sign area* of a *Class III Monument Sign* shall not exceed six (6) square feet;
- c) The *Class III Monument Sign* may be *internally illuminated, back-lit, or externally illuminated* provided the source of *external illumination* is not visible.

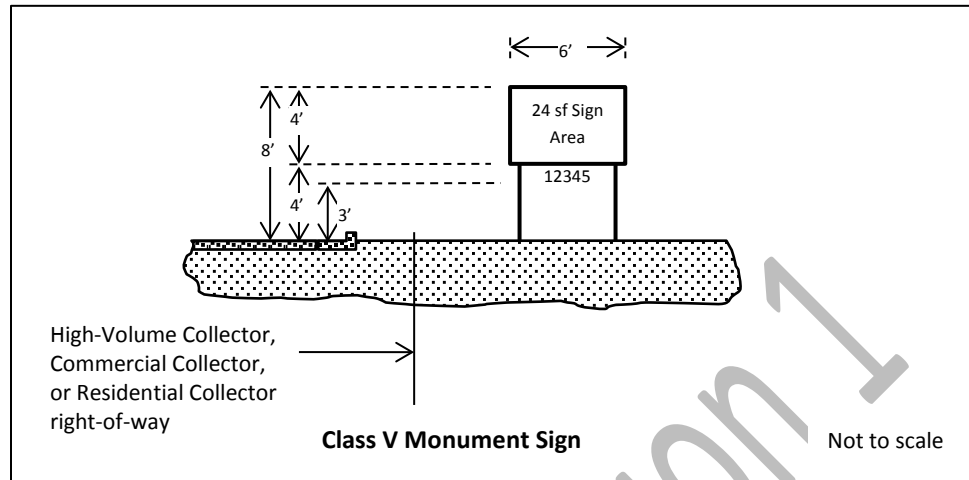
3. **Class IV Monument Signs (Directory Signs):**

Class IV Monument Signs are permitted within the interior of any multi-family residential, commercial or industrial development, subject to the following:

- a) The *Class IV Monument Sign* shall not exceed six (6) feet in height as measured from the adjacent pavement surface of the roadway or sidewalk served by the *sign*;
- b) The *sign area* of a *Class IV Monument Sign* shall not exceed twelve (12) square feet;
- c) The *Class IV Monument Sign* may be *internally illuminated, back-lit, or externally illuminated* in accordance with the requirements set forth in Section 113-09 provided the source of *external illumination* is not visible.

4. **Class V Monument Signs (Minor Monument Signs)**

- a) *Class V Monument Signs* are permitted in conjunction with non-residential uses in a residential zone, not including *cottage industries* or home occupations; or in multi-family uses in multi-family zoning; or in non-residential uses in a non-residential zone.
- b) When allowed, one (1) *Class V Monument Sign* meeting the requirements outlined below is permitted for every driveway entrance providing access from the street to the business or complex served by the *sign*.
- c) *Class V Monument Signs* shall only be located adjacent to a High Volume Collector street, Residential Collector street, or Commercial Collector street. The height of the *Class V Monument Sign* shall not exceed eight (8) feet as measured from the edge of pavement of the street being served by the *sign*, nor shall the width of the *Class V Monument Sign* exceed six (6) feet, nor shall the maximum *sign area* exceed 24 square feet. The bottom edge of the *sign copy* shall be no lower than four (4) feet above the adjacent edge of pavement of the street being served by the *sign*.

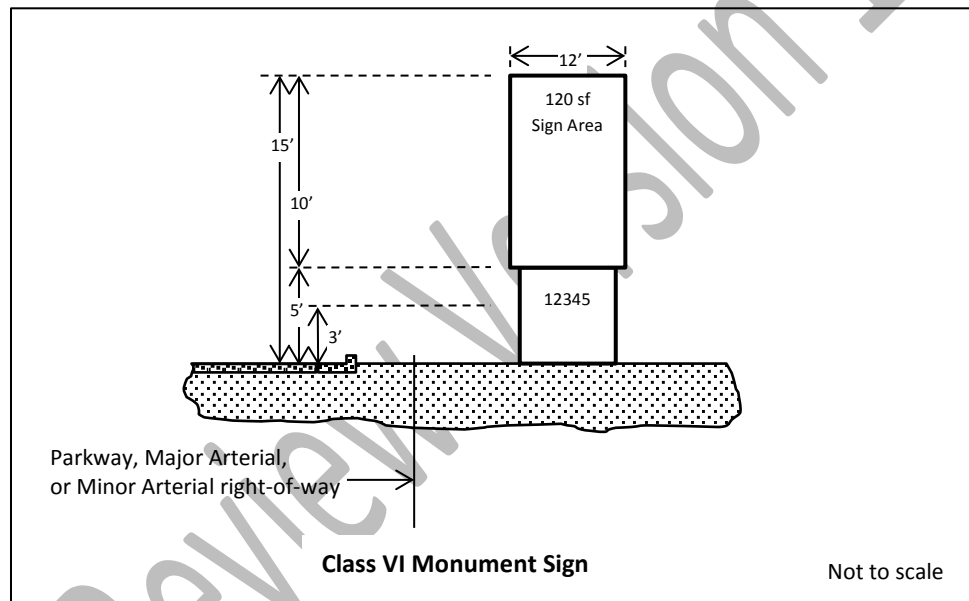


- d) The base of a *Class V Monument Sign* shall be fitted with the address of the property or properties in a manner that is consistent with Section 113-12.
- e) A *Class V Monument Sign* shall be located within a landscape area not less than 80 square feet.
- f) *Class V Monument Signs* shall be setback not less than two (2) feet from the right-of-way line except that in the event a Public Utility Easement is present, in which case the *sign* shall be setback not less than two (2) feet from the easement.
- g) *Class V Monument Signs* may be *internally illuminated, back-lit or externally illuminated* in accordance with the requirements set forth in Section 113.09.
- h) *Level 1 Electronic Messaging* and *Level 2 Electronic Messaging* are permitted on a *Monument Sign*, subject to the provisions outlined in Section 113-10.

5. **Class VI Monument Signs (Major Monument Signs)**

- a) *Class VI Monument Signs* are permitted in conjunction with non-residential uses in a residential zone, not including cottage industries or home occupations; or in multi-family uses in multi-family zoning; or in non-residential uses in a non-residential zone.
- b) When allowed, one (1) *Class VI Monument Sign* meeting the requirements outlined below is permitted for every driveway entrance providing access from the street to the business or complex served by the *sign*.

- c) *Class VI Monument Signs* shall only be located adjacent to a Parkway, Major Arterial street, Minor Arterial street, or along Grand Avenue. *Class VI Monument Signs* shall not exceed fifteen (15) feet in height as measured from the edge of pavement of the street served by the *sign*, nor shall the width of the *Major Monument Sign* exceed twelve (12) feet, nor shall the maximum *sign area* exceed 120 square feet. The bottom edge of the *sign copy* shall be no lower than five (5) feet above the adjacent edge of pavement of the street being served by the *sign*.



- d) The base of a *Class VI Monument Sign* shall be fitted with the address of the property or properties in a manner that is consistent with Section 113-12.
- e) A *Class VI Monument Sign* shall be located within a landscape area not less than 120 square feet.
- f) *Class VI Monument Signs* shall be setback not less than two (2) feet from the right-of-way line except that in the event a Public Utility Easement is present, in which case the *sign* shall be setback not less than two (2) feet from the easement.
- g) *Class VI Monument Signs* may be *internally illuminated, back-lit* or *externally illuminated* in accordance with the requirements set forth in Section 113.09.

- h) *Level 1 Electronic Messaging* and *Level 2 Electronic Messaging* are permitted on a *Class VI Monument Sign*, subject to the provisions outlined in Section 113-10.

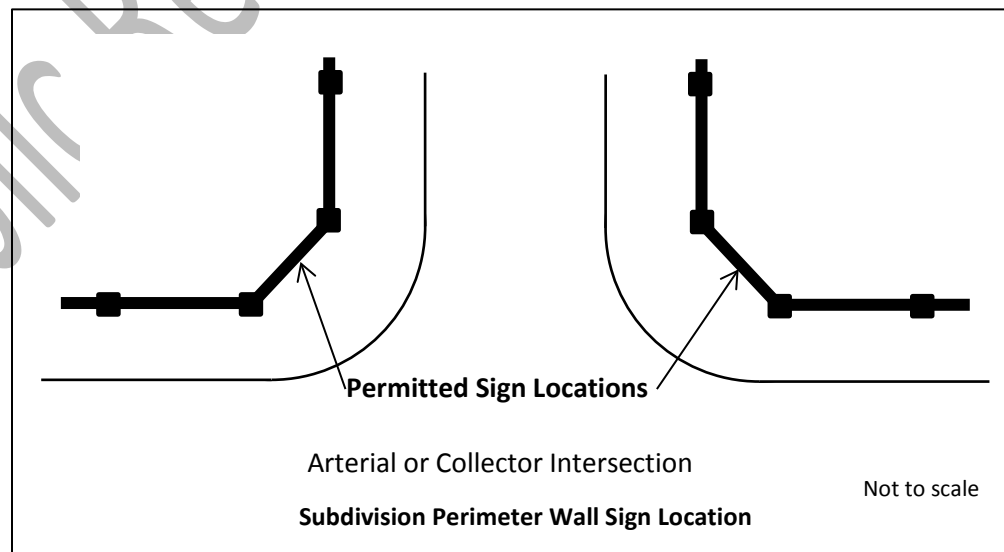
6. **Roadway Arch Signs:**

Roadway Arch Signs may be erected within any commercial or industrial development subject to the following:

- a) *Roadway Arch Signs* shall maintain a vehicular clearance of not less than fifteen (15) feet;
- b) *Roadway Arch Signs* shall not interfere with pedestrian or vehicular movement.
- c) *Roadway Arch Signs* may be *internally illuminated*, or *back-lit* in accordance with the requirements set forth in Section 113-09 except that if the *Roadway Arch Sign* is located adjacent to any residential zoning district or use, the *Roadway Arch Sign* shall not be illuminated.

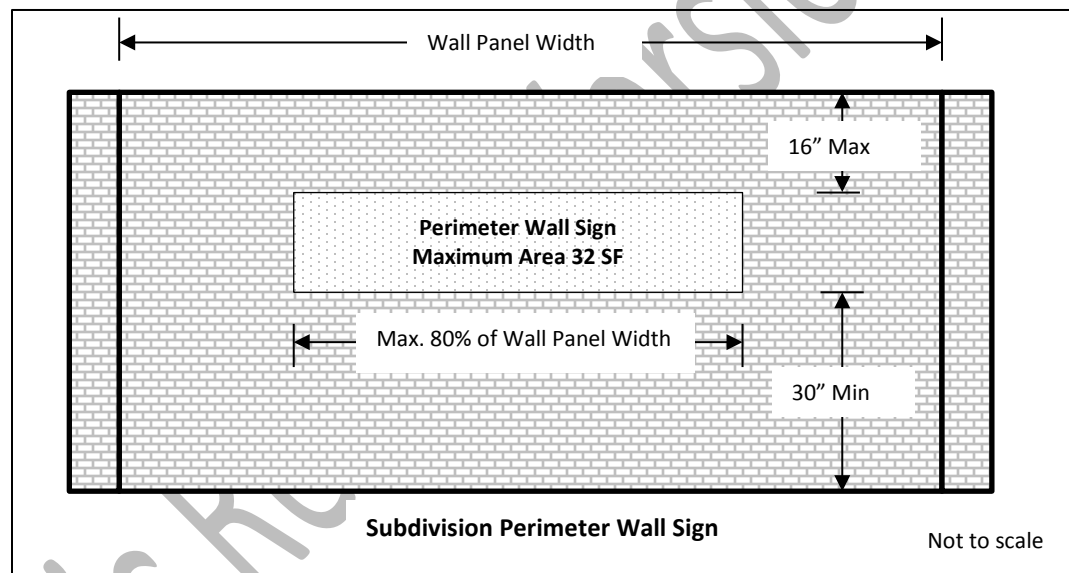
7. **Subdivision Perimeter Wall Signs:**

- a) Where a *subdivision perimeter wall* is located adjacent to a street corner that intersects a collector or arterial street, one (1) *Subdivision Perimeter Wall Sign* may be affixed to the wall panel of the *subdivision perimeter wall* most closely oriented to the intersection, subject to the specific requirements outlined below.



- b) The maximum *sign area* shall not exceed thirty-two (32) square feet.

- c) The width of the *sign* shall not exceed 80% of the width of the perimeter wall panel into which the *sign* is mounted.
- d) The bottom of the *sign* shall be no lower than thirty (30) Inches from the adjacent grade.
- e) The top of the *sign* shall be no higher than sixteen (16) inches from the top of the wall panel onto which the *sign* is mounted.
- f) The *sign* may be *back-lit* or *externally illuminated* provided the source of illumination is not visible from the street or from the adjacent residential property and is otherwise in accordance with the requirements set forth in Section 113-09.



Section 113-09 – Sign Illumination

- A. Unless otherwise specified in this Chapter, *signs* may be *externally illuminated*, *internally illuminated* or *black-lit* provided;
 - 1. The brightness and intensity is no greater than necessary to meet reasonable needs of the business or use being served;
 - 2. The light sources are shielded from all adjacent *buildings* and streets;
 - 3. Lighting does not create excessive glare to pedestrians and/or motorists;
 - 4. Lighting does not obstruct traffic control or any other *public sign*; and,
 - 5. No “flashing”, “blinking” or “chasing” lights are utilized.
- B. In those areas of the city that are considered environmentally sensitive, the city may require the use of muted colors unless specific colors are included in a federally registered trademark. The city may also require reduced lighting intensities for those *signs* located within environmentally sensitive areas.
- C. Unless otherwise stated in this Chapter, any *sign* that is within 100 feet of and visible from any single-family residential zoning district shall not be illuminated between the hours of 10:00 PM and 6:00 AM other than by ambient lighting present on the property.
- D. Any *Building Wall Sign* associated with a multi-story office building greater than five (5) stories or a multi-story mixed use building greater than five (5) stories as outlined in Section 113-08.B.1.c that is located within 1,320 feet of and visible from any residential zoning district may not be illuminated in any manner between the hours of 10:00 PM and 6:00 AM except for ambient lighting present on the property.

Section 113-10 – Electronic Messaging Centers (EMCs)

- A. **Levels of Electronic Messaging:** For purposes of this Chapter, *Electronic Messaging Centers* (EMCs) are divided into two (2) categories: *Level 1 Electronic Messaging* and *Level 2 Electronic Messaging*, as defined in Section 113-05.
- B. **EMC Illumination:** The nighttime illumination of an *Electronic Messaging Center* shall conform to the criteria set forth in this Section.
 - 1. **Illumination Measurement Criteria:** The *illuminance* of an *Electronic Messaging Center* shall be measured with an illuminance meter set to measure foot-candles accurate to at least two (2) decimals. *Illuminance*

shall be measured with the EMC turned off, and again with the EMC displaying a white image for a full color-capable *Electronic Messaging Center*, or a solid message for a single-color *Electronic Messaging Center*. All measurements shall be taken perpendicular to the face of the *Electronic Messaging Center* at the distance determined by the total square footage of the *Electronic Messaging Center* as set forth in Table 113-10.B below.

TABLE 113-10.B MEASUREMENT DISTANCE AS A FUNCTION OF SIGN AREA			
Area of Sign (sq. ft.)	Measurement Distance (ft.)	Area of Sign (sq. ft.)	Measurement Distance (ft.)
5	22	55	74
10	32	60	77
15	39	65	81
20	45	70	84
25	50	75	87
30	55	80	89
35	59	85	92
40	63	90	95
45	67	95	97
50	71	100	100
For EMCs with an area in square feet other than those specifically listed in this table, the measurement distance may be calculated using the following formula: Measurement Distance = $\sqrt{\text{Area of sign sq. ft.} \times 100}$			

2. **EMC Illumination Limits:** The difference between the “off” and “solid-message” measurements using the Illumination Measurement Criteria outlined in Section 113-10.B.1 above shall not exceed 0.3 foot-candles at night.
3. **Dimming Capabilities:** All permitted *Electronic Messaging Centers* shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurement criteria.
4. **EMCs as a Portion of Sign Area:** When allowed, *Electronic Messaging Centers* may comprise all or part of the allowable *sign area* of a particular *sign*, but shall in no case exceed the maximum allowable *sign area* for a particular *sign*.
5. **Certification:** Prior to the issuance of a permit relating to an *Electronic Messaging Center*, the applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory pre-set not

to exceed the levels specified within this ordinance, and the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Department Director.

Section 113-11 – Reader Panels

Wherever *Level 1 Electronic Messaging Centers* (EMCs) are allowed, *Reader Panels* may be substituted, provided:

- A. The *Reader Panel* otherwise meets the provisions of Section 113-09; and,
- B. The *Reader Panel* does not exceed the allowed *sign area* of the *sign* being replaced; and,
- C. The *Reader Panel* is fitted with a clear acrylic cover or other suitable material to prevent the individual characters from being dislodged.

Section 113-12 – Address Identification

- A. *Building* addresses shall be in accordance with Article 505.1 of the International Fire Code as amended by the Surprise City Council under Ordinance #2014-04, or as subsequently amended.
- B. Where *Class V Monument Signs* or *Class VI Monument Signs* are located next to a street, said *signs* shall be affixed with the address number of the property or properties served by the *sign*. Said address number shall be nine (9) inches tall with a three (3) inch stroke. The bottom edge of the address numbers shall not be less than three (3) feet above the curb of the street from which the address is intended to be read.
- C. Address numbers meeting the provisions of this Section shall not contribute to the aggregate *sign area*.

