



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

Tuesday, March 6, 2018 @ 6:00 PM
COUNCIL CHAMBER

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A. Call To Order

B. Roll Call

C. Pledge of Allegiance

D. PROCLAMATION AND COMMUNITY ACKNOWLEDGEMENTS

District Citywide [Proclamation acknowledging March 2018 as Procurement Month.](#) None
Mayor
Wolcott

E. City Manager Report:

District Citywide [Recognition of 2018 Mini Baseball Bat decorating contest winners.](#) None
Paul
Bernardo,
Government
&
Community
Partnerships
Director

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 approval of an amendment to the FY2018 Budget by reallocating appropriations of \$7,400 within the Grants and Contingency fund to the Arizona Lottery Fund (ALF) for the increase in City allotted funds; the application, and acceptance of, FY2018 ALF funds in the amount of \$357,324, and amending the FY2018 Operating List of Items Over \$50,000; Resolution #2018-32. None
David Kohlbeck
Public Works
2. District Citywide Consideration and action pertaining to approval of a grant of a non-exclusive revocable license to MCImetro Access Transmission Services Corp. DBA Verizon Access Transmission Services for the use public streets, roads and alleys for installation, operation, and maintenance of fiber optic cable; Resolution # 2018-25. None
Karl Zook,
Public Works
Department
3. District Citywide Consideration and action pertaining to amending the FY2018 budget for the Impact Fee Study Project, #A15010, by reallocating appropriations for various development impact fee funds and adjusting budget authority pertaining to same; Resolution #2018-34. None
Lindsey Duncan,
Finance Dept.
4. District 2 Consideration and action to approve a liquor license request by John Warren Bossmann, Agent for Amuse Bouche located at 17058 W. Bell Road, Suite #104, Surprise, AZ. 85374 (New License/LLC - License #1207B298 - Restaurant). None
Sherry Ann Aguilar, City Clerk
5. District Citywide Consideration and action on the meeting minutes of February 20, 2018 None
Sherry Ann Aguilar,
City Clerk

Regular Agenda Item - Public Hearing:

6. District Citywide Consideration and action pertaining to declaration of a public record and approval of a Text Amendment to Chapter 113 of the Surprise Municipal Code regarding Signs; Ordinance # 2018-04. Approve
Robert Kuhfuss -
Community Development
7. District 3 Consideration and action pertaining to approval of the Preliminary Plat entitled, "Heritage Farm" dated December 20, 2017, an approximately 33 acre subdivision general located at the southeast corner of 175th Avenue and Waddell Road. Approve
Robert Kuhfuss -
Community Development
8. District 3 Consideration and action pertaining to approval of a Zone Change from Residential Ranch (RR) to Medium Density Residential 4.3 Dwelling Units per Acre with a PUD Overlay (RM-6 PUD) and Medium Density Residential 4.5 Dwelling Units per Acre with a PUD Overlay (RM-9 PUD) for approximately 33 total acres Approve
Robert Kuhfuss -
Community Development

generally located at the southeast corner of 175th Avenue and Waddell Road; Ordinance # 2018-02.

Regular Agenda Item - Non-Public Hearing:

- | | | | |
|-----|-------------------|--|---|
| 9. | District Internal | <u>Consideration and action pertaining to approval of an amendment to the FY2018 Budget by reallocating appropriations in the amount of \$162,500 within the ground ambulance service fund related to expansion of services with a Full Time Administrative Technician Position and Fire Station 301 Remodel; amending capital list of items over \$50,000; Resolution # 2018-33.</u> | None
Chief Tom
Abbott |
| 10. | District Citywide | <u>Consideration and action pertaining to approval of an amendment to the FY2018 Budget by reallocating appropriations of \$21,000 from the Services and Operations Fund to the Personnel Fund to accommodate two Economic Development Department position changes; Resolution # 2018-38.</u> | None
Jeanine
Jerkovic,
Economic
Development
Director |
| 11. | District Citywide | <u>Consideration and action pertaining to approval an Intergovernmental Agreement (IGA) by and between Maricopa County, the City of Buckeye, and the City of Surprise expanding and defining their respective general plan areas, which will include certain areas outside their respective corporate boundaries, including the White Tank Mountain Regional Park; Resolution # 2018-37.</u> | None
Eric Fitzer,
Community
Development
Director |

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: March 1, 2018 at 2:00 PM - Amended on March 3, 2018 adding Dept. Reports to item #4 at 1:07 p.m.

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



CITY OF SURPRISE
Regular City Council Meeting

March 6, 2018 @ 6:00:00 PM

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Council Meeting Date:	March 6, 2018	Contact Person:	Mayor Wolcott
Submitting Department:	Government & Community Partnerships	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Proclamation acknowledging March 2018 as Procurement Month.

Motion:

No action.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

[Click to download](#)

No Attachments Available



CITY OF SURPRISE
Regular City Council Meeting

March 6, 2018 @ 6:00:00 PM

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Council Meeting Date:	March 6, 2018	Contact Person:	Paul Bernardo, Government & Community Partnerships Director
Submitting Department:	Government & Community Partnerships	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Recognition of 2018 Mini Baseball Bat decorating contest winners.

Motion:

None.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

[Click to download](#)

No Attachments Available



CITY OF SURPRISE
Regular City Council Meeting

March 6, 2018 @ 6:00:00 PM

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Council Meeting Date:	March 6, 2018	Contact Person:	David Kohlbeck 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 an amendment to the FY2018 Budget by reallocating appropriations of \$7,400 within the Grants and Contingency fund to the Arizona Lottery Fund (ALF) for the increase in City allotted funds; the application, and acceptance of, FY2018 ALF funds in the amount of \$357,324, and amending the FY2018 Operating List of Items Over \$50,000; Resolution #2018-32.

Motion:

I move to approve Resolution # 2018-32.

Background:

ALF – Arizona Lottery Fund is judicially mandated funding currently derived from Powerball lottery revenues to provide public transportation funding opportunities in Maricopa County. These funds were formerly distributed through the Local Transportation Assistance Fund (LTAF), which was eliminated in 2010. An allocation of \$11,529,000 has been made available for FY2018 distribution. The City of Surprise's eligible portion is \$357,324. The program was made “transit use only” so the funds can only be used for public transit or special needs transportation, sponsored by a local government. There is no local match requirement associated with ALF funds; other funds are called out in the application to highlight the City's contribution to transit services. This year's application is for the City contracted On-Demand Transit Services through the Regional Dial-a-Ride agreement, Regional RideChoice (Taxi) services and the City's portion of the Surprise's 571 express bus service. These state funds will be used to meet the City Council Strategic Planning Transportation goals. After submission of the application for funding, the City will receive the requested funds in the amount of \$357,324. The proposed resolution authorizes both the application and acceptance of the funds upon receipt. A signed application will be submitted to Valley Metro by close of business March 30, 2018 as outlined in the notification letter.

Objective Analysis:

Arizona Lottery Funds (ALF) allow the City to leverage general fund dollars to other City priorities without jeopardizing transit service to the Surprise residents on average in the amount of \$350,000 annually. By not accepting these funds, and if the City wanted to maintain the current level of service in its Dial-a-Ride program the City would have to increase its general fund obligations on average an additional \$350,000.

Policy Compliant:

This action is consistent with Council Strategic Plan goal seven of identifying funding sources for the transportation system.

Financial Impact:

The approval of this item will allow the City to formally apply for and receive ALF funding in the amount of \$357,324 for FY2018 to support public transportation services. All monies programmed with this item will be expended in the timelines and guidelines of acceptance of the ALF funds.

Budget Impact:

The FY2018 approved annual budget includes a total of \$941,200 funding for transit services within the General Fund, Proposition 400 Fund and Arizona Lottery Fund (ALF). Funding within the ALF is dependent upon the total amount of local grant funds received from Arizona Lottery proceeds. For FY2018, the final amount is \$357,324 that is approximately \$7,400 more than anticipated. If approved, this item will amend the appropriated budget and FY2018 Operating List of Items Over \$50,000 by adding \$7,400 to the regional transit service express route and paratransit item #18074.

T

FTE Impact:

There is no FTE associated with this item.

ATTACHMENTS:

Click to download

- ☐ [RLFS 6089 Final Blue Sheet](#)
 - ☐ [Resolution 2018-32](#)
 - ☐ [FY18 ALF Application Final](#)
 - ☐ [FY18 Application Guidelines](#)
 - ☐ [FY18 Allocation](#)
-

RFLS NO:	6089
SUBMIT DATE:	2/12/2018

**SURPRISE CITY ATTORNEY
REQUEST FOR LEGAL SERVICES**

Please retain form with document throughout the entire process.

Requestor: David Kohlbeck

Department & Extension: Public Works, Ext. 26025

Contract Title: Res 2018-32 Acceptance of ALF Funding

Date of Contract, Event/Performance: 2/19/2018

Description of Legal Services Requested: Resolution to accept ALF funding

Vendor Name, Address & Phone:

To Council? Yes, with Resolution

If Yes, Council Meeting Date: 03/06/2018

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

RFLS Status: Approved

Attorney Comment:

See attached resolution.

CINDY.COEN

City Attorney's Office

2/15/2018

Date

2/16/2018 5:16:08 AM

RESOLUTION # 2018-32

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AUTHORIZING THE ACCEPTANCE OF ARIZONA LOTTERY FUND (ALF) GRANT FUNDING FROM THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY, AMENDING THE FISCAL YEAR 2018 BUDGET BY REALLOCATING APPROPRIATIONS OF \$7,400 FROM GRANT CONTINGENCY TO THE PUBLIC WORKS' SERVICES BUDGET WITHIN THE LTAF II/ALF FUND, AND AMENDING THE CAPITAL AND OPERATING LIST OF ITEMS OVER \$50,000 BY INCREASING THE REGIONAL TRANSIT SERVICE EXPRESS ROUTE AND PARATRANSIT ITEM TO \$948,600.

WHEREAS, the Regional Public Transportation Authority ("RPTA") is awarding funding for local transit projects relating to all aspects of transit services;

WHEREAS, the Arizona State Legislature has authorized an allocation of Arizona Lottery funds to the City of Surprise (the "City") to fund transit activities;

WHEREAS, the FY2018 budget was adopted by Council Resolution #2017-64 on June 6, 2017;

WHEREAS, the FY2018 adopted budget includes a total of \$350,000 within the ALF fund for transit services;

WHEREAS, the Council of the City of Surprise desires to accept the ALF grant in the amount of Three Hundred Fifty-Seven Thousand Three Hundred Twenty-Four Dollars (\$357,324);

WHEREAS, reallocating grant contingency funds is necessary in acceptance of the Arizona Lottery Fund (ALF) grant funding;

WHEREAS, this action will necessitate a budget amendment;

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

WHEREAS, the FY2018 budget, including the FY2018 Capital and Operating List of Items Over \$50,000, was adopted by Council Resolution #2017-64 on June 6, 2017; and

WHEREAS, the City of Surprise Procurement Code §2-388 (d) requires the authority of Mayor and Council when the cost to the city is greater than \$50,000.

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

Section 1. The City of Surprise is authorized to accept the ALF grant award in the amount of \$357,324 from the Regional Public Transit Authority.

Section 2. The City Manager, or his designee, are hereby authorized to conduct all negotiations and to execute and submit all documents and other necessary or desirable instruments in connection with this grant.

Section 3. 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, 2017 through June 30, 2018.

Section 4. That the statements and schedules attached as Exhibit B and incorporated by reference are adopted, the Fiscal Year 2018 Capital and Operating List of Items Over \$50,000 of the City of Surprise, Arizona for the fiscal year July 1, 2017 through June 30, 2018.

APPROVED AND ADOPTED this ____ day of _____, 2018.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION #2018-32

Exhibit A

1. Appropriation - The allocation below represents a reallocation of appropriation in the amount of \$7,400 from Grant Contingency to the Public Works Departments, Transit program, Arizona Lottery Fund (ALF) services operating budget in acceptance of the ALF grant funding from the Regional Public Transportation Authority in acceptance of the ALF grant funding from the Regional Public Transportation Authority. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
LTAF II/ALF	Public Works	Services	E	350,000	7,400	357,400
Grants	General Operations	Contingency	E	13,032,100	(7,400)	13,024,700
Expense Total				13,382,100	-	13,382,100

RESOLUTION # 2018-32

Exhibit B

1. List of Operating Items Over \$50,000- Council approved \$941,200 for the purpose of regional transit services included on the Fiscal Year 2018 Capital and Operating List of Items Over \$50,000. This amount was based express route and paratransit regional transit services.

Reference#	Description	Current Amount	Increase/ (Decrease)	Amended Amount
18074	Regional transit service Express Route and paratransit	941,200	7,400	948,600

**ALF GRANT APPLICATION FOR
FISCAL YEAR 2017-18**

SECTION I: APPLICANT INFORMATION

Applicant: City of Surprise	Contact: David Kohlbeck
Address: 16000 N. Civic Center Plaza	Phone: 623-222-6025
Surprise, AZ 85374	Fax: 623-222-6002
e-mail address: david.kohlbeck@surpriseaz.gov	

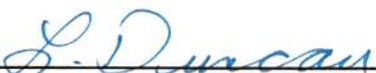
SECTION II: FUNDING REQUEST

Project Funding Summary (include funding from all project applications)	
a. Total all ALF Being Requested for Transit Projects (from Project Forms)	357,324
b. Total Other Funds included in the Projects (from Project Forms)	583,866
c. Grand Total all Funds	\$941,190

SECTION III: PRIOR YEAR ALF PROJECT STATUS

Funding is available for two years unless an extension is requested. Funding that is not spent within two years is subject to possible redistribution through the annual distribution process to other jurisdictions.

1. Have ALF distributions received by your jurisdiction on or before June 30, 2017 been expended?
Yes ☒ No ☐
2. If the funds have been expended, were they spent on the projects as indicated in prior applications?
Yes ☒ No ☐
3. If the funds described above have not been expended, what is your ALF fund balance?
\$ _____
4. If the answer to lines 1 or 2 are no, provide a brief description of why the funds were not expended or were not expended on projects originally submitted in an application and explain when the funds are planned to be expended.

Authorized chief financial officer signature:	
	Date: 2/20/2018
City of Surprise Finance Director	
Title	
Authorized jurisdictional signature**:	
	Date: 2/20/2018
City of Surprise Public Works Business Manager	
Title	
**Signatory should be city, town or county manager or program director.	

**ALF GRANT APPLICATION FOR
FISCAL YEAR 2017-18**

SECTION I: APPLICANT INFORMATION

Applicant: City of Surprise

Contact: David Kohlbeck

SECTION II: PROJECT REQUEST(S)

1. Transit Project

a. Project Title: Express Route 571

b. Project Location: Surprise Park N Ride/ El Mirage Pak N Ride to Central Station and Capitol

c. Project Description: Provide regional express bus service to NW valley residents into downtown

Phoenix for work, school and other needs, with four (4) inbound and four (4) outbound trips each day per the Valley Metro regional express bus standards.

Based on historical data it is anticipated that this route will average 200 daily boardings.

Additional project information may be attached.

d. ALF funding requested (also include on line 2a) \$ 55,215.00

e. Other Funds included in the Project (include on line 2b on page 1) \$ 55,215.00

f. Total Project Cost \$ 110,430.00

g. Type of Project: ☐ Planning ☐ Capital ☒ Operations ☐ Other

h. Is the project included in the Regional Transportation Plan? (Yes or No) Yes

i. Is the project included in the TIP or UPWP? (Yes or No) Yes

2. Transit Project

a. Project Title: _____

b. Project Location: _____

c. Project Description: _____

Additional project information may be attached.

d. ALF funding requested (also include on page 1 line 2a) \$

e. Other Funds included in the Project (include on line 2b on page 1) \$

f. Total Project Cost \$

g. Type of Project: ☐ Planning ☐ Capital ☐ Operations ☐ Other

h. Is the project included in the Regional Transportation Plan? (Yes or No)

i. Is the project included in the TIP or UPWP? (Yes or No)

**ALF GRANT APPLICATION FOR
FISCAL YEAR 2017-18**

SECTION I: APPLICANT INFORMATION

Applicant: City of Surprise	Contact: David Kohlbeck
-----------------------------	-------------------------

SECTION II: PROJECT REQUEST(S)

1. Transit Project

- a. Project Title: City of Surprise Regional ADA Paratransit Service
- b. Project Location: City of Surprise and Regional ADA Boundaries as established by Valley Metro
- c. Project Description: Provide demand transit services to Surprise ADA certified residents
who are in need of medial and work service outside of the City.

Additional project information may be attached.

- | | |
|---|-----------|
| d. ALF funding requested (also include on line 2a) | \$131,938 |
| e. Other Funds included in the Project (include on line 2b on page 1) | \$179,538 |
| f. Total Project Cost | \$311,476 |
- g. Type of Project: ☐ Planning ☐ Capital ☒ Operations ☐ Other _____
- h. Is the project included in the Regional Transportation Plan? (Yes or No) Yes
- i. Is the project included in the TIP or UPWP? (Yes or No) Yes

2. Transit Project

- a. Project Title: _____
- b. Project Location: _____
- c. Project Description: _____

Additional project information may be attached.

- | | |
|---|----|
| d. ALF funding requested (also include on page 1 line 2a) | \$ |
| e. Other Funds included in the Project (include on line 2b on page 1) | \$ |
| f. Total Project Cost | \$ |
- g. Type of Project: ☐ Planning ☐ Capital ☐ Operations ☐ Other _____
- h. Is the project included in the Regional Transportation Plan? (Yes or No) _____
- i. Is the project included in the TIP or UPWP? (Yes or No) _____

**ALF GRANT APPLICATION FOR
FISCAL YEAR 2017-18**

SECTION I: APPLICANT INFORMATION

Applicant: City of Surprise	Contact: David Kohlbeck
-----------------------------	-------------------------

SECTION II: PROJECT REQUEST(S)

1. Transit Project

a. Project Title:	City of Surprise Senior Shuttle
b. Project Location:	City of Surprise Local Senior Center
c. Project Description:	Provide shuttle bus service to Surprise seniors who attend and participate in weekly activities at the Surprise senior center between 3 - 5 times a week.
Additional project information may be attached.	
d. ALF funding requested (also include on line 2a)	\$ 50,000.00
e. Other Funds included in the Project (include on line 2b on page 1)	\$ 50,000.00
f. Total Project Cost	\$ 100,000.00
g. Type of Project:	☐ Planning ☐ Capital ☒ Operations ☐ Other _____
h. Is the project included in the Regional Transportation Plan? (Yes or No)	Yes
i. Is the project included in the TIP or UPWP? (Yes or No)	Yes

2. Transit Project

a. Project Title:	
b. Project Location:	
c. Project Description:	
Additional project information may be attached.	
d. ALF funding requested (also include on page 1 line 2a)	\$
e. Other Funds included in the Project (include on line 2b on page 1)	\$
f. Total Project Cost	\$
g. Type of Project:	☐ Planning ☐ Capital ☐ Operations ☐ Other _____
h. Is the project included in the Regional Transportation Plan? (Yes or No)	
i. Is the project included in the TIP or UPWP? (Yes or No)	

**ALF GRANT APPLICATION FOR
FISCAL YEAR 2017-18**

SECTION I: APPLICANT INFORMATION

Applicant: City of Surprise

Contact: David Kohlbeck

SECTION II: PROJECT REQUEST(S)

1. Transit Project

a. Project Title: City of Surprise RideChoice

b. Project Location: City of Surprise Local/NW Region

c. Project Description: Provide demand transit services to Surprise seniors, ADA certified residents and low income residents who are in need of local transit services, by participating in the Valley Metro RideChoice cab service program.

Additional project information may be attached.

d. ALF funding requested (also include on line 2a) \$ 120,171.00

e. Other Funds included in the Project (include on line 2b on page 1) \$ 299,113.00

f. Total Project Cost \$ 419,284.00

g. Type of Project: ☐ Planning ☐ Capital ☒ Operations ☐ Other

h. Is the project included in the Regional Transportation Plan? (Yes or No) Yes

i. Is the project included in the TIP or UPWP? (Yes or No) Yes

2. Transit Project

a. Project Title:

b. Project Location:

c. Project Description:

Additional project information may be attached.

d. ALF funding requested (also include on page 1 line 2a) \$

e. Other Funds included in the Project (include on line 2b on page 1) \$

f. Total Project Cost \$

g. Type of Project: ☐ Planning ☐ Capital ☐ Operations ☐ Other

h. Is the project included in the Regional Transportation Plan? (Yes or No)

i. Is the project included in the TIP or UPWP? (Yes or No)



101 N. 1st Ave. Suite 1300
Phoenix, AZ 85003
valleymetro.org
602.253.5000

February 7, 2018

ARIZONA LOTTERY FUND APPLICATION

ALF Recipient:

We are pleased to begin the application process for the FY2018 ALF funds. Revenues for FY2018 are \$11,529,000. To receive the funds agencies must apply annually.

The attached application is self-explanatory. Please pay particular attention to the required signatures of financial officers and the jurisdiction's appropriate authorizing agent (city or county manager, program director, etc.). There are two other attachments: application instructions and guidelines which highlight and clarify certain aspects of this year's process, and a chart showing the allocation of funds to each agency or jurisdiction.

Applicants are required to provide detailed information about the services or projects that will be funded with Arizona Lottery Funds. Additional space has been provided on page two of the application form for this purpose. Concurrently in the Annual Report and Expenditure Certification, due after June 30, 2018, the project narrative should include a status of the project included in the original application and quantifiable data such as number of trips, miles and/or hours of service provided. If funds were used for a capital related project the status of the project, percentage complete, vehicles purchased, shelters installed, bus bays constructed and other relevant project related information.

Valley Metro distribution of funds to jurisdictions is anticipated to be near the end of April 2018. In order to be eligible for a distribution, the completed application must be returned to Valley Metro by the close of business on March 30, 2018. Please note that distributions may be withheld to jurisdictions which have not submitted their FY2017 Annual Report and Expenditure Certification. If you wish to opt out of the program for FY 2018, please submit a letter or email to this effect to Valley Metro. Additional instructions are provided in the attachments.

If you need assistance or have any questions, please don't hesitate to contact Jeff Dolfini by email at jdolfini@valleymetro.org or by phone at (602) 523-6012.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Hodgins'.

Paul Hodgins

Chief Financial Officer

**ARIZONA LOTTERY FUND
APPLICATION INSTRUCTIONS AND GUIDELINES FOR
ELIGIBLE RECIPIENTS**

INTRODUCTION AND GUIDELINES

Maricopa County and jurisdictions within the county that receive Arizona Lottery Fund (ALF) funding are required to use the funding for public transportation. There is no local match requirement for these funds. Following is a general outline of eligible expenditures and recipients. Attached is a Glossary that further describes the terminology used in this document.

Public transit is defined as any service, vehicle(s), or support facility for a vehicle(s), intended for the purpose of conveying multiple passengers (i.e. typically 5 or more ⁽¹⁾) and which meets applicable state and federal safety and accessibility laws, rules, and regulations. The definition also includes the planning and administrative support for such services. It is the intent of the program to provide funds for the purpose of providing transit service or facilities that is publicly available to the following populations:

- The general public;
- Elderly persons;
- Persons with disabilities;
- Welfare recipients and “low-income” persons engaged in employment activities.

Funding will be distributed directly to eligible jurisdictions in the county and includes Maricopa County, and cities and towns within the county.

In the case of private, not-for-profit agencies and private, for-profit transit providers, the city, town, or county receiving the ALF funding must enter into a contract or grant agreement with the proposed operator to provide the transportation service that is approved by its governing body. The contract and/or grant agreement, accompanied by Board or Council resolution, must be available to Valley Metro as evidence of the agreement.