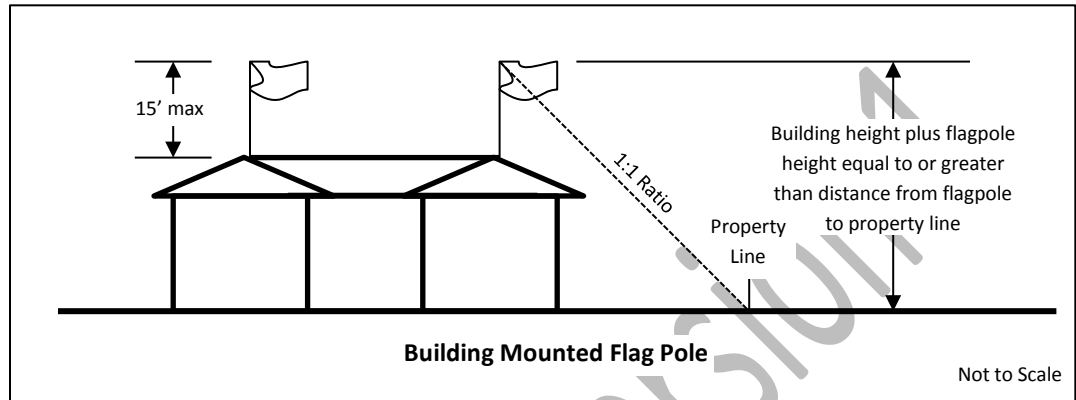
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Section 113-13 – Flags and Flagpoles

- A. **All Zoning Districts** – The following provisions relating to all zoning districts within the City of Surprise shall apply:
1. All flagpoles and the installation therein shall comply with all applicable building codes in effect at the time of permit application.
 2. *Flags* and flagpoles may be illuminated in accordance with Section 122-145 of the Surprise Municipal Code.
 3. All *flags* and flagpoles shall be maintained so as to avoid a *blighted* appearance or being in a state of disrepair.
- B. **Single-Family Zoning Districts**
1. Not more than one (1) freestanding flagpole per single-family lot or parcel of record is allowed except that when associated with an HOA-maintained open space tract, then three (3) such flagpoles are allowed.
 2. A freestanding flagpole associated with a single-family residence may only be located in the front yard.
 3. No freestanding flagpole shall exceed a maximum height of thirty (30) feet as measured at its base, unless associated with a Model Home Complex in which case the flagpole height may be increased to 45’.
 4. One (1) flagpole not exceeding six (6) feet in length may be affixed to the front of the primary residence provided the flagpole does not extend above the height of the residence onto which it is affixed or otherwise extend beyond the limits of the property.
- C. **Other Zoning Districts**
1. Not more than three (3) freestanding flagpoles per lot or parcel are allowed except that if any flagpoles are affixed to a *building*, the number of freestanding flagpoles shall be reduced by the number of *building-mounted* flagpoles.
 2. No freestanding flagpole shall exceed a maximum height of 35 feet as measured at its base unless approved by the City Council through a Comprehensive Sign Program, Zone Change, or Major Amendment thereto.

3. A maximum of two (2) flagpoles may be affixed to the primary *building* provided the top of the flagpole does not extend beyond fifteen (15) feet above the height of the *building* onto which it is affixed and the horizontal distance between the top of the flagpole and the closest property line is does not exceed the combined height of the *building* and flagpole below.



Section 113-14 – Comprehensive Sign Programs

- A. Purpose: The purpose of Comprehensive Sign Programs is to provide a mechanism by which a specific set of *sign* criteria may be approved for a specific property or geographic area in a manner that is appropriate to the character of the community in which the Comprehensive Sign Program will apply.
- B. A Comprehensive Sign Program may be obtained for the following purposes:
 - 1. To allow a deviation from the requirements applicable to a particular *sign* class or type, and/or;
 - 2. To introduce a unique or creative *sign* type that is not listed as a permitted *sign* type in Section 113-06.A.
- C. A Comprehensive Sign Program may not introduce a *sign* type that is specifically prohibited in Section 113-06.F.
- D. The Comprehensive Sign Program must demonstrate that:
 - 1. The proposed signage represents a material improvement over what is otherwise permitted in Chapter 113 of the Surprise Municipal Code, and;
 - 2. The proposed signage is appropriate to the character of the development covered by the Comprehensive Sign Program, and;
 - 3. The proposed signage is appropriate to the neighborhood in which the property is located, and;
 - 4. The Comprehensive Sign Program creates a cohesive aesthetic that will apply to all signage covered by the Comprehensive Sign Program within the specific geographic area covered by the Comprehensive Sign Program.
- E. A Comprehensive Sign Program may be included as part of a zone change request, or as an independent stand-alone document, in either case processed as a Type IV Application as outlined in Article XII of the Surprise Unified Development Code. The approval or denial of a proposed Comprehensive Sign Program is discretionary with the final approval authority lying with the Surprise City Council. A decision by the City Council to deny a proposed Comprehensive Sign Program shall not in any way be construed as a diminution of property values or a restraint of development rights.

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Section 113-15 – Nonconforming Signs

A. General Provisions:

1. *Nonconforming signs* shall be maintained in good condition pursuant to Section 113-07.C.
2. A *nonconforming sign* shall not be altered, modified or reconstructed except:
 - a) When such alteration, modification or reconstruction would bring such *sign* into conformity with these regulations;
 - b) When the existing use has a new ownership which results in a change to the name or *logo* of the use or business on the property, and such language complies with Section 113-15.A.2.d below;
 - c) When the space is re-occupied by a similar use and the new occupant requires no external *building* or site renovation, and such change complies with Section 113-15.A.2.d below;
 - d) Any alteration, modification, or reconstruction permitted in this section shall be limited to the replacement of a *sign panel*, replacing individual letters and logos within the same area or repainting the *sign* face, and does not permit changes to the structure, framing, erection, or relocation of the *sign* unless such changes otherwise conform to this Chapter.

B. Limitations for *Nonconforming Signs*:

1. A *nonconforming sign* shall be removed upon verification that any of the following conditions have been met:
 - a) The use of the property or building on which the *nonconforming sign* is located has been abandoned for more than 90 consecutive days; or,
 - b) The regulation or amendment to these regulations which made the *sign* non-conforming has been in effect for ten (10) years or more.
2. Extension of time to apply: The dates established in this Section for a *sign* to be brought into compliance with the requirements of these regulations may be expanded at the request of the sign owner or lessee. In evaluating the extension of time for a *non-conforming sign*, the City shall consider the following factors to determine whether the owner of the *sign* has had a reasonable amount of time to recuperate the initial investment:

- a) The value of the *sign* at the time of construction and the length of time the *sign* has been in place;
- b) The life expectancy of the original investment in the *sign* and its true salvage value, if any;
- c) The amount of depreciation and/or amortization of the *sign* already claimed for tax accounting purposes;
- d) The length of current tenant lease or expected occupancy compared to the date the *sign* is to be brought into compliance;
- e) The extent to which the *sign* is not in compliance with these regulations;
- f) The degree to which the City determines that the *sign* is consistent with the purposes of these regulations; and,
- g) Whether the *sign* has “historical” or “landmark” significance, and should therefore be exempt from amortization.

Section 113-16 – Enforcement

- A. **Penalties for Violation:** Any person, firm, or corporation who violates any provision of this Chapter or any provision of any code adopted by this Chapter may be charged with a civil or criminal violation.
- B. **Notice of Violation:** Whenever the City Manager or designee determines there has been a violation of this Chapter, or has grounds to believe that a violation has occurred, notice shall be given in the following form and manner:
1. The Notice of Violation shall be given in writing;
 2. The Notice of Violation shall include a description of the real property sufficient for identification;
 3. The Notice of Violation shall include a statement of the violation or violations and why the Notice of Violation is being issued;
 4. The Notice of Violation shall include a correction order allowing a reasonable time to remedy the violation.
 5. The placement of any *sign* or substantially similar *sign* on the same premises after a Notice of Violation has been issued shall be deemed a continuation of the original violation.
 6. A Notice of Violation is not required for any *Temporary Sign* that is in violation of this Chapter.
- C. **Delivery of Notice:** A Notice of Violation shall be deemed as being properly served if a copy thereof is delivered personally by an employee of the City of Surprise having the authority to do so, or is sent by Certified Mail (Return Receipt Requested) addressed to the last known address. If a Notice of Violation is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous location on the property of the alleged violation.
- D. **Removal of Signs:**
1. A Notice of Violation shall not be required to remove any *sign* that is identified in this Chapter as being prohibited, or that creates or has the potential to create a hazard to the public.
 2. Any *Temporary Sign* not specifically listed as an allowed use is specifically not permitted and the City of Surprise may remove the *sign* or cause the *sign* to be removed.

3. If a *Temporary Sign* which would otherwise be permitted by this Chapter does not include the contact information as required by 113-08.A.1.b above, the City of Surprise may remove the *sign* or cause the *sign* to be removed.
4. The City of Surprise shall have the right to contact the individual whose name appears on a *Temporary Sign* and/or the property owner of the property onto which the *Temporary Sign* is erected for the purpose of verifying property owner consent. If property owner consent cannot be verified, the City of Surprise may remove the *sign*.
5. Any *Temporary Sign* that is removed by the City of Surprise for being in violation of this Chapter may be discarded five (5) business days following removal.

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Chapter 113—SIGNS⁽¹⁾

ARTICLE I. — IN GENERAL

Sec. 113-1. Purpose.

~~The purpose of this chapter is to safeguard the public interest by establishing standards for the regulation of signs within the City of Surprise. These standards are designed to:~~

- ~~(1) Allow adequate signage for business identification while meeting public and private objectives;~~
- ~~(2) Promote the free flow of traffic and protecting pedestrians and motorists from injury and property damage that may be caused by cluttered, distracting and illegible signage;~~
- ~~(3) Prevent property damage and personal injury as a result of improperly placed or poorly maintained signs;~~
- ~~(4) Promote the use of signs that are well designed, of appropriate scale, and integrated with surrounding buildings and landscape in order to meet the community's desire for quality development;~~
- ~~(5) Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape that affects the image of the city.~~

Sec. 113-2. Definitions.

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "lot" may also be used interchangeably with the words "plot" or "parcel"; the word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied":~~

~~*Abandoned sign:* Any sign located on a property or premises, which is vacant and unoccupied for a period of 30 calendar days, or a sign which is damaged, in disrepair, or vandalized and not repaired within 30 calendar days of the date of the damaging event.~~

~~*Above-roof sign:* A sign displayed above the peak or parapet of a building.~~

~~*Advertising copy:* Words, letters or graphics painted, carved, etched or mounted on the face of any sign used to advertise a business, product, service or place. Advertising copy shall not include the name of the business.~~

~~*Alteration:* Any change in architectural, structural or copy of an existing sign.~~

~~*Animated sign:* A sign which has movement or the optical illusion of movement of any part of the sign structure, design or pictorial segment, including the movement of any illumination or flashing or varying of light intensity; or the automatic changing of all or any part of the facing of a sign; or any movement or rotation of a sign or any part of the sign structure; or emits audible sound.~~

~~*Applicant:* Any person who applies for a sign permit in accordance with the provisions of this chapter.~~

~~*Arterial street:* Any principal, major, or minor arterial street as classified and designated in the city general plan and transportation plan.~~

~~*Awning sign:* Any sign with information painted or integrated into a structure covered with fabric, metal or other material and supported by a building at one or more points.~~

~~*Backlit sign:* A light source that is concealed or contained within the graphic and becomes visible in darkness through a translucent surface.~~

Banner: A sign composed of a logo or design, which may include advertising copy, on a lightweight material either enclosed or not enclosed in a rigid frame and secured or mounted to allow motion caused by the atmosphere.

Bare-bulb illumination: An exposed light source that consists of light bulbs or a string of light bulbs.

Billboard sign: Any sign that advertises a business, commodity, service, entertainment, product or attraction sold, offered or existing elsewhere than on the property where the sign is located.

Breakaway design feature: A structural feature built into the sign, according to the state department of highways that allows the sign to collapse on impact.

Building: Any structure having enclosed space and a roof for the housing and enclosure of persons and animals, or chattels.

Building wall: The individual sides of a building.

Business: An establishment that engages in the purchase, sale, barter or exchange of goods, wares, merchandise or services; or the maintenance or operation of offices or recreational or amusement enterprises.

Business name: The name by which a business is commonly recognized and used by the applicant but does not include slogans or product information.

Canopy: A structure other than an awning made of cloth, metal or other material with frames affixed to a building and carried by a frame that is supported by the ground.

Changeable copy: Text or graphics on signs that are changed at frequent intervals of more than once a day.

Commercial farm or ranch sign: A sign that identifies the name of any farm or ranch.

Construction fence screen sign: A temporary sign that identifies the future development and acts as a security barrier to the construction site.

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

Development sign: A sign used to identify an approved future development.

Directional sign: An on premises sign, other than a kiosk sign, that includes only information assisting in the flow of pedestrian or vehicular traffic, such as enter, exit and one-way signs, and which do not display corporate colors, logos or other commercial messages.

Directory sign: Any sign, other than an identification sign, which is centrally located and lists only the names, uses or locations of the various businesses or activities conducted within a building or group of buildings.

Emergency sign: A sign erected by a governmental agency, a public utility company, or a contractor performing work within any right-of-way.

External illumination: Illumination of a sign that is affected by an artificial source of light not contained in the sign itself.

Facade: The side of a building below the eaves.

Facade, blank: The side of a building below the eaves that is blank and does not have windows or architectural detail.

Fascia sign: Any sign that is mounted against the horizontal piece covering the joint between the top of a wall and the projecting eaves of the roof.

Flashing illumination: Illumination in which the artificial source of light is not maintained stationary or constant in intensity and color at all times when a street graphic is illuminated, including illuminated lighting.

~~*For sale, lease and rent signs:* Any temporary sign that indicates a single premises, building or vacant lot that is currently for sale, lease or rent.~~

~~*Freestanding sign:* A sign that is erected on its own self-supporting permanent structure, detached from any supporting elements of a building.~~

~~*Freeway sign:* A freestanding single user or multi-tenant sign identifying an on-premise use, on property abutting or part of a complex/center abutting any freeway right-of-way, oriented to and intended to be read from the freeway. For the purposes of this section, a center/complex shall further be defined to include those projects under a common zoning case or development without regard to property ownership or individual parcel use.~~

~~*Front-lit sign:* A sign that is illuminated from a source placed in front of the graphic meant to illuminate only the graphic.~~

~~*Grand opening sign:* A temporary banner displayed on a premise on which a grand opening is in progress.~~

~~*Ground sign:* A sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building. It includes a pole sign and a monument sign.~~

~~*Height:* The vertical distance from the top of the highest element of the sign or sign structure to the top of the curb or crown of the roadway where no curb exists.~~

~~*Home occupation sign:* A sign used to advertise a home-based business.~~

~~*Identification sign:* A sign that identifies only the business, place, organization, building, street address or person on the property on which it is located.~~

~~*Illuminated sign:* A sign on which the surface is artificially lighted internally or externally.~~

~~*Illumination or illuminated:* A source of any artificial or reflected light, either directly from a source of light incorporated within, or indirectly from an artificial source.~~

~~*Indirect illumination:* A source of external illumination located apart from the sign.~~

~~*Install:* The action of erecting, re-erecting, constructing, placing, and posting.~~

~~*Internal illumination:* A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface.~~

~~*Kiosk sign:* A freestanding and multiple-sided structure, city regulated, and located in public rights-of-way that displays directional information to residential and commercial subdivisions.~~

~~*Lawn signs:* Any signs on private property with commercial messages.~~

~~*Logo:* A graphic symbol representing a business, activity or use.~~

~~*Maintenance:* The replacing or repairing of a part or portion of a sign necessitated by ordinary wear, tear or damage beyond the control of the owner, or the reprinting of existing copy without changing the wording, composition, original color or size of the copy.~~

~~*Mansard sign:* A sign permanently affixed to a wall or surface designed to protect the edge of a roof, such surface being no more than 30 degrees from vertical.~~

~~*Marquee:* A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from the elements.~~

~~*Menu board sign:* A permanently mounted sign displaying the bill of fare for a drive-thru restaurant.~~

~~*Message board:* A portion of a sign displaying an electronic digital message that changes more than once a day.~~

~~*Modifier:* A word or graphic that explains the intended use without using brand names or advertising copy.~~

~~*Monument:* A freestanding sign with a base at least 50 percent of the width of the sign.~~

~~*Multiple-tenant complex:* A nonresidential development where two or more separate businesses exist, in which there are appurtenant shared facilities (such as parking or pedestrian mall), and designed to provide a single area where the public can obtain varied products and services.~~

~~*Neon tube illumination:* A source of light for externally lit street graphics supplied by a neon tube that is bent to form letters, symbols, or other shapes.~~

~~*Noncommercial speech:* Constitutionally protected speech such as ideological speech that contains neither advertising copy nor obscene material or language. Signs containing only noncommercial speech shall always be considered on-premises.~~

~~*Nonconforming sign:* A sign lawfully erected and maintained prior to the adoption of the ordinance from which this chapter is derived that does not conform with the requirements of this chapter.~~

~~*Off-premises sign:* Any sign that is located on a property other than where a business is located, a product is sold, or a service is offered.~~

~~*On-premises sign:* Any sign that is within the legal boundaries of a parcel of property.~~

~~*Open house sign:* A temporary sign informing the public that prospective buyers may view available property, and the property owner's agent is on the premises during the time of the viewing.~~

~~*Parapet:* That portion of a building exterior wall projecting above the plate line of the building.~~

~~*Parcel:* A legal lot, plot, tract, or area of land having fixed boundaries.~~

~~*Peak:* The highest point on a roof or the highest point on another architectural element.~~

~~*Permanent sign:* Any sign that is constructed as lasting and enduring, remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall or building.~~

~~*Planned area development (PAD):* A development pursuant to section 125-194 as it exists or as it may be amended.~~

~~*Pole sign:* A freestanding sign that is permanently supported in a fixed location by a structure of poles, uprights, or braces from the ground and not supported by a building or a base structure.~~

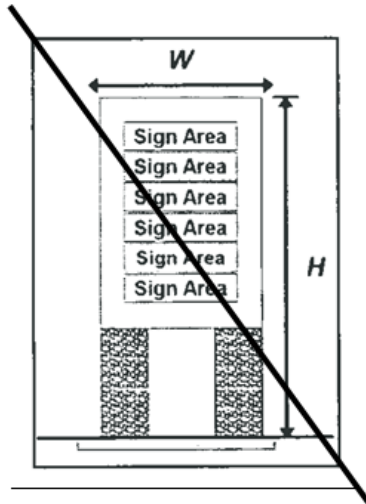
~~*Portable sign:* Any sign not affixed to a structure or ground mounted on a site that does not meet the definition of sandwich sign.~~

~~*Project:* Any parcel of land with designated legal boundaries on which development action has been approved by the city.~~

~~*Projecting sign:* A sign attached to a building or other structure and extending in whole or in part beyond the building.~~

~~*Public sign:* A sign erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, or direct or regulate pedestrian or vehicular traffic.~~

~~*Pylon sign:* A freestanding sign, larger than a monument sign, supported by a single pylon or supported by a maximum of two pylons.~~