Jurisdictions may enter into agreements to share ALF funding to provide eligible public transit services across jurisdictional boundaries in order to meet the mutual public transit needs of the jurisdictions involved. Additionally, funds may be utilized to provide “vouchers” or other remuneration for services rendered to for-profit transportation companies when there is clear evidence that the service is for the general public, special needs population, or “low-income” and “welfare to work” employment.

Projects must be included in or compatible with the adopted Regional Transportation Plan. Additionally, use of ALF funding implies that all applicable state and federal Civil Rights statutes are to be complied with in the provision of services rendered with these funds, including but not limited to, Title VI of the Civil Rights Act and the Americans with Disabilities Act. It is the responsibility of each community within the county in receipt of the funds and any end-use (grant or subcontract) recipient to be familiar with all portions of State and Federal Motor Vehicle Safety Standards, Motor Carrier, and Motor Vehicle Division regulation requirements, restrictions, and conditions.

(1) Some “special needs,” “dial-a-ride,” or other demand-responsive or carpool vehicles may have capacity of less than 5 passengers, and include vehicle types such as sedans or station wagons.

Eligibility

To be eligible Maricopa County and jurisdictions within the county must apply for funds annually, up to the amount indicated in the annual allocation. These funds have historically been used to support a variety of projects including transit operations, vehicle purchases, transit facility or amenity construction, and transit planning.

Subject to consultation with Valley Metro jurisdictions may work together to combine applications where it is mutually beneficial to do so from an operations or procurement perspective. Regardless, these applications must have the prior approval of Valley Metro, for such an arrangement and a signed letter of agreement between the city, town, or county manager must be received.

While not directly eligible as primary or first tier recipients from Valley Metro, local private-non-profit (PNP) agencies providing special needs transportation may approach local jurisdictions for all or a portion of its ALF allocations to support their transportation operations as sub-grantees of the primary recipient jurisdiction. These agreements are made between the jurisdictions and PNP and may or may not include local matching fund assistance from the PNP or local jurisdiction, which is at that jurisdiction's discretion. Any such transportation provided by the PNP must qualify as public transportation to be eligible for the funds.

Application Process

The application process is straightforward and for the most part self-explanatory. The spreadsheet includes two tabs. The first is a summary page with information about the applicant and a summary of the funding request. The second tab is for the project description(s). There is room for two projects on the tab. If more space is required simply copy the page as many times as needed. The funding totals for the projects should carry forward to the summary application page.

Please provide specific descriptions for projects. Support for fixed route and paratransit services should be reported as separate projects. If ALF is intended to support fixed route services, please provide specific routes that will be supported and whether the funds will be used for existing or expanded service levels.

The proposed projects must be included in or compatible with the adopted Regional Transportation Plan. Planning projects should be included in the adopted Unified Planning Work Program (UPWP) and capital projects should be included in the adopted Transportation Improvement Program (TIP). The grant funds do not require a local matching share.

Completed applications can be e-mailed to jdolfini@valleymetro.org. The application should be signed and scanned when submitting through e-mail. We will review your submission and reply promptly of acceptance or rejection of the application. We will also accept paper applications, but they have to be received in the Valley Metro offices by the due date indicated in the cover letter.

If a recipient elects not to make application for funding, it forfeits all rights to the funds allocated to that entity, and must submit a letter to this effect to Valley Metro indicating it does not wish to participate in this year's program. The letter needs to be signed by the County Manager or City or Town Manager or their proxy. The applicant also should understand that funds do not revert or otherwise flow back to that entity's ALF account or allocation for the following year, but will be used by Valley Metro within the region to support public transit activities, at the discretion of the Board of Directors.

ALF ELIGIBLE PUBLIC TRANSPORTATION EXPENDITURES

Planning and Training Related Expenses

ALF funding may be used for transit planning studies or portions of planning studies focused on transit planning needs for the community. Additionally transit training activities are eligible and include:

- Short and long range transit related plans and programs to develop, implement, or enhance transit patronage;
- Transit training for activities related to transit procurement and operations and travel training; and
- Transit related memberships in organizations and associations associated with transit activities.

Capital Expenses

Capital expenses include the acquisition, construction and improvement of public transit facilities and equipment needed for a safe, efficient and coordinated public transportation system. Examples of eligible capital expenditures include, but are not limited to:

- Fleet including buses, vans or paratransit vehicles;
- Light and rapid rail construction projects;
- Radios and communications equipment;
- Passenger shelters, bus stop signs, and similar passenger amenities;
- Vehicle rehabilitation, remanufacture, or overhaul;
- Storage or maintenance facility construction or rehabilitation;
- Extended warranties which do not exceed the industry standard;
- Operational support such as computer hardware or software;
- Installation costs; vehicle procurement, testing, inspection and acceptance costs;
- Construction or rehabilitation of transit facilities including design, engineering and land acquisition;
- Provide access or equipment for bicycle transport on transit vehicles or to transit facilities;
- Lease of equipment or facilities when lease is more cost effective than purchase;
- Transit related intelligent transportation systems, (e.g. passenger information kiosks, scheduling technology, vehicle locator or tracking systems, and road and weather information systems).

Operating Expenses

Operating expenses are considered those costs directly related to system operations. At a minimum, the following items are considered operating expenses:

- Fuel and oil for vehicles, and vehicle maintenance costs;
- Transit employee salaries and fringe benefits;
- Licenses;
- Insurance;
- Facility rental (appropriate to transit related operations);

Other Eligible Expenses

Additional expenses related to public transportation are also eligible for ALF funding and include:

- Marketing and administration of Transportation Demand Management programs to encourage reductions in travel and promote alternative modes of travel such as; carpooling, vanpooling, walking, bicycling, and alternative work schedules.
- Marketing to advertise and/or promote transit service in the service area.
- Expenses related to financial reporting requirements related to ALF.

Exceptions

If the grant recipient or end-use provider has a situation that varies from the eligible recipients and expenditures outlined above, it must contact Valley Metro to seek clarification regarding eligibility.

Two Year Expenditure Limit and Extensions

Funds distributed to Maricopa County and jurisdictions within the county must be utilized within two years from the date of distribution by Valley Metro. If an entity does not expect to expend all of its funds within this timeframe, it must submit a letter to Valley Metro requesting an extension if it wishes to retain those funds. Extensions are granted for a maximum of one (1) year. Granting of an extension is not automatic and requests are subject to Valley Metro review. **If an entity does not meet the two-year expenditure limit and does not request an extension unspent funds are subject to remittance to Valley Metro and/or the jurisdiction may be ineligible to receive future allocations of funds until the jurisdiction submits an acceptable plan to spend the funds on valid transit projects.**

Annual Report and Expenditure Certification

Within 120 days after the end of each fiscal year (June 30) the recipient must submit to Valley Metro a Financial Report that includes all ALF funds received by year and a summary of expenditures to date for each category in the agency's financial system. **Failure to submit a timely report may result in withholding or potential forfeiture of future disbursements from the ALF Program.**

The report must also include a project narrative. The project narrative should include a detailed description of the service provided, qualitative description of program measures that impacted the availability of transportation services as a result of the project(s). Examples include geographic coverage, service quality and/or service times and milestones accomplished. Statistical information may include number of one-way trips, number of revenue miles or revenue hours provided by route, and/or total hours of demand service provided.

If funds were used for a capital related project(s) provide a detailed description on the additions or changes to environmental infrastructure (e.g. transportation facilities, bike paths, shelters installed, sidewalks, etc.) technology, vehicles purchased that impacted the availability of transportation services as a result of the project(s) during the reporting year.

The report should provide relevant information about the project(s) described in the original application. The report does not need an external auditor certification. The jurisdiction will self-certify. The report should be certified by the jurisdiction's chief financial officer, city controller or finance director. Valley Metro may require a review by an outside audit firm at its discretion.

Forfeiture of Funds

If a jurisdiction within the county elects **NOT** to make application for funding for a particular year, it forfeits all rights to the funds allocated to the jurisdiction, and must submit a letter of acknowledgement to this effect to Valley Metro indicating it does not wish to participate in this year's program. The letter needs to be signed by the ranking County Manager or City or Town Manager or their proxy. The applicant also should understand that these funds and any funds returned to Valley Metro do not revert or otherwise flow back specifically to that entity's ALF account or allocation for the following year, but will be used by Valley Metro within the region to support public transit activities.

GLOSSARY OF TERMS

ALF – Arizona Lottery Fund is judicially mandated funding currently derived from Powerball lottery revenues and provides public transportation funding in Maricopa County. These funds were formerly distributed through the Local Transportation Assistance Fund (LTAF), which was eliminated in 2010.

General public - Describes all individuals, regardless of age, race, minority status or physical or mental condition.

Elderly persons - Describes persons who are 60 years of age or older.

Persons with disabilities - Typically describes individuals with irreparable or otherwise chronic, long-term physical or mental impairments that impede significant life functions. As the term is used here, a “disability” does not typically imply or involve temporary or otherwise non-recurrent injury or impairment due to accident or illness.

Public Transportation or Transit - As defined in A.R.S. 48-5101.8 "Public transportation" means local transportation of passengers by means of a public conveyance. For the purposes of the ALF Program, the terms "Public Transportation" and "Transit" are interchangeable.

Welfare Recipient and Low Income Employment Activities - Describes service which is oriented to persons who are either welfare recipients or are under the federally defined “low income” threshold (see following definitions), who require transportation to government or privately-sponsored employment or employment programs, including but not limited to traditional “welfare-to-work” programs such as Access to Jobs, Temporary Assistance To Needy Families (TANF), etc.

Welfare Recipient - An individual who receives or received aid or assistance under a state program funded under Part A of Title IV of the Social Security Act (whether in effect before or after the effective date of the amendments made by Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); (110 Stat. 2110)) at any time during the three-year period before the date on which the applicant applies for a grant.

Low-Income Individual - An individual whose family income is at or below 150 percent of the poverty line (as that term is defined in Section 673(2) of the CSBG Act (42 U.S.C. 9902(2)) including any revisions required by that section for a family of the size involved, as calculated by HHS. The 1999 guidelines were published in the March 18, 1999, (Volume 64, Number 52) Federal Register, page 13428-13430, and are available on the web at [<http://www.aoa.gov/network/99hhspov.html>].

A provider may place conditions on passenger age if it can document that it is not generally appropriate to its clientele group (such as a senior program), or cannot provide service to that individual(s) in a safe and responsive manner. An example of such a condition may be that service to a child under a specific age cannot be provided unless a travel assistant or guardian accompanies them. Situations may arise where it is permissible for a service provider to refuse to provide transportation to an individual(s). One such condition is when it can be documented that service cannot be provided in a safe and responsible manner to the individual(s), the passengers, or the driver/operator -- based on an assessment of the individual's condition and/or behavior or driver/operator's skills and capabilities. See the Americans with Disabilities Act (ADA) for further detail on what limitations may be placed on boarding refusals or operator-initiated de-boarding actions en route. Also see the ADA for other limitations or required service conditions such as service animals, medical equipment, and travel companions or assistants.

FY 2018 Arizona Lottery Local Transportation Assistance Fund Distribution

	2015 Population (1)	% of County Population	FY 2018 ALF Amount
Apache Junction	305	0.007%	\$ 863
Avondale	79,476	1.950%	\$ 224,774
Buckeye	62,541	1.534%	\$ 176,879
Carefree	3,566	0.087%	\$ 10,085
Cave Creek	5,543	0.136%	\$ 15,677
Chandler	245,168	6.014%	\$ 693,385
El Mirage	33,655	0.826%	\$ 95,183
Fountain Hills	23,508	0.577%	\$ 66,485
Gila Bend	1,991	0.049%	\$ 5,631
Gilbert	233,881	5.737%	\$ 661,463
Glendale	236,222	5.795%	\$ 668,084
Goodyear	75,550	1.853%	\$ 213,671
Guadalupe	6,093	0.149%	\$ 17,232
Litchfield Park	6,152	0.151%	\$ 17,399
Mesa	466,450	11.443%	\$ 1,319,216
Paradise Valley	13,735	0.337%	\$ 38,845
Peoria	162,055	3.975%	\$ 458,325
Phoenix	1,536,015	37.680%	\$ 4,344,163
Queen Creek	32,959	0.809%	\$ 93,215
Scottsdale	233,524	5.729%	\$ 660,453
Surprise	126,343	3.099%	\$ 357,324
Tempe	173,868	4.265%	\$ 491,734
Tolleson	6,895	0.169%	\$ 19,500
Wickenburg	6,681	0.164%	\$ 18,895
Youngtown	6,510	0.160%	\$ 18,412
Maricopa County	297,753	7.304%	\$ 842,108
Totals	4,076,439	100.00%	\$ 11,529,001
Maricopa County Population	4,076,439	Estimated Allocation	\$ 11,529,000

(1) Population source MAG Population estimates July 1, 2015

(2) FY 2018 budget allocation



CITY OF SURPRISE
Regular City Council Meeting

March 6, 2018 @ 6:00:00 PM

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

Council Meeting Date:	March 6, 2018	Contact Person:	Karl Zook, Public Works Department
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 a grant of a non-exclusive revocable license to MCImetro Access Transmission Services Corp. DBA Verizon Access Transmission Services for the use public streets, roads and alleys for installation, operation, and maintenance of fiber optic cable; Resolution # 2018-25.

Motion:

I move to approve Resolution # 2018-25.

Background:

MCImetro desires the ability to install, operate, maintain and repair cable containing bundles of multiple optical fibers that is routed through underground conduits (Fiber Optic Cable) within the right-of-way for the purpose of providing telecommunication services. Typically, dry utilities such as fiber optic cable are installed within public utility easements and city right-of-way. A majority of MCImetro's lines will be located within public utility easements (PUEs). There may be areas where PUE's do not exist; in which case, the fiber will be installed in public right-of-way in these areas to enable service to their clients. This resolution will grant MCImetro permission via license agreement to install, operate, maintain and repair Fiber Optic Cable within the City's right-of-way.

Objective Analysis:

This agreement will allow MCImetro to install fiber optic cable within the city right-of-way, providing residents and commercial businesses with telecommunication services such as internet, phone and cable. A majority of MCImetro's lines will be located within public utility easements (PUEs).

There may be areas where PUE's do not exist; in which case, the fiber will be installed in public right-of-way in these areas to provide additional service options for residents and businesses. Work within the right-of-way has impacts on traffic flow and the condition of public infrastructure, although traffic control plans and construction inspection are required to mitigate these impacts.

Policy Compliant:

The City is authorized to regulate its streets, alley and public utility easements, and to grant, renew, deny, amend and terminate licenses for and otherwise regulate the installation, operation, repair, and maintenance of telecommunication facilities within the City's boundaries pursuant to the Surprise City Code, and by virtue of federal (47 U.S.C. 253) and state statutes (including, but not limited to, A.R.S. 9-581, 9-582, and 9-583), by the City's police powers, its authority over City's public right-of-way, and its other governmental powers and authority.

Financial Impact:

Any financial impact on the City is anticipated to be minimal, as MCImetro will be responsible for maintenance and improvement costs for their facilities.

Budget Impact:

This action does not impact current budget and future funding sources.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

Click to download

☐ [Resolution 2018-25 with signed agreement](#)

RESOLUTION # 2018-25

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA GRANTING TO MCIMETRO ACCESS TRANSMISSION SERVICES CORP. DBA VERIZON ACCESS TRANSMISSION SERVICES, A NON-EXCLUSIVE REVOCABLE LICENSE TO USE PUBLIC STREETS, ROADS AND ALLEYS FOR INSTALLATION, OPERATION, AND MAINTENANCE OF FIBER OPTIC CABLE; AND IMPOSING CONDITIONS, OBLIGATIONS, AND RESTRICTIONS UPON THE USE OF THE PUBLIC RIGHTS OF WAY.

WHEREAS, the City is authorized to regulate its streets, alleys and public utility easements, and to grant, renew, deny, amend and terminate licenses for and otherwise regulate the installation, operation, repair, and maintenance of telecommunication facilities within the City's boundaries pursuant to the Surprise City Code, and by virtue of federal (47 U.S.C. § 253) and state statutes (including, but not limited to, A.R.S. §§ 9-581, 9-582, and 9-583), by the City's police powers, its authority over the City's public right-of-way, and its other governmental powers and authority;

WHEREAS, MCImetro desires the ability to install, operate, maintain and repair cable containing bundles of optical fibers that are routed through underground conduits, ("Fiber Optic Cable") within the City's rights-of-way for the purpose of providing telecommunication services;

WHEREAS, the Mayor and Council have determined that it will be beneficial to the City to grant this license to MCImetro.

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

Section 1. MCImetro Access Transmission Services Corp is hereby granted a non-exclusive revocable license to construct, operate, and maintain Fiber Optic Cable equipment within the City's rights-of-way subject to the terms and conditions of the Wired Telecommunications License Agreement Between the City of Surprise and MCImetro Access Transmission Services Corp. DBA Verizon Access Transmission Services attached hereto as Exhibit A.

Section 2. The Wired Telecommunications License Agreement Between the City of Surprise and MCImetro Access Transmission Services Corp. DBA Verizon Access Transmission Services, attached as Exhibit A, is hereby incorporated by reference and approved.

Section 3. The Mayor or her designee is authorized to execute and submit all documents and other necessary instruments in connection with the License Agreement.

APPROVED AND ADOPTED this ____ day of _____, 2018.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

WIRED TELECOMMUNICATIONS LICENSE AGREEMENT

**WIRED TELECOMMUNICATIONS LICENSE
AGREEMENT BETWEEN THE CITY OF
SURPRISE AND MCIMETRO ACCESS
TRANSMISSION SERVICES CORP. d/b/a
VERIZON ACCESS TRANSMISSION SERVICES**

This Telecommunications License Agreement (“License” or “Agreement”) is entered into this ____ day of _____, 2018 by and between the City of Surprise, an Arizona municipal corporation (“City”) and MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services (“Verizon”), a Delaware corporation (collectively “Parties”).

RECITALS

WHEREAS, City owns public street and alley right-of-way and public utility easements within the boundaries of the City of Surprise;

WHEREAS, Verizon has represented to and provided documents to the City which establish that the Arizona Corporation Commission has issued to Verizon, a certificate of convenience and necessity by Decision No. 59983 dated January 16, 1997, updated by Decision No. 61014 dated July 16, 1998, and expanded by Decision No. 61378 dated November 16, 1998 authorizing it to construct, operate and maintain facilities to furnish telecommunication service [as defined by state law] to the public, which make this License for the use of the City’s Right-of-way necessary;

WHEREAS, Verizon desires the ability to install, operate, maintain and repair cable containing bundles of multiple optical fibers that is routed through underground conduits, (“Fiber Optic Cable”) within the right-of-way for the purpose of providing telecommunication services, as authorized by the Arizona Corporation Commission, subject to the requirements of this License;

WHEREAS, City is authorized to regulate its streets, alley and public utility easements, and to grant, renew, deny, amend and terminate licenses for and otherwise regulate the installation, operation, repair, and maintenance of telecommunication facilities within the City’s boundaries pursuant to the Surprise City Code, and by virtue of federal (47 U.S.C. § 253) and state statutes (including, but not limited to, A.R.S. §§ 9-581, 9-582, and 9-583), by the City’s police powers, its authority over City’s public right-of-way, and its other governmental powers and authority;

WHEREAS, City desires to reserve rights to construct, use, and allow others to construct and use all manner of additional improvements in the right-of-way, while granting Verizon a License to install, operate, maintain and repair Fiber Optic Cable within the City’s right-of-way;

WHEREAS, Verizon agrees to provide and maintain accurate maps showing the location of all Fiber Optic Cable owned or used by Verizon in the City right-of-way, and to comply with such other mapping requirements as City may establish from time to time; and

WHEREAS, Verizon will secure the appropriate licenses, encroachments and other permits required by the City for the placement of its Fiber Optic Facilities within City right of way; and

WHEREAS, Verizon has agreed to comply with public property use requirements that City has and may establish from time to time.

NOW THEREFORE, for and in consideration of the foregoing, the amounts hereinafter to be paid by Verizon, and the covenants and agreements contained herein to be kept and performed by Verizon, and for other good and valuable consideration, the City hereby grants to Verizon a telecommunication license (“License”) and permission to use the public right-of-way pursuant to the terms and conditions set forth herein.

SECTION 1. Permission to Use Right-of-Way

1.1 Subject to the provisions contained within this License, the Surprise City Code, and Arizona and federal law, City hereby grants to Verizon a non-exclusive revocable license to use the designated portions of the City right-of-way (“ROW”) subject to and conditioned upon Verizon’s full, timely, complete and faithful performance of all obligations to be performed or required hereunder by Verizon, and Verizon hereby accepts the terms and conditions of this License.

1.2 Verizon’s current route for its Fiber Optic Cable is generally shown on Exhibit A (“Route”). Verizon may modify and expand its route from time to time by submitting permit applications for construction to the City. Upon request, Verizon shall provide the City with updated information on Verizon’s then-current Fiber Optic Cable routes.

1.3 The Telecommunications License granted by this Agreement does not allow Verizon to provide one-way transmissions by anyone directly to customers or any other type of video programming or other programming or transmission within the City that may be subject to a cable television license or franchise within the City’s boundaries.

1.4 If Verizon ever obtains or seeks federal, state or local approval to provide a cable system or open video system over the Fiber Optic Networks within the City, this License and Agreement shall remain in effect according to its terms and Verizon shall continue to pay any fee required by this Agreement, regardless of any legal or regulatory provisions, permits or other processes or rules that might now or hereafter provide otherwise.

1.5 Verizon shall comply with all applicable laws as amended from time to time, including but not limited to, the Surprise City Code, Arizona law, and federal law in the exercise and performance of its rights and obligations under this Agreement. If it is necessary for Verizon to comply with any law or regulation of the FCC or the ACC to engage in the business activities anticipated by this Agreement, Verizon shall comply with such laws or regulations. Provided, however, no such law or regulation of the FCC or ACC shall enlarge or modify any of the rights or duties granted by this Agreement without a written modification to this Agreement.

SECTION 2. Non-Exclusive Rights/Priority Rights

2.1 This grant is not exclusive and nothing herein contained shall be construed to prevent City from granting other like or similar grants or privileges to any other person, firm or corporation, or to deny to or lessen the powers and privileges granted City under the Constitution and laws of the State of Arizona.

2.2 Any and all rights granted to Verizon shall be subject to the prior and continuing right of City to use the ROW exclusively or concurrently, with any other person or persons, and to manage City’s own facilities. Any and all rights granted to Verizon shall also be subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims to title which may affect public property. Nothing in this License shall be construed to grant, convey, create or vest a perpetual real property interest in land to Verizon, including any fee or leasehold interest, easement, or any franchise rights.

2.3 Any right or privilege claimed pursuant to this Agreement by Verizon for any use of any public ROW shall be subordinate to: A) any prior or subsequent lawful occupancy or use thereof by the City or any other governmental entity; B) any prior lawful occupancy or use thereof by any other person; and C) to any prior easements therein, provided however, that nothing herein shall extinguish or otherwise interfere with property rights established independently of this Agreement.

2.4 There is hereby reserved to City every right and power required pursuant to this Agreement to be herein reserved or provided by any lawful ordinance or law, and Verizon by its execution of this Agreement agrees to be bound thereby and to comply with any lawful action or lawful requirements of the City in its exercise of such rights or power, heretofore or hereinafter enacted or established. Neither the granting of any agreement nor any provision hereof shall constitute a waiver or bar to the exercise of any lawful governmental right or power of City.