Pylon Sign

~~*Raceway cabinet:* An aluminum channel box not more than eight inches in depth used to mount signage to a wall or other structure.~~

~~*Reader panel:* That portion of any sign that permits a regular change of copy, including electronic copy, which does not change more than once a day.~~

~~*Real estate sign:* A temporary sign located on premises used to advertise the availability of real property.~~

~~*Residential entry sign:* A sign that is placed at the entrance to a multifamily or duplex development, manufactured home park, or single family development only in order to identify the name of the development.~~

~~*Roof sign:* Any sign erected on a roof, or a sign that projects above the highest point of the roofline, parapet or fascia of the building.~~

~~*Roofline:* The highest point of the main roof structure or the highest point on a parapet, but shall not include cupolas, pylons, projections or minor raised portions of the roof.~~

~~*Sandwich sign or A frame sign:* A double-faced, portable sign, which is not permanently ground-mounted or affixed to any structure on site, and is designed in the shape of an "A".~~

~~*Shingle sign:* any sign suspended from, and located entirely under a covered porch or walkway.~~

~~*Shopping center or plaza:* A commercial development under unified control consisting of four or more separate commercial establishments sharing a common building, or which are in separate buildings that share a common entranceway or parking area.~~

~~*Sign:* Any device (including, but not limited to, letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication that attracts the attention of the public and is visible from public or private rights-of-way or other properties; but shall not include any flag, badge or insignia of any governmental unit.~~

~~*Sign copy:* The letters, words or graphics used to convey information on the sign.~~

~~*Sign structure:* The supports and framework of the sign.~~

~~*Sign walker:* An individual carrying a portable sign intended to convey an advertising message to vehicular traffic.~~

~~Signable area for projecting signs and awnings: One area enclosed by a box or outline or within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentalions, or other figures.~~

~~Signable area for roof and wall graphics: One area free of architectural details on the facade of a building or part of a building, which shall include the entire area enclosed by a box or outline or within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentalions, or other figures.~~

~~Snipe sign: Any sign that is posted on trees, landscaping, utility poles or structures, streetlights, fences, fire hydrants, bridges, curbs, sidewalks, park benches parkways, streets, right of ways, or other locations on public property.~~

~~Street number sign: Any sign that gives the street address number of the building.~~

~~Subdivision: A subdivision pursuant to chapter 121.~~

~~Temporary sign: Any sign not permanently affixed and intended for a limited period of display.~~

~~Time and temperature sign: A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature.~~

~~Vehicle sign: Any sign mounted upon, painted, or otherwise erected on trucks, cars, boats, trailers, other motorized vehicles or equipment.~~

~~Wall sign: A sign mounted flat against and projecting less than 14 inches from, or painted on, the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall, but not including window signs.~~

~~Window sign: Any sign, picture, symbol or combination thereof, that communicates information about an activity, business, commodity, event, sale or service, and is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. Signs placed or hung in any manner within three feet of the windowpane shall be considered a window sign.~~

~~Sec. 113-3. Conflict.~~

~~If any portion of this chapter is found to be in conflict with any other provisions of any zoning, building, fire, safety or health provisions of this Municipal Code, the provision that establishes the higher standard shall prevail.~~

~~Sec. 113-4. Signs prohibited.~~

~~(a) No person shall erect, place, establish, paint, create or maintain a sign in the city except as provided in this chapter. All signs that are contrary to the provisions of this chapter are declared to be in violation, and as such may be abated as provided by law.~~

~~(b) The following signs are prohibited. Any:~~

~~(1) Abandoned sign;~~

~~(2) Animated sign, except as specified in this chapter;~~

~~(3) Billboard sign;~~

~~(4) Off-premises sign, except as permitted within this chapter;~~

~~(5) Portable sign;~~

~~(6) Sandwich sign, except as permitted within this chapter;~~

~~(7) Snipe sign;~~

~~(8) Sign which inhibits free ingress to or egress from any door, window or any exit way required by the International Building Code as adopted and amended by the city, or by fire department regulations;~~

- ~~(9) Sign that may obstruct the line of sight of any authorized traffic sign, signal or other traffic control device; or any sign by reason of shape, color or position that interferes with or may be confused with any authorized traffic signal or device;~~
- ~~(10) Sign placed in a location that will obstruct vision of a vehicle operator while entering, exiting or traveling upon the public right-of-way;~~
- ~~(11) Sign located in a manner that interferes with pedestrian travel or poses a hazard to pedestrians;~~
- ~~(12) Vehicle sign when mounted or placed on any trailer, boat, or motor vehicle that is parked, stored or displayed in a manner to attract the attention of the public for advertising purposes;~~
- ~~(13) Sign with flashing, blinking, rotating lights, exposed neon or similar tube type illumination, bare incandescent, fluorescent, metal halide, or high or low pressure sodium light bulbs or mercury vapor light sources;~~
- ~~(14) Sign placed in rights-of-way, except as specified in this chapter;~~
- ~~(15) Message board;~~
- ~~(16) Roof-mounted sign;~~
- ~~(17) Any other sign that is not expressly permitted by this chapter;~~
- ~~(18) Home occupation sign;~~
- ~~(19) Pole-mounted banners, attention flags, wind-driven spinners, streamers, search lights, strobe lights, holographic projections, laser light displays, inflatable signs, or balloons;~~
- ~~(20) Any flag not associated with a governmental unit.~~

~~Sec. 113-5. Signs in the right-of-way.~~

- ~~(a) It is unlawful for any person to install a sign in any public right-of-way, except for the following:~~
 - ~~(1) Public signs;~~
 - ~~(2) City-regulated kiosk signs;~~
 - ~~(3) Emergency signs.~~
- ~~(b) The city manager or designee is authorized to immediately remove any illegal sign located in any public right-of-way.~~

~~Sec. 113-6. Building identification.~~

- ~~(a) For all uses other than single-family residential:~~
 - ~~(1) Numbers shall be provided on the front of the building unless an alternative location is approved by the city fire chief or designee.~~
 - ~~(2) The numbers shall be visible and legible from the street fronting the property.~~
 - ~~(3) All commercial and industrial uses shall be sized according to the following table:~~

Building setback from main road	Minimum size address number
0—50'	9"
51—100'	12"
101' and above	15"

(b) ~~For single family residential, residential dwellings shall have four-inch high address numbers that are contrasting in color to the background color of the house.~~

~~Sec. 113-7. — Permits and licenses required.~~

~~No person shall erect, place, establish, paint, create or maintain any sign in the city without first obtaining all required permits and licenses as regulated by this chapter or any other laws.~~

~~Sec. 113-8. — Signs not requiring a permit.~~

~~No person shall be required to have a permit for the following signs; provided, however, that such signs shall be subject to any and all applicable provisions of this chapter or any other law:~~

- ~~(1) Public signs;~~
- ~~(2) Directional signs, when wall-mounted or, if detached, where not exceeding a height of three feet;~~
- ~~(3) Emergency signs;~~
- ~~(4) Portable electronic signs used by the city for special events;~~
- ~~(5) Way finding signs for public buildings and facilities;~~
- ~~(6) Development sign as described under section 113-158(b);~~
- ~~(7) Temporary window graphics, consistent with restrictions herein.~~

~~Sec. 113-9. — Maintenance.~~

~~Any individual, business or corporation who owns, erects, establishes, paints, creates or maintains any sign, including a nonconforming sign, shall maintain the sign in good order and repair at all times so that it does not constitute any danger or hazard to public safety, or a visual blight, and is free of peeling paint, major cracks, or loose, dangling or torn materials. All lighting shall also be kept in good order, and burnt out bulbs shall be replaced.~~

~~Sec. 113-10. — Sign approval as part of site plan approval.~~

- ~~(a) For all developments requiring site plan approval, information on the proposed design and location of all permanent and temporary signs for the life of the project, subject to the guidelines presented herein, shall be submitted for review and approval by the planning and zoning commission.~~
- ~~(b) A site plan application shall be made to the community development department. Such application shall be made on forms, together with documents and drawings, and shall be submitted in both paper and electronic format. The specific contents of the application shall be described in the application packet.~~

- ~~(c) The site plan application shall not be accepted for processing until all required information as described in the application is provided to the community development department and appropriate fees are paid.~~
- ~~(d) Any amendment or modification to an approved site plan application shall be resubmitted for approval. All amendments shall be shown on a site plan amendment application.~~

~~Sec. 113-11. Kiosk signs.~~

- ~~(a) Purpose. The purpose of a kiosk sign is to provide a uniform, coordinated method of offering developers a means of providing directional signs to their projects that are located within the city or the city's municipal planning area, while minimizing confusion among prospective buyers who wish to inspect development projects, while promoting traffic safety and reducing the visual blight of sign proliferation.~~
- ~~(b) Authority to erect in rights-of-way. The city is permitted to erect kiosk signs in the public right-of-way at sites approved by the city manager or designee.~~
- ~~(c) Permit required. The city shall review and approve all proposed locations prior to installation of kiosk signs.~~

~~Secs. 113-12—113-40. Reserved.~~

~~ARTICLE II. ADMINISTRATION AND ENFORCEMENT~~

~~DIVISION 1. GENERALLY~~

~~Sec. 113-41. Code administrator.~~

~~The city manager or designee shall be the authorized code administrator for the city. The city manager or designee shall implement, administer, and enforce this chapter, and may establish rules, regulations and procedures to implement, administer and enforce this chapter.~~

~~Sec. 113-42. Sign permit applications.~~

- ~~(a) A sign permit application shall be made to the community development department. Such application shall be made on forms, together with documents and drawings. The specific contents of the application shall be described in the permit application packet.~~
- ~~(b) The city manager or designee shall not issue permits for the use, construction, reconstruction or alteration of any sign structure, until adequate information is submitted to determine the proposed action is in conformance with the provisions of these sign regulations.~~
- ~~(c) The city manager or designee may, in writing, suspend or revoke a permit issued under the provisions of this section whenever the permit is issued on the basis of a material omission or misstatement of fact, or in violation of this chapter or this Code.~~
- ~~(d) No permit for a sign issued by the city shall be deemed to constitute permission or authorization to maintain a public or private nuisance, nor shall any permit issued hereunder constitute a defense in any action to abate a nuisance.~~
- ~~(e) Whenever any sign for which a permit is required by this chapter has been placed, erected or displayed without first obtaining a permit, a special investigation shall be made before a permit may be issued. If a permit is obtained after a sign has been erected, the sign fee shall be doubled.~~
- ~~(f) Whenever any sign requires an electrical permit, both the sign permit and the electrical permit must be issued and obtained simultaneously or may be included under one sign permit.~~

~~Sec. 113-43. Permit fees and refunds.~~

- ~~(a) Before the city issues any sign permit required by this chapter, the applicant shall pay all fees in accordance with the schedule as set by city council resolution.~~
- ~~(b) For refunds, the applicant must submit a refund request form along with a copy of the sign permit to the city manager or designee. Refunds shall be permitted in accordance with the provisions of the International Building Code as adopted and amended by the city.~~

~~Sec. 113-44. Variances, comprehensive sign programs and administrative appeals.~~

- ~~(a) An application requesting a variance from the provisions of this chapter shall be submitted to the city manager or designee and acted upon by the board of adjustment in accordance with chapter 125, as it exists or as it may be amended.~~
- ~~(b) An application for a comprehensive sign program required by this chapter shall be submitted to the city manager or designee and acted upon by the planning and zoning commission in accordance with the site plan process in section 125-33, as it exists or as it may be amended.~~
- ~~(c) An application for administrative appeal shall be submitted to the city manager or designee and acted upon by the board of adjustment in accordance with chapter 125, as it exists or as it may be amended.~~

~~Sec. 113-45. Violations and revocation of permits.~~

~~The city manager or designee may revoke any permit authorizing the erection of any sign that is in violation of the permit or this chapter. The following is the revocation process:~~

- ~~(1) Notice of the city manager or designee's decision to revoke a sign permit shall be served upon the applicant and/or business owner of such permit:
 - ~~a. By delivering in person a copy of the notice to the applicant of the permit or to one of its officers;~~
 - ~~b. By leaving a copy of the notice with any person in charge of the premises;~~
 - ~~c. In the event no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at an entrance to the premises and by the certified mailing of another copy of the notice to the last known post office address of the applicant and/or business owner of such permit; or~~
 - ~~d. By posting a copy of the notice on the sign in violation and by the certified mailing of another copy of the notice to the last known post office address of the applicant and/or business owner of such permit.~~~~
- ~~(2) The applicant of the permit may appeal the decision of the city manager or designee to revoke the permit to the board of adjustment, in writing, within 15 calendar days from the date when the notice was served.~~
- ~~(3) If no appeal has been taken at the end of 15 calendar days, the permit is revoked. The city manager or designee shall then initiate the process for the removal of the illegal sign in accordance with section 113-46.~~

~~Sec. 113-46. Removal of signs.~~

- ~~(a) The city manager or designee is authorized to require removal of any illegal sign.~~
- ~~(b) Before bringing an action to require removal of any illegal sign, the city manager or designee shall give written notice to the owner of the sign or the owner of the premises on which such sign is located. The notice shall state the violation charged, and the reasons and grounds for removal, specify the deficiencies or defects and what repairs, if any, will make the sign conform to the requirements of this chapter, and specify that the sign must be removed or made to conform with the provisions of this chapter with the notice period provided in subsection (c) of this section.~~

~~(c) Notice period.~~

~~(1) The notice period for permanent signs shall be five calendar days.~~

~~(2) The notice period for temporary signs shall be 48 hours.~~

~~(3) Re-erection of any sign or substantially similar sign on the same premises after a compliance notice has been issued shall be deemed a continuation of the original violation.~~

~~(d) Service of notice shall be made personally on the owner or lessee, or by certified mail addressed to the owner or lessee at the address specified in the permit or the last known address.~~

~~(e) If the owner or lessee of the premises upon which the sign is located has not demonstrated to the satisfaction of the city manager or designee that the sign has been removed or brought into compliance with the provisions of this chapter by the end of the notice period, then the city manager or designee shall certify the violations to the city attorney for prosecution.~~

~~(f) The city manager or designee may remove any illegal sign which exists or has been re-erected after the expiration date of the notice period, if the owner or lessee of the premises has been issued a compliance notice at least once before for the same violation involving the same or similar sign.~~

~~(g) Notwithstanding the above, the city manager or designee may cause the immediate removal or repair (without notice to the owner of the sign, or of the property on which it is located) of any unsafe or defective sign or signs that creates an immediate hazard to persons or property, or of any sign which is placed in any right-of-way in violation of section 113-5.~~

~~(h) If the city removes an illegal sign pursuant to this section, the city may petition the court to recover the costs, expenses and attorney fees that the city incurred in removing the illegal sign and in bringing the petition for recovery. If the court finds by a preponderance of the evidence that the city is entitled to recover, the court may order the defendant to pay to the city the amount of the costs, expenses and attorney fees reasonably incurred by the city, and may enter judgment in favor of the city and against the defendant in that amount.~~

~~Sec. 113-47. Penalties for violations.~~

~~Any person who violates any provision of this article or any provision of any code adopted by this article shall be guilty of a civil or criminal violation.~~

~~Sec. 113-48. Liability for damages.~~

~~The provisions of this chapter shall not be construed to relieve or to limit in any way the responsibility or liability of any person which erects or owns any sign for personal injury or property damage caused by the sign; nor shall the provisions of this chapter be construed to impose upon the city's officers, city manager or the employees any responsibility or liability by reasons of the approval of any sign under the provisions of this chapter.~~

~~Secs. 113-49 – 113-69. Reserved.~~

~~DIVISION 2. NONCONFORMITIES~~

~~Sec. 113-70. Maintenance.~~

~~Any person owning or maintaining a legal nonconforming sign shall maintain such sign in good condition pursuant to section 113-9.~~

~~Sec. 113-71. Alterations.~~

~~It is unlawful for any person owning or maintaining a legal nonconforming sign or sign structure to alter, reconstruct, replace or relocate such sign. Reasonable repair and maintenance of said sign is~~

limited to a maximum total of 50 percent of the sign's or structure's reproduction cost as determined from an appraisal by a competent appraiser.

~~Sec. 113-72. Removal.~~

- ~~(a) Any person owning or maintaining a legal nonconforming sign shall remove or bring the sign into conformance with this chapter when:
 - ~~(1) More than 50 percent of the reproduction cost of the sign or sign structure has been damaged or destroyed or by any means taken down;~~
 - ~~(2) The condition of the sign has deteriorated to such an extent that the cost of repairs exceeds 50 percent of the reproduction cost of the sign or sign structure as determined from an appraisal by a competent appraiser;~~
 - ~~(3) The use of the sign or the property on which it is located has ceased, become vacant or been unoccupied for a period of three months or more.~~~~
- ~~(b) In the event any of these should occur, the sign shall be presumed to be abandoned and shall be removed by the owner of the property, his agent, or person having the beneficial use of the building or structure upon which the sign or sign structure is erected within 30 calendar days after written notification from the community development director.~~

~~Secs. 113-73 – 113-102. Reserved.~~

~~ARTICLE III. LOCATION, DESIGN AND CONSTRUCTION SPECIFICATIONS~~

~~Sec. 113-103. General regulations.~~

- ~~(a) All signs shall be structurally designed, constructed, erected and maintained in accordance with all applicable provisions and requirements of this Code.~~
- ~~(b) Signs are considered a component of the site's design and building architecture; and they shall be architecturally integrated with their surroundings in terms of size, shape, color, texture and lighting so that they are complimentary to the overall design of the building.~~
- ~~(c) The owner of any building shall identify every building or groups of buildings with a street number sign. The street number sign shall not be computed as part of the total of the sign area permitted and shall not require a permit. Refer to the Code section on Building identification for requirements.~~
- ~~(d) New development shall anticipate the need for signs and provide a comprehensive sign program that:
 - ~~(1) Establishes a theme of conceptual master design for all signs within the comprehensive sign program;~~
 - ~~(2) Allows for flexibility for new users as buildings are re-tenanted;~~
 - ~~(3) Provides for convenient and attractive placement of signs;~~
 - ~~(4) Specifies quality materials that complement the style, color, and materials of the building.~~~~
- ~~(e) New signs proposed for attachment to existing buildings must provide a compatible appearance with the building sign of other tenants and where multiple signs exist on a single building there shall be unifying elements such as size and/or color to reduce sign clutter and confusion.~~
- ~~(f) The use of metal is an acceptable material for signs; provided that it has been formed, etched, cast, engraved, and/or properly primed, treated, painted, or factory-coated to protect against corrosion.~~
- ~~(g) The use of wood is an acceptable material for signs; provided that it is compatible with architectural character of the development and it is properly scaled, primed, painted, or stained.~~

- ~~(h) Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied.~~
- ~~(i) All sign supports shall be an integral part of the sign design. There shall be no visible angle iron supports, guy wires, braces, or other supports.~~
- ~~(j) Cabinet signs shall only be permitted when constructed with aluminum or other solid opaque face containing routed copy or letters mounted to the aluminum cabinet. Lexan, acrylic, or any other type of backlit material is not permitted except when used in individual routed lettering. The use of opaque vinyl on lexan, acrylic, or any similar material shall not be permitted as an acceptable face material except when used as individual lettering.~~
- ~~(k) Signs shall be placed so they are not obscured by landscaping when it has reached full maturity.~~
- ~~(l) Illuminated signs and flagpoles are permitted by this article unless otherwise specified. Illumination may be either by direct, internal or internal direct as allowed herein, and it is unlawful for any person to install illumination that creates any glare or reflection onto any adjacent property, or onto a street or alley, or into the night sky or so as to create a traffic hazard.~~

~~Sec. 113-104. Requirements and standards:~~

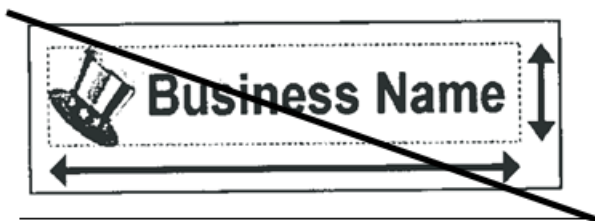
~~(a) Sign measurement criteria:~~

- ~~(1) Area. Sign area for all sign types is measured as follows:~~



Sign Area Measurement

- ~~a. Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle that will enclose both the sign copy and the background.~~
- ~~b. Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle that will enclose each word and each graphic in the total sign.~~



Sign Area includes Logo

- c. ~~Sign copy mounted, affixed, or painted on an illuminated surface, or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy. Such elements may include, but are not limited to, lit canopy fascia signs, spanner board signs, and/or interior lit awnings.~~
 - d. ~~Multi-face signs are measured as follows:~~
 - 1. ~~Two face signs:~~ If the interior angle between the two sign faces is 45 degrees or less, the sign area is of one sign face only. If the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces.
 - 2. ~~Three or four face signs:~~ The sign area is 50 percent of the sum of the areas of all sign faces.
 - e. ~~Spherical, free-form, sculptural, or other nonplanar sign area is 50 percent of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. Signs with greater than four faces are prohibited.~~
- (b) ~~Sign illumination. All permanent signs may be nonilluminated, illuminated by internal, internal indirect (halo), or lit by external indirect illumination, unless otherwise specified.~~
- (1) ~~Internal illumination.~~ Signs with internal illumination shall conform with dark sky principles and not cause glare or reflection onto any adjacent property, street, or alley, or so to create a traffic hazard.
 - (2) ~~External indirect illumination.~~ Externally lit signs are permitted to be illuminated only with steady, stationary, down-directed and shielded light sources directed solely onto the sign. Light bulbs or light tubes, excluding neon, used for illuminating a sign shall not be visible from adjacent public rights-of-way or residential properties.
 - (3) ~~Neon and LED.~~
 - a. ~~Exposed neon tube illumination and LED is not permitted.~~
 - b. ~~Visually exposed neon is permissible in the nonresidential districts as long as the neon has a clear plastic face to protect it from breakage and weather damage. Visually exposed neon and LED shall not be permitted on freestanding signs.~~
 - c. ~~Neon illumination utilized as a sign copy projection, border, frame, or other embellishment of sign copy, or other features, consistent with the definition of "sign" in section 113-2, shall be included in the total square footage of the sign.~~
 - d. ~~Neon, LED or other forms of illumination shall not be used as a border or outline for any architectural element of the building.~~
- (c) ~~Structure and installation.~~
- (1) ~~Raceway cabinets.~~ Raceway cabinets, where used as an element of building-mounted wall signs, shall match the building color at the location of the building where the sign is located. Where a raceway provides a contrast background to sign copy, the colored area is counted in the aggregate sign area permitted for the site or occupancy. Raceways shall not be used on roof-mounted signs, freestanding signs, or landscape wall signs.
 - (2) ~~Support elements.~~ The support elements for all signs shall appear to be free of any angle iron, bracing, guy wires or similar features.
 - (3) ~~Electrical service.~~ When electrical service is provided to freestanding signs or landscape wall signs, all such electrical service is required to be underground and concealed. Electrical service to building-mounted signs, including conduit, housings, and wire, are to be entirely concealed or, when necessary, painted to match the surface of the structure upon which they are mounted.
 - (4) ~~Permanent signs.~~ All permanent signs permitted by this chapter shall be constructed of durable material capable of withstanding continuous exposure to the elements and conditions of the urban environment.

(d) ~~Sign maintenance.~~ It shall be unlawful for any owner of record, lessor, lessee, manager, agent, or other person having lawful possession or control over a building, structure, or parcel of land to fail to maintain the property and all signage thereon, in conformance with this Code. Failure to maintain signs and/or property constitutes a violation of this Code.

(1) ~~General maintenance.~~ Complete maintenance is required for all signs, whether or not in existence prior to the adoption of the ordinance from which this chapter is derived. Maintenance of a sign shall include periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to conform to the requirements and contents of the sign permit issued for its installation and provisions of this chapter.

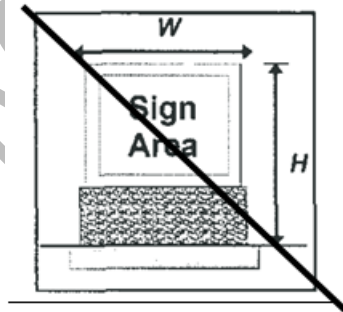
(2) ~~Landscape maintenance.~~ Replacement of plant materials that do not survive after installation in required landscaped areas is required within the next planting season or within six months of the plant's demise. Required landscaped areas contained by a fixed border, curbed area, or other perimeter structure shall receive regular repair and maintenance.

(3) ~~Removal of unused sign support structures.~~ Removal is required of any vacant and/or unused sign support structures, angle irons, sign poles or other remnants of old signs, which are not currently in use, or proposed for immediate reuse evidenced by a sign permit application for a permitted sign.

(4) ~~Removal of obsolete signs.~~ Signs which conform to the provisions of this chapter, but which reflect obsolete sign copy, may remain in place, provided that the sign copy is left unlit and/or blank for a time period up to 30 calendar days after the use or activity it identified has ceased and/or the property has become vacant. A one-time extension of 30 calendar days may be granted by the city manager or designee, provided the copy has been left unlit and/or blank, and when such extension is requested by the owner or person in control of the vacant property.

Sec. 113-105. -- Sign height.

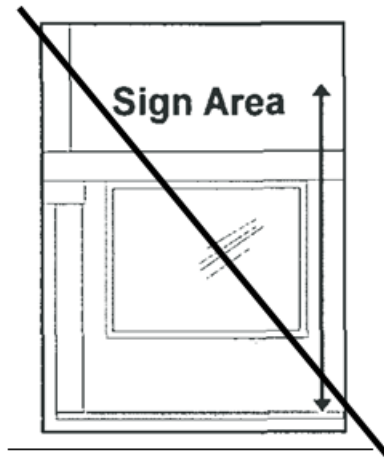
Sign heights shall be measured as follows:



Sign Measurements

(1) ~~Freestanding sign.~~ The height of all signs shall be the vertical distance from the top of the highest element of the sign or sign structure to the top of the curb or crown of the roadway where no curb exists. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height.

(2) ~~Wall, fascia, mansard and parapet-mounted signs.~~ Height shall be the vertical distance to the top of the sign or sign structure from the base of the wall on which the sign is located.



Wall Sign

~~Sec. 113-106. Inspections.~~

~~All signs for which a permit is required shall be subject to the following inspections, unless waived by the city manager or designee:~~

- ~~(1) Footing inspections on all freestanding signs except freestanding signs that are five feet or less in height with a maximum area of 32 feet;~~
- ~~(2) Electrical inspections on all signs prior to placement;~~
- ~~(3) Final inspection that shall cover the sign location, structural members and placement of the inspection marker in accordance with this article.~~

~~Sec. 113-107. Inspection markings.~~

~~Any person installing or erecting a permanent sign as regulated by this chapter shall ensure that such signs be marked with the maker's name and the person erecting such sign, the date of installation, and the permit number as approved by the city manager or designee.~~

~~Secs. 113-108—113-127. Reserved.~~

~~ARTICLE IV. ZONING DISTRICT RESTRICTIONS~~

~~Sec. 113-128. Residential zones.~~

~~(a) Residential uses in residential zones.~~

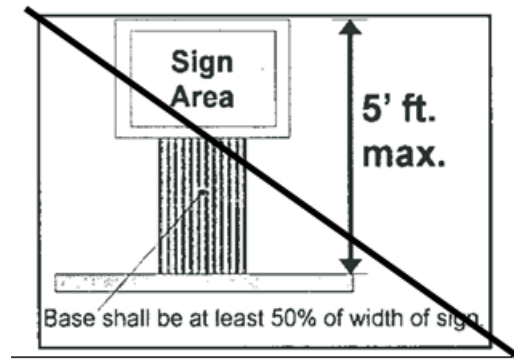
~~(1) Generally.~~

- ~~a. Applicable zones. This subsection (a) applies to all signs for residential uses, and in all residential areas which are vacant or are in a planned area development (PAD) zone.~~
- ~~b. Permitted signs. Only signs that are specifically permitted by this subsection (a) are allowed. Any sign that is not specifically permitted by this subsection (a) is prohibited.~~
- ~~c. Aggregate sign area allowed.~~
 - ~~1. Parcels less than or equal to two acres. Except as otherwise permitted, the aggregate sign area for any parcel located in a residential zone and which is less than two acres shall not exceed one and one half square feet.~~

~~2. *Parcels larger than two acres.* Except as otherwise permitted, the aggregate sign area for any parcel located in a residential zone and which is larger than two acres shall not exceed eight square feet.~~

~~(2) *Wall signs.* Wall signs are permitted, but shall not exceed a height of 15 feet.~~

~~(3) *Freestanding signs.*~~



Freestanding Sign

- ~~a. One freestanding sign shall be permitted on each parcel with a maximum height of five feet and a maximum area of one and one-half square feet.~~
- ~~b. A freestanding sign may include only the name of the occupant and the street address. Such sign shall not include any advertising copy.~~
- ~~c. The base shall have an aggregate width of at least 50 percent of the width of the sign.~~
- ~~d. Reader panels are not permitted.~~

~~(4) *Residential entry sign.* A maximum of two residential entry signs, placed at the entrance to a multifamily or duplex development, manufactured home park, or single-family development only in order to identify the name of the development, and with a maximum aggregate area of 48 square feet shall be permitted at each main entrance. The residential entry signs may be freestanding signs. The residential entry signs may include only the name of the development and the street address, and shall not include advertising copy.~~

~~(5) *Temporary signs.* Temporary signs are only permitted in accordance with article V of this chapter.~~

~~(b) *Nonresidential uses in residential zones.*~~

~~(1) *Generally.*~~

- ~~a. *Applicable zones.* This subsection (b) applies to all signs for nonresidential uses in residential zones which includes, but are not limited to, churches, schools, institutions, commercial farms or ranches, public facilities and similar activities which are located in R1-43, R1-18, R1-12, R1-8, R1-5, R-2 or R-3 zones and for all nonresidential uses in residential areas in a planned area development (PAD) zone.~~
- ~~b. *Permitted signs.* Only signs that are specifically permitted by this subsection (b) are allowed. Any sign that is not specifically permitted by this subsection (b) is prohibited.~~
- ~~c. *Maximum aggregate area.* The maximum aggregate area of all signs on a parcel shall not exceed 48 square feet.~~

~~(2) *Wall signs.* Wall signs are permitted.~~

~~(3) Freestanding signs.~~

- ~~a. One freestanding sign shall be permitted on each parcel with a maximum height of ten feet and a maximum area of 24 square feet.~~
- ~~b. A freestanding sign may include only the name of the facility, building or organization it is intended to identify. Such sign shall not include any advertising copy. The sign must include the number of the street address, but the area of these numerals shall not be included in calculating the allowed sign area.~~
- ~~c. The base shall have an aggregate width of at least 50 percent of the width of the sign.~~

~~(4) Wall, fascia, mansard and parapet signs.~~ Wall, fascia, mansard and parapet signs are permitted, and may identify the facility, building or organization by name or by name and principal activity when the name alone does not identify the general nature of the use, and may include the street address.

~~(5) Directional signs.~~ Directional signs are permitted when required to assist the flow of traffic. Directional signs shall not exceed six square feet in area or three feet in height. Off-site directional signs are prohibited.

~~(6) Directory signs.~~ Directory signs are permitted for nonresidential uses in multi-residential developments and other multiple tenant facilities. Directories shall be provided at all driveway entrances for all multi-residential developments, mobile home parks, or when required by the fire chief or designee.

- ~~a. Each directory shall be illuminated with a maximum area of 18 square feet and a maximum height of six feet.~~
- ~~b. The number and location of the signs must be approved by the city manager or designee and the fire chief.~~

~~(7) Reader panels.~~

- ~~a. Reader panels shall only be permitted for schools and public facilities located in residential zone districts to identify school and community activities.~~
- ~~b. All electronic message displays shall be turned off between the hours of 10:00 p.m. and 7:00 a.m. each day.~~
- ~~c. Fifty percent of the maximum sign area may be used for changeable copy whether it is LED, plastic zip track, or any method of replaceable lettering.~~
 - ~~1. Any sign using plastic zip track or any other method of replaceable lettering shall have a secured, clear, plastic or lexan cover to mitigate the risk of potential vandalism.~~
 - ~~2. Any sign using an electronic messaging system shall not be visible to any minor or major arterial street.~~

~~(8) Temporary signs.~~ Temporary signs are only permitted in accordance with article V of this chapter.

~~Sec. 113-129. Nonresidential zones.~~

~~(a) Generally.~~

- ~~(1) Applicable zones.~~ This section applies to all signs in nonresidential zones and in all nonresidential areas in a planned area development (PAD) zone, unless otherwise restricted.
- ~~(2) Permitted signs.~~ Only signs that are specifically permitted by this section are allowed. Any sign that is not specifically permitted by this subsection (a) is prohibited.
- ~~(3) Aggregate sign area allowed.~~

- ~~a. Unless otherwise modified by this section, the maximum aggregate sign area for any business is one square foot of signage for each linear foot of the business wall elevation along the street frontage on which the sign is displayed. Businesses on a separate parcel or lot, or on a PAD site within a project of three or more businesses, shall be permitted sign area as described in subsection (a)(3)a of this section for any one elevation, with sign area on all other elevations not to exceed one-half square foot for each linear foot of elevation where the sign is displayed.~~
- ~~b. The total aggregate area excluding all freestanding signage shall not exceed 300 square feet and the maximum total sign area of any one elevation shall not exceed 200 square feet. Businesses that share a building structure and do not have a designated leased/owned frontage shall be considered one business for the purpose of determining total aggregate area of street graphics.~~

~~(b) Wall, fascia, mansard, and parapet.~~

~~(1) Generally.~~

- ~~a. Wall, fascia, mansard and parapet signs are allowed only on the exterior elevation of the space occupied by the business.~~
- ~~b. Wall, fascia, mansard or parapet signs may identify the individual businesses, building complex, or center, by name, and may identify up to three principal services when the name alone does not identify the general nature of the business. Any wall, fascia, mansard or parapet sign may include the street address, but shall not include advertising copy.~~
- ~~c. Units of information. Modifiers may be used on building wall signs only and shall be identical for each elevation in which the sign is displayed. The maximum height of the modifiers shall be subordinate to the vertical letter height of the business name, but shall not be less than 12 inches. Such signs shall be included when computing the sum total sign area allowed for each use.~~

~~(2) Wall, fascia, mansard and parapet signs for theaters.~~

- ~~a. One wall, fascia, mansard or parapet sign for a theater may contain the name of the theatre on the elevation where the sign is displayed. Such signs shall be permitted as described in subsection (a)(3)a of this section.~~
- ~~b. The reader panel shall be used exclusively for the purpose of identifying entertainment, motion pictures, or special events that occur on the premises. The sign area shall not exceed 48 square feet.~~
- ~~c. Exterior poster cases shall be limited to six per theatre. The cases will not count toward the aggregate sign area.~~

~~(3) Shingle signs.~~

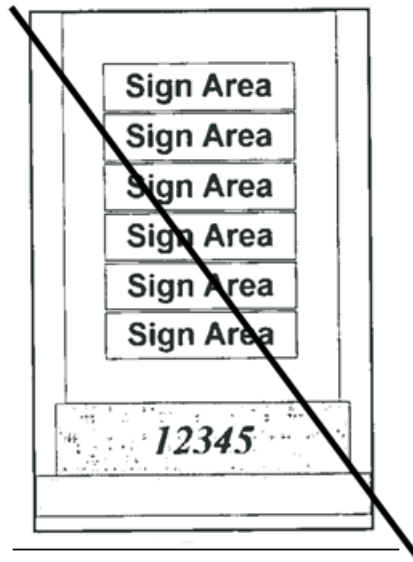
- ~~a. One shingle sign that is designed and oriented primarily for the aid of pedestrians is permitted per business.~~
- ~~b. The minimum clearance between the bottom of the sign and the nearest grade or sidewalk shall be seven feet, six inches. The size shall be approved by the city manager or designee. The shingle sign shall not be calculated within the overall aggregate sign area.~~
- ~~c. A shingle sign must be located immediately adjacent to the business it identifies. The sign must be perpendicular to the store front.~~