2.5 Verizon accepts the risk that there may now or in the future exist all manner of work and improvements upon the ROW ("Competing Activities"). The Competing Activities include without limitation any and all laying construction, erection, installation, use, operation, repair, replacement, removal, relocation, raising, lowering, widening, realigning, or other dealing with any or all of the following, whether above, upon, or below the surface of the ROW and whether occasioned by the existing or proposed uses of the ROW or existing or proposed uses of adjoining or nearby land, (i) all manner of streets, sidewalks, alleys, trails, ways, and traffic control devices of every description

(ii) all manner of other transportation facilities and their appurtenances (iii). all manners of pipes, wires, cables, conduits, sewers, storm drains, pumps, valves, switches, conductors, connectors, poles, supports, access points and guys of every description, (iv) all manner of other utility facilities and their appurtenances (v) all manner of canals, drains, bridges, underpasses, culverts and other encroachments of every description and all manner of other facilities and their appurtenances, and

(vi) all other uses of the right-of-way that the City may permit from time to time.

2.6 Nothing in this Agreement shall be construed to prevent the City from abandoning, altering, improving, repairing, or maintaining its facilities and/or the ROW, and for that purpose to require Verizon, at no expense to the City, to remove, relocate or abandon in place Verizon's Fiber Optic Cable in order to accommodate the activities of the City. The City shall not be liable for lost revenues sustained by Verizon, however caused, because of damage, modification, alteration, or destruction of its Facilities in the ROW, when such costs or lost revenues result from the construction, operation, and/or maintenance of City facilities and/or the ROW, provided that the activities resulting in such costs or lost revenues are conducted in accordance with applicable laws and regulations.

SECTION 3. Notice of Other Users

3.1 Verizon may enter into contracts with unrelated third parties ("Users") in the ordinary course of Verizon's business for use of the Conduit Systems and/or Fiber Optic Networks within the portions of the ROW subject to this Agreement. Such contracts ("User Contracts") shall be subject to all requirements and provisions of this Agreement and the following:

3.1.1 No person shall transmit data over the Fiber Optic Networks or otherwise use the Conduit System(s) except under a User Contract with Verizon.

3.1.2 Such Users shall not perform any construction, maintenance, repair or other work of any kind in the ROW related to the Fiber Optic Networks or Conduit System(s) and the identity of such Users must be disclosed to the City upon request, but such information will be considered confidential if consistent with state public record law. All User Contracts shall prohibit such Users from performing any construction, maintenance, repair or other work of any description in the ROW related to the Fiber Optic Networks or Conduit System(s), unless such Users have an agreement with the City.

3.1.3 In the event the User Contract provides for the User to construct, install, operate or maintain any portion of the Fiber Optic Networks or Conduit System(s) within the route in the ROW, no such arrangement shall proceed until the User enters into an Agreement with the City for use of the City's ROW.

3.2 Verizon shall cause to comply with this Agreement all persons using the ROW through or under Verizon or this Agreement. Verizon is responsible for any violations of this Agreement by persons using the ROW through or under Verizon or this Agreement.

SECTION 4. Description of the Fiber Optic Facilities Routes

4.1 Verizon's current route for its Conduit Systems and Fiber Optic Networks is generally shown on Exhibit A ("Route").

SECTION 5. Regulatory Conditions Relating to Right-of-Way Usage

For purposes of this Agreement, whenever work is done in the ROW or adjacent to the ROW as part of any work Verizon is performing in the ROW, Verizon agrees that it is solely responsible for the acts, errors, omissions, and any negligence of any or all persons, firms, partnerships, corporations, associations or other organization, or a combination of any of them, including any subcontractor hired and/ or used by Verizon, that performs services or provides goods relating to this Agreement ("Contractors") and that the obligations of Sections 5 and 6 of this Agreement are imposed on both Verizon and any of its Contractors, who will be considered Verizon's representatives and for whom Verizon will be responsible. Verizon will ensure that Verizon and its representatives comply with Public ROW use requirements as follows:

5.1 Verizon is completely responsible for ensuring that its Fiber Optic Cable is constructed, installed, operated, repaired, and/or maintained in accordance with the Surprise City Code and established practices with respect to such public ROW and easements, such as the proper permits being applied for prior to commencing any work and that the terms and conditions of such permits are strictly followed.

5.2 Verizon's use of the public ROW and easements under the control of the City shall be according to plans approved by the City Engineer, provided that such approval shall not be unreasonably withheld or delayed.

5.3 The Fiber Optic Cable to be constructed, installed, operated, maintained, upgraded and removed hereunder, shall be so located or relocated as to interfere as little as possible with traffic or other authorized uses within said public ROW and easements. Any phases of construction and/or installation relating to traffic control, backfilling, compaction and paving, as well as the location or relocation of said Facilities shall be subject to regulation by the City Engineer.

5.4 The City may issue reasonable policy guidelines to all telecommunications services licensees and permittees to establish procedures for determining how to control issuance of engineering permits to multiple licensees for the same one-mile segments of their facilities. Verizon agrees to cooperate with the City in establishing such policy and comply with the procedures established by the City Manager or his designee to coordinate the issuance of multiple engineering permits in the same one-mile segments.

5.5 Verizon and its representatives shall be subject to the City's exercise of such police, regulatory and other powers as it now has or may later obtain, and a License may not waive the application of the same. City shall have continuing jurisdiction and supervision over any facilities located within or on public ROW. Daily administrative, supervisory, and enforcement responsibilities shall be delegated and entrusted to the City Manager or designee to interpret, administer and enforce the provisions of this License and Agreement.

SECTION 6. Plan Approval, Permits, and Inspection

6.1 No Fiber Optic Cable shall be installed, constructed, located on, or attached to any property within the City until Verizon has applied for and received approval for permits from the City Engineer. Verizon shall be solely responsible for any and all acts, errors, omissions and negligence of its Contractors who are involved in the design, installation, construction, maintenance, repair, location, relocation and any other activity involving Verizon's Fiber Optic Cable subject to this License. Additionally, Verizon and its Contractors shall comply with all other provisions of the Surprise City Code, including, but not limited to off-site construction, regarding streets and sidewalks, and other applicable City and/or Maricopa County regulations. All rights hereunder are granted under the express condition that the City shall have the power at any time to impose lawful restrictions and limitations upon, and to make regulations as to Verizon's use of the public ROW as may be deemed best for the public interest, safety, or welfare to the same extent that such restrictions and limitations are applied to all non-governmental users of the public ROW.

6.2 Verizon shall submit the applicable Permit Application(s) together with the details, plans and specifications for City review and approval, and pay all applicable application, review and inspection fees prior to any and all construction work performed pursuant to the rights granted under this License. Verizon and/or its Contractors shall abide by all stipulations of all licenses and permits issued. If Verizon desires to change the location of any portion of the Conduit System(s) and/or Fiber Optic Cable, including any related facilities or equipment, from that set forth in the initial Permit Application, Verizon shall apply for and obtain approval for an amendment to the permit prior to installation or construction, which approval shall not be unreasonably withheld or delayed, subject to the provisions of Section 6.4.

6.3 The City may issue reasonable policy guidelines to all licensees/users of the ROW to establish procedures for determining how to control issuance of engineering permits to multiple licensees/users for the same one mile segments of their Facilities. Verizon agrees to cooperate with the City in establishing such policy and to comply with the procedures established by the City Engineer or designee to coordinate the issuance of multiple engineering permits in the same one mile segments.

6.4 City will approve or deny such applications based on the availability of space at the location sought by Verizon, safety and other considerations in accordance with the City's Code and practice, applicable ROW construction regulations and other applicable law. Verizon and/or its Contractor(s) agree to comply with the terms of any City-issued licenses and permits.

6.5 Any new Fiber Optic Cable placed in the ROW will be constructed using industry standard boring and trenching construction methods. Other material placed in the ground may include concrete manholes, generally 4x4x4, pull boxes/handholes (#7s and #9s) and HDPE couplings and elbows, fiber optic cable, splice cases, tracer wire, grounding material, mule tape, jet string and conduit plugs. Verizon and/or its Contractors will install any new Conduit and access points (manholes/pull boxes) using industry standard practices and in full compliance with Uniform Standard Specifications for Public Works Construction sponsored and distributed by the Maricopa Association of Governments as amended (hereinafter referred to as "MAG"), the City's supplements to MAG, and the City of Surprise Engineering Development Standards.

6.6 If Verizon desires to change the components of any of the Fiber Optic Cable, written approval, which shall not be unreasonably withheld or denied, of such change must be obtained from a representative of the City Engineer.

6.7 The City shall have the right to inspect all construction or installation work performed subject to the provisions of this License and to make such tests as it shall find necessary to meet City standards and the MAG Uniform Standard Specifications and Standard Details for Public Works Construction and any and all applicable City of Surprise Supplements thereto and to ensure compliance with the terms of this License and other pertinent provisions of law.

6.8 Any new Conduit System(s) and/or Fiber Optic Network(s) shall be installed in multiple phases as agreed upon by Verizon and the City. If portions of a project will take place on the major arterial streets in City, Verizon and City will work to minimize the inconvenience to the citizens of City and others who use those major arterial streets impacted by the project by developing segments of the project to be completed in sequence.

6.9 Any Fiber Optic Cable to be constructed, installed, operated, repaired, and maintained under this Agreement shall be located or relocated so as to interfere as little as possible with traffic or other authorized uses over, under or through said streets and public ways. Verizon shall not install, operate, or allow the use of Equipment, methodology or technology that may or would interfere with the optimum effective use or operation of City's existing or future fire, emergency or other communications equipment, methodology or technology (i.e., voice or other data carrying receiving or transmitting equipment). If such interference should occur, Verizon shall immediately discontinue using the Equipment, methodology or technology that causes the interference until Verizon takes corrective measures to alter the Fiber Optic Network(s) to eliminate such interference. Any such corrective measures shall be made at no cost to City. Verizon shall be responsible to ensure compliance with this Agreement by all persons using any or all of Verizon's Conduit Systems.

6.10 Verizon's installation of Fiber Optic Cable shall be reasonably coordinated with other utilities and City to accommodate opportunities for common installation, i.e. co-location, along with Verizon's Route as set forth in this Agreement. All installations of cable and/or fiber shall be in Conduit approved by the City Engineer; provided, however, nothing herein shall require Verizon to incur any material additional expense to accommodate common installations.

6.11 Although the exact placement and location of any additional Fiber Optic Cable shall be determined by City through the permit process, Verizon has expressed its intent and City has expressed its desire to have any Fiber Optic Cable installed outside of the paved street areas whenever such location is feasible and reasonable. Further, if it is the intent and desire of Verizon for the Conduit Systems to be placed by directional boring under such streets when feasible and reasonable, bore profiles based on vacuum pothole information shall be part of the engineered plans submitted to the City. Arterial streets shall not be bored unless approved by the City Engineer. In the event that a street opening in pavement cannot be avoided, Verizon agrees to pay a fee in accordance with the City of Surprise Development Services Fee Schedule, as

amended from time to time, and the Surprise City Code.

6.12 Verizon shall also provide and identify a representative, such as a project manager, who shall be the contact person for the City during any construction periods.

6.13 Verizon shall provide written notice to the owners or other persons having lawful control of adjoining property of any activity by Verizon that may interfere with access to any adjoining property during all construction activities or other operations, except to the extent that this requirement of maintaining access is waived in writing by the owner or other person having lawful control of such adjoining property.

6.13.1 If an emergency requires activity without such written notice, Verizon shall use commercially reasonable efforts to provide timely actual notice to the owners or other persons having lawful control of the adjoining property. Upon request, Verizon shall promptly furnish to City documentation of such permission from such other affected property owner.

6.14 Whenever Verizon or its Contractors shall cause any opening or alteration to be made for any purpose in any public streets or public places the opening or alteration shall be completed and restored with due diligence within seven (7) business days, weather permitting. Verizon shall upon the completion of the opening or alteration, restore the property, improvements or landscaping disturbed by Verizon or its Contractors to a condition substantially comparable to the condition before the opening or alteration and the restoration shall be performed with due diligence within a reasonably prompt time.

6.15 Traffic Control.

6.15.1 Traffic control shall comply with the City of Surprise Temporary Work Zone Traffic Management Policy and follow the guidelines contained in the latest editions of the Manual on Uniform Traffic Control Devices (MUTCD); and/or the City of Phoenix Traffic Barricade Manual and any Special Provisions included herein.

6.15.2 At the time of the pre-construction conference, Verizon shall designate an individual who is well qualified and experienced in construction traffic control and safety, to be responsible for implementing, monitoring, and altering traffic control measures as necessary to insure that traffic is carried through the work area in an effective manner and that motorists, pedestrians, bicyclists, and workers are protected from hazards and accidents. Any entity wishing to obtain a permit to place, maintain, and/or remove temporary traffic control within the City of Surprise shall obtain an annual traffic control permit from the City per the City of Surprise Temporary Work Zone Traffic Management Policy. At the same time, the City shall designate a representative who will be responsible for ensuring that all traffic control and traffic control alterations are implemented per the traffic control specifications as defined in the approved traffic control plan.

6.15.3 Verizon shall have the full responsibility and liability for traffic control for a project. Verizon shall submit a Traffic Control Plan to Traffic Engineering for approval – five (5) business days prior to beginning work under this Agreement. The Traffic Control Plan shall include all motor vehicles, bicyclists, and pedestrians. Verizon shall not begin construction until the Traffic Control Plan is approved by the City. An approved Traffic Control Plan shall be maintained onsite during all phases of construction; otherwise, construction will cease until the Traffic Control Plan is approved.

During construction it may be necessary to alter traffic control as approved by Traffic Engineering. Alterations to traffic control shall be in accordance with City of Surprise Temporary Work Zone Traffic Management Policy, the latest edition of the Manual on Uniform Traffic Control Devices, or the latest edition of the City of Phoenix Traffic Control Manual. The most restrictive manual shall apply. Verizon shall pay any and all applicable barricade fees.

6.15.4 In the event Verizon or its Contractors damages any traffic signal equipment, traffic signal conduit, loop detectors and/or circuits, Verizon shall have them repaired immediately at its expense by an electrical contractor that has had traffic signal experience which is pre-approved by the City. Any damage repaired by the City will be billed to Verizon at cost.

6.15.5 Verizon shall notify all adjacent or affected residents or businesses in advance of any street, alley, sidewalk, and driveway closures per the Temporary Work Zone Traffic Management Policy so that they can make suitable arrangements to have all vehicles moved to a satisfactory location outside the closed area.

6.15.6 Pedestrian access shall be maintained along the length of the project at all times per the requirements of the ADA and as approved by Traffic Engineering.

6.16 Verizon and/or its Contractors shall, during construction and upon completion of the work, remove all temporary construction facilities, debris, and unused materials provided for in the work, and put the work site and public ROW in a safe, neat and clean condition.

6.17 Verizon and Verizon's Contractors shall be solely and completely responsible for the conditions of any job site where the infrastructure is being placed, including safety of all persons (including employees) and property during performance of the work. This requirement shall apply continuously and not be limited to normal working hours. Safety provisions shall conform to all applicable federal (including OSHA), state, county, and local laws, ordinances, codes, and regulations. Where any of these are in conflict, the more stringent requirement shall be followed. Verizon's failure to thoroughly familiarize itself with the aforementioned safety provisions shall not relieve Verizon from compliance with these provisions.

6.18 Blue Stake. Verizon and its Contractors shall comply with A.R.S. §§ 40-360.21 through 40-360.32 and participate as a member of the Arizona Blue Stake Center with the necessary records and persons to provide location service of Verizon's Facilities upon receipt of a locate call or as promptly as possible, but in no event later than two (2) working days. A copy of the agreement or proof of membership shall be filed with the City Engineer.

SECTION 7. Hazardous Substances

Verizon's and its Contractors' activities upon or about the ROW shall be subject to the following regarding any hazardous or toxic substances, waste or materials, or any substance now or hereafter subject to regulation under the Comprehensive Environmental Response Compensation and Liability Act 42 U.S.C. §§ 9601, et. seq., the Arizona Hazardous Waste Management Act, A.R.S. §§ 49-901, et. seq., the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901, et. seq., the Toxic Substances Control Act, 15 U.S.C. § 2601, et. seq., or any other federal, state, county or local law pertaining to hazardous substances, waste or toxic substances and their reporting requirements (collectively "Toxic Substances");

7.1 Verizon and/or its Contractors shall not produce, dispose, transport, treat, use or store any Toxic Substances upon or about the ROW. The prohibitions of the preceding sentence only shall not apply to:

7.1.1 Ordinary gasoline, diesel fuel or other fuels or lubricants necessary for ordinary use in motor vehicles and ordinary construction machinery permitted upon the ROW. Such materials must be properly and lawfully contained in ordinary quantities in ordinary tanks and receptacles that are permanently installed in such vehicles and machinery, or small portable tanks that are being used for fueling permitted construction machinery.

7.1.2 Electric backup batteries.

7.2 Verizon and/or its Contractors shall dispose of any Toxic Substances away from the ROW as required by law and as reasonably required by City.

7.3 Verizon and/or its Contractors shall not use the ROW in a manner inconsistent with regulations issued by the Arizona Department of Environmental Quality, or in a manner that would require a permit or approval from the Arizona Department of Environment Quality or any other governmental agency. The preceding sentence does not prohibit ordinary permits for control of dust during construction permitted by this Agreement.

7.4 In addition to, and without limitation of any other indemnities or obligations, Verizon shall pay any damages incurred and indemnify, defend and hold City harmless against any loss or liability incurred by reason of any Toxic Substance on or affecting the portion of the ROW used that is attributable to or caused by Verizon and/or its Contractor(s).

7.5 Verizon and/or its Contractors shall immediately notify City of any Toxic Substance at any time discovered or existing upon the ROW. Verizon is not responsible for Toxic Substances that may exist at the ROW if Verizon's Contractors and/or any other persons using the ROW under this Agreement did not do any of the following:

- 7.5.1 Participate in the Toxic Substance coming to the ROW
- 7.5.2 Fail to immediately report the Toxic Substance to City
- 7.5.3 Knowingly participate in spreading or otherwise disturbing the Toxic Substance
- 7.5.4 Knowingly exacerbate the effects of the Toxic Substance or the difficulty or cost of dealing with the Toxic Substance

7.6 Verizon understands the hazards presented to persons, property and the environment by dealing with Toxic Substances. Verizon acknowledges the possibility that the ROW may contain actual or presumed asbestos and other Toxic Substances containing materials.

7.7 Within twenty-four (24) hours after any violation by Verizon and/or by its Contractors of this Agreement pertaining to Toxic Substances, Verizon shall give City notice reporting such violation.

SECTION 8. On-Call Assistance

8.1 Verizon shall be available to staff employees of any City department having jurisdiction over Verizon's activities twenty-four (24) hours a day, seven (7) days a week, regarding problems or complaints resulting from the installation, operation, maintenance, or removal of its Network. City may contact by telephone the network control center operator at the following phone number 1-800-873-7866 regarding such problems or complaints, and may use that number in order to reach Verizon at any time for any emergency matter. Verizon shall use reasonable efforts to respond to any issues within the time frames specified in its service level agreements. Verizon shall make arrangements with a local entity to handle any necessary problems or complaints that require a physical presence. In addition, Verizon will immediately notify City if there is a change in the telephone number listed in this section.

SECTION 9. Mapping Requirement

9.1 Verizon shall maintain As-Built Drawings of its Fiber Optic Cable located within the ROW and furnish a copy both electronically in a mapping format compatible with the current City electronic mapping format as specified by the City and in hard copy form. Upon completion of new or relocation construction of Fiber Optic Cable in the ROW, Verizon shall create and maintain precise, up-to-date maps of any of its Conduit System and/or Fiber Optic Cable routes located in the ROW and precise and verifiable horizontal and vertical location information and will make this information available to the City.

SECTION 10. Relocation

10.1 Verizon shall relocate at no expense to the City any Fiber Optic Cable or other encroachment installed or maintained in, on or under any public place or ROW, as may be necessary to facilitate any public purpose or any City or other governmental project whenever directed to do so by City. Such relocations shall be accomplished in accordance with the directions from City and shall be pursuant to the same terms and conditions as the initial installation allowed pursuant to this Agreement and any applicable issued permits. Within ninety (90) days after service of notice by the City, Verizon shall remove the designated portions of the Facilities, or in the event that, by the nature of the removal such removal cannot be performed within the ninety-day period, Verizon shall take reasonable steps to remove the Facilities and diligently prosecute the removal to completion, and, if requested, restore the sidewalks and other ROW to a condition comparable to the condition before the construction of the public improvement at no cost and expense to the City.

10.2 Verizon agrees to obtain a permit as required by this Agreement prior to removing, abandoning, relocating or reconstructing any portion of its Fiber Optic Cable on public property or ROW. Notwithstanding the foregoing, City understands and acknowledges there may be instances when Verizon is required to make repairs that are of an emergency nature or in connection with an unscheduled disruption of the Facilities. Verizon will maintain any annual permits required by the City for such maintenance and emergency repairs. Verizon will notify City before the repairs and will apply for and obtain the necessary permits in a reasonable time after notification.

10.3 If the City needs to perform any part of the necessary relocation or removal work that has not been done within the time required by the City, it shall be entitled to seek payment for such relocation costs by drawing upon the letter of credit or security fund required by this Agreement pursuant to Section 21 or the performance bond pursuant to Section 20.

SECTION 11. Expansion or Extension of the Current Use Area

11.1 Verizon agrees that any expansions and/or extensions beyond the current Route shall be at all times governed by the terms and conditions of this Agreement.

SECTION 12. Damage to Public Property.

12.1 In addition to any indemnity obligation under this License, whenever the installation, use, maintenance, removal, or relocation of any of Verizon's Fiber Optic Cable is required or permitted hereunder, and such installation, removal or relocation damages or disturbs the surface or subsurface of any ROW or public property or any public improvement that may be located thereon, therein, or thereunder, however such damage or disturbance was caused, Verizon, at its sole cost and expense, shall promptly restore the surface or subsurface of the ROW or public property and/or repair or replace the surface, subsurface and/or public improvement therein, or

thereunder, in as good a condition as before in accordance with applicable laws, normal wear and tear excepted, reasonably satisfactory to the City Engineer. If Verizon does not repair the damage or disturbance as just described, then City shall have the option, upon ten (10) business days' prior written notice to Verizon, to perform or cause to be performed such reasonable and necessary work on behalf of Verizon and to charge Verizon for the proposed costs to be incurred or the actual costs incurred by the City at City's standard rates.

12.2 Notwithstanding the notice provision above, in the event of a public emergency, the City shall have the right to immediately perform, without prior written notice to Verizon, such reasonable and necessary work on behalf of Verizon to repair and return public property to a safe and satisfactory condition in accordance with applicable laws, normal wear and tear excepted, reasonably satisfactory to the City Engineer. The City shall provide written notice to Verizon of the repairs as soon as practicable after the work has begun. Verizon agrees that any damaged City-owned Conduit or fiber must be replaced or repaired and restored with new or like-new materials. If the City needs to perform any part of the necessary repairs, relocation and/or removal work, it shall be entitled to seek payment for such repairs and/or relocation and/or removal costs from Verizon and may draw upon the performance bond and/or letter or credit or security fund required by this Agreement in full or partial satisfaction of such costs, if payment is not made by Verizon as required by Section 12.3 below.

12.3 Upon the receipt of a demand for payment by City, Verizon shall, within thirty (30) days, reimburse City for such costs.

12.4 For any pavement cuts by Verizon, Verizon agrees to restore the pavement.

SECTION 13. Public Emergency Disruption by City.

13.1 City shall have the right, because of a public emergency, to sever, disrupt, relocate, remove, tear out, dig-up or otherwise damage and/or destroy Fiber Optic Cable of Verizon without any prior notice to Verizon, if the action is deemed reasonably necessary by either the City Manager, Fire Chief, Police Chief, City Engineer, or Public Works Director or designee. In such event, neither the City nor any agent, contractor or employee of City shall be liable to Verizon, its Contractors or its customers for any harm so caused to them or the Facilities. When practical and if possible, City will consult with Verizon in advance to assess the necessity of such actions and to minimize to the extent practical under the circumstances damage to and disruption of operation of the Fiber Optic Networks. City shall inform Verizon of any actions taken. Verizon shall be responsible for repair at its sole expense of any of its Facilities damaged pursuant to any such action taken by City related to the public emergency.

SECTION 14. Public Safety/Public Emergency.

14.1 If any of Verizon's Fiber Optic Cable or activities present any immediate hazard or impediment to the public, to the City, to other City improvements or activities within or outside of the Route, or to City's ability to safely and conveniently operate the ROW or perform City's utility, public safety and/or other public health, safety and welfare functions, then Verizon shall immediately remedy the hazard, comply with City's request to secure the route area, and otherwise cooperate with City at no expense to City to remove any such hazard or impediment.

14.2 In the event of a public emergency, neither the City nor any agent, contractor or employee of the City shall be liable to Verizon or its Contractors or its customers or other third parties for any harm so caused to them by the reasonable actions of the City or its agents, contractors or employees in reasonably responding to such public emergency. When practical and if possible, City will consult with Verizon in advance to assess the necessity of such actions and to minimize, to the extent practical under the circumstances, damage to and disruption of either the public

property involved or the Fiber Optic Cable involved.

SECTION 15. Effective Date and Validity of Agreement

15.1 This Agreement is effective upon signature by Verizon and the approval and execution of it by the Surprise City Council.

15.2 Verizon shall acknowledge that as a condition of acceptance of this Agreement, Verizon was required to be represented throughout the negotiations of the Agreement by its own attorneys and Verizon had the opportunity to consult with its own attorneys about its rights and obligations regarding this Agreement. Verizon has reviewed City's authority to execute and enforce this Agreement and has reviewed all applicable law, both federal and state, and, after considering same, Verizon acknowledges and accepts the right and authority of City to execute this Agreement and to enforce the terms herein.

SECTION 16. Term

16.1 The right, privilege and license granted herein shall continue and exist for a period of ten (10) years from the effective date hereof unless sooner revoked as provided in this Agreement. No provision of this License may be construed to grant any automatic extension, renewal, or replacement thereof.

SECTION 17. Modification, Renewal, Extension

17.1 If Verizon wishes to renew its License and continue using the ROW, then at least one hundred and eighty (180) days prior to the expiration of this License and Agreement, Verizon shall apply to the City for a new License and Agreement in accordance with the then existing federal, state, and local laws.

17.2 City shall have the right to renegotiate any of the terms from the prior agreement. Verizon understands that the City may adopt future code amendments and/or fee schedules relating to the use of the ROW, which may replace in its entirety the current fees and other costs imposed upon Verizon under this Agreement. Verizon acknowledges the right of the City to adopt and implement such lawful code amendments and/or fee schedules.

17.3 If Verizon's Fiber Optic Cable remains in the ROW, and Verizon continues to use such Fiber Optic Cable beyond the expiration of the license term, the License shall be considered to be in a "Holdover Term," subject to the terms and conditions of this Agreement. Such Holdover Term, however, shall not exceed sixty (60) days beyond the expiration of the term, and no permits will be issued to Verizon by the City until a new License has been approved by the City Council.

17.4 Failure by Verizon to have a valid License to use the ROW by the expiration of the Holdover Term shall result in immediate withdrawal and revocation of any existing permits issued by the City to Verizon. If, however, Verizon has timely filed its application and is in active negotiations with the City prior to the expiration of the License and Agreement, the City may, in its discretion, grant, extend, or take no action on permits issued to Verizon prior to the expiration of this Agreement.

SECTION 18. Payments

18.1 By entering into this Agreement, neither party waives any current or future rights reserved under law or the Telecommunications Act of 1996, including but not limited to, those rights set forth in Sections 253(c), reserving the City's right to manage the public ROW and to require fair, non-discriminatory and reasonable compensation from Verizon for use of the public ROW.

18.1.1 Competitively Neutral Annual Fee. In the event that the City negotiates an annual fee (pursuant to A.R.S. § 9-583(C)(2) as amended from time to time, or similar statute, which addresses payment of an annual fee based on the number of linear feet of trench that carry interstate traffic exclusive of facilities used by the local network and the portion of the interstate network that carries intrastate calls) with any other existing telecommunications licensees of the City during the term of this Agreement, the City will notify Verizon in writing and will then levy an annual fee similar to the annual fee charged to the other licensee. The annual fee will be no higher than is legally permissible under A.R.S. § 9-583(C)(2), as amended from time to time.

18.2 For any annual payment(s) owed, Verizon shall make such payment(s) to the City within ten (10) business days of the effective date of this License and by the anniversary of such effective date thereof for the duration of the term.

18.3 Permit Fees – Verizon shall pay all applicable construction permit fees, which includes charges for encroachment permit applications, issuance, inspection, testing, plan review and any other fees adopted by City and applicable to persons doing work and/or encroaching in the City's ROW.

18.4 Damage Fees – Verizon shall pay any reasonable costs associated with any damage caused to the ROW or public property.

18.5 Pro-rated Fees – Within thirty (30) days after the issuance of a permit for the installation of additional footage of Conduit(s), if such installation subjects Verizon to an annual fee pursuant to Section 18.1.1 above (if applicable), Verizon will pay a pro-rated portion of the annual fee, as adjusted, per linear foot for that section of its expanded route. The prorated annual fee shall be determined by multiplying the annual footage fee, as adjusted, for the year of payment, by a fraction, the numerator of which is the number of full months between the month of issuance of the permit and the next following anniversary date of this Agreement and the denominator of which is twelve (12).

18.6 Verizon agrees that if it fails to pay any amounts owed to the City by the time prescribed for payment, Verizon shall pay interest on the amounts owed at the rate of one percent (1%) per month.

SECTION 19. Taxes

19.1 Verizon shall pay any applicable city, county and state transaction privilege and use taxes. Such taxes are in addition to any non-tax amounts owed by Verizon pursuant to Section 18. Verizon consents to the disclosure of any and all information reported on Verizon's transaction privilege tax returns by authorizing and allowing the City's tax collector to release such information to the City Manager or designees.

SECTION 20. Performance Bond

20.1 Prior to receiving any permit to construct, install, maintain or perform any work on public property, Verizon shall cause to be filed and maintain until completion of the construction, a faithful performance bond in favor of City in the sum of One Hundred Thousand Dollars (\$100,00.00) or 125% of the amount of the construction costs (whichever is greater) to guarantee that Verizon shall observe, fulfill and perform each and every term of this Agreement. In case of any breach of any condition of this Agreement, any amount of the sum of the bond, up to the whole thereof, may be forfeited to compensate City for any damages it may suffer by reason of such breach. Said bond shall be acknowledged by Verizon, as principal, and shall be issued by a surety with an AM Best rating of A-VII or better for the last four quarters. City and Verizon agree that the process and procedure for drawing upon, curing, and replenishing the performance bond shall be the same as set forth below for the security fund.

20.2 If Verizon has completed the above construction and wants the bond released, the City will need to inspect and approve the construction prior to such release. However, a performance bond will be required for each subsequent or additional construction project and/or work on public property.

SECTION 21. Security Fund Account or Letter of Credit

21.1 Prior to applying for any permit to construct, install, maintain or perform any work in the public highways, public streets, public rights-of-way and public utility easements which requires a construction permit from the City pursuant to applicable City Codes, the Licensee shall provide either a cash deposit into a suitable interest-bearing account, established by the City, or a domestic irrevocable standby letter of credit, in the sum of not less than Fifty Thousand Dollars (\$50,000.00) as security for the faithful performance by it of all the provisions of this License, and compliance with all orders, permits and directions of any agency of the City having jurisdiction over its acts or defaults under the License issued pursuant thereto, and the payment by the Licensee of any claims, liens and taxes due the City which arise by reason of the construction, operation or maintenance of the Fiber Optic Cable (the "security fund"). City shall have the full power of withdrawal of funds from the account or letter of credit except that all interest accrued shall be payable to the Licensee on demand. No withdrawals shall be made from the security fund without the prior written approval of the City Engineer and ten (10) days' prior written notice of intent to withdraw to Verizon.

21.2 Within twenty (20) days after notice to Verizon that any amount has been withdrawn by City from the security fund, Verizon shall deposit a sum of money or present to the City an additional irrevocable letter of credit sufficient to restore such security fund account to the original amount.

21.3 If Verizon fails, within ten (10) business days of a notice of intent to draw on the security fund, to either dispute the notice in writing; or pay City any taxes or fees due and unpaid; or fails to repay to City, within such ten (10) business days of such notice, any damages, costs or expenses which City shall be compelled to pay by reason of any act or default of Verizon in connection with this Agreement; or fails, within thirty (30) days of such notice of failure by City to dispute the notice in writing, or comply with any provision of this Agreement which City reasonably determines can be remedied by an expenditure of funds from the security fund, City may immediately withdraw the amount thereof from the security fund. Upon such withdrawal, City shall notify Verizon of the amounts and date thereof.

21.4 The rights reserved to City, with respect to the security fund, are in addition to all other rights of City whether reserved by this Agreement or authorized by law, and no action, proceeding or exercise of a right with respect to such security fund shall affect any other right City may have.

21.5 Verizon shall be entitled to the return of such security fund, or portion thereof, as remains on deposit at the expiration of the term of the License or upon termination of the License at an earlier date, provided that there is then no outstanding default on the part of the Licensee. Any funds that the City erroneously or wrongfully withdraws shall be returned to Licensee, within thirty (30) business days of such a determination.

SECTION 22. Insurance

22.1 Limits of Insurance. Verizon shall at all times during the term of this Agreement, at its own cost and expense, carry and maintain commercial general liability insurance against claims for bodily injury (including death) or property damage, products/completed operations and personal and advertising injury, which insurance shall cover claims as may be occasioned by the operations, act, omission or negligence of Verizon or its officers, agents, representatives, or employees during all times that this License and Agreement is in effect. Limits may be attained by a combination of primary and umbrella liability coverage. Verizon shall maintain limits no less than those stated herein for each type of insurance.

22.2 General Requirements. Verizon's insurance of the types and amounts required in this Section shall be from companies possessing a current A.M. Best, Inc. rating of A-VII, or better and legally authorized or permitted to do business in the State of Arizona.

22.2.1 All insurance required herein shall be maintained in full force and effect until all work or services required to be performed under the terms of this Agreement is satisfactorily completed and formally accepted. Failure to do so may, at the sole discretion of City, constitute a material breach of this Agreement and may result in termination of this Agreement.

22.2.2 The insurance coverage, except workers' compensation and employer's liability, and professional liability, required by this Agreement, shall include City, its agents, representatives, directors, officials, and employees, as additional insureds as their interest may appear, and shall specify that insurance afforded Verizon shall be primary insurance, and that any self-insured retention and/or insurance coverage carried by City or its employees shall not contribute to the coverages provided by Verizon. This provision and the inclusion of the City as an additional insured shall not be construed as giving rise to responsibility or liability of the City for applicable deductible amounts under such policy(ies).

22.2.3 The insurance policies shall contain a waiver of transfer rights of recovery (subrogation) for workers' compensation against City, its representatives, officers, directors, officials and employees for any claims arising out of Verizon's acts, errors, mistakes, omissions, work or service.

22.2.4 The insurance policies may provide coverage, which contain deductibles or self-insured retentions. Such deductible and/or self-insured retention shall be assumed by and be for the account of, and at the sole risk of Verizon who shall be solely responsible for the deductible and/or self-insured retention.

22.2.5 Upon receipt of notice from its insurer(s) Verizon shall use commercially reasonable efforts to provide the City with thirty (30) days' prior written notice of cancelation of any policy required herein.

22.2.6 Verizon shall furnish separate certificates and additional insured endorsements for each Contractor. All coverages for Contractors shall be subject to the same limits as required for Verizon.

22.2.7 City reserves the right to periodically review said insurance limits to ensure coverage is based on market and risk requirements throughout the effective term of this Agreement.

22.3 Proof of Insurance-Certificates of Insurance.

22.1.1. Upon execution of this Agreement, Verizon shall furnish to City Certificates of Insurance issued by Verizon's agent or broker, as evidence that policies providing the required coverages, conditions and limits required by this Agreement are in full force and effect and obtain from the City's Risk Management Division approval of such Certificates. Such certificate(s) shall include the blanket additional insured endorsement including the City as an Additional Insured pursuant to Section 22.2.2 and shall be attached as Exhibit B to this Agreement.

22.1.2. If a policy does expire during the life of this Agreement, a renewal certificate must be sent to the City ten (10) business days prior to the expiration date.

22.1.3. All Certificates of Insurance shall identify the policies in effect on behalf of Verizon, their policy period(s), and limits of liability required herein. Coverage shown on the Certificate of Insurance must coincide with the requirements in this Agreement. Information required to be on the Certificate of Insurance may be typed on the reverse of the Certificate and countersigned by an authorized representative of the insurance carrier or agent. Copies of the initial Certificate of Insurance and any and all subsequent renewals that are required under this Agreement shall be sent to:

City of Surprise
Attn: Risk Manager
16000 N. Civic Center Plaza, 2nd Fl.
Surprise, AZ 85374

with copy to:
City of Surprise
Attn: City Engineer
16000 N. Civic Center Plaza, 2nd Fl.
Surprise, AZ 85374

22.1.4. City reserves the right to review, within at least ten (10) business days, certified copies of any or all of the herein required insurance policies and/or endorsements. Such policies shall be made available for review in Maricopa County Arizona. City shall not be obligated, however, to review same or to advise Verizon of any deficiencies in such policies and endorsements, and such receipt shall not relieve Verizon from, or be deemed a waiver of City's right to insist on, strict fulfillment of Verizon's obligations under this Agreement.

22.4 Required Coverage.

22.4.1 Such insurance shall protect Verizon from claims set forth below that may arise out of or result from the operations of Verizon under this Agreement and for which Verizon may be legally liable, whether such operations be by Verizon or by anyone directly employed by Verizon. Coverage under the policy will be at least as broad as ISO forms or equivalent thereof, including but not limited to severability of interest and

waiver of subrogation clauses. Claims for damages because of bodily injury, sickness or disease, or death of any person other than the Verizon's employees;

22.4.2 Claims for damages insured by usual personal and advertising injury liability coverage;

22.4.3 Claims for damages because of injury to or destruction of tangible property, including loss of use resulting therefrom;

22.4.4 Claims involving contractual liability applicable to Verizon's obligations under the Indemnification Agreement.

22.5 Commercial General Liability - Minimum Coverage Limits.

The Commercial General Liability insurance required herein shall be written in the amount of \$2,000,000 limits per occurrence and \$5,000,000 general aggregate in coverage will be acceptable. The Commercial General Liability additional insured endorsement shall be as broad as the ISO Additional Insured form, and shall include coverage for Verizon's completed operations and products.

22.6 Worker's Compensation and Employer's Liability.

Verizon shall maintain Worker's Compensation insurance in compliance with the statutory requirements of the state(s) of operation and Employer's Liability insurance with a limit of \$1 million for each accident, \$1 million disease coverage for each employee, and \$1 million disease policy limit.

22.7 Automobile Liability.

If Verizon owns and/or operates vehicles in Arizona, Verizon shall maintain Commercial Automobile Liability insurance with a combined single limit for bodily injury and property damage of \$1 million each accident covering all owned, hired, and non-owned vehicles assigned to or used in performance of Verizon's work. Any combination between automobile liability and excess/umbrella liability amounting to a minimum of \$5 million per occurrence in coverage will be acceptable. Coverage shall be at least as broad as ISO policy form or equivalent.

SECTION 23. Indemnity.

23.1 Verizon acknowledges that it has liability for any and all of its Fiber Optic Cable installed in the public ROW, its use of the ROW and for its exercise of its rights under this License directly or through its Contractor(s), except for the intentional acts or negligence on the part of the City or its agents. To the fullest extent permitted by law, Verizon, shall defend, indemnify and hold harmless the City, or its officials, boards, commissions, agents or employees, individually and collectively, from and against any and all losses, claims, damages, suits, actions, payments, judgments, demands, expenses and costs, including but not limited to, reasonable attorney's fees incurred through all appeals ("Claims") arising out of or alleged to have resulted from or materially related to the acts, errors, mistakes, or omissions of Verizon, its employees, representatives, or any tier of Contractors or any other person for whose acts, errors, mistakes, and/or omissions Verizon may be legally liable. This defense and indemnification requirement includes any Claims or amounts arising or recovered under worker's compensation laws or any other law, bylaw, or ordinance, order or decree related to any failure on the part of Verizon, its agents, employees or representatives to fulfill Verizon's obligations under this Agreement, whether resolution of the above Claim(s) proceeds to judgment or not. The

provisions of this Section shall survive termination of this Agreement. This Section applies even if the party seeking damages makes a claim against the City or brings a claim against the City based on vicarious liability or non-delegable duty.

23.2 In the event that a notice of claim is served on the City or litigation is commenced against the City, the City must tender the defense of the litigation to Verizon, who shall defend the litigation. Verizon shall have the right to retain counsel of its own choice, to settle all or any part of the litigation on terms acceptable to Verizon (and, where such terms directly obligate or affect the City, acceptable to the City). Verizon must consult with the City while conducting its defense of the City and must keep the Surprise City Attorney's Office informed of the status and progress of all litigation involving the City that has been tendered to Verizon or its insurance carrier.

23.2.1 The parties shall promptly notify each other in writing of any claims, demands, or lawsuits which may involve the City and provide copies of all accident reports, incident reports, statements or other documents that are relevant to the claims, demands or lawsuits or which may lead to the discovery of relevant materials or information, in the possession of the other party, its employees, representatives, Contractors, and/or others.

23.2.2 Subject to any privilege and/or confidentiality legal protections, both parties agree to make their employees, representatives, and Contractors available to the other party to gather any relevant information relating to an incident from which any claim, demand, or lawsuit arises.

23.3 It is the purpose of this Section to provide maximum indemnification to the City under the terms and conditions expressed and, in the event of a dispute, this Section shall be construed (to the greatest extent permitted by law) to provide for the indemnification of the City by Verizon against any and all claims, demands or lawsuits. The sole exception shall be an express determination by a court of competent jurisdiction upon full adjudication of the case that the damages arose either from City's sole negligence or intentional acts or that the City was comparatively at fault for the damages. Only in this event may Verizon then commence an action against the City for damages related to that portion judicially determined to be City's fault.

23.4 The provisions of this Section 23 shall not be dependent or conditioned upon the validity of this License, but shall be and remain a binding right and obligation of the City and Verizon, even if part or all of this License is declared null and void in a legal or administrative proceeding. It is the intent of Verizon and the City upon the effective date of this License, that this Section serves as any such declaration and shall be a binding obligation of and inure to the benefit of Verizon and the City and their respective successors and assigns, if any. Any failure by Verizon shall be considered a material breach of this License and Agreement.

23.5 The amount and type of insurance coverage requirements set forth in this Agreement will in no way be construed as limiting the scope of the indemnity in this Section.

23.6 As a condition to City's executing this Agreement, Verizon specifically agrees that to the extent any provision of this Section is not fully enforceable against Verizon for any reason whatsoever, this Section shall be deemed automatically reformed to the minimal extent necessary to cause it to be enforceable to the fullest extent permitted by law.

SECTION 24. Limitation of Liability

24.1 The City and its officers, agents, elected or appointed officials, employees, departments, boards and commissions, shall not be liable to Verizon or to its affiliates or customers for any interference with or disruption in the operations of Verizon's Fiber Optic Cable or the provision of services, or for any damages arising out of or materially related to Verizon's use of the ROW, except to the extent of intentional misconduct or gross negligence on the part of the City its officers, agents, elected or appointed officials, employees, departments, boards and commissions.

24.2 Verizon also agrees that it shall have no recourse whatsoever against the City or its officials, boards, commissions, agents or employees for any loss, costs, expense or damages arising out of or materially related to any provision or requirement of the City because of the enforcement of this License.

24.3 Verizon shall assume the risk of, and hereby relinquishes any claim against the City in connection with any final, non-appealable determination by a court of competent jurisdiction that the City lacked the current statutory authority under Arizona law to issue this License.

SECTION 25. Transferability of License and Agreement

25.1 This License is personal to Verizon.

25.2 This License is personal to Verizon and therefore the rights, privileges and License granted herein shall not be sold, sublet, assigned, conveyed or otherwise transferred, nor shall any of the rights or privileges herein granted or authorized be leased, assigned, sold, conveyed or otherwise transferred, either in whole or in part, nor shall title thereto, either legal or equitable, or any right, interest or property therein, pass to or vest in any person, except Verizon, either by act of Verizon or operation of law, without the express written consent of the City, which consent shall not be unreasonably withheld or delayed. Prior to any proposed transfer of any kind becoming final, Verizon shall seek the consent of the City to the proposed transfer. Approval by the City to a transfer does not constitute a waiver or release of any of the rights of the City under the Surprise City Code or this Agreement, whether arising before or after the date of transfer.

25.3 The assignee or transferee as approved by the City shall be equally subject to all the obligations and privileges of this License, including any amendments, which will remain in full effect, as if the assignee or transferee were the original Licensee.

25.4 Nothing in this Section shall be deemed to prohibit a pledge or, hypothecation or mortgage or similar instrument transferring conditional ownership of all or part of the Licensee's assets to a lender or creditor in the ordinary course of business. In the event a lender assumes control of the assets and operation of the Licensee through a default of the Licensee in loan obligations, the lender may assume the rights and obligations of the Licensee. The lender may not transfer or change control of the License without submitting the change to the City for consent under this Section. If the lender does continue operation on any basis at any time, it shall be subject to all provisions of the License. No later than three years after assumption of control by the lender, the lender shall apply to the City for the right to continue assumption of control or to transfer the License. Application by the lender for approval of such assumption of control or transfer shall be subject to all provisions set forth herein on consent by the City Council and approval shall not be unreasonably denied or delayed. A "lender" as discussed herein does not include a company, person or corporation or other entity that operates cable television systems or telecommunications systems as a principal or important business. This section is intended to prohibit the intentional use of lending and/or foreclosure as a method for effecting change of control or transfer of the License without City Council review and approval.

25.5 Any transfer without City's consent shall be void and shall not result in the transferee obtaining any rights or interests in, under or related to this License and Agreement. City may, in its sole discretion and in addition to all other lawful remedies available to City under this Agreement or otherwise, and in any combination, terminate this Agreement, collect any fees owed from Verizon and/or declare the transfer to be void, all without prejudicing any other right or remedy of City under this Agreement. No cure or grace periods shall apply to transfers or assignments prohibited by this Agreement or to enforcement of any provision of this Agreement against an assignee who did not receive City's consent.

SECTION 26. No Third Party Beneficiaries

26.1 No person or entity shall be a third party beneficiary to this Agreement or shall have any right or cause of action hereunder. City shall have no liability to third parties for any approval of plans, Verizon's construction of improvements, Verizon's negligence, Verizon's failure to comply with the provisions of this Agreement (including any absence or inadequacy of insurance required to be carried by Verizon), or otherwise as a result of the existence of this Agreement.

SECTION 27. Penalties for Violation of Terms

27.1 City may pursue any remedy at law, including but not limited to injunctive relief, civil trespass, and withholding other City permits and authorizations until Verizon complies with the terms of this License, this Agreement or the applicable law.