~~(c) Freestanding signs.~~

~~(1) Generally.~~

- ~~a. Freestanding signs are permitted.~~

- b. ~~The base of any freestanding sign shall have an aggregate width at least 50 percent of the width of the sign.~~
- c. ~~Any freestanding sign which identifies a single tenant building shall only bear the name of the business or building it is intended to identify, and shall not include any advertising copy.~~
- d. ~~Any freestanding sign must include the number of the street address, but the area of these numerals shall not be included in calculating the allowed sign area.~~
- (2) ~~Maximum number and height of signs allowed. One freestanding sign shall be permitted per single tenant building or multiple tenant complex, except on parcels with multiple street frontages. On parcels with multiple street frontages, one sign is permitted on each street. The freestanding sign shall not exceed a height of ten feet.~~
- (3) ~~Aggregate sign area allowed.~~
 - a. ~~Freestanding signs in industrial zones or for multiple tenant complexes. The maximum aggregate sign area allowed for all freestanding signs in industrial zones or for multiple tenant complexes is 48 square feet on parcels up to ten acres, 60 square feet for parcels up to 20 acres, and 80 square feet on parcels over 20 acres.~~
 - b. ~~Freestanding signs for single tenant buildings. The maximum aggregate sign area allowed for all freestanding signs for single tenant buildings in the C-1 zone is 12 square feet. The maximum aggregate sign area allowed for all freestanding signs in the C-2 and C-3 zones is 36 square feet on parcels up to two acres, and 48 square feet on parcels over two acres.~~



Multiple Tenant Sign

- (4) ~~Identification of tenants in a multiple tenant complex. Any freestanding sign within the multiple tenant building or shopping center may identify the name of the building, complex, or center and the names of tenants within the complex. Such signs shall not include any advertising copy. Modifiers are permitted.~~
 - a. ~~Panels shall only contain the name of the business or logo. No more than six panels per side are allowed on multiple tenant freestanding sign. All individual panels will require a permit.~~
 - b. ~~Panels shall not display business telephone numbers.~~

- ~~(d) *Directional signs.* Directional signs when required to assist the flow of traffic are permitted, but shall not exceed six square feet in area or three feet in height. Such sign may include business identification by word or symbol on up to 25 percent of the sign area.~~
- ~~(e) *Directory signs.* Directory signs when required to identify the location of the various buildings or businesses located within the center or complex are permitted as follows:~~
- ~~(1) Each directory sign shall be illuminated with a maximum area of 18 square feet and a maximum height of six feet. Such directories are required at all driveway entrances and approved by the fire chief or designee.~~
- ~~(2) The number and location of the signs must be approved by the city manager or designee.~~
- ~~(f) *Noncommercial signs.* In all commercial and industrial zones, noncommercial signs shall have a maximum area of 12 square feet and a maximum height of five feet.~~
- ~~(g) *Permanent window signs.* Window signs may be internally illuminated only with the use of exposed neon and LED lighting. There shall be a maximum of one sign per business and such sign shall be limited to no more than 15 percent of the area of the window panel. The sign area shall be calculated against the square footage allowed the business/use. Sign copy shall be limited to business identification and a graphic symbol or any combination thereof. In no case shall product signs be allowed.~~
- ~~(h) *Reserved.*~~
- ~~(i) *Gasoline service stations.*~~
- ~~(1) One monument sign per right of way frontage up to two total signs shall be permitted with a maximum sign area of 24 square feet each with a maximum height of five feet. Fifty percent of the allowable sign area may be used to identify the current price of gas being sold and may have changeable copy such as LED or zip track. Such signs shall be placed within a landscaped setting containing not less than 240 square feet.~~
- ~~(2) Canopy signs.~~
- ~~a. Such signs shall identify the business only.~~
- ~~b. The maximum number of signs per canopy shall be two.~~
- ~~c. The maximum sign area for any one canopy sign shall not exceed six square feet.~~
- ~~d. Any canopy sign will be calculated against total sign area allowed.~~
- ~~(j) *Banks.*~~
- ~~(1) *Building wall signs.*~~
- ~~a. Such sign shall identify the business.~~
- ~~b. The maximum sign area allowed for one linear foot of building wall shall be one square foot. The sign area on all other elevations is one half square foot for each linear foot of elevation where the sign is displayed.~~
- ~~c. When the wall on which the sign is placed is 200 or more feet from any public right-of-way, the maximum sign area for each one linear foot of building wall shall be one and one-half square feet.~~
- ~~d. No part of a building wall sign shall extend above a roofline.~~
- ~~e. Such sign shall be installed with the exposed face of the sign in a plane parallel to the face of the building wall.~~
- ~~f. No part of a building wall sign shall project from a building wall a distance greater than 12 inches.~~

~~(2) Freestanding business identification signs. There shall be a maximum of one freestanding business identification sign per street.~~

~~a. Ground signs.~~

- ~~1. Such sign shall identify the business.~~
- ~~2. The maximum number of such signs per street shall be one sign.~~
- ~~3. Such signs shall be placed within a landscaped setting containing not less than 120 square feet.~~
- ~~4. The maximum area for such signs shall not exceed 12 square feet.~~
- ~~5. The maximum height of such signs shall be five feet.~~
- ~~6. Individual letters shall not cover a percentage of wall surface area greater than 50 percent.~~

~~b. Monument signs.~~

- ~~1. Such signs shall identify the business.~~
- ~~2. The maximum number of such signs per street front shall be one sign.~~
- ~~3. The maximum area of such signs shall be 24 square feet.~~
- ~~4. The maximum height of such signs shall be five feet.~~
- ~~5. The maximum vertical dimension of the cabinet or panel shall be four feet.~~
- ~~6. The maximum horizontal dimension of the cabinet or panel shall be ten feet.~~
- ~~7. Such signs shall be placed within a landscaped setting of not less than 240 square feet.~~

~~(3) ATM (automated teller machine) signs.~~

- ~~a. Such signs shall be located on the face of the machine.~~
- ~~b. Any such signs may identify the individual business name, logo, time, and principal services offered at the ATM.~~
- ~~c. The area of any such signs shall not exceed ten square feet.~~
- ~~d. The total sign area of all such signs at any one site shall not exceed 20 square feet.~~
- ~~e. The bezel and architectural border of an ATM sign shall not be included in the sign area unless they contain sign characters, logos, or other sign graphics.~~
- ~~f. The area of any ATM signage not visible beyond the boundaries of the property shall not be deducted from the sum total sign area permitted for the use.~~
- ~~g. Wording, symbols, and graphics which instruct persons on the use of the ATM shall not be considered part of the sign area unless they are visible beyond the boundaries of the property and attract the attention of the public.~~

~~(4) ATM (automated teller machine) directional signs.~~

- ~~a. Such signs shall be located only on a site offering automated teller services.~~
- ~~b. The maximum height of such signs shall be three feet.~~
- ~~c. The maximum area of such signs shall be four square feet.~~
- ~~d. A maximum area for business name or logo shall be one square foot.~~
- ~~e. Time-related information and other information commonly used by a business to reference its particular ATM is allowed.~~

~~f. The number and location of such signs shall be determined by the city manager or designee.~~

~~(k) Regional commercial subdivisions (20 acres or more).~~

- ~~(1) Entryway signs are allowed for commercial subdivisions.~~
- ~~(2) Such signs shall contain only the name of the subdivision.~~
- ~~(3) The maximum number of such signs for each entrance shall be two signs.~~
- ~~(4) The maximum number of such signs on each side of an entrance shall be one sign.~~
- ~~(5) The total area of such signs allowed at each entrance shall not exceed 24 square feet.~~
- ~~(6) The height of such sign shall not exceed five feet.~~

~~(l) Temporary signs. Temporary signs are permitted in accordance with section 113-157.~~

~~(m) Menu boards.~~

- ~~(1) Two menu boards are permitted per business. Such signs may be freestanding or wall-mounted.~~
- ~~(2) The maximum aggregate area for a menu board shall not exceed 24 square feet.~~
- ~~(3) The maximum height shall not exceed six feet.~~

~~(n) Awning signs.~~

- ~~(1) A maximum of 25 percent of the front face area of an awning may be used for signage.~~
- ~~(2) The sign area shall be measured according to section 113-104 unless a distinctive background is provided.~~
- ~~(3) If letters or graphics are placed on the valence, they shall not be placed elsewhere on the awning.~~
- ~~(4) Awning signs are allowed only on the exterior elevation of the space occupied by the business.~~
- ~~(5) Sign copy shall be limited to business name and/or logo.~~

~~Secs. 113-130—113-156. Reserved.~~

~~ARTICLE V. TEMPORARY SIGNS~~

~~Sec. 113-157. Standards and regulations.~~

~~Temporary signs shall be allowed in accordance with the requirements of this chapter and the following provisions:~~

- ~~(1) Duration. Each parcel or business may have displayed upon it a temporary banner sign with the following limitations:~~
 - ~~a. A temporary banner sign may not be displayed longer than 30 calendar days at a time.~~
 - ~~b. A business is limited to two temporary sign banners per year with the exception of for sale, lease or rent signs, which may be displayed for a period of one year during the time the parcel is being sold, let or rented.~~
 - ~~c. A new business may have an additional 30 calendar days beyond the limitations stated above for a grand opening sign.~~
 - ~~d. Temporary banner signs must be attached to a building.~~
- ~~(2) Residentially zoned parcels smaller than five acre.~~

- a. ~~Number.~~ Each parcel shall be entitled to one temporary sign for every 50 linear feet of right-of-way frontage (minimum of one sign per parcel).
 - b. ~~Size and height.~~ The maximum height for all freestanding signs is five feet. For sale, lease or rent signs shall be a maximum of 12 square feet with a maximum height of eight feet.
- ~~(3) Nonresidentially zoned parcels and residentially zoned parcels larger than five acres.~~
- a. ~~Number.~~ Each parcel shall be entitled to one temporary sign displaying a commercial message for each side of the parcel that has right of way frontage, up to two temporary signs displaying a commercial message per parcel. Additionally, each parcel shall be entitled to one temporary sign displaying a noncommercial message for every 50 linear feet of right of way frontage.
 - b. ~~Size and height.~~ The maximum height for all freestanding signs is eight feet. For sale, lease or rent signs shall be a maximum of 32 square feet with a maximum height of eight feet.
- ~~(4) For multiple tenant commercial or industrial parcels.~~
- a. Each tenant with less than 50 feet of store frontage shall be entitled to temporary banner signs, as stated above, applied to the storefront, not exceeding 12 square feet in size.
 - b. Each tenant with more than 50 feet of store frontage shall be entitled to temporary banner signs, as stated above, applied to the storefront, not exceeding 32 square feet in size.
- ~~(5) Window signs.~~ Such signs shall be affixed only to the interior surface of the glass. No more than 25 percent of the window on the front elevation of any business may be used for window signage. Such signs shall be used for promotional purposes and will not require a permit.
- ~~(6) Location.~~ Temporary signs shall not be placed in the following locations:
- a. ~~Off-premises.~~
 - b. ~~Within five feet of the public right of way.~~
 - c. ~~Within a site visibility triangle.~~
 - d. ~~Within a public utility, water or sewer easement.~~
 - e. ~~Within any parcel owned by the city, except for temporary signs placed by the city for city events.~~
 - f. ~~Affixed to any light pole, street pole, electrical box, or other similar structure.~~
- ~~(7) Permit.~~ A city issued permit shall be required before installing any temporary sign displaying a commercial message.
- ~~(8) Construction.~~ Temporary signs may be made of paper, plastic, cloth or any other pliable material. Window signs may be painted with water soluble paint directly on the window.
- ~~(9) Non-conforming temporary signs.~~ Temporary signs that become non-conforming after the adoption of the Code shall be removed within ten calendar days.

~~Sec. 113-158. Development information temporary sign.~~

~~The purpose of the development information sign is to inform the public of the development name and future tenants on developments under construction. The city manager or designee may remove any development sign or construction fence screen sign if said sign violates City Municipal Code, is deemed a public or private nuisance, or is a hazard to public health and safety.~~

~~(a) Applicability.~~

- ~~(1) Development signs or a construction fence screen sign shall be erected within 30 calendar days of application for a building permit or grading permit.~~

- ~~(2) The development sign or construction fence screen sign shall be maintained until all principle structures are completed in the designated construction area.~~
- ~~a. In cases where the initial building has been completed and subsequent permits for other principal buildings in the construction area have been applied for, the applicant for the latest building permit will maintain the sign.~~
- ~~b. Sign is to be removed after completion of all building permits posted on sign or as directed by the city manager or designee.~~
- ~~(3) Sign location to be submitted with new principle building permits.~~
- ~~(b) Development information sign.~~
- ~~(1) Duration.~~
- ~~a. Signs must be removed once all projects in the construction area are completed. This does not include tenant improvements.~~
- ~~b. Signs will be allowed for a period of one year.~~
- ~~(2) One sign per street frontage per construction area.~~
- ~~a. Construction area is to be determined by the city manager or designee.~~
- ~~(3) Freestanding sign size shall be 32 square feet.~~
- ~~(4) Maximum sign height shall not exceed eight feet.~~
- ~~(5) Signs must be updated for new projects in the construction area.~~
- ~~(6) Banner signs may be attached to a temporary construction fence.~~
- ~~(7) Sign text and graphics will follow City of Surprise development information sign format, unless modified by the city manager or designee.~~
- ~~(c) Construction fence screen sign.~~
- ~~(1) Duration.~~
- ~~a. Signs must be removed once all projects in the construction area are completed. This does not include tenant improvements.~~
- ~~b. Signs will be allowed for a period of one year.~~
- ~~(2) Maximum sign height shall not exceed eight feet.~~
- ~~(3) Sign must include:~~
- ~~a. Information provided in City of Surprise development information sign format (section 113-158(b)(7)) to exclude the elevation block.~~
- ~~b. Renderings or art relating to the site.~~

~~Secs. 113-159—113-182. Reserved.~~

~~ARTICLE VI. FLAGS AND FLAGPOLES~~

~~Sec. 113-183. Regulations.~~

~~To regulate and control the use of permanent flagpoles on which a flag is located. It is unlawful for any person to place or install a flag in any zone except as follows: Any flag of the United States, or any state of the United States, foreign nations having diplomatic relations with the United States, the city, corporate flag, or any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, or any other flag whose display is authorized by the Constitution of the United States or the constitution of the state.~~

The provisions are subject to the following conditions:

- ~~(1) Only one of each flag with a maximum of three flags on any one lot or parcel shall be allowed.~~
- ~~(2) Parcels zoned R1-43, R1-18, R1-12, R1-8, and R1-5 shall not have more than one flagpole per parcel.~~
- ~~(3) No flagpole shall exceed the following heights per specified zone:
 - ~~a. Parcels zoned R1-43, R1-18, R1-12, R1-8 and R1-5 shall not exceed 30 feet.~~
 - ~~b. Parcels zoned R-2 and R-3 shall not exceed 35 feet.~~
 - ~~c. Parcels zoned C-1, C-2, and C-3 shall not exceed 35 feet.~~
 - ~~d. Parcels zoned industrial and business park shall not exceed 35 feet.~~~~
- ~~(4) Flagpoles shall not be placed except within a landscaped setting of not less than 200 square feet.~~
- ~~(5) Illumination of any flags or flagpoles shall be in accordance with section 113-103.~~
- ~~(6) Nothing in this section shall apply to any flag or flagpole located on any parcel owned or operated by any federal, state or local government for a governmental purpose.~~

~~Secs. 113-184, 113-185. Reserved.~~

~~ARTICLE VII. FREEWAY MONUMENT SIGNS~~

~~Sec. 113-186. General requirements.~~

- ~~(a) Freeway monument signs shall be allowed only on properties zoned for commercial or industrial uses;~~
- ~~(b) Buildings in excess of three stories shall be identified only by a freeway monument sign or a building-mounted wall sign and shall not be eligible for the construction of or inclusion of both types of signs;~~
- ~~(c) For the purposes of this section, the height of all freeway monument signs shall be measured as the vertical distance from the finished grade of the site to the highest point of the sign structure;~~
- ~~(d) Freeway monument signs shall not be counted as a portion of the total sign area of the user(s);~~
- ~~(e) Freeway monument signs shall be required to provide an architecturally enhanced treatment for the sign base, pole cover and supports compatible with the individual business or the complex/center. Pole covers and sign base shall be a minimum of 35 percent of the full sign width;~~
- ~~(f) Freeway monument signs shall require a landscaped area equal to four square feet of landscaping for each square foot of sign area and shall be located around the base of the sign;~~
- ~~(g) For the purpose of this section, such signs shall only identify the name of the business, the center/complex, or the place for which the sign is intended. Such signs shall not include any advertising copy;~~
- ~~(h) Freeway monument signs may be illuminated by externally illuminated indirect or internal lighting;~~
- ~~(i) Freeway monument signs shall not be allowed within a natural or manmade watercourse;~~
- ~~(j) Freeway monument signs shall be subject to all applicable Arizona Department of Transportation sign regulation standards;~~
- ~~(k) All freeway signage requests shall be processed administratively via site plan amendment process to determine conformity with the regulations within section [chapter] 113.~~

~~Sec. 113-187. Location and size.~~

- ~~(a) Freeway monument signs shall be located a minimum of 50 feet from any non-freeway lot line and a minimum of 100 feet from any residentially zoned property;~~
- ~~(b) All freeway monument signs shall have a maximum height of 80 feet, and 750 square feet in total sign area, unless as modified below;~~
- ~~(c) All freeway monument signs shall be allowed an extra three feet in height for architectural embellishments where architectural embellishments are defined as elements of a sign incorporating architectural features of the associated building or development; Embellishments shall not include any feature, figure or emblem conveying a commercial message and may not constitute more than 20 percent of sign area;~~
- ~~(d) For every 880 linear feet of freeway frontage, one freeway monument sign shall be allowed per site, development, project, or center. Such signs shall not be located off-premise, except that a multi-tenant complex/center sign may identify users within the complex/center located on separate parcels;~~
- ~~(e) For the purpose of this section, multi-tenant freeway monument signs shall be allowed an extra 20 percent of sign area for identification of the center/complex;~~
- ~~(f) Freeway signs shall maintain a minimum of 880-foot spacing from any other freeway monument sign, or from the intersection of any arterial road with the freeway;~~
- ~~(g) Freeway monument signs shall be located a minimum of 50 feet from any non-freeway lot line and a minimum of 200 feet from any residentially zoned property.~~

~~Secs. 113-188—113-194. Reserved.~~

~~ARTICLE VIII. COMPREHENSIVE SIGN PROGRAM~~

~~Sec. 113-195. Regulations.~~

~~The comprehensive sign program is designed to allow signage which is appropriate to the character of the development, provide adequate identification and information, provide a good visual environment, promote traffic safety and regulate to the extent necessary to be consistent with the purpose and intent of the sign requirements.~~