27.2 Such remedies are cumulative and may be pursued in the alternative.

SECTION 28. Revocation/Termination

28.1. The License granted hereunder may be revoked and/or terminated prior to its date of expiration by the City for the following reasons:

28.1.1. Verizon fails to comply with the material terms and conditions of this Agreement or applicable law, including but not limited to failing to maintain any insurance, security fund, and/or performance bond and fails to correct the same after notice and opportunity to cure.

28.1.2. Verizon fails to make payments in the amounts and at the time specified in this Agreement after the appropriate notice.

28.1.3. Verizon ceases doing business in the City.

28.1.4. Verizon fails to provide current, accurate as-built plans and maps showing the location of all Fiber Optic Facilities installed or constructed in the City.

28.1.5. Verizon is or becomes insolvent or is a party to a voluntary or involuntary bankruptcy, reorganization, or receivership case or proceeding, makes an assignment for the benefit of creditors, is subject to other actions by creditors that, in the reasonable, good faith opinion of the City, threaten the financial viability of Verizon as a going concern, or if there is any similar action that affects Verizon's capability to perform its obligations under this License and/or Agreement.

28.1.6. Verizon fails to obtain or maintain any licenses, permits, or other governmental approvals pertaining to the ROW or timely pay any taxes pertaining to the ROW.

28.1.7. A court has issued an injunction that in any way prevents or restrains Verizon's use of any portion of the ROW and remains in force for a period of at least thirty (30) consecutive days.

28.1.8. Verizon is unable to use any substantial portion of the ROW for a period of thirty (30) consecutive days due to the enactment or enforcement of any law or regulation or because of fire, flood, or other natural disaster or similar casualty.

28.2. Before terminating this Agreement under Sections 28.1.1, 28.1.2, 28.1.4, and 28.1.6, the City Manager or a designee, shall give prior written notice to Verizon of the defect in performance and give Verizon sixty (60) days within which to cure the defect in performance.

28.3. The City need not provide a sixty (60) day cure period prior to termination if the City finds that the defect in performance under this Agreement is due to intentional misconduct, is a violation of criminal law, or is a part of a pattern of repeated and persistent violations where Verizon has already had notice and opportunity to cure.

28.4. The City Manager has the authority to terminate, subject to Verizon's right to notice and cure where provided, this License and/or Agreement.

28.5. This License may be terminated prior to its date of expiration by Verizon by providing the City with ninety (90) days' written notice and only upon making arrangements satisfactory with the City Engineer to remove all Verizon's above ground Facilities from public property and the ROW, unless the City Engineer agrees in writing to allow Verizon to abandon part or all of its Facilities in place. If the City Engineer agrees to allow Verizon to abandon its Facilities in place, the ownership of such Facilities, including everything permitted by City to be abandoned in place, shall transfer to City and Verizon shall cooperate to execute any documents necessary to accomplish such transfer within thirty (30) days of such allowance of abandonment.

SECTION 29. Liquidated Damages

29.1 Verizon's obligation to pay liquidated damages does not in any way detract from Verizon's indemnity and insurance obligations under this Agreement, which shall apply according to their terms in addition to Verizon's obligation to pay liquidated damages.

29.2 Verizon understands and agrees that failure to comply with any time and performance requirements in this License will result in damage to the City, and that it is and will be impracticable to determine the actual amount of such damages in the event of delay or nonperformance; therefore Parties hereby agree to the liquidated damages will accrue in the amount of Five Hundred Dollars (\$500.00) per day beginning on the tenth (10th) day after written notice of a violation and continuing until the breach has been cured. Liquidated damages specified herein may be chargeable to the security fund.

SECTION 30. Cancellation for Conflict of Interest

30.1 Pursuant to A.R.S. § 38-511, City may cancel this Agreement within three (3) years after Agreement execution without penalty or further obligation if any person significantly involved in initiating, negotiating, securing, drafting or creating this Agreement on behalf of City is or becomes at any time while this Agreement or an extension of this Agreement is in effect an employee of or a consultant to Verizon with respect to the subject matter of this Agreement. The cancellation shall be effective when Verizon receives written notice of the cancellation, unless the notice specifies a later time.

SECTION 31. Notice

31.1 All notices, which shall or may be given pursuant to this Agreement, shall be in writing and transmitted through the U.S. certified or registered mail, postage prepaid, by means of prepaid private delivery systems, or by facsimile transmission showing a valid delivery receipt if a hard copy of the same is followed by delivery through the U.S. mail or by private delivery systems, addressed as follows:

City of Surprise:

City of Surprise
City Engineer
16000 N. Civic Center
Plaza Surprise, AZ 85374
Phone: (623) 222-6150
Fax: (623) 222-6001

With copy to:

City of Surprise
City Attorney
16000 N. Civic Center
Plaza Surprise, AZ 85374
Phone: (623) 222-1120
Fax: (623)-222-1101

Verizon:

MCImetro Access Transmission
Services Corp.
600 Hidden Ridge Dr.
HQE02E102
Irving, TX 75038
Phone: (469) 262-7369

With copy to:

MCImetro Access Transmission
Services Corp.
1320 N. Courthouse Rd., 9th Floor
Arlington, VA 22201
ATTN: Network Counsel
Fax: +703-351-3670
Email: timothy.vogel@verizon.com

31.2 Notices shall be deemed sufficiently given and served upon the other party if delivered by facsimile transmission (provided with respect to facsimile that such transmissions are received on a business day during normal business hours), the first business day after deposit if sent by private delivery systems and the fifth business day after deposit in U.S. Mail.

31.3 Either party may from time to time designate any other address for this purpose by written notice to the other party in the manner set forth above.

31.4 Verizon shall notify the City within ten (10) business days of any change in mailing address.

SECTION 32. Governing Law

32.1 It is mutually understood and agreed that this Agreement shall be governed by the laws of the State of Arizona, both as to interpretation and performance, without giving effect to its principles of conflicts of laws. Any action at law, suit in equity, or judicial proceeding for the enforcement of this Agreement or any provision thereof shall be instituted only in the federal or state courts located within or within the jurisdiction of Maricopa County, Arizona.

SECTION 33. Partial Invalidity/Permit

33.1 If any section, paragraph, subdivision, clause, phrase or provision of this Agreement shall be adjudged invalid or unenforceable, or is preempted by federal or state laws or regulations, the same shall not affect the validity of this Agreement as a whole or any part of the provisions of this Agreement other than the part adjudged to be invalid, unenforceable or preempted.

33.2 Parties agree if a regulatory body or a court of competent jurisdiction should determine by a final, non-appealable order that the City did not have the authority to issue a License to Licensee under A.R.S. § 9-581 to § 9-583, as amended or succeeded, then this License shall be considered a revocable permit with a mutual right in either party to terminate without cause upon giving sixty (60) days written notice to the other. The requirements and conditions of such revocable permit shall be the same requirements and conditions as set forth in this License except for conditions relating to the term of the License and the right of termination. If this License shall be considered a revocable permit as provided herein, Verizon acknowledges the authority of the City Council to issue a revocable permit and the power to revoke as provided therein.

SECTION 34. No Warranty

34.1 The issuance of a license, permit or other authorization by the City is not a representation or warranty that such license, permit, or authorization is a legally sufficient substitute for a franchise, and is not a representation of warranty that a franchise is not required.

34.2 VERIZON ACKNOWLEDGES AND AGREES THAT CITY DOES NOT WARRANT THE CONDITION OR SAFETY OF ITS ROW OR THE PREMISES SURROUNDING THE SAME, AND Verizon HEREBY ASSUMES ALL RISKS OF ANY DAMAGE, INJURY OR LOSS OF ANY NATURE WHATSOEVER CAUSED BY OR IN CONNECTION WITH THE USE OF ANY CITY ROW SUBJECT TO THE PROVISIONS OF THIS AGREEMENT.

SECTION 35. Non-Waiver

35.1 Verizon shall not be excused from complying with any of the terms and conditions of this Agreement by any failure of City upon any one or more occasions to insist upon or to seek compliance with any such terms or conditions.

SECTION 36. Remedies Not Exclusive

36.1 The remedies set forth in this License and Agreement are not exclusive. Election of one remedy, including assessment of liquidated damages, does not preclude the use of other remedies.

SECTION 37. Force Majeure

37.1 With respect to any provision of this Agreement, the violation or non-compliance of which could result in the imposition of a financial penalty, liquidated damages, forfeiture or other sanction upon Verizon, such violation or non-compliance shall be excused where such violation or non-compliance is the result of acts of God, war, terrorist attack, civil disturbance, strike or other labor unrest, or other events, the occurrence of which was not reasonably foreseeable by Verizon and is beyond its reasonable control.

SECTION 38. Survival of Liability

38.1 All obligations of Verizon and City hereunder and all warranties and indemnities of Verizon hereunder shall survive termination of this Agreement.

SECTION 39. Complete Agreement

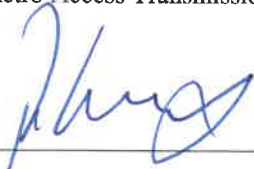
39.1 This Agreement, including any Exhibits which are attached, are hereby incorporated into this Agreement and all of which constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes any and all prior or contemporaneous agreements whether written or oral. This Agreement cannot be modified or amended except in writing signed by both parties.

This Agreement executed this _____ day of _____, 2018.

City of Surprise
Arizona municipal corporation

MCImetro Access Transmission Services Corp.

By: _____
Sharon Wolcott, Mayor

By:  _____

ATTEST:

Title: Exec-Director Network Engineering

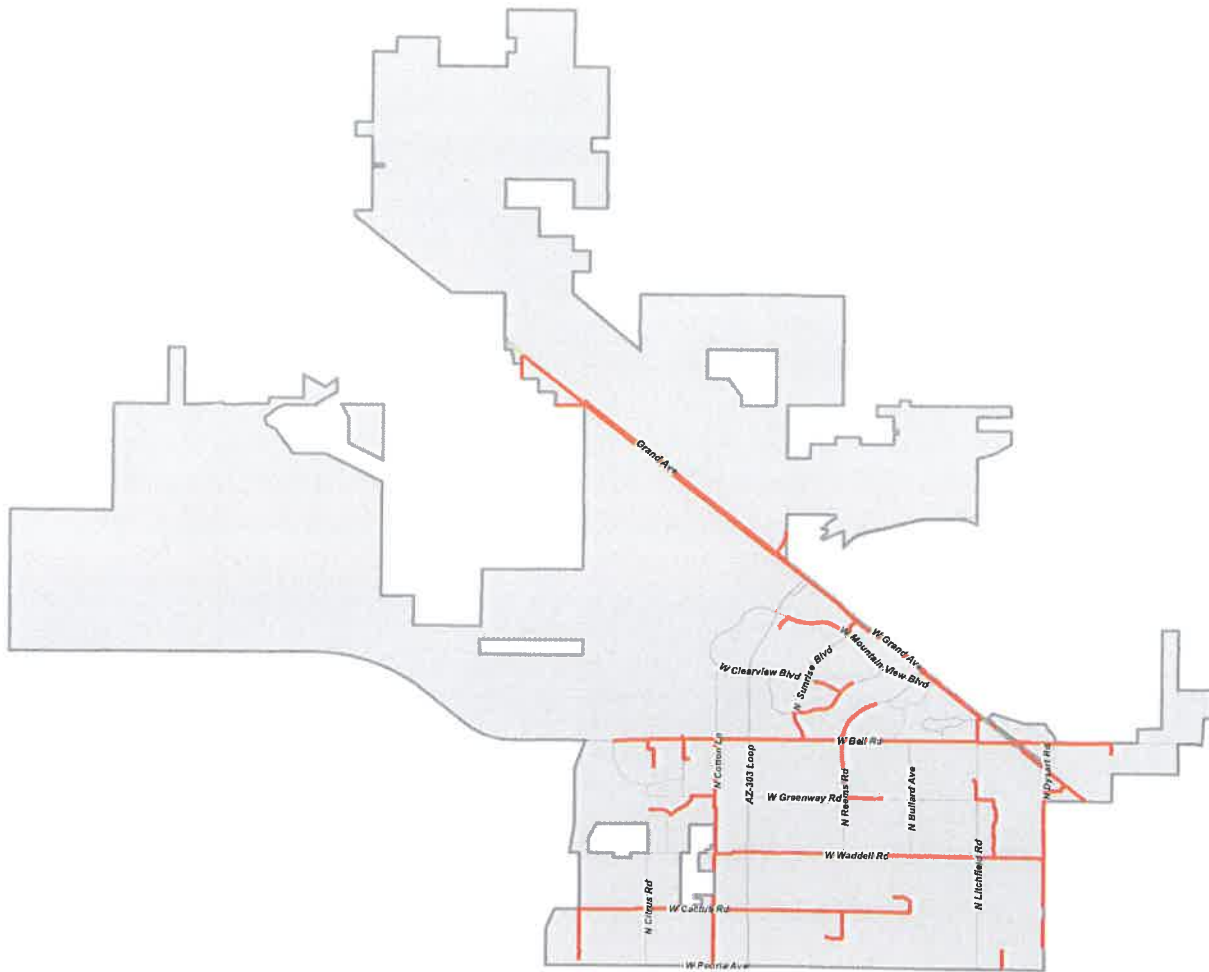
By: _____
Sherry Aguilar, City Clerk

APPROVED AS TO FORM:

City Attorney's Office

Exhibit A – Route Map within Surprise

Exhibit B – Insurance Certificate



Not shown above are laterals to be determined off backbone cables to serve business customers along the routes.

Data Source: VZB
Projection: GCS_WGS_1984
Map Created: 12/05/2017
Map Created By: Andres McDonnell



C:\ArcGIS\Data\Site Builds\Phoenix AZ Build\MXD\Surprise\Proposed Fiber 12 04 2011.mxd



CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)
01/25/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Aon Risk Services Northeast, Inc. New York NY Office 199 Water Street New York NY 10038-3551 USA		CONTACT NAME: PHONE (A/C. No. Ext): (866) 283-7122 FAX (A/C. No.): (800) 363-0105 E-MAIL ADDRESS:	
		INSURER(S) AFFORDING COVERAGE	
		NAIC #	
INSURED MCImetro Access Transmission Services Corp. 1095 Avenue of the Americas New York NY 10036 USA		INSURER A: National Union Fire Ins Co of Pittsburgh 19445 INSURER B: New Hampshire Insurance Company 23841 INSURER C: American Home Assurance Co. 19380 INSURER D: Illinois National Insurance Co 23817 INSURER E: INSURER F:	

COVERAGES**CERTIFICATE NUMBER: 570070058543****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

Limits shown are as requested

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ GL Includes X, C, U GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:			GL5196564	06/30/2017	06/30/2018	EACH OCCURRENCE \$5,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$5,000,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$5,000,000 GENERAL AGGREGATE \$5,000,000 PRODUCTS - COMP/OP AGG \$5,000,000
A	AUTOMOBILE LIABILITY ☒ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY			CA 286-73-91 AOS CA 286-73-92 MA CA 286-73-93 VA	06/30/2017	06/30/2018	COMBINED SINGLE LIMIT (Ea accident) \$5,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION ☐						EACH OCCURRENCE AGGREGATE
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☒ N	N/A	WC063724385 AOS WC063724388 MN	06/30/2017	06/30/2018	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE-EA EMPLOYEE \$1,000,000 E.L. DISEASE-POLICY LIMIT \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Named Insured includes: MCImetro Access Transmission Services Corp. dba Verizon Access Transmission Services. City of Surprise, its agents, representatives, directors, officials and employees are included as Additional Insured with respect to the General Liability and Automobile Liability policies. The General Liability and Automobile Liability policies shall apply as Primary and Non-Contributory Insurance to each Additional Insured listed herein. Where permitted by law, the Named Insured parties listed herein waive all rights against the City of Surprise, its agents, representatives, directors, officials and employees listed herein for recovery of damages to the extent these damages are covered by the General Liability, Automobile Liability and Workers' Compensation policies referenced herein and, as further limited by written contract between the parties.

CERTIFICATE HOLDER**CANCELLATION**

City of Surprise Attn: Risk Manager 16000 N. Civic Center Plaza, 2nd Floor Surprise AZ 85374 USA	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Aon Risk Services Northeast Inc.</i>

Holder Identifier :

Certificate No : 570070058543



ADDITIONAL REMARKS SCHEDULE

Page _ of _

AGENCY Aon Risk Services Northeast, Inc.		NAMED INSURED MCImetro Access Transmission	
POLICY NUMBER See Certificate Number: 570070058543			
CARRIER See Certificate Number: 570070058543	NAIC CODE	EFFECTIVE DATE:	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER	
INSURER	
INSURER	
INSURER	

ADDITIONAL POLICIES If a policy below does not include limit information, refer to the corresponding policy on the ACORD certificate form for policy limits.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
	WORKERS COMPENSATION						
C		N/A		WC063724384 CA	06/30/2017	06/30/2018	
D		N/A		WC063724386 FL	06/30/2017	06/30/2018	
B		N/A		WC063724387 ME	06/30/2017	06/30/2018	
B		N/A		WC063724383 NJ, NY, TX, VA	06/30/2017	06/30/2018	
B		N/A		WC063724389 MA, ND, OH, WA, WI, WY	06/30/2017	06/30/2018	

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):
Any person or organization whom you become obligated to include as an additional insured as a result of any contract or agreement you have entered into.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II - Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured

is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to Section III - Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
 2. Available under the applicable Limits of Insurance shown in the Declarations;
- whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.



CITY OF SURPRISE
Regular City Council Meeting

March 6, 2018 @ 6:00:00 PM

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

Council Meeting Date: March 6, 2018
Submitting Department: Finance Dept
Staff Recommendations: None

Contact Person: Lindsey Duncan, Finance Dept.
District: Citywide

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to amending the FY2018 budget for the Impact Fee Study Project, #A15010, by reallocating appropriations for various development impact fee funds and adjusting budget authority pertaining to same; Resolution #2018-34.

Motion:

I move to approve Resolution #2018-34

Background:

The Development Impact Fee (DIF) update study is in the process of being completed.

The City of Surprise collects development impact fees to serve future development. With the adoption of Arizona Revised Statutes (ARS) 9-463-05 in 2011, which took effect in 2014, additional impact fee funds were created to house the fees collected based on the new legislative requirements. As part of the legislative requirements, the Impact Fee Study needs to be updated every 5 years. The city has an Impact Fee Study Project, #A15010, budgeted that includes Development Impact Fees funds that can no longer be utilized to fund the cost of the study. This action adjusts the allocations among the appropriate development impact fee funds.

Objective Analysis:

The original appropriated budget was allocated to funds that cannot be used to pay for the study, a budget amendment is necessary to re-appropriate the budget to align with the correct funding source.

Policy Compliant:

City Council approval is required for budget amendments across funds, CIP projects, and grants per the Budget Amendment Policies and Procedures.

Financial Impact:

The contracted amount for the Development Impact Fee Study Update is \$163,040. The Development Impact Fees schedule will be audited every two years and is required to be updated every five years.

Budget Impact:

Funding for the DIF study update was budgeted in various funds within the Impact Fee Study Project #A15010 in the amount of \$250,000. Approval of this item will result in a budget amendment to both adjust the FY2018 carry forward and align the budget with the appropriate funding sources. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority.

FTE Impact:

There is no impact on the current FTE count associated with this item.

ATTACHMENTS:

Click to download

☐ [Resolution #2018-34](#)

RESOLUTION # 2018-34

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2018 BUDGET BY REALLOCATING APPROPRIATIONS BETWEEN VARIOUS FUNDS WITHIN THE IMPACT FEE STUDY PROJECT #A15010 TO ADJUST THE FY2018 CARRYFORWARD. ADDITIONALLY, THE FUNDING WITHIN THE PROJECT WILL BE REALLOCATED TO ALIGN THE BUDGET WITH THE APPROPRIATE FUNDING SOURCE FOR THE DEVELOPMENT IMPACT FEE UPDATE STUDY.

WHEREAS, the FY2018 adopted budget included funding for a development impact fee study;

WHEREAS, City Council approved Resolution #2017-151 to adjust the FY2018 project carryforward;

WHEREAS, an additional journal entry was completed after the approval of Resolution #2017-151 requiring an additional carryforward adjustment for the Impact Fee Study Project #A15010;

WHEREAS, the original appropriated budget was allocated to funds that cannot be used to pay for the study, a budget amendment is necessary to re-appropriate the budget to align with the correct funding source;

WHEREAS, an advance from the appropriate operating fund could be necessary;

WHEREAS, the FY2018 budget was adopted by Council Resolution #2017-64 on June 6, 2017;

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, 2017 through June 30, 2018.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2018.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2018-34
Exhibit A

1. Appropriation- The allocations below represent a reallocation of appropriations in various amounts from Development Impact Fee (DIF) fund contingency where available, or grant fund contingency if DIF fund contingency is not available, to the corresponding DIF fund within the Impact Fee Study Project #A15010. The amendment is necessary to:

- a. adjust the FY2018 carryforward
- b. align the budget with the appropriate funding source for the DIF study update. The overall project budget will be reduced at this time by \$2,500. However, the Water System, Water Resource, and Sewer SPA 1 and 2 DIF 2014 Law Funds will increase by \$2,900 each.

These allocations do not represent an actual transfer of funds, but only a transfer of spending authority.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Fire/EMS Dev Fee 2014 Law	General Operations	#A15010 Impact Fee Study	E	19,400	(2,600)	16,800
Fire/EMS Dev Fee 2014 Law	General Operations	Contingency	E	3,187,900	2,600	3,190,500
Park/Rec Dev Fee Grandfathered	General Operations	#A15010 Impact Fee Study	E	9,200	(9,200)	-
Park/Rec Dev Fee Grandfathered	General Operations	Contingency	E	733,200	9,200	742,400
Police Dev Fee Grandfathered	General Operations	#A15010 Impact Fee Study	E	9,200	(9,200)	-
Police Dev Fee Grandfathered	General Operations	Contingency	E	1,999,000	9,200	2,008,200
Wtr Sys SPA 1 Dev Fee 2014 Law	General Operations	#A15010 Impact Fee Study	E	19,300	(2,500)	16,800
Wtr Sys SPA 1 Dev Fee 2014 Law	General Operations	Contingency	E	499,100	2,500	501,600
Wtr Sys SPA 2 Dev Fee 2014 Law	General Operations	#A15010 Impact Fee Study	E	11,500	5,300	16,800
Grants	General Operations	Contingency	E	13,032,100	(5,300)	13,026,800
Wtr Res SPA 1 Dev Fee 2014 Law	General Operations	#A15010 Impact Fee Study	E	19,300	(2,500)	16,800
Wtr Res SPA 1 Dev Fee 2014 Law	General Operations	Contingency	E	833,500	2,500	836,000
Wtr Res SPA 2 Dev Fee 2014 Law	General Operations	#A15010 Impact Fee Study	E	11,500	5,300	16,800
Wtr Res SPA 2 Dev Fee 2014 Law	General Operations	Contingency	E	211,400	(5,300)	206,100
Sewer SPA 1 Dev Fee 2014 Law	General Operations	#A15010 Impact Fee Study	E	11,500	5,300	16,800
Sewer SPA 1 Dev Fee 2014 Law	General Operations	Contingency	E	43,300	(5,300)	38,000
Sewer SPA 2 Dev Fee 2014 Law	General Operations	#A15010 Impact Fee Study	E	11,500	5,300	16,800
Sewer SPA 2 Dev Fee 2014 Law	General Operations	Contingency	E	314,800	(5,300)	309,500
Expense Total				20,976,700	-	20,976,700
Revenue Total				-	-	-



CITY OF SURPRISE
Regular City Council Meeting

March 6, 2018 @ 6:00:00 PM

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

Council Meeting Date:	March 6, 2018	Contact Person:	Sherry Ann Aguilar, City Clerk
Submitting Department:		District:	2
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action to approve a liquor license request by John Warren Bossmann, Agent for Amuse Bouche located at 17058 W. Bell Road, Suite #104, Surprise, AZ. 85374 (New License/LLC - License #1207B298 - Restaurant).