- ~~(1) *Criteria.* Comprehensive sign programs shall only apply to commercial properties within redevelopment project areas, or to projects within planned area development zoning designations, approved by the planning and zoning commission and city council, and shall be prepared and reviewed concurrently with the planned area development documentation, or as a separate site plan amendment application for existing commercial centers.~~
 - ~~a. Any request for approval of the comprehensive sign program shall be submitted on forms provided by the city. Such application shall be submitted to the city manager or designee and acted upon by the planning and zoning commission in accordance with this section 113-195 of this chapter.~~
 - ~~b. The comprehensive sign program shall not be applied to freeway monument signs.~~
 - ~~c. *Compatibility.* The comprehensive sign program shall promote compatibility for all signs within a specific development. Architectural theme, materials and color should compliment the overall character.~~
- ~~(2) *Size and height.* Signs proposed under the comprehensive sign program shall be no larger than the maximum of 50 percent of the standards. The maximum height for freestanding signs is 15 feet with a maximum aggregate area of 160 square feet.~~
- ~~(3) *Offsite signs.* Projects, which have an approved commercial subdivision or final plat, may have offsite signage. The signs may be placed on parcels where an existing master site plan or residential development has been established.~~

- ~~(4) *Placement.* Signs proposed under the comprehensive sign program shall be placed appropriately in areas visible and readable. Review of location is considered by traffic movement of surrounding streets, traffic volumes and access points, AASHTO and engineering standards, visibility triangles, sign orientation and topographic features.~~

~~Secs. 113-196—113-215. Reserved.~~

~~ARTICLE IX.—SIGN WALKER~~

~~Sec. 113-216.—Regulations.~~

~~Regulations regarding sign walkers, as defined in this chapter, are designed to reduce potential traffic hazards.~~

- ~~(1) *Locations.* Sign walkers are only permitted in C-3, BP, I-1, I-2 and I-3 zoning districts. The sign walkers must operate only within the public right-of-way, exclusive of any paved street area or any landscaped area.~~
- ~~(2) *Hours of operation.* Sign walkers are limited to the following hours of operation: 9:00 a.m. to 3:00 p.m., Sunday through Saturday.~~
- ~~(3) *Permit required.* Sign walkers are required to obtain a permit.~~
- ~~(4) *Size of signs.* Sign walker signs are limited to four square feet.~~
- ~~(5) *Additional restrictions.* Sign walkers may not twirl, spin, throw into the air or cause to flash their portable signage.~~



FS15-311 Sign Code Update

City Council Work Session
March 07, 2017

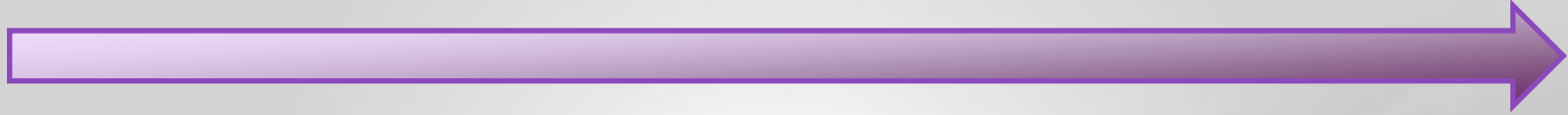


Chronicle / Michael Macor

Topics of Discussion

- Progress To-Date
- Reed v. Town of Gilbert
- [Temporary Signs](#)
- [Building-Mounted Signs](#)
- [Freestanding Signs](#)
- [Pylon Signs and Billboards](#)
- [Electronic Messaging](#)
- [Next Steps](#)

Progress to-date



- P&Z Commission discussion item April 16, 2015
- City Council work session April 21, 2015
- Research, imagery collection
- U.S. Supreme Court decision on Reed v. Town of Gilbert
- Workshops regarding Reed v. Town of Gilbert
- City Council discussion September 1, 2015
- Preparation of draft language
- **City Council Discussion – March 7, 2017**





Reed v. Town of Gilbert

- Case brought by a church over weekend placement of directional signs.
- U.S. Supreme Court clarified that if the enforcement officer needs to read the words on the sign to enforce the ordinance, the ordinance is presumptively unconstitutional. (Content-Neutrality)
- Focus on *Content Neutral* topics such as size of signs, sign materials, lighting, moving parts, portability of the sign or the location (public or private property) of the sign.
- Establish regulations for important signs such as government directional signs and traffic control signs along roads.

http://www.supremecourt.gov/opinions/14pdf/13-502_9olb.pdf



Orientation to Structure of New Code

Section 113-01 – Title; Findings and Purpose; Intent; Limitations

Section 113-02 – Applicability

Section 113-03 – First Amendment Interpretation and Severability

Section 113-04 – Rules of Interpretation

Section 113-05 – Definitions

Section 113-06 – Permitted and Prohibited Signs

Section 113-07 – General Provisions

Section 113-08 – Sign Classifications and Types

Section 113-09 – Sign Illumination

Section 113-10 – Electronic Messaging

Section 113-11 – Reader Panels

Section 113-12 – Address Identification

Section 113-13 – Flags and Flagpoles

Section 113-14 – Comprehensive Sign Programs

Section 113-15 – Nonconforming Signs

Section 113-16 – Enforcement



Temporary Signs

Section 113-08 – Sign Classifications and Types

A – Temporary Signs

- 1 – General Requirements
- 2 – Class I Temporary Signs (Small A-Frame Signs)
- 3 – Class II Temporary Signs (Large A-Frame and Pedestal Signs)
- 4 – Class III Temporary Signs (Small Post-Signs)
- 5 – Class IV Temporary Signs (Large Post-Signs)
- 6 – Banner Signs
- 7 – Light Pole Banner Signs
- 8 – Teardrop Banner Signs
- 9 – Sign Walkers



Temporary Signs

Section 113-08 – Sign Classifications and Types

A – Temporary Signs

1 – General Requirements

- Illumination by ambient lighting only
- Must include the name and phone number of the person responsible for placing the sign
- Cannot obstruct pedestrian or vehicular traffic
- May be buried or inserted (except for teardrop banners) but not cemented

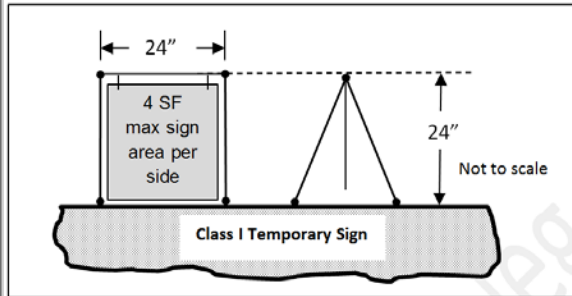


Temporary Signs

Section 113-08 – Sign Classifications and Types

A – Temporary Signs

- Four “Classes” of Temporary Signs as defined in Section 113-05



Class I Temporary Signs (Small A-Frame Signs)

- 3 Class I Temporary Signs per “lawful temporary event”
- May not be located on vacant property
- Not allowed in public right-of-way except in conjunction with lawful temporary event
- No limit to number of sign panels provided sign copy does not exceed 8 square feet total
- May be weighed or ballasted but not affixed to ground or permanent structure
- May only be displayed during business hours

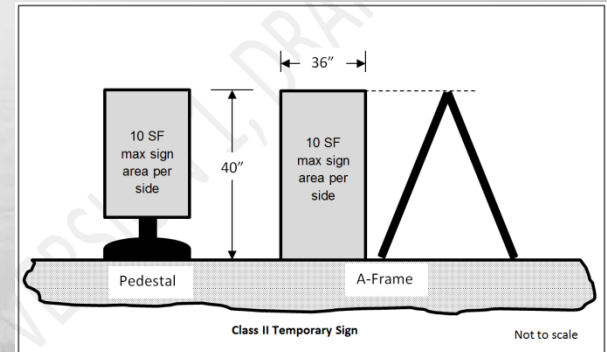


Temporary Signs

Section 113-08 – Sign Classifications and Types

A – Temporary Signs

- Four “Classes” of Temporary Signs as defined in Section 113-05
- 1 Class II Temporary Sign per commercial use or “lawful temporary event”
 - May not be located on vacant property
 - Must be located within 15’ of customer entrance
 - May not be located within public right-of-way unless customer entrance is opens directly into right-of-way
 - No limit to number of sign panels provided sign copy does not exceed 20 square feet total
 - May be weighed or ballasted but not affixed to ground or permanent structure
 - May only be displayed during business hours



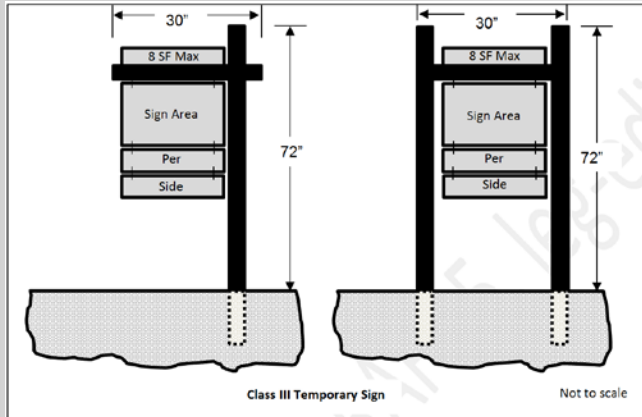
Class II Temporary Signs (Large A-Frame and Pedestal Signs)

Temporary Signs

Section 113-08 – Sign Classifications and Types

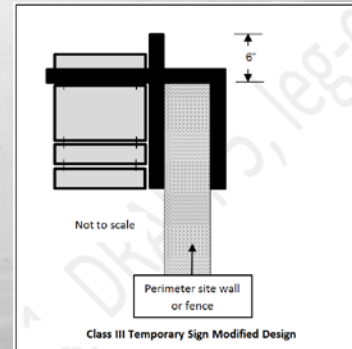
A – Temporary Signs

- Four “Classes” of Temporary Signs as defined in Section 113-05



Class III Temporary Signs (Small Post-Signs)

- 1 Class III Temporary Sign per street frontage
- If located on vacant property, must be 600' apart
- No limit to number of sign panels provided sign copy does not exceed 16 square feet total
- Includes provision for properties that back up to street

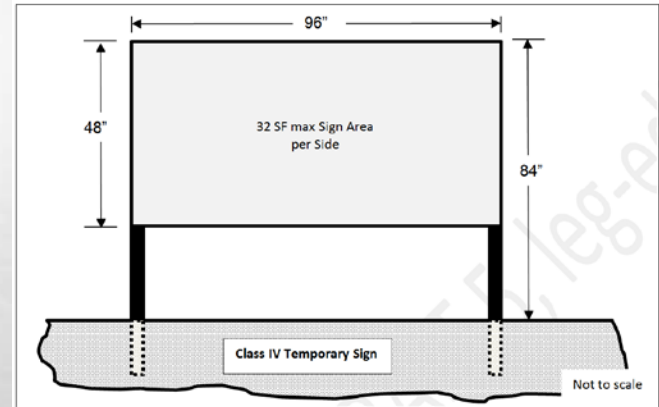


Temporary Signs

Section 113-08 – Sign Classifications and Types

A – Temporary Signs

- Four “Classes” of Temporary Signs as defined in Section 113-05
- 1 Class IV Temporary Sign per street frontage
- 1 additional Class IV Temporary sign per 660’ of street frontage if associated with a public hearing
- Limited to 2 sign panels per sign at 32 square feet each



**Class IV Temporary Signs
(Large Post-Signs)**



Temporary Signs

Section 113-08 – Sign Classifications and Types

A – Temporary Signs

- Four additional categories of temporary signs as defined in Section 113-08



Light Pole
Banners



Banners



Teardrop
Banners



Sign Walkers



Temporary Signs

Section 113-08 – Sign Classifications and Types

A – Temporary Signs

- Four additional categories of temporary signs as defined in Section 113-08

o Banners



- 1 Banner Sign per building plus 1 additional Banner Sign on construction fence if associated with a construction project
- All four corners must be attached
- 1 square foot of sign area per lineal foot of elevation length not to exceed 500 square feet (30 square feet of associated with construction fence)
- Length limited to 80% of building elevation or leased tenant frontage
- Must have vent flaps



Temporary Signs

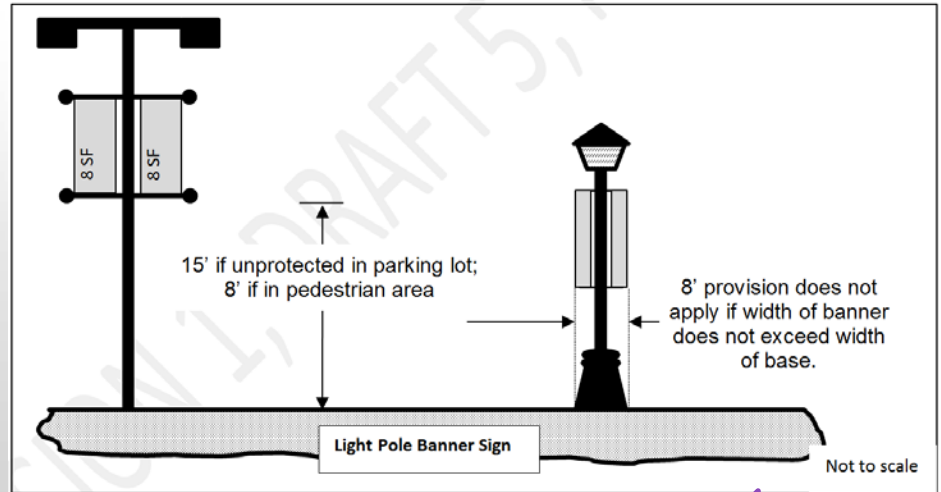
Section 113-08 – Sign Classifications and Types

A – Temporary Signs

- Four additional categories of temporary signs as defined in Section 113-08

o Light Pole Banners

- Light Pole Banner Signs allowed if pole is properly equipped
- 8 square feet of sign area per sign per side
- Paired signs must be uniformly sized
- 15' overhead clearance if unprotected in parking lot
- 8' overhead clearance if in pedestrian area (unless base of pole is wider than the signs)
- Horizontal supporting members must be removed or folded up when not in use
- Must have vent flaps



Temporary Signs

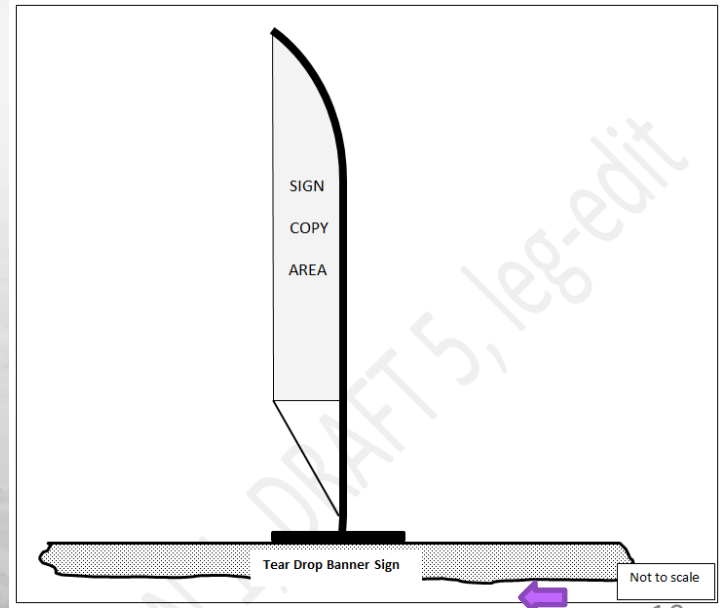
Section 113-08 – Sign Classifications and Types

A – Temporary Signs

- Four additional categories of temporary signs as defined in Section 113-08

o Teardrop Banners

- Two per lawful temporary event
- Must be located on the property of where the temporary event is occurring
- May not be located in a public right-of-way
- Must be 15' away from pedestrian path, sidewalk, trail, vehicular parking surface or driveway
- Must be located 50' from any public or private right-of-way
- Maximum height of 12'
- Maximum sign area of 26 square feet
- May be weighted or ballasted but not inserted into the soil



Temporary Signs

Section 113-08 – Sign Classifications and Types

A – Temporary Signs

- Four additional categories of temporary signs as defined in Section 113-08

o Sign Walkers

- May only operate during daylight hours
- May only operate on sidewalks
- May not obstruct pedestrian or vehicular traffic
- May carry 2 single-sided signs not exceeding 3 square feet each or 1 double-sided sign not exceeding 12 square feet
- Must wear or hold the sign



Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

- 1 – Building Wall Signs
- 2 – Blade Signs
- 3 – Canopy Signs
- 4 – Marquee Signs
- 5 – Awning Signs
- 6 – Hanging Signs
- 7 – Window Signs and Screens



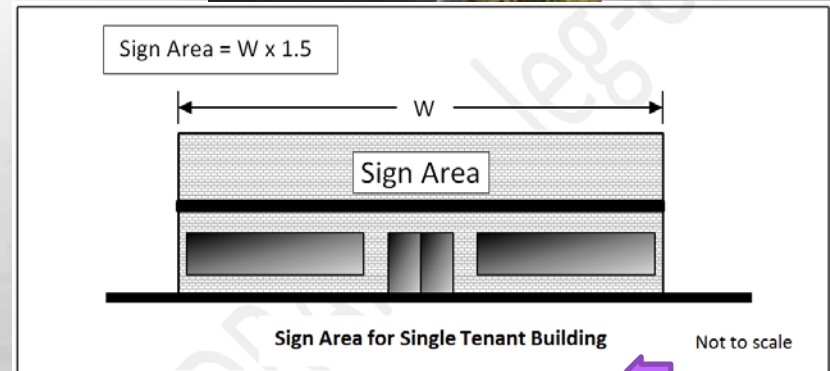
Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

1 – Building Wall Signs

- Allowed on any elevation of any primary use building regardless of orientation to the street or parking lot
- Single-tenant sign area is 1.5 square feet per 1 linear foot of elevation on which the sign is mounted
- Width of sign not to exceed 80% of width of building



Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

1 – Building Wall Signs



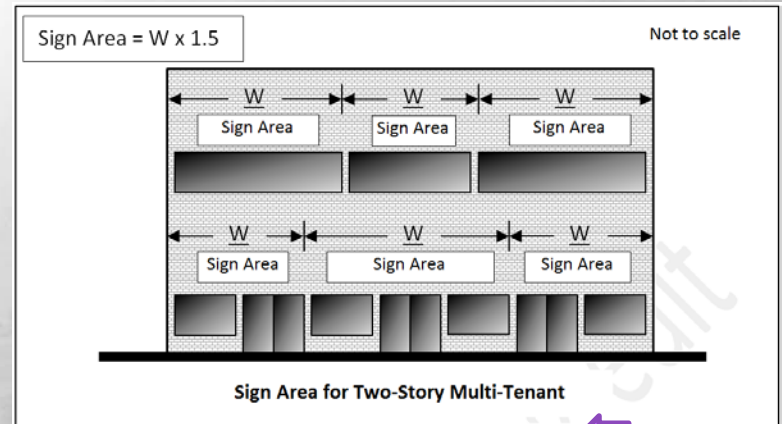
Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

1 – Building Wall Signs

- Allowed on any elevation of any primary use building regardless of orientation to the street or parking lot
- Multi-tenant sign area is 1.5 square feet per 1 linear foot of leased tenant frontage
- Width of sign not to exceed 80% of width of leased tenant space



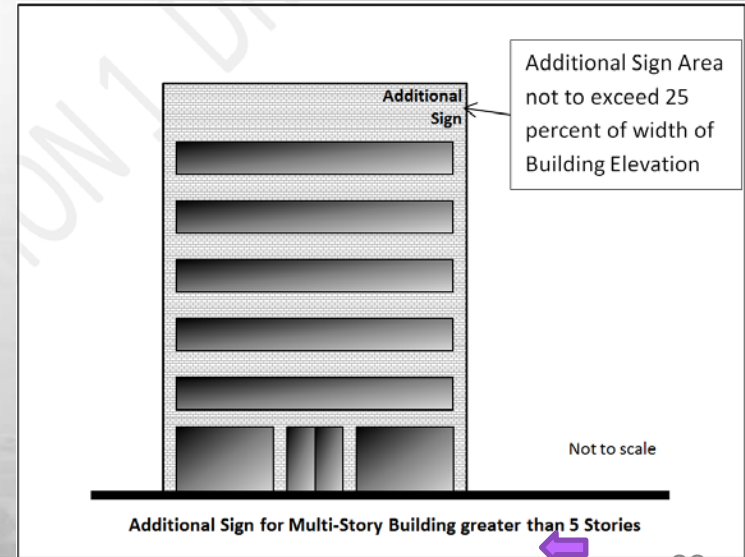
Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

1 – Building Wall Signs

- Allowed on any elevation of any primary use building regardless of orientation to the street or parking lot
- Multi-story building 5-stories or more get 1 additional sign near the top of the building
- Sign area not exceeding 25% of the width of the building
- Not allowed on elevation shaft or equipment screening



Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

1 – Building Wall Signs

- May not obscure building's architecture



Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

1 – Building Wall Signs

- Sign area may increase by 25% when building is setback 600' from public right-of-way
- May increase an additional 25% for each additional 200' of setback up to maximum of 100%
- Provided sign does not otherwise violate other provisions of the sign code

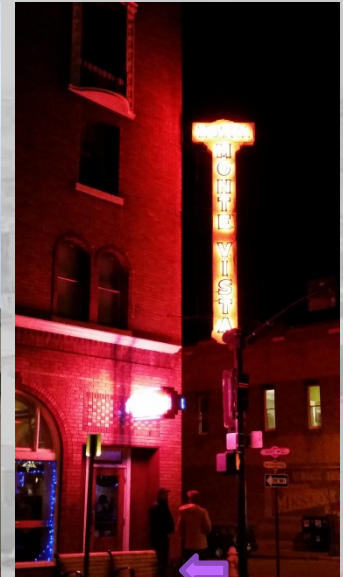
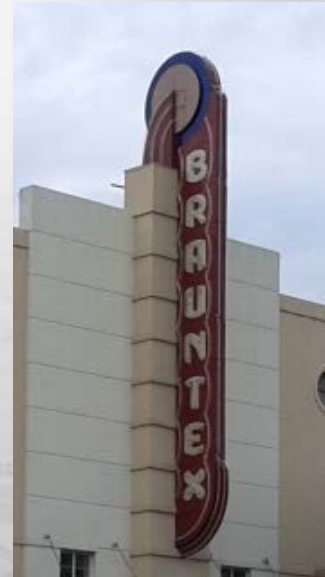
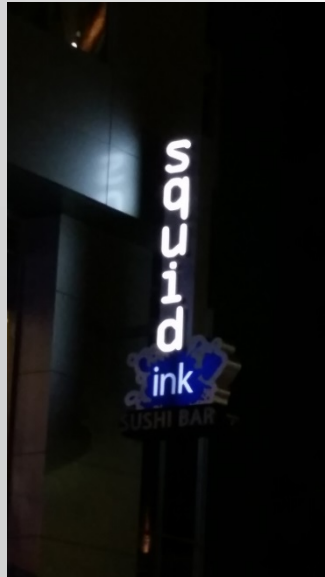


Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

2 – Blade Signs



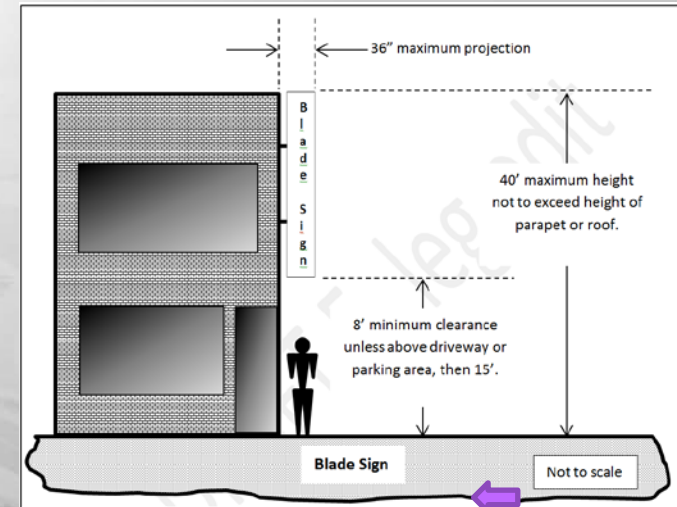
Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs 2 – Blade Signs



- 1 blade sign per primary use multi-story building in multi-family, commercial, mixed use or industrial zoning
- 8' overhead clearance for pedestrian areas
- 15' overhead clearance for vehicular areas
- Maximum height of 40' NTE roof or parapet
- 36" projection from building face

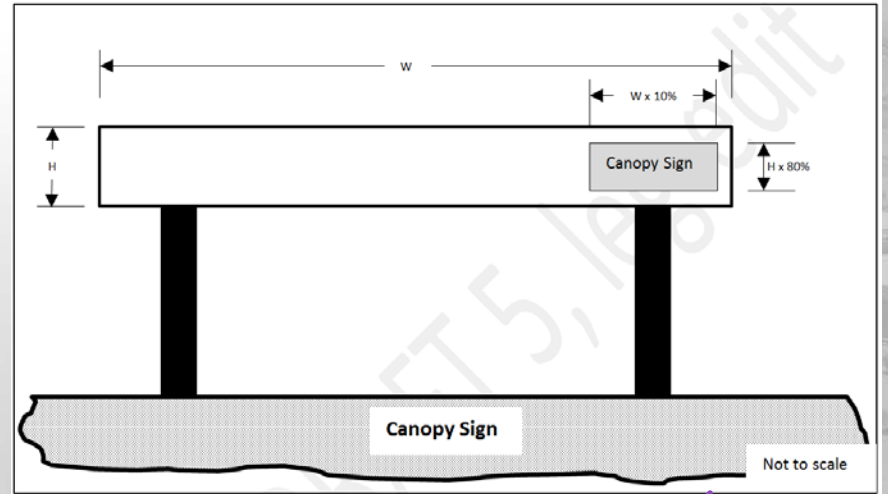


Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs 3 – Canopy Signs

- Height 80% of height of canopy face
- Width 10% of width of canopy



Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

4 – Marquee Signs

- Height NTE height of marquee face
- Width 80% of width of marquee



Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

5 – Awning Signs



- Allowed in mixed-use, commercial and industrial zoning
- Does not contribute to aggregate sign area



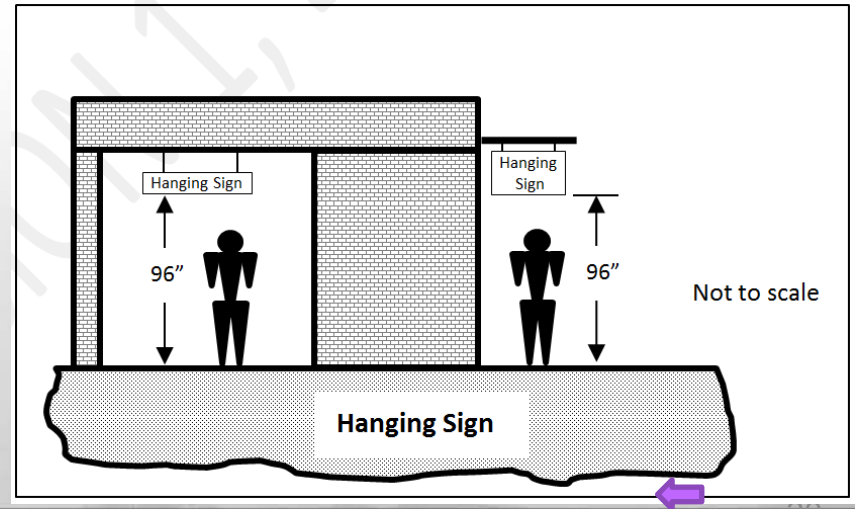
Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs 6 – Hanging Signs



- 1 sign per customer entrance
- Max 6 square feet sign area
- 96" overhead clearance



Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

7 – Window Signs and Screens

- May cover 40% of individual window pane
- Sunscreen may cover 100% of window pane but may only include 40% sign copy
- Does not contribute towards aggregate sign area
- Excludes etched or stained glass



Freestanding Signs

Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

- 1 – Class I Monument Signs and Class II Monument Signs (Menu Signs and Preview Signs)
- 2 – Class III Freestanding Signs (Directional Signs)
- 3 – Class IV Freestanding Signs (Directory Signs)
- 4 – Class V Monument Signs (Minor Monument Signs)
- 5 – Class VI Monument Signs (Major Monument Signs)
- 6 – Roadway Arch Signs
- 7 – Subdivision Perimeter Wall Signs



Freestanding Signs

Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

1 – Class I Monument Signs(Menu Signs)

Class II Monument Signs (Preview Signs)

- Associated with drive-through businesses
- Must be monument style vs. pole style
- Bottom of sign not less than 2' above curb
- Max height of 6'
- Max area of 24 square feet
- Class I may not be audible from residential, hotel, motel, etc.
- Neither may be located within 100' of a residential zoning district or use



Freestanding Signs

Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

2 – Class III Freestanding Signs (Directional Signs)

- Associated with driveway serving multi-family, commercial, or industrial
- Max area of 6 square feet
- Max height of 30” (sight visibility)



Freestanding Signs

Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

3 – Class IV Freestanding Signs (Directory Signs)

- Associated with the interior of a multi-family, commercial, or industrial
- Max area of 12 square feet
- Max height of 6'



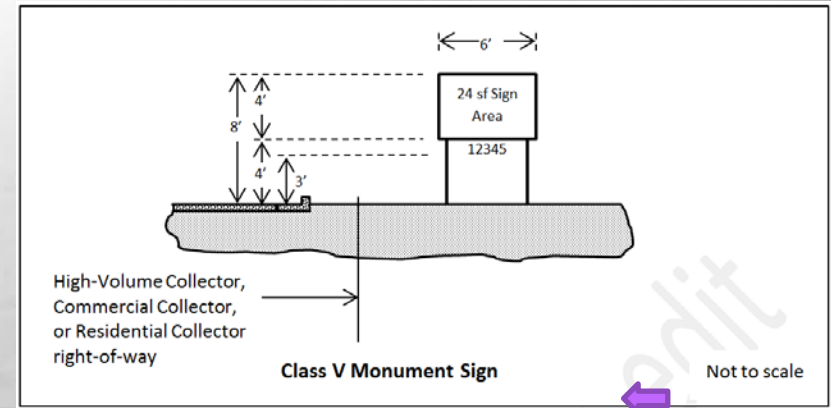
Freestanding Signs

Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

4 – Class V Monument Signs (Minor Monument Signs)

- Associated with a High Volume Collector, Residential Collector, or Commercial Collector
- 1 per driveway for non-residential uses in residential zone, multi-family, non-residential uses in non-residential zones



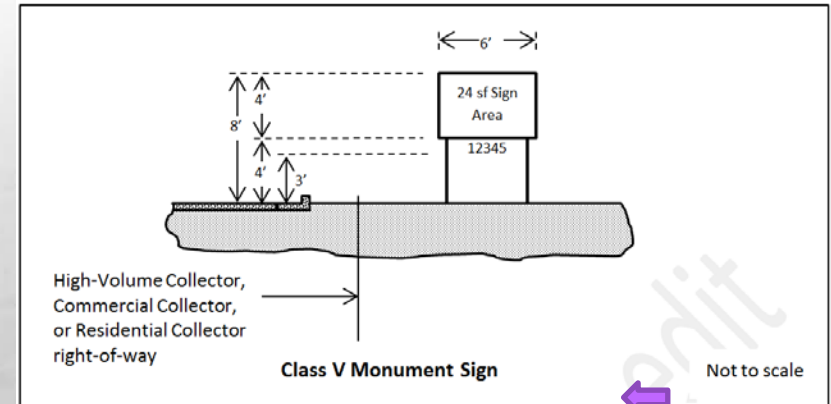
Freestanding Signs

Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

4 – Class V Monument Signs (Minor Monument Signs)

- Max height of 8'
- Max width of 6'
- Bottom of sign not less than 4'
- Max sign area 24 square feet
- Must be fitted with address
- 80 square foot landscape area required
- Setback 2' from ROW or PUE



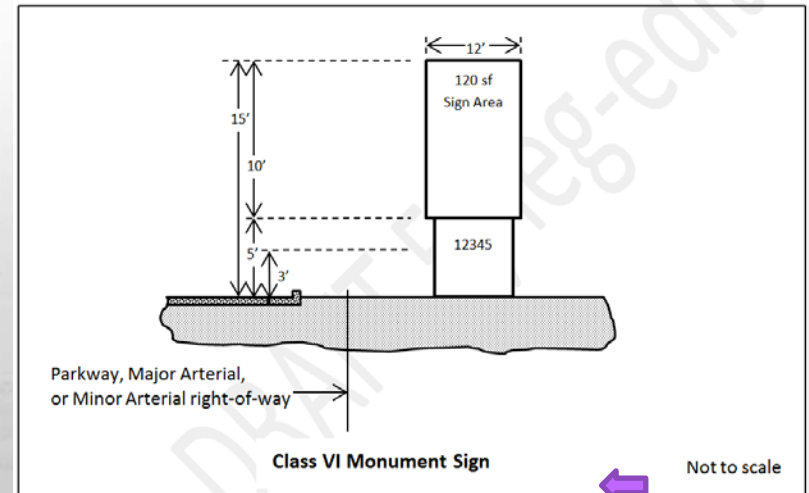
Freestanding Signs

Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

5 – Class VI Monument Signs (Major Monument Signs)

- Associated with a Parkway, Major Arterial, or Minor Arterial
- 1 per driveway for non-residential uses in residential zone, multi-family, non-residential uses in non-residential zones



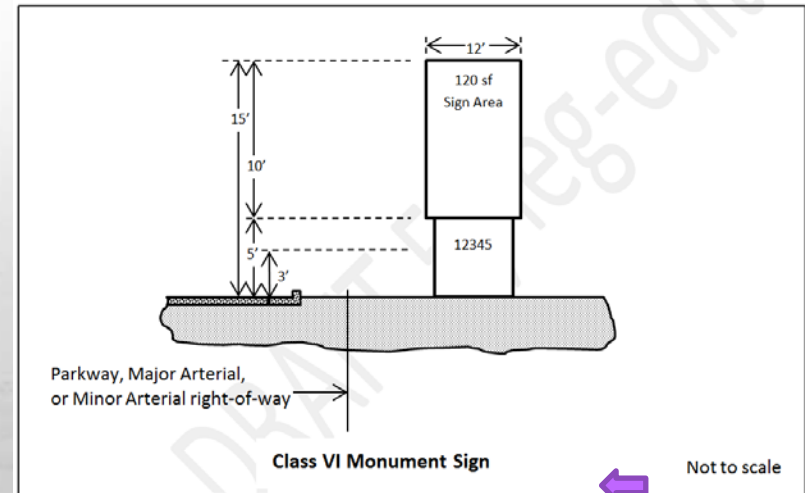
Freestanding Signs

Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

5 – Class VI Monument Signs (Major Monument Signs)

- Max height of 15'
- Max width of 12'
- Bottom of sign not less than 5'
- Max sign area 120 square feet
- Must be fitted with address
- 120 square foot landscape area required
- Setback 2' from ROW or PUE



Freestanding Signs

Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

6 – Roadway Arch Signs



- Allowed in commercial or industrial zoning
- 15' overhead clearance



Freestanding Signs

Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

7 – Subdivision Perimeter Wall Signs



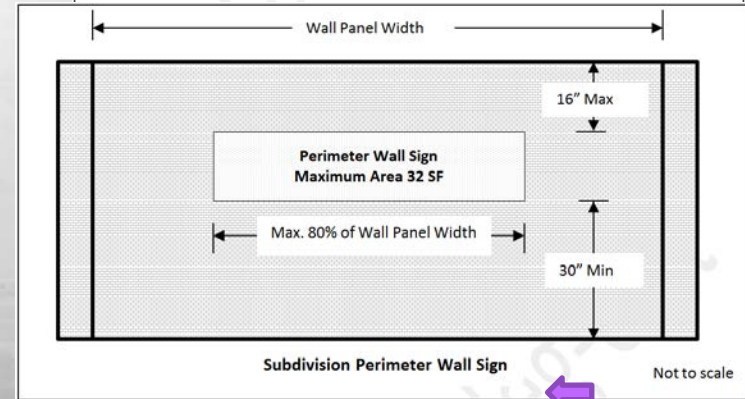
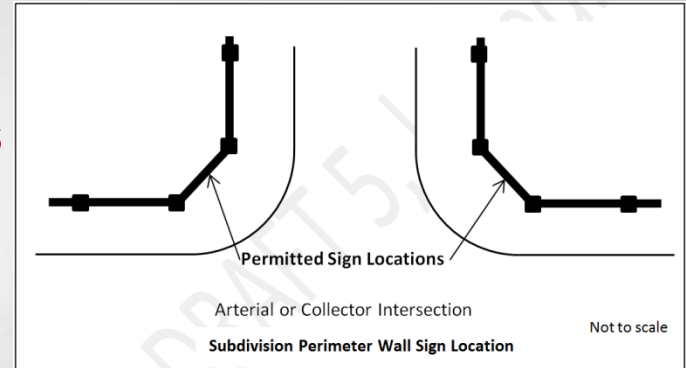
Freestanding Signs

Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

7 – Subdivision Perimeter Wall Signs

- 1 sign per collector or arterial street corner
- 32 square feet max
- Sign width NTE 80% of panel width
- Bottom no lower than 30"
- Top no higher that 16" below top of wall
- Back-lit or external lighting



Pylon Signs and Billboards

Billboards

Definition: A *sign* that advertises a business, commodity, service, entertainment, product or attraction which is sold, offered or existing elsewhere than on the property where the *sign* is located or which takes on the physical characteristics historically associated with such *signs*.