Motion:

I move to approve a liquor license request by John Warren Bossmann, Agent for Amuse Bouche located at 17058 W. Bell Road, Suite #104, Surprise, AZ. 85374 (New License/LLC - License #1207B298 - Restaurant).

Background:

All departmental reports are attached and no concerns are noted.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

Click to download

☐ [Amuse Bouche Dept. Reports](#)



COMMUNITY DEVELOPMENT DEPARTMENT

Date: February 23, 2018

To: Sherry Aguilar, City Clerk

From: Eric Fitzer, Community Development Director
James Stewart, Zoning Specialist

Re: Liquor License Application for:

**Amuse Bouche
New License/LLC – 1207B298
17058 W. Bell Road, Suite 104
Surprise, Arizona 85374**

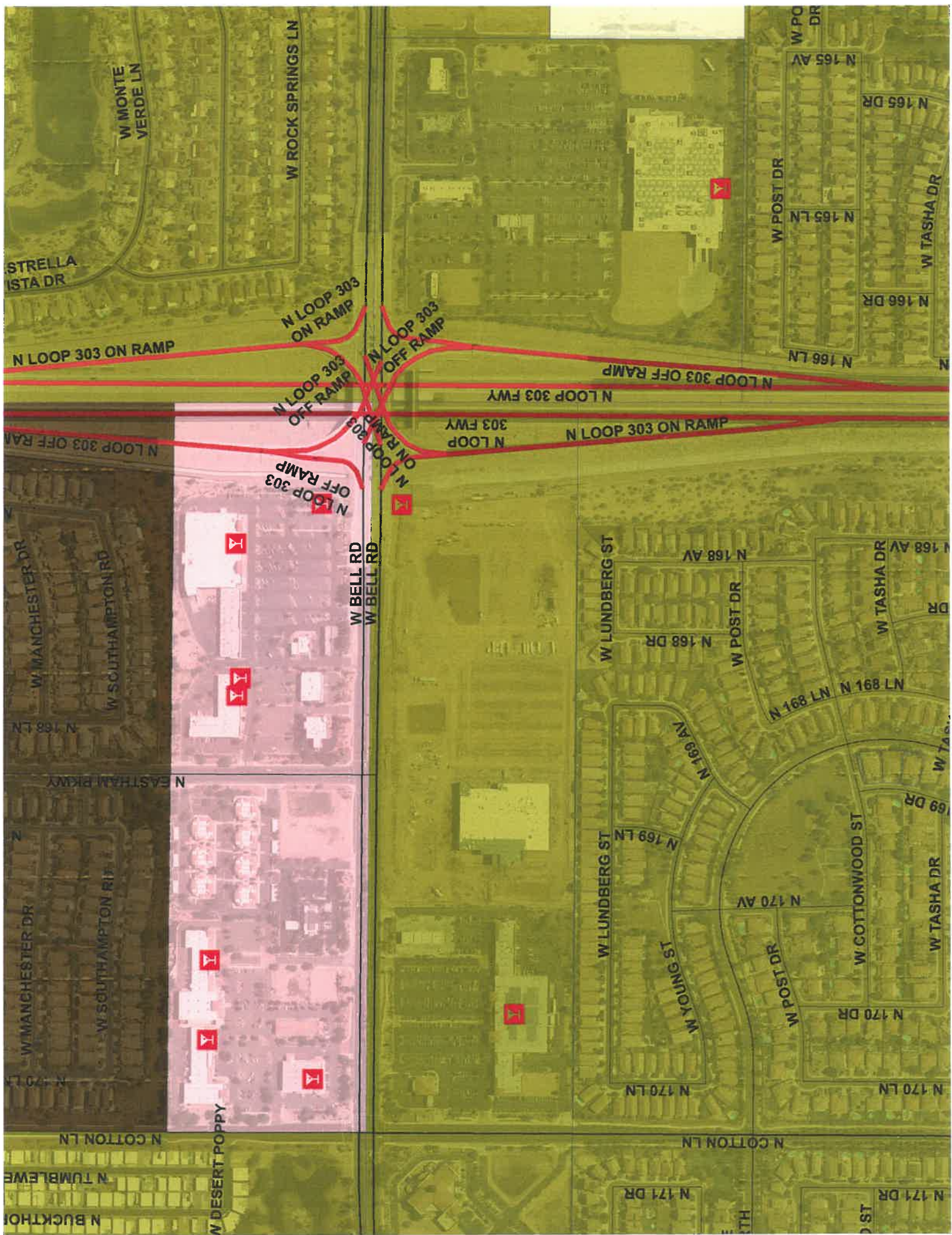
The number and series of licenses in close proximity to the subject site are:

1. Sam's Club #4955 (Series 9) – 16573 W. Bell Rd.
2. Peter Piper Pizza (Series 12) – 16641 W. Bell Rd. (EXPIRED)
3. Safeway Food & Drug #1997 (Series 9) – 17049 W. Bell Rd.
4. Walgreens #6806 (Series 10) – 17088 W. Bell Rd.
5. Rumor's Sports Bar (Series 6) – 16846 W. Bell Rd. #100
6. Golden Wei Chinese Cuisine (Series # 12) – 17104 W Bell Rd.
7. Eddie's European Bistro (Series 12) – 16846 W. Bell Rd. #109 (EXPIRED)
8. Coyote Alley (Series 6) – 16846 W. Bell Rd. #100 (EXPIRED)
9. Albertson's #1026 (Series 9) – 16750 W. Bell Rd.
10. Corner Store #1713 (Series 10) – 16794 W. Bell Rd.
11. Babbo Italian Eatery (Series 12) – 15609 W. Bell Rd.
12. Winco Foods #127 (Series 9) – 16925 W Bell Rd.

The immediate area is comprised of commercial establishments. The property is zoned CC, C-2 which is consistent with the proposed use.

Commercial and residential growth is expected to 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 22, 2018

To: Sherry Ann Aguilar, City Clerk

From: James Whitehead, Fire Inspector

Subject: Liquor License Application

Applicant: Amuse Bouche
17058 W Bell Rd Suite 104
Surprise, Arizona 85374

The Surprise Fire-Medical Department recently conducted a fire inspection at the above referenced location to ensure compliance with the applicable fire codes within the tenant space. There were minor fire code violations that will be corrected through the normal process. Fire has no comment on the application at this time.

If you have any questions feel free to contact me.

A handwritten signature in black ink, appearing to read "James Whitehead", is written over a horizontal line.

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



FINANCE DEPARTMENT
CITY OF SURPRISE

16000 N. CIVIC CENTER PLAZA
SURPRISE, AZ 85374

T. 623-222-1800

Date: 2/20/2018

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

RE: Liquor License Application – Amuse Bouche

Business License Status:

License #1021255, pending issuance of Certificate of Occupancy by Development Services.



CITY OF SURPRISE
Regular City Council Meeting

March 6, 2018 @ 6:00:00 PM

+ Back Print

Council Meeting Date:	March 6, 2018	Contact Person:	Sherry Ann Aguilar, City Clerk
Submitting Department:		District:	Citywide
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on the meeting minutes of February 20, 2018

Motion:

I move to approve the meeting minutes of February 20, 2018.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

Click to download

- ☐ [Work Session](#)
 - ☐ [Reg Mtg](#)
-

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

Tuesday, February 20, 2018 @ 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 20, 2018**. Also in attendance with Mayor Wolcott were Vice Mayor Remley, Council Member Winters, Council Member Hayden, Council Member Duffy, Council Member Tande, and Council Member Hall.

Staff City Manager, Bob Wingenroth, City Attorney, Robert Wingo, and City
Present: Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Call to the Public

Regular Agenda Item - Non-Public Hearing

1 – Discussion and presentation pertaining to the fiscal year 2019 budget with an overview on the HURF and Utility Enterprise Funds NO ACTION

Finance Director, Lindsey Duncan gave a powerpoint presentation regarding this item.

Holly Osborne, Asst. Finance Director also assisted with the presentation.

HURF and Utility Enterprise Funds, Solid Waste Operations Fund, Wastewater Operations Fund were reviewed in detail.

Council Member Hall - On HURF, how is Bell Road Lake associated with HURF?

Ms. Duncan - Supplies the water for the irrigation on Bell Road medians.

Regular City Council Work Session Minutes – February 20, 2018 – Page 2

Council Member Hall - What are other Cities doing on bulk of solid waste?

Ms. Duncan - Service on a quarterly basis, varies by City for service and rates. Plan to bring a comprehensive list to the Council through the budget process.

Council Member Hall - Wastewater, Capital and debt service is included, what does this mean?

Ms. Duncan - Referred back to the wastewater fund pie chart and transfers out page.

Council Member Hall - If we want to increase the impact fee, we have to justify this through a study, correct?

Ms. Osborn - Yes correct.

Vice Mayor Remley - Asked for clarification on the Solid Waste Fund Sources. Duncan - Relying on fund balance to pay for the one-time items.

Vice Mayor Remley - On the operating costs on the revenues we are getting, is it covering the costs of picking up the trash? Very close, 95 - 100% of ongoing revenues.

Council Member Duffy - Vehicle replacement, bought all at the same time? Is there a shelf life?

Ms. Duncan - With large growth of the City, we did have to buy a lot of vehicles at the same time. It is less than 10 years for most of the vehicles.

2 – Discussion and presentation pertaining to a City of Surprise Transit Feasibility Study and Implementation Plan - NO ACTION

City Planner, Martin Lucero gave an overview on City of Surprise Transit Feasibility Study and Implementation Plan.

HDR, INC., gave a transit overview which includes various types of transit for different communities such as light rail, local neighborhood circulators, Express/RAPID/Limited, mobility and transit centers and Park-and-Ride.

Mayor Wolcott thanked staff for bringing forward a great presentation. Asked staff to bring up the MAG RTP map that clearly shows that Surprise residents are underserved.

Regular City Council Work Session Minutes – February 20, 2018 – Page 3

Council Member Winters - So happy that this conversation is taking place and yes we are severely underserved. We need this connectivity to be able to leave our City, this is very important.

Vice Mayor Remley - This project we are really looking forward to this, and our residents ask about this all the time.

Council Member Hall - Long time overdue and we are glad you are involved. One thing I would like is what areas will be used for the sampling? How will you conduct the outreach?

Consultant - Hit as many points that we can on the map, OTS, south side of Surprise, trying to reach out to various areas of the City.

Council Member Hall - Will the link to the website be prominent on the City page?

Council Member Tande - Website and map, how long before they are available? Martin - Starting tomorrow the website will be available.

Council Member Tande - Would like a 3 minute introduction video that would explain what we are doing and what the goals are. Give an example of what Flagstaff does and would that work here as an example.

3 – Discussion and presentation pertaining to the DRAFT Arts and Culture Master Plan and announcing public outreach dates - NO ACTION

City Planner, Joshua Mike gave a powerpoint presentation regarding the DRAFT Arts and Culture Master Plan and announcing public outreach dates. Outreach Recap from June 2017 to October 2017.

Mayor Wolcott - Congratulated the Arts Commission on the 1st phases of the City Hall painting project. You have done some great work. This is a huge step that we are all taking.

Council Member Hall - We get elected by the residents of Surprise, they say use your best judgment and sometimes we fall in line. Why do we have these advisory commissions? I am not an artist, we need other people to advise us on tourism, planning and zoning, back to the Arts Commission. We have this commission to advise us on Art, we rely on them for input, and staff works for the Arts Commission, they are the people you rely on. I think what is happening with this plan, it's a good plan but I don't want you to get ahead of this commission, give them information they can give you advise on. The Council appoints the Commission because we rely on them for information.

Regular City Council Work Session Minutes – February 20, 2018 – Page 4

City Manager Wingenroth commented that message received loud and clear and thanked Josh for his hard work and passion on this project.

Council Member Duffy - I do like this master plan, the day Sierra Montana and Marley Park at 1:00 p.m., pretty much eliminates 90% of these communities. Can we do one meeting in the evening? This is a big deal, and I want to make sure everyone has an opportunity to attend.

Council Member Winters - Why did we not get a copy of the master plan? The Stakeholders received a copy but I was advised to keep it at a high level for now.

Council Member Tande - I am looking at the draft on line right now, I like what I see. I wouldn't want to hold up this draft, would like to work on a voluntary program for the businesses to bring in art as the medical building along Litchfield and Statler, this would need to be voluntary.

Mayor Wolcott - I agree this needs to be voluntary and I think the businesses are listening to what we are doing here in the City.

Susan deJong, this goes hand in hand with the policies and procedures.

Vice Mayor Remley - A portion of the construction tax is reserved for the Arts. I would like to request that you send the draft to the Council so we have an opportunity to review.

Adjournment

Council Member Hall made the motion to adjourn the Regular City Council Work Session of February 20, 2018 at 6:02 PM. Council Member Tande 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 20, 2018.**

Sherry Ann Aguilar, City Clerk

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

Tuesday, February 20, 2018 @ 06:24 PM

Call to Order

Roll Call

Mayor Wolcott called the **Regular City Council Meeting** to order at 06:24 p.m. at Surprise City Hall Council Chamber 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, February 20, 2018**. Also in attendance with Mayor Wolcott were Vice Mayor Remley, Council Member Winters, Council Member Hayden, Council Member Tande, Council Member Duffy, and Council Member Hall.

Staff Present: City Manager, Bob Wingenroth, City Attorney, Robert Wingo, and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Proclamation and Community Acknowledgements

Proclamation acknowledging Career and Technical Education Month.

Call to the Public

Trystan Randall- Kingswood Elementary Student spoke of the importance of reading.

City Manager Report

Surprise Youth Council: Elona Elija & Isabella De Fleger. Isabella's accomplishment - PSAT Test, 3.5 million students take this test. 99th percentile on this test.

Nicole Lance - Update on important transportation issue - Valley Metro service in Surprise. Met with executives and City staff focusing on solutions coming forward. To amend the current contract, productive conversation, focusing on next year for viable alternatives for Surprise. I don't have an outline for services but engaging in conversations and will bring back to Council when we have them.

City Attorney Report

City Clerk Report

The City Clerk will give an update on the CD8 Special Election.

Consent Agenda

1 – Consideration and action declaring the City's intention to create the, "City of Surprise, Arizona, SU-RNCHMRCD Para11" Street Light Improvement District pursuant to A.R.S. 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks for the Rancho Mercado Parcel A11; Resolution #2018-19 - APPROVED

2 – Consideration and action declaring the City's intention to create the, "City of Surprise, Arizona, SU-RNCHMRCD Para12" Street Light Improvement District, pursuant to A.R.S. 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks for the Rancho Mercado Parcel A12; Resolution #2018-20 - APPROVED

3 – Consideration and action pertaining to a FY2018 budget amendment by reallocating appropriations associated with the De-watering Centrifuge No. 1, #P71090 project in the amount of \$17,500; Resolution # 2018-23 - APPROVED

4 – Consideration and action pertaining to approval of the Map of Dedication entitled, "147th Avenue" dated August 24, 2017 within the Rancho Mercado PAD - APPROVED

5 – Consideration and action pertaining to approval of a Map of Dedication entitled, "Happy Valley Road Phase 1 (144th Drive to 145th Avenue) and 145th Avenue" dated August 10, 2017 for Happy Valley Road Phase 1 in Rancho Mercado - APPROVED

Council Member Winters - what does at risk mean?

Council Member Winters made the motion to approve Map of Dedication for Happy Valley Road Phase 1. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

6 – Consideration and action pertaining to approval of the Final Plat entitled, "Rancho Mercado Parcel A11" dated October 3, 2017 - APPROVED

7 – Consideration and action pertaining to approval of the Final Plat entitled, "Rancho Mercado Parcel A12" dated October 4, 2017 - APPROVED

8 – Consideration and action pertaining to approval of Amendment Number One to the Intergovernmental Agreement with Maricopa County for Workforce Development Services; Resolution #2018-26 - APPROVED

9 – Consideration and action pertaining to approval of Fiscal Year 2018 Capital and Operating List Items over \$50,000 by an additional \$7,300 for the inclusion of 457 compensation plan consulting services with health care consulting cost; Resolution #2018-28 - APPROVED

10 – Consideration and action on the minutes of the Special City Council Meeting of January 23, 2018 and the Regular City Council Work Session and Regular City Council Meeting of February 6, 2018 - APPROVED

Council Member Tande made the motion to approve the January 23, 2018 meeting minutes. Council Member Hall seconded the motion. Six yes votes, one abstained (Hayden), motion carried.

Council Member Tande made the motion to approve the January 23, 2018 meeting minutes. Council Member Duffy seconded the motion. Seven yes votes, motion carried.

11 – Consideration and action to accept the Arizona Department of Public Safety Victims of Crime Act (VOCA) Victim's Assistance Grant in the amount of \$368, 286 and amending the FY2018 budget by reallocating appropriations of \$5,900 within the General Fund for personnel services and \$368,900 within Grants Contingency; Resolution #2018-21 - APPROVED

12 – Consideration and action pertaining to acceptance of a Sewer Line Easement being conveyed by William Lyon Homes, Inc. to the City of Surprise, generally located in the Rancho Mercado PAD - APPROVED

Council Member Hall made the motion to approve the consent agenda excluding items 5 and 10. Council Member Tande seconded the motion. Seven yes votes, motion carried.

Regular Agenda Item - Non-Public Hearing

13 – Consideration and action pertaining to approval of fiscal year 2018 budget amendment by reallocating appropriations of \$5,058,800 from contingency in the Grant Funds and amending the Capital and Operating List of Items over \$50,000 to begin design on seven of the approved November 7, 2017 special bond election projects and a status update of General Obligation Bond projects; Resolution # 2018-29 - APPROVED

Vice Mayor Remley - Where will the money come from for this?

Ms. Duncan - Contingency funds in our budget right now.

Vice Mayor Remley made the motion to approve Resolution 2018-29. Council Member Winters seconded the motion. Seven yes votes, motion carried.

14 – Consideration and action pertaining to how the City will officially honor the late Community and Recreations Services (CRS) Director Mark A. Coronado.

Assistant City Manager, Mike Frazier gave a brief overview on this item.

Public Works Director, Mike Gent - Task Force met on multiple occasions and brought forward 3 recommendations.

Mark Coronado Park
Mark Coronado Way
Mark Coronado Legacy Seat

Council Member Winters - Great job, whatever we do, we are going in the right direction.

Council Member Tande - I am sensitive to our visitors and don't want to cause confusion, what about the side road by the CRS offices, naming that Coronado Way, I don't want to have confusion.

Bill Pupo read the family of Mark Coronado's written statement aloud.

Council Member Winters made the motion to approve the following three items. Council Member Hall seconded the motion. Seven yes votes, motion carried.

Regular City Council Meeting Minutes – February 20, 2018 – Page 5

Renaming 8 acre park to Mark Coronado Park

Seat in the stadium in Mark Coronado's honor

Place honorary street sign on side of street off Bullard and CRS Offices "Coronado Way"

15 – Presentation and discussion pertaining to the FY2018 Financial Status Report through November 2017 - NO ACTION

Finance Director, Lindsey Duncan reported on the 2018 Financial Status.

16 – Consideration and action authorizing the acceptance of federal transportation grant monies through the Maricopa Association of Governments, increasing federal funding in the amount of \$1,177,420 for the construction of Bullard Avenue; Resolution 2018-27 - APPROVED

17 – Consideration and action pertaining to approval of Amendment One to the Intergovernmental Agreement (IGA) between the City of Surprise and the Arizona Department of Transportation (ADOT) for multi-modal improvements on Bullard Avenue between Greenway Road and Peoria Avenue; Resolution #2018-17 - APPROVED

Council Member Tande made the motion to approve Resolution 2018-17. Council Member Hall seconded the motion. Seven yes votes, motion carried.

18 – Consideration and action authorizing the acceptance of seven federal transportation grants through the Maricopa Association of Governments; Resolution #2018-30.

City Planner, Martin Lucero reported on this item.

Council Member Hayden made the motion to approve Resolution 2018-30. Vice Mayor Remley seconded the motion. Seven yes votes, motion carried.

19 – Consideration and action on a contract with Maricopa Ambulance, Inc for emergency ground ambulance transportation services; Resolution 2018-35 - APPROVED

Chief Abbott reported on this item.

Regular City Council Meeting Minutes – February 20, 2018 – Page 6

Council Member Duffy made the motion to approve Resolution 2018-35. Vice Mayor Remley seconded the motion. Seven yes votes, motion carried.

Other Business

Mayor/Council Report

Mayor and Council reported on the events/meetings that they attended.

Executive Session

Adjournment

Council Member Hall made the motion to adjourn the Regular City Council Meeting of February 20, 2017 at 8:07 PM. Council Member Tande 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 Meeting of **Tuesday, February 20, 2018.**

Sherry Ann Aguilar, City Clerk



CITY OF SURPRISE
Regular City Council Meeting

March 6, 2018 @ 6:00:00 PM

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

Council Meeting Date:	March 6, 2018	Contact Person:	Robert Kuhfuss - Community Development
Submitting Department:	CD	District:	Citywide
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to declaration of a public record and approval of a Text Amendment to Chapter 113 of the Surprise Municipal Code regarding Signs; Ordinance # 2018-04.

Motion:

I move to approve Ordinance # 2018-04.

Background:

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 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.

Staff's vision was to create a sign ordinance that is clear and concise, based on empirical research, provides the appropriate level of business advertising, maintains a high aesthetic standard, is compliant with applicable law, and expresses the identity of the City of Surprise. To these ends, staff compiled a stakeholder list and conducted several outreach meetings. Considerable input was received from the various stakeholders, much of which was incorporated into the Version 3 draft language.

Staff presented the Version 3 draft to the Commission on January 18, 2018. This draft included refinements to the language based on the Commission's input and included two alternatives for each the small and large A-frame issues. The Commission heard testimony from the public and voted separately to:

- Approve an Exhibit B with respect to small A-Frame signs and to incorporate a 500 foot limit
- Approve an Exhibit C with respect to large A-Frame signs as written
- To incorporate certain corrections related to typographical errors

- To incorporate certain revisions as they relate to the sign area, height, and sign face of billboards along the Loop 303 Corridor
- To recommend approval of Version 3 with the changes as noted above.

This effort resulted in the attached Exhibit A, which encapsulates the opinion of the Commission.

The City Council heard the matter on February 6, 2018 and continued the matter until a date-certain of March 6, 2018. Since that hearing, staff has revised the draft code to reflect concerns expressed by the Council on that date regarding billboards, adding clarifying language, and to address scrivener's errors. This revision is attached as Exhibit A to Ordinance # 2018-04 and entitled, "February 20, 2018, Post P&Z Revisions..."

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, staff engaged the public and presented to the Planning Commission on several occasions, which resulted in the draft language as presented.