Pylon Signs and Billboards

Freeway Pylon Signs



Pylon Signs and Billboards



Sign Lighting

Section 113-09 – Sign Illumination

- Signs may be externally illuminated, internally illuminated or back-lit unless otherwise specified.
- Brightness no more than necessary.
- Light sources must be shielded from view.
- No excessive glare.
- May not obstruct traffic control or other public signs
- May not utilize flashing, blinking or chasing lights.
- Provision for environmentally sensitive areas
- Any sign that is within 100 feet of and visible from any single-family zoning may not be illuminated between 10:00 PM and 6:00 AM
- Signs associated with the top of a 5-story+ building and located within 1,320 feet of residential may not be illuminated between 10:00 PM and 6:00 AM



Sign Lighting

Section 113-09 – Sign Illumination



Illumination, internal: A light source that is concealed or contained within the *sign* and becomes visible in darkness through a translucent surface.



Sign Lighting

Section 113-09 – Sign Illumination



Illumination, external: A light source that is separate and apart from the *sign*.



Sign Lighting

Section 113-09 – Sign Illumination

Sign, backlit: A *sign* typically utilizing opaque graphics, in which the light source is concealed or contained within the graphic thereby causing the graphic to become visible against the illuminated surface onto which the graphic is mounted.



Sign Lighting

Section 113-09 – Sign Illumination

Illumination, bare-bulb: A type of *external illumination* consisting of light bulbs or a string of light bulbs, or takes on the appearance of such including LEDs.



Sign Lighting

Section 113-09 – Sign Illumination



Illumination, bent-tube: A source of light for *externally illuminated* graphics supplied by a glass tube that is bent to form letters, symbols, or other shapes and filled with a gas that when electrically charged emits light, or any other method or technology, such as but not limited to LED rope lighting, utilized to achieve the same effect. ←

Sign Lighting

Section 113-09 – Sign Illumination

- Luminance - The light that is emitted by a light source or reflected from a surface, measured in foot-Lamberts or Nits. (Think of as the brightness of the light source)

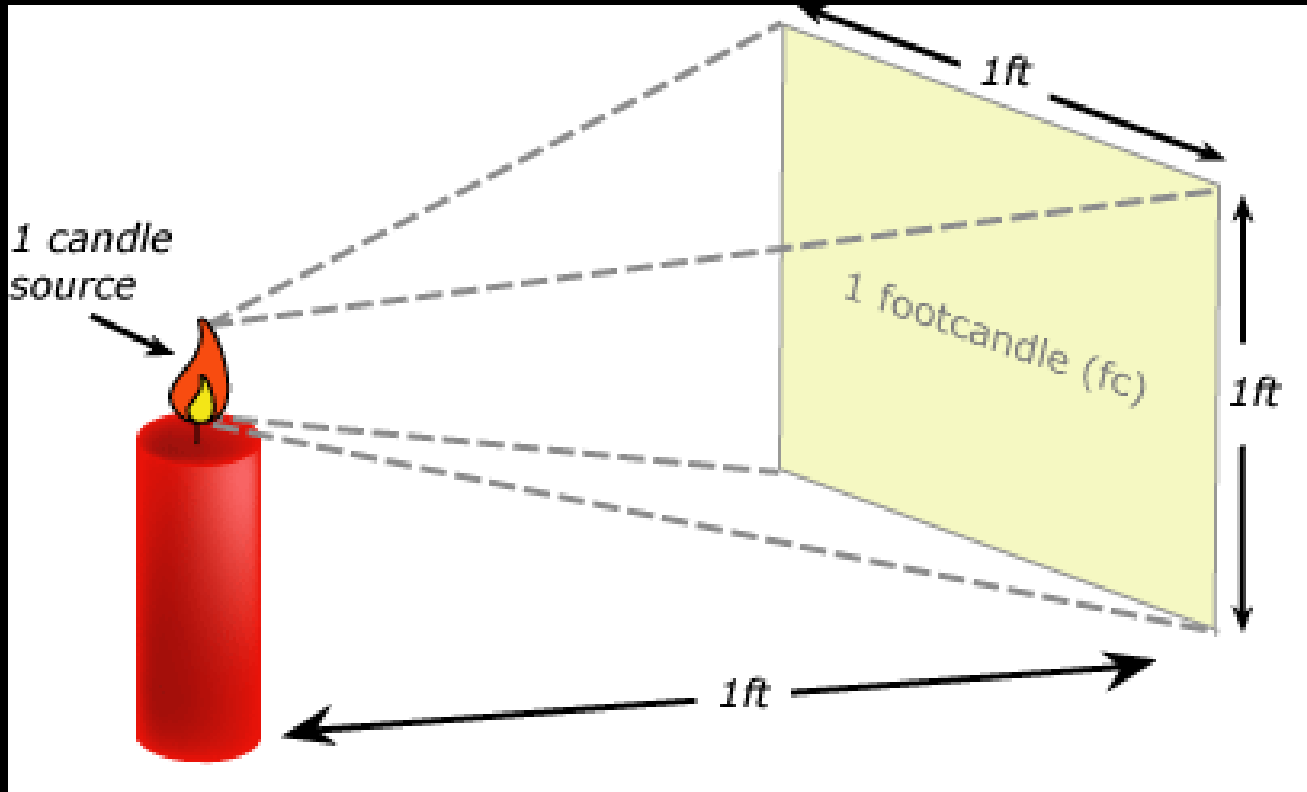


- Illuminance - The amount of light falling upon a real or imaginary surface, measured in either foot-candles or lux. (Think of how much light actually reaches the eye)



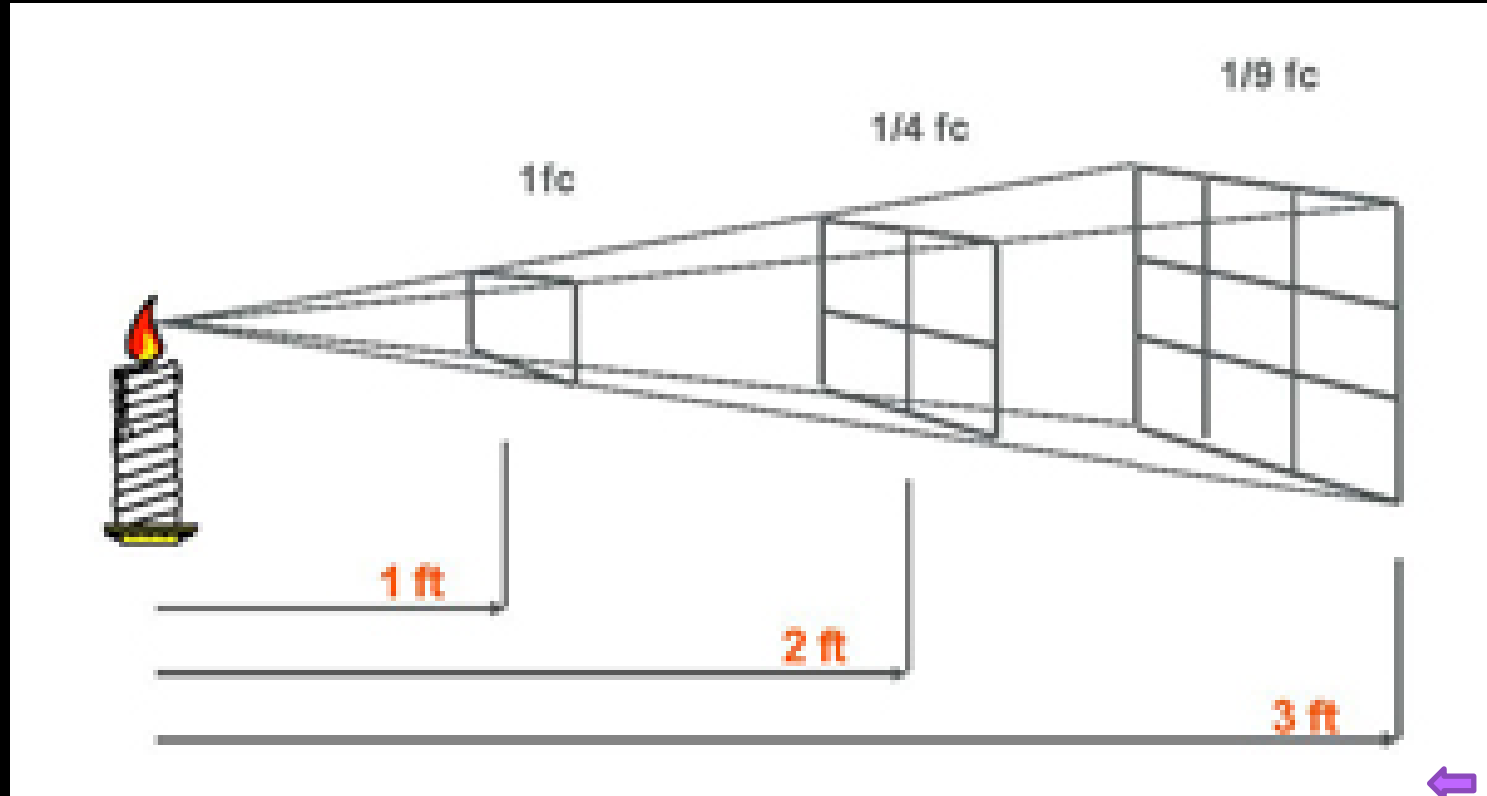
Sign Lighting

Section 113-09 – Sign Illumination



Sign Lighting

Section 113-09 – Sign Illumination



Electronic Messaging

Section 113-10 – Electronic Messaging

- Sets up two “levels” of electronic messaging:
 - o Level 1 – static messaging with manual copy change
 - o Level 2 – static messaging with automatic copy change and 8 second hang time



Electronic Messaging

Section 113-10 – Electronic Messaging

- Both may employ full color graphics
- Sign area cannot exceed what is outlined for any particular sign type
- Not allowed for sign walkers or wall signs
- Reader Panels may be substituted for Level 1



Electronic Messaging

Section 113-10 – Electronic Messaging

- Neither type may employ any form of movement e.g. fade, scroll, etc.



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Electronic Messaging

Section 113-10 – Electronic Messaging

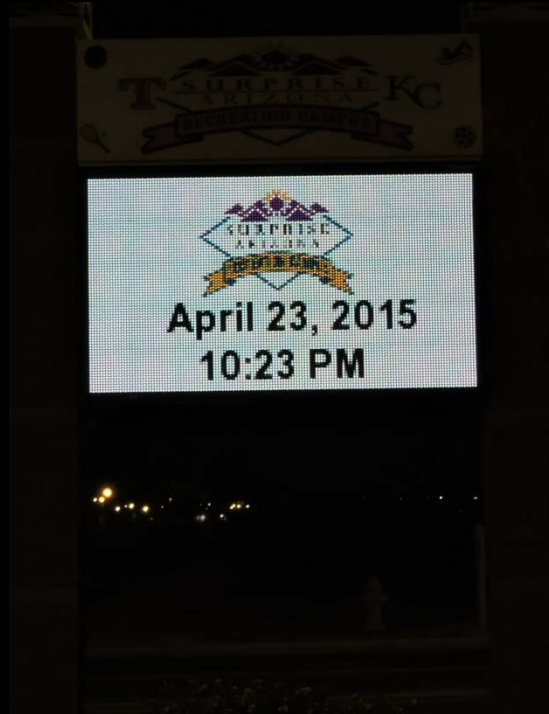
- Brightness measured by illuminance meter set to measure foot-candles and accurate to 2 decimals



Electronic Messaging

Section 113-10 – Electronic Messaging

- Difference between “off” and “solid” NTE 0.3 foot-candles



Electronic Messaging

Section 113-10 – Electronic Messaging

- Must be equipped with sensor or other device that automatically determines the ambient illumination level and automatically adjusts to 0.3 foot-candle requirement



Electronic Messaging

Section 113-10 – Electronic Messaging

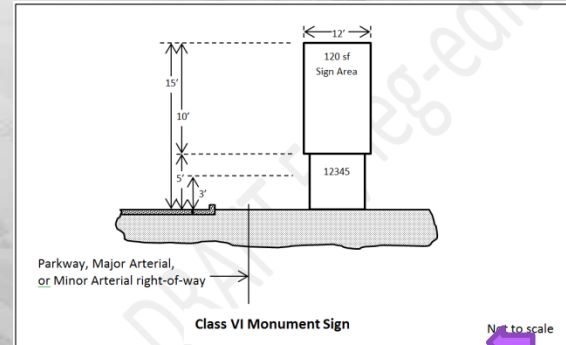
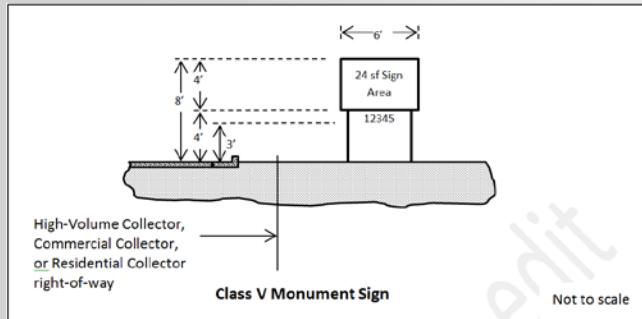
- Must include written certification from manufacturer that light intensity levels are factory set and may not be manipulated by the end user.



Addressing

Section 113-11 – Address Identification

- Defers largely to International Fire Code for building addresses
- Does speak to Monument Sign addresses
 - o 9" tall numbers
 - o 3" brush stroke
 - o 3' to bottom of numbers
 - o Does not contribute to Sign Area



Flags and Flagpoles

Section 113-12 – Flags and Flagpoles

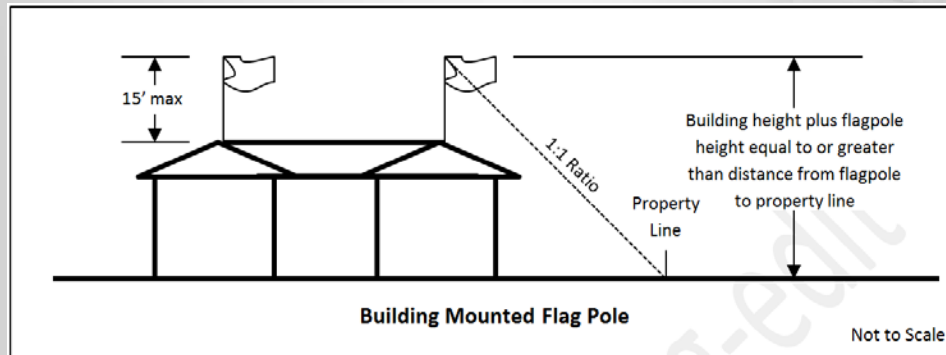
- 1 freestanding flagpole per single-family lot of record
- Must be located in the front yard
- 30' max height unless associated with a MHC
- 1 pole not exceeding 6' in length may be attached to the house



Flags and Flagpoles

Section 113-12 – Flags and Flagpoles

- 3 freestanding flagpole per business
- 35' max height unless approved by City Council
- 2 poles not exceeding 15' in length may be attached to the building if 2:1 distance to height ratio is maintained



Comprehensive Sign Programs

Section 113-13 – Comprehensive Sign Programs

- May allow a deviation from the requirements applicable to a particular sign class or type, and/or;
- May introduce a unique or creative sign type that is not listed as a permitted sign type in Section 113-06.A.
- May not introduce a sign type that is specifically prohibited in Section 113-06.F.



Comprehensive Sign Programs

Section 113-13 – Comprehensive Sign Programs

- Must demonstrate:
 - o Material improvement over what is otherwise allowed
 - o Appropriateness to the character of the development
 - o Appropriateness to the neighborhood
 - o Provides a cohesive aesthetic to be applied to all areas covered by the CSP
- Process:
 - o May be approved as stand-alone document or as part of rezone
 - o Requires public hearings through P&Z and City Council
 - o Approval is discretionary



Nonconforming Signs

Section 113-14 – Nonconforming Signs

- Nonconforming signs must be maintained in good condition
- May not be altered, modified, or reconstructed unless:
 - o Bringing into conformance with the code
 - o Changing sign copy
- Nonconforming signs must be remove if:
 - o Use of property is abandoned for 90 consecutive days; or,
 - o 10 years since nonconformity began
- May apply for time extension under certain circumstances



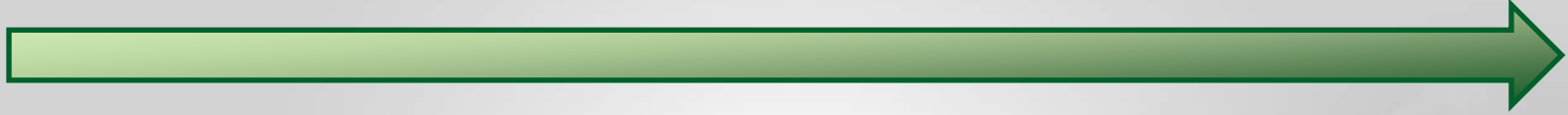
Enforcement

Section 113-15 – Enforcement

- Any sign that is not listed as allowed is specifically not allowed
- Notice of Violation not required to remove sign that is thought to be in violation
- Contact information required on sign or is automatically in violation
- COE may contact person responsible for the sign or the property owner to investigate
- City may discard a sign within 5 business days of removal



Next Steps (tentative)



- Citizen outreach meeting March 8, 2017
- Citizen outreach meeting March 15, 2017
- Citizen outreach meeting March 22, 2017
- Citizen outreach meeting March 29, 2017
- P&Z work session April 20, 2017
- P&Z work session May 4, 2017
- P&Z public hearing June 1, 2017
- City Council work session June 20, 2017
- City Council public hearing July 18, 2017





SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You