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

- ☐ [01-Sign Code Update as Recommended by PZ](#)
 - ☐ [02-February 20, 2018 Post P&Z Revisions](#)
 - ☐ [03 - FS15-311 Sign Code Update - comments as of July 12, 2017](#)
 - ☐ [04 - FS15-311 Sign Code Update - Comments July 13, 2017 through September 19, 2017](#)
 - ☐ [05 - FS15-311 Sign Code Update - Comments September 20, 2017 through January 22, 2018](#)
 - ☐ [PRESENTATION](#)
 - ☐ [Ordinance 2018-04](#)
 - ☐ [00-Staff Report FS15-311](#)
-

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

CITY OF SURPRISE PLANNING CASE FS15-311

PLANNING AND ZONING COMMISSION RECOMMENDATION TO CITY COUNCIL

FINAL DRAFT

Planning & Zoning Commission Recommendation

Planning & Zoning Commission Recommendation

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- Section 113-17 – Enforcement
- Section 113-18 – Appeals

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

- 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:** The City of Surprise finds that while *signs* are essential to commerce and wayfinding, *signs* may also obstruct views, distract motorists, displace alternative uses for land, contribute to blight, and pose other problems that legitimately call for regulation. A *sign* placed on land or on 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*.
- C. **Purpose:** The purpose of this Chapter is to safeguard the public interest from the negative impacts of *signs* thus ensuring the protection of property values, the character of neighborhoods, the creation of a convenient, attractive and harmonious community, while encouraging economic prosperity.
- D. **Intent:** The City of Surprise intends to allow adequate communication through signage while encouraging aesthetic quality in the design, location and size of all *signs* by:
1. Allowing adequate signage for business identification while meeting public and private objectives by establishing 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 C herein.
 2. Promoting 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. Promoting 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. Protecting property values, the local economy, and the quality of life through regulations that are intended to preserve and enhance the appearance of the streetscape that affects the image of the city.
 5. Maintaining acceptable outdoor lighting levels through regulations that 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. Providing for adequate wayfinding through and within the city through regulations that are intended to aid motorists and pedestrians in navigating to local businesses and other points of interest safely.
7. Promoting the health, safety, morals, and general welfare of the citizens of the City of Surprise.

E. 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 the federal government, the State of Arizona, the City of Surprise, or any other political subdivision of the state. 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. 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.

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 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 – Substitution

With the property owner's consent, a protected *non-commercial message* of any type may be substituted for any duly permitted or allowed *commercial message* or any duly permitted or allowed *non-commercial message*, provided that the *sign structure* or mounting device is permitted without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of *commercial speech* over protected *non-commercial speech*, or favoring of any particular *non-commercial message* over any other *non-commercial message*.

Section 113-05 – Rules of Interpretation

- A. Words or phrases within this Chapter which are expressed using *italics* shall assume the meaning as ascribed in Section 113-06 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.

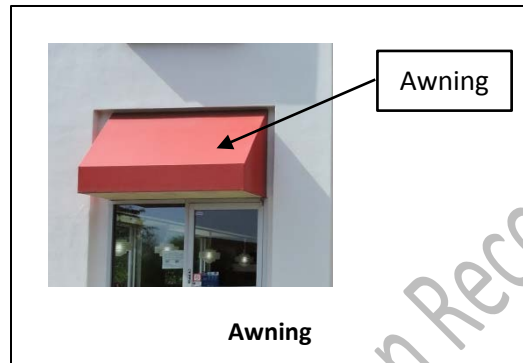
Planning & Zoning Commission Recommendation

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Section 113-06 – Definitions. For purposes of administering Chapter 113, the following definitions apply:

Active Single-Family Residential Subdivision: A subdivision consisting of single-family lots that are for sale to the public by a homebuilder.

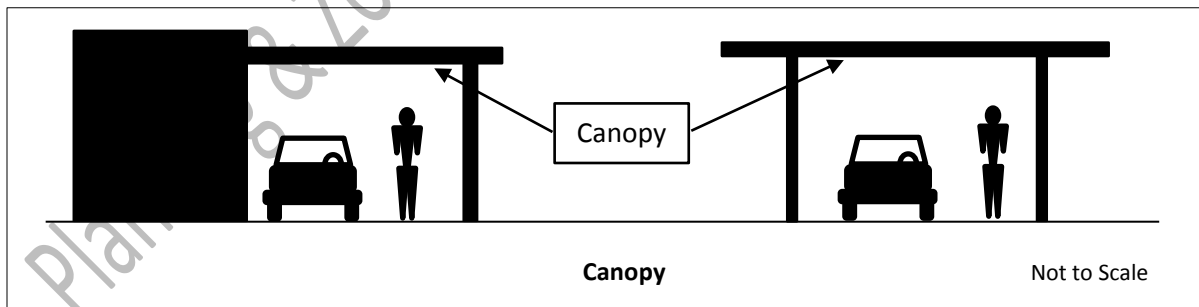
Awning: An architectural projection, typically made of cloth or metal, which projects from and is supported by the walls of a *building* and is intended to provide shade or shelter above a window or door.



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*.

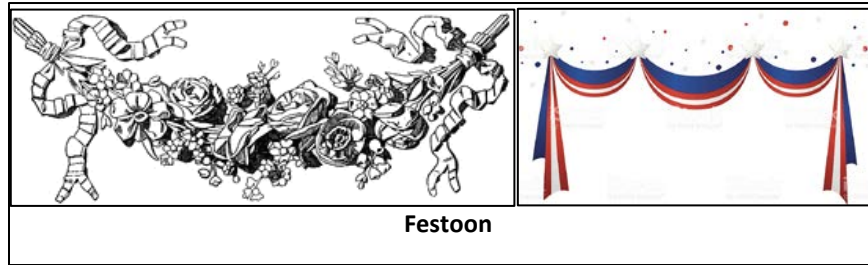
Electronic Messaging Center (EMC): A *sign* that utilizes computer-generated messages or some other electronic means of *changeable copy*. These *signs* include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

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*.

Festoon: A swath of fabric, ribbon, garland, or flowers which is suspended, draped, and bound at intervals to form graceful loops or scalloped folds. Festoons do not include *pennant* strings or string lighting.



Home Occupation: A use of land that is in accordance with Section 122-86 of the Surprise Municipal Code.

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. For purposes of this Chapter, the following uses are also considered Lawful Temporary Events: Real estate open houses occurring within lands zoned for residential uses; and, religious institutions where religious services or religious events are held on lands zoned for residential uses, but where the primary use established for said land is that of a public school, private school, or charter school, or other community facility, or public meeting hall.

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

Logo, Primary City of Surprise: The official *logo* of the City of Surprise.

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

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.

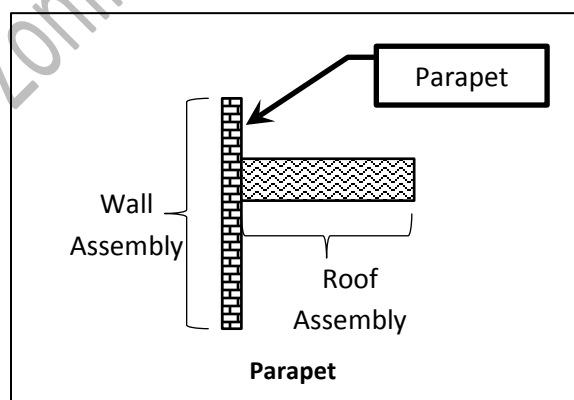


Message, Commercial: Speech that identifies, advertises, or directs attention to a business or is intended to induce a purchase of a good, property, or service, including, without limitation, any speech naming a brand of good or service and any speech that is not a noncommercial message.

Message, Non-commercial: Speech that in no way identifies, advertises, or directs attention to a business or is intended to induce a purchase of a good, property, or service, including, but not limited to, religious, political, and ideological speech.

Model Home Complex: A use of land that is in accordance with Section 122-92 of the Surprise Municipal Code.

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

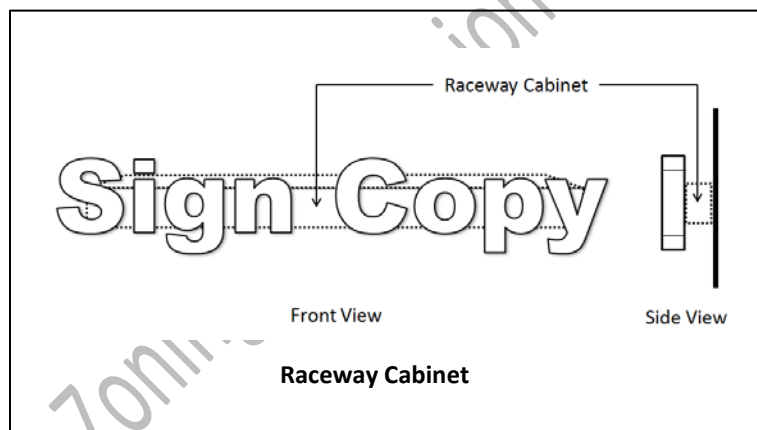


Pennant: A type of *flag*, generally in the shape of a triangle and typically flown from a string.



Pennant

Raceway cabinet: An aluminum channel box not more than eight (8) inches in depth used to mount signage to a wall or other structure.



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.

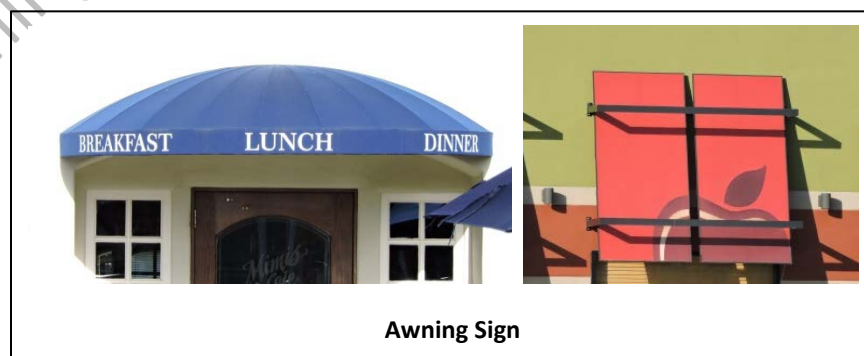
Sign, Address: A sign intended for the display of a property's address.

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.

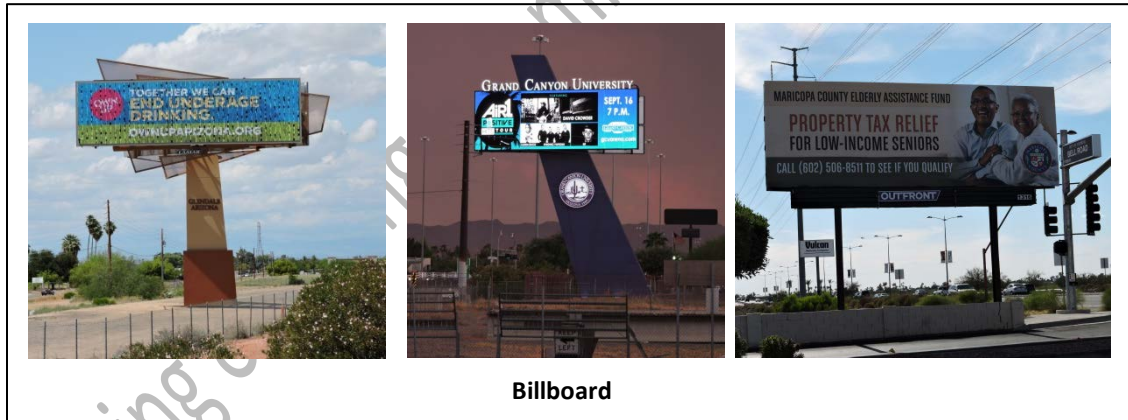


Sign, backlit: A *sign* typically utilizing opaque graphics, in which the light source is concealed or contained within the graphic thereby causing the graphic to become visible against the illuminated surface onto which the graphic is mounted.

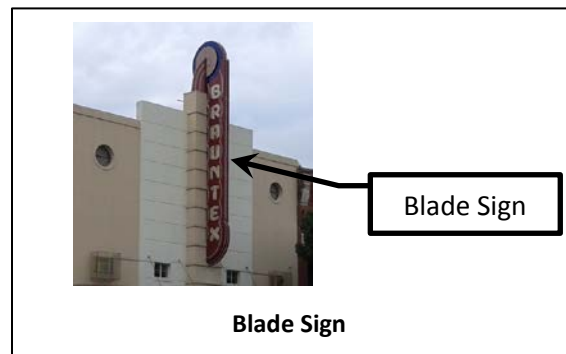
Sign, Banner: A *sign* consisting of fabric, paper, or other lightweight pliable material, either enclosed or not enclosed in a rigid frame, and secured or mounted to minimize movement in the wind, but not including *inflatable signs*.



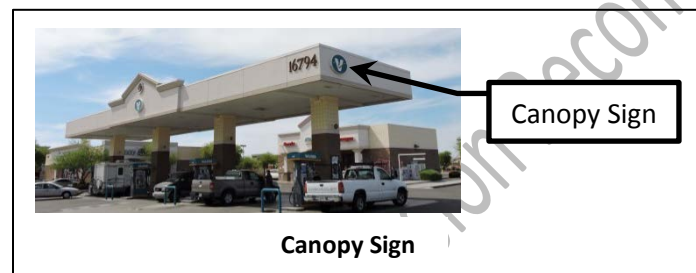
Sign, Billboard: A *sign* that advertises a business, commodity, service, entertainment, product or attraction which is sold, offered or existing elsewhere than on the property where the *sign* is located or which takes on the physical characteristics historically associated with such *signs*.



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

Sign, Freeway Monument: A *pylon sign* which is located along a freeway right-of-way and intended to display a *commercial message* relating to the commercial center on which the *sign* is located. Freeway monument signs are not considered *billboard signs*.

Sign, governmental: 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, 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.

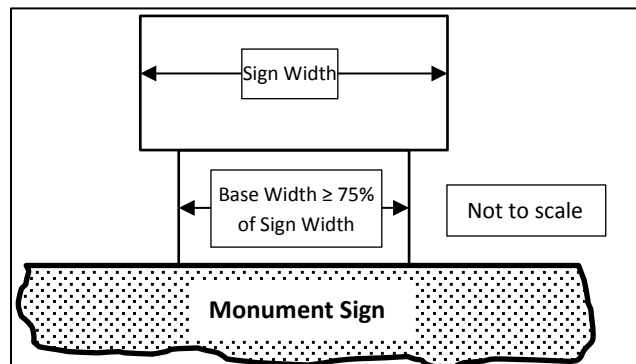
Sign, Light Pole Banner: A fabric *sign* suspended between two horizontal supports, which are attached to a light pole for the purpose of supporting the *sign*.



Sign, Median: Any *sign* other than a *public sign* that is located within the median of any street, regardless of whether the median is painted or raised.

Sign, Model Home Complex: Any *sign* or *flag* that is approved for use in a *Model Home Complex*.

Sign, Monument: A freestanding ground 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*.

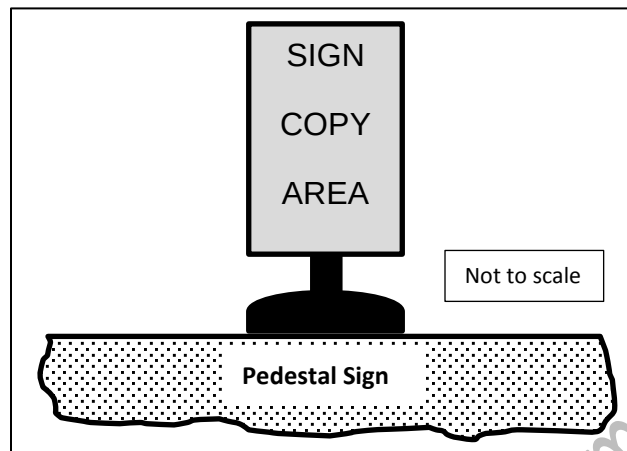
Sign, non-conforming: A *sign* that does not conform to the requirements of this Chapter.

Sign, Off-premises: Any *sign*, other than a *billboard sign*, that directs attention to an activity, business, commodity, service, entertainment, product, or attraction sold, offered, or existing elsewhere than upon the property where the *sign* is located.

Sign, On-premises: Any *sign*, other than a *billboard sign*, that directs attention to an activity, business, commodity, service, entertainment, product, or attraction sold, offered, or existing on the property where the *sign* is located.

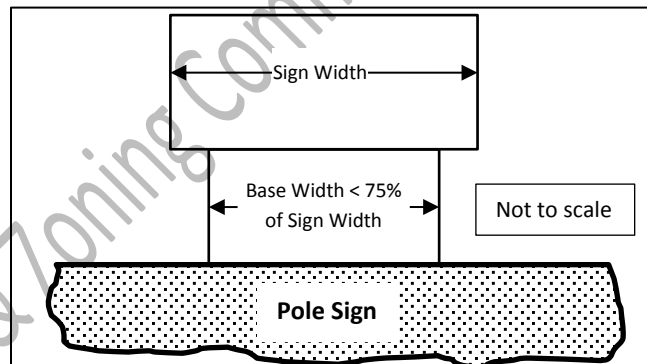
Sign panel: The surface on which *sign copy* is depicted.

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



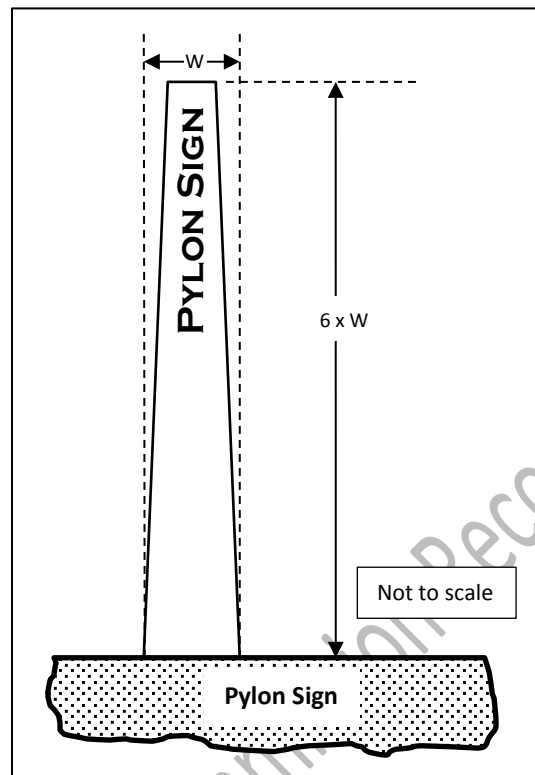
Sign, permanent: A *sign* that due to its physical characteristics and method of attachment is intended for permanent display.

Sign, Pole: A *freestanding ground 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".)

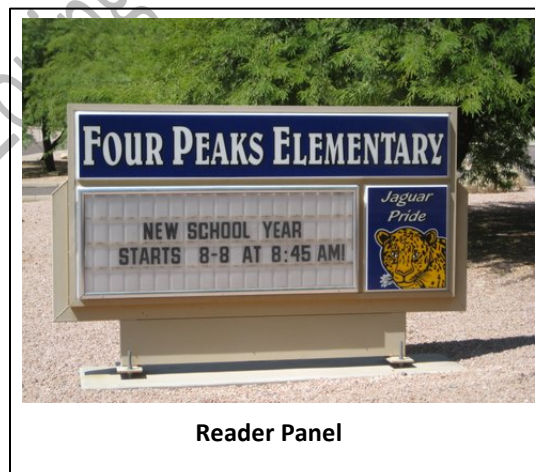


Sign, portable: A *temporary sign* that may be readily moved from location to location without the need of any specialized knowledge or equipment, and that is not affixed to the ground or any *structure*.

Sign, 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.



Sign, Residential Subdivision: Any *sign* that is approved for use in association with an *Active Single-Family Residential Subdivision*.

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.

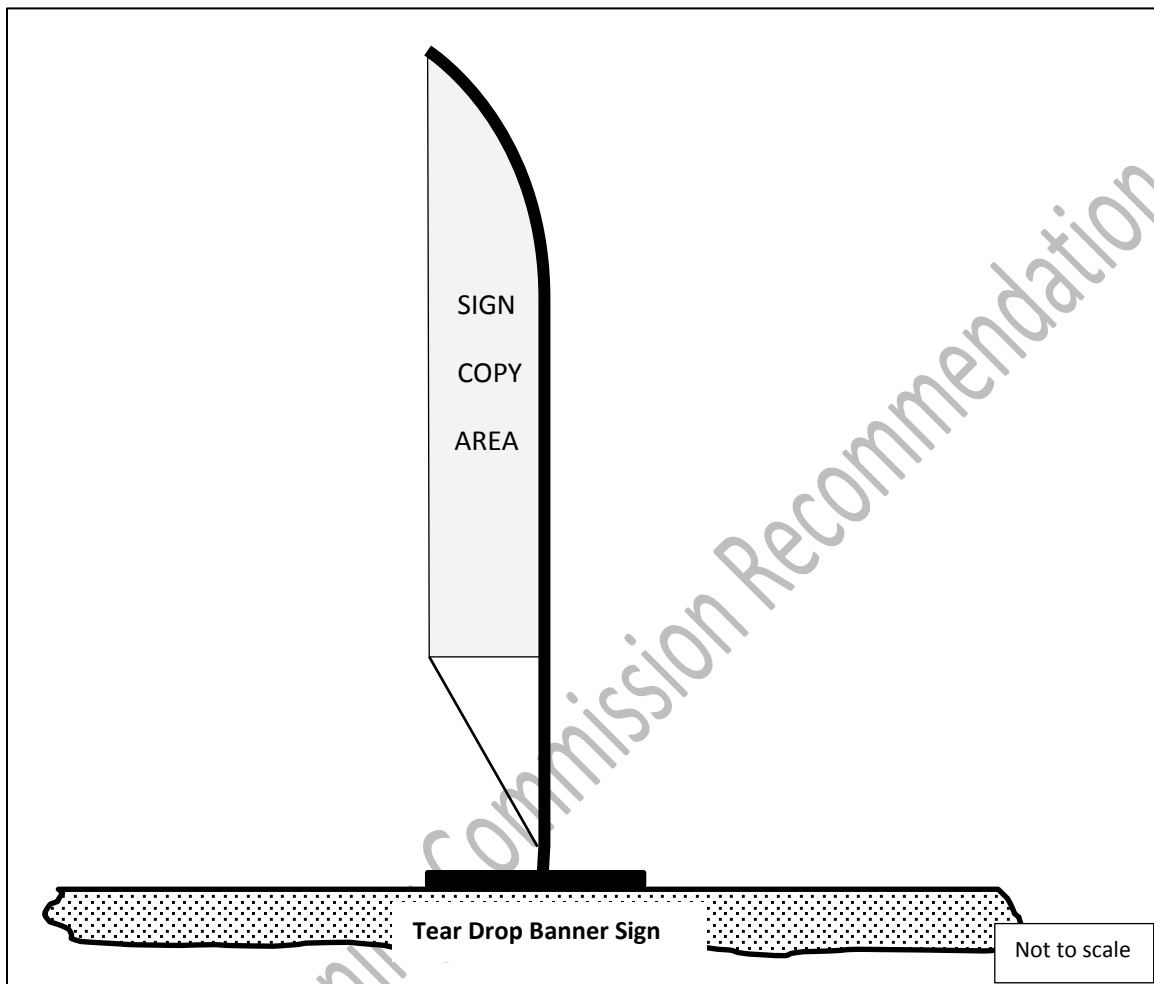
Sign, Shingle: A *sign* suspended from, and located entirely under a covered porch, walkway, canopy or awning.



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, or park bench.

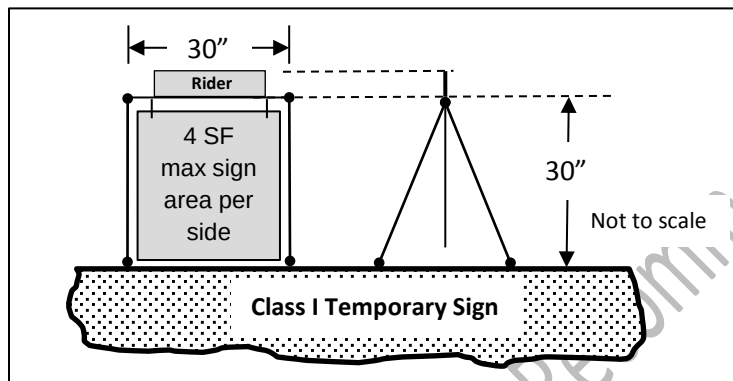
Sign structure: The supports and framework of a *sign*.

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.

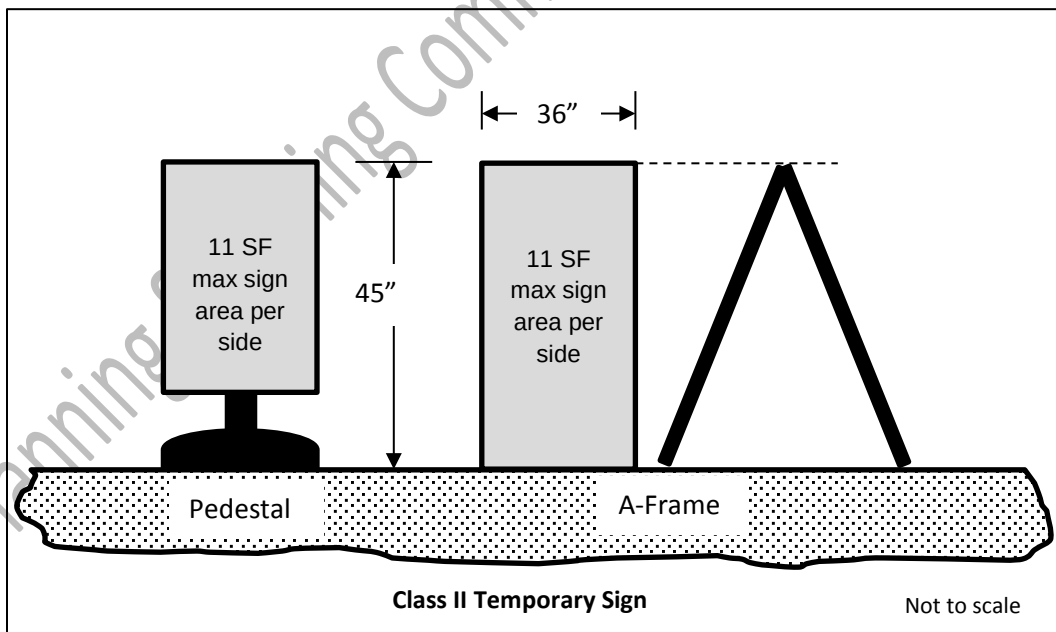


Sign, temporary: A *sign* that due to its physical characteristics and method of attachment is not intended for permanent display. See also "*sign, permanent*".

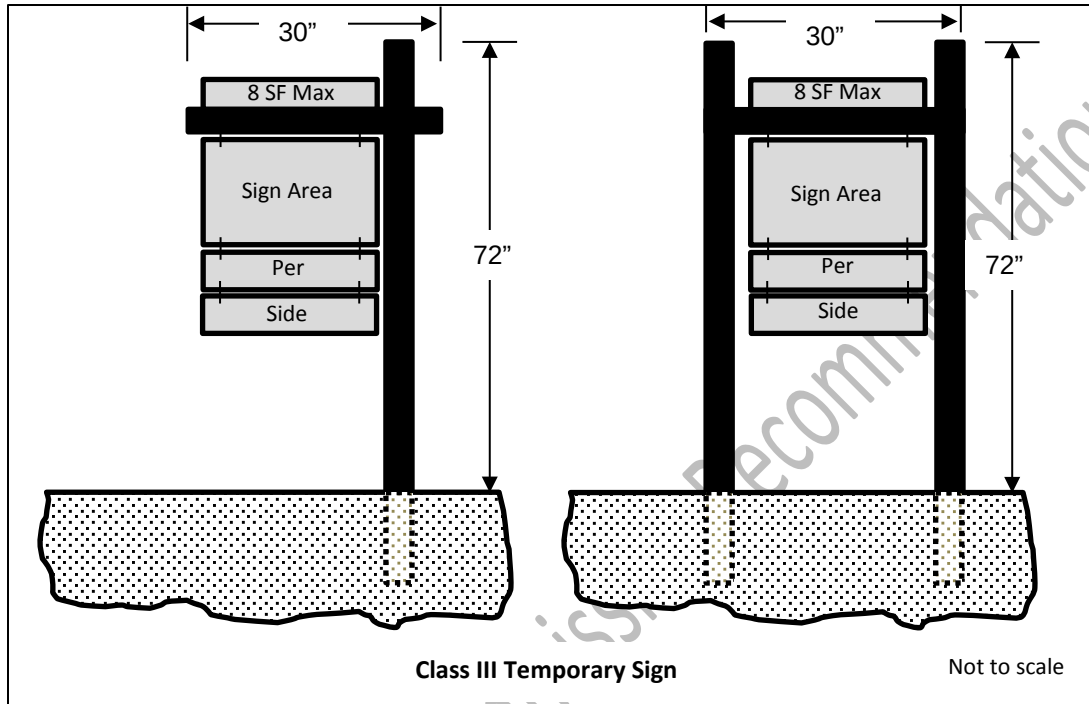
Sign, Temporary, Class I (Small A-Frame Sign): A temporary, portable sign generally in the shape of the letter “A” in which the overall height of the sign structure does not exceed thirty (30) inches, the overall width of the sign structure does not exceed thirty (30) inches and which does not exceed eight (8) square feet of aggregate sign area. Riders not exceeding six (6) inches in height and twenty-four (24) inches in length which are attached to the top of the A-Frame shall not be included in the overall height measurement or sign area measurement.



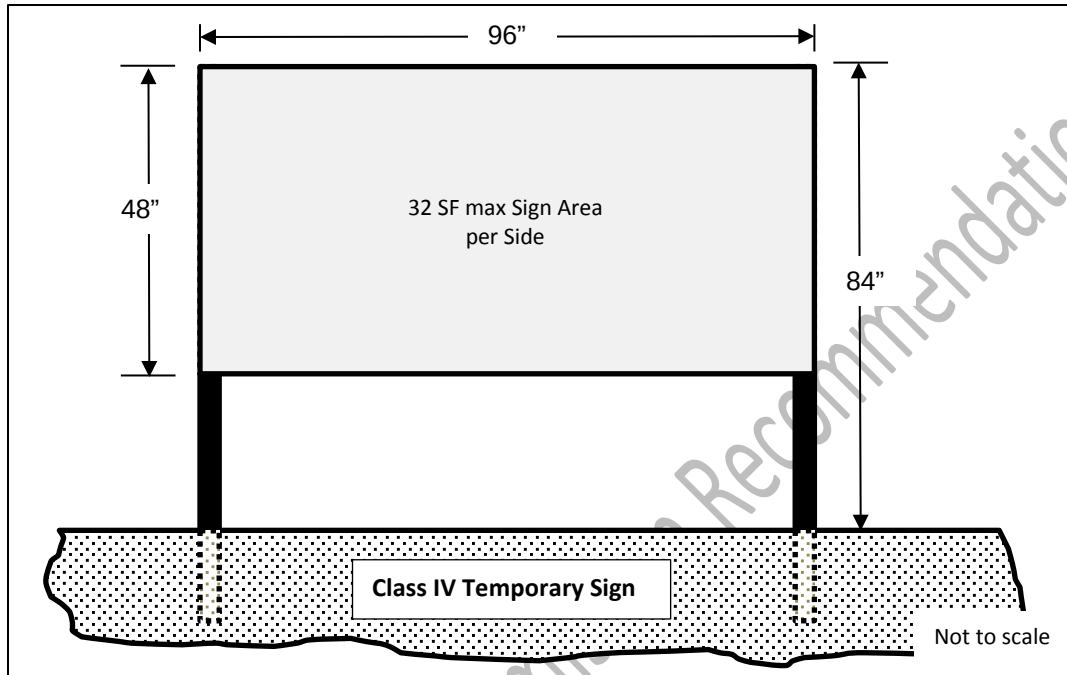
Sign, Temporary, Class II (A-Frame Sign and Pedestal Sign): A temporary, portable sign in which the overall height of the sign structure does not exceed forty (45) inches, the overall width of the sign structure does not exceed thirty-six (36) inches and which does not exceed twenty (22) square feet 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.

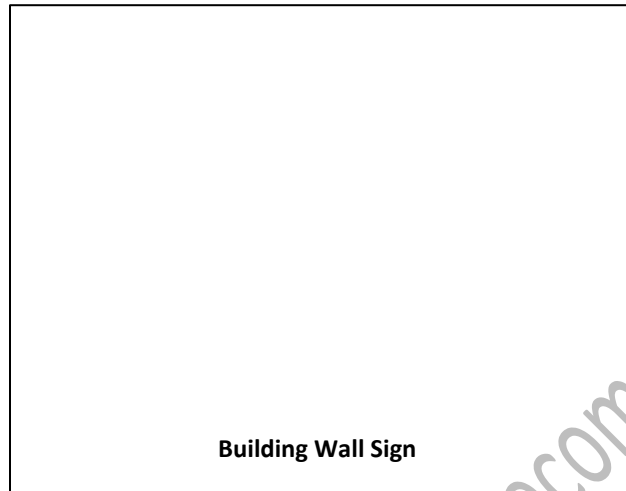


Sign, Vehicle: Any sign mounted, painted, or otherwise erected on a *vehicle*.

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.

Speech, Commercial: (see *Message, Commercial*).

Speech, Non-commercial: (see *Message, Non-commercial*).

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 113-07 – Permitted and Prohibited Signs

- A. **Permitted Signs by Zoning District** – Only those *sign* types and classes that are specifically listed in Table 113-07.A for each zoning district may be allowed, subject to the provisions outlined elsewhere in this Chapter.

TABLE 113-07.A – PERMITTED SIGNS (P=Permitted, shaded cell = Not Permitted, C = Conditional Use Permit)												
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												
113-09.A.2	Class I Temporary Signs (Small A-Frame Signs)			P	P	P	P	P	P	P	P	P
113-09.A.3	Class II Temporary Signs (Large A-Frame Signs)			P	P	P	P	P	P	P	P	P
113-09.A.4	Class III Temporary Signs (Small Post Signs)			P	P	P	P	P	P			P
113-09.A.5	Class IV Temporary Signs (Large Post Signs)			P	P	P	P	P	P			P
113-09.A.6	Banner Signs and Festoons			P	P	P	P	P	P			P
113-09.A.7	Light Pole Banner Signs	P	P		P	P	P	P	P			P
113-09.A.8	Teardrop Banner Signs			P	P	P	P	P	P	P	P	P
113-09.A.9	Sign Walkers	P	P	P	P	P	P	P	P	P	P	P
113-09.A.10	Model Home Complex Signs			P				P				
113-09.A.11	Residential Subdivision Signs			P				P				
BUILDING MOUNTED SIGNS												
113-09.B.1	Building Wall Signs			P	P	P	P		P			P
113-09.B.2	Blade Signs			P	P	P	P		P			P
113-09.B.3	Canopy Signs				P	P	P		P			P
113-09.B.4	Marquee Signs						P					P
113-09.B.5	Awning Signs						P		P			P
113-09.B.6	Hanging Signs					P	P	P	P			P
113-09.B.7	Window Signs and Sunscreens			P	P	P	P	P	P			P
FREESTANDING GROUND SIGNS												
113-09.C.1	Class I Monument Signs (Menu Signs)						P		P			
113-09.C.1	Class II Monument Signs (Preview Signs)						P		P			
113-09.C.2	Class III Monument Signs (Directional Signs)	P	P	P	P	P	P	P	P	P	P	P
113-09.C.3	Class IV Monument Signs (Directory Signs)				P	P	P		P			
113-09.C.4	Class V Monument Signs (Minor Monument Signs)			P	P	P	P		P			P
113-09.C.5	Class VI Monument Signs (Major Monument Signs)				P	P	P		P			P
113-09.C.6	Roadway Arch Signs	P	P				P		P			
113-09.C.7	Subdivision Perimeter Wall Signs			P	P	P	P					P
113-09.C.8	Freeway Monument Signs						C					
113-09.D	Billboard Signs						C					
OTHER SIGNAGE												
113-11	Level 1 Electronic Messaging			P	P	P	P	P	P			P
113-11	Level 2 Electronic Messaging				P	P	P	P	P			P
113-12	Reader Panels			P	P	P	P	P	P			P
113-13	Address Identification			P	P	P	P	P	P	P	P	P
113-14	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 113-09.A.2 and 113-09.A.3 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, Pole Signs* of a permanent nature, *Snipe Signs, and Median 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.
 10. *Signs* placed in locations that are deemed by the City of Surprise to present a hazard to public safety, obstruct clear vision in the area, or interferes with the requirements of the Americans with Disabilities Act (42 United States Code sections 12101 through 12213 and 47 United States Code sections 225 and 611).
- 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 and the requirements of Sections 113-10, 113-11 and 113-12 herein.
- H. **Violation** – Any *sign* that is not in compliance with this Section is in violation of this ordinance.

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Section 113-08 – General Provisions

A. Permitting Requirements:

1. **Permits Required:** With the exception of those *sign* types listed in 113-08.A.3 below, a construction 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, Construction, and Aesthetics:

1. *Signs* shall be designed in compliance with the applicable construction codes adopted by the City and in effect at the time of construction.
2. Where *raceway cabinets* are utilized, said *raceway cabinets* shall be painted to match the color of the surface onto which it is mounted.

3. Whenever a *permanent sign* is removed, the surface onto which the *sign* was mounted shall be repaired as closely as practicable to a new-like condition.
4. Unless specifically approved by the Planning and Zoning Commission through a Comprehensive Sign Program or Conditional Use Permit as applicable, supporting elements for all *signs* shall appear to be free of any angle iron, bracing, guy wires or similar features.
5. When electrical service is provided to any *sign*, all components of said service are to be entirely concealed or, when necessary, painted to match the surface of the structure upon which they are mounted.
6. 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.

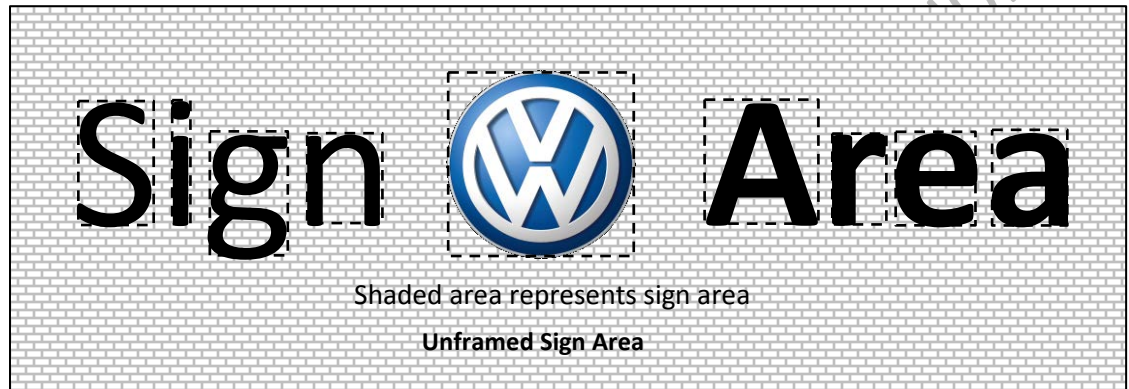
C. **Sign Maintenance:**

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.

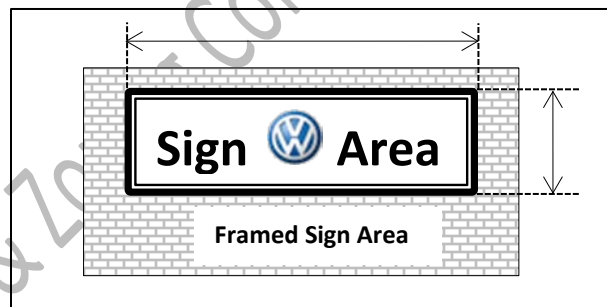
D. **Methods of Measurements:**

1. **Sign Area:**

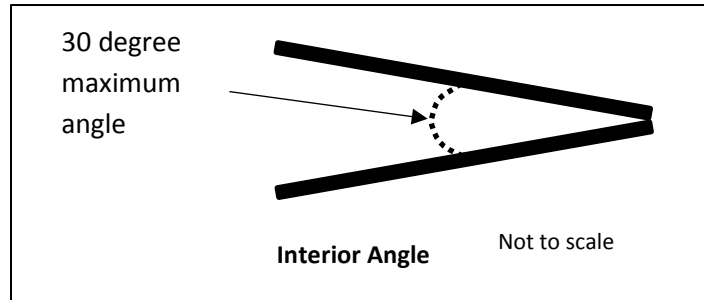
- a) **Unframed Signs:** Where the individual letters, logos and graphics of a *sign* are mounted directly to a wall or *sign structure*, the *sign area* is determined by calculating the smallest rectangle or combination of rectangles containing *sign copy*.



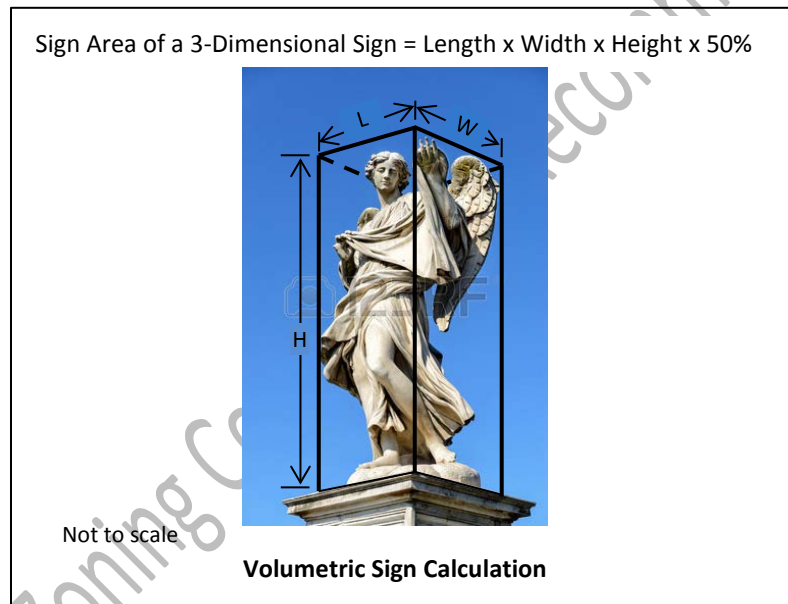
- b) **Framed Signs:** Where the individual letters, logos and graphics are integral to a *sign panel*, or are framed in by an architectural element or contrasting color apart from the color of the wall or *sign structure*, the *sign area* shall be the area of the panel or frame.



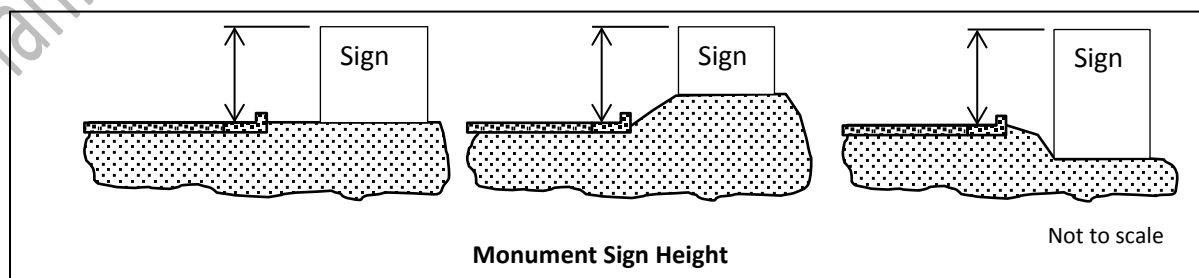
- c. **Double-Sided Signs:** Only one side of a double-sided *freestanding ground sign* shall be used to calculate the *sign area*, provided the interior angle between *sign* faces is not greater than 30 degrees. This provision does not apply to *A-Frame Signs*.



- 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:** All linear measurements and calculations shall be accurate to the closest inch. All area measurements and calculations shall be accurate to the closest square inch. All volumetric measurements and calculations shall be accurate to the closest cubic inch.

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Section 113-09 – Sign Classifications and Types

The following *sign* classifications and types as defined in Section 113-06 are permitted in the City of Surprise as outlined in Table 113-07. A subject to the following “time, place and manner” restrictions.

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

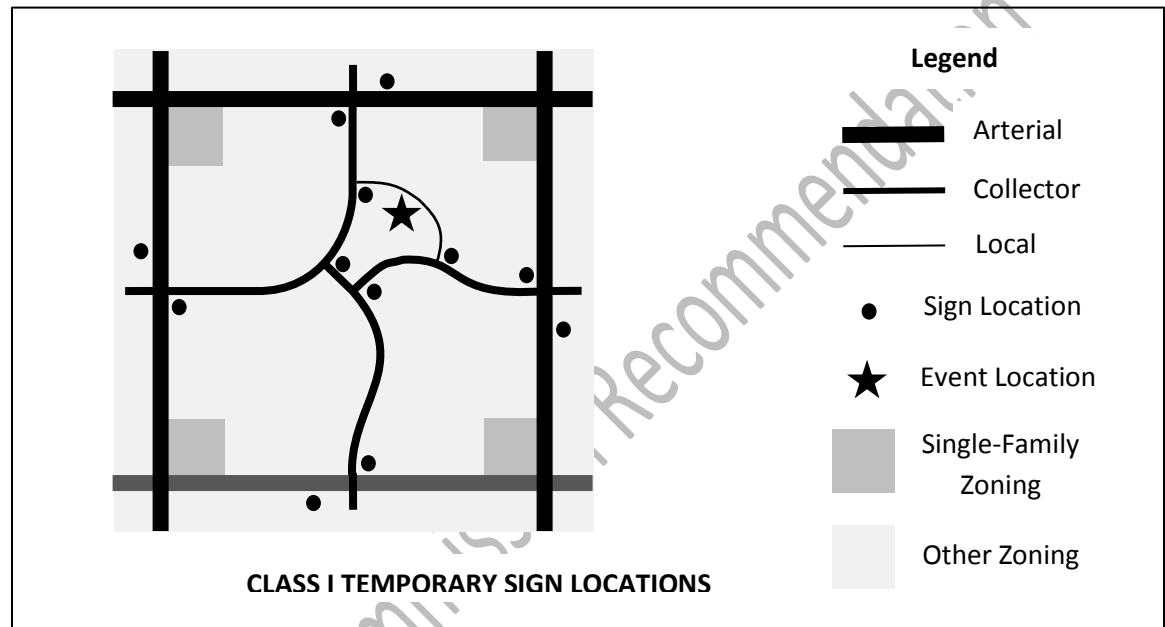
1. **General Requirements:**

- 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.
- 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):** *Class I Temporary Signs*, as defined herein, are allowed subject to the General Requirements as stated above plus the following:

- a) *Class I Temporary Signs* are only allowed in conjunction with a *Lawful Temporary Event* being held on land zoned for single-family residential uses.
- b) *Class I Temporary Signs* may be placed in the following locations when in association with a *Lawful Temporary Event* occurring on land zoned for single-family residential uses:
 - i) One (1) *Class I Temporary Sign* at the site of the *Lawful Temporary Event*,
 - ii) One (1) *Class I Temporary Sign* at each local or collector street intersection leading from the site of the *Lawful Temporary Event* to the adjacent arterial street grid,

- iii) Two (2) *Class I Temporary Sign* at the point where the local or collector street intersects with the arterial street. One (1) of these *signs* may be located on the opposite side of the arterial street from where the *Lawful Temporary Event* is occurring, provided said *sign* is no further than 500 feet from the intersection.



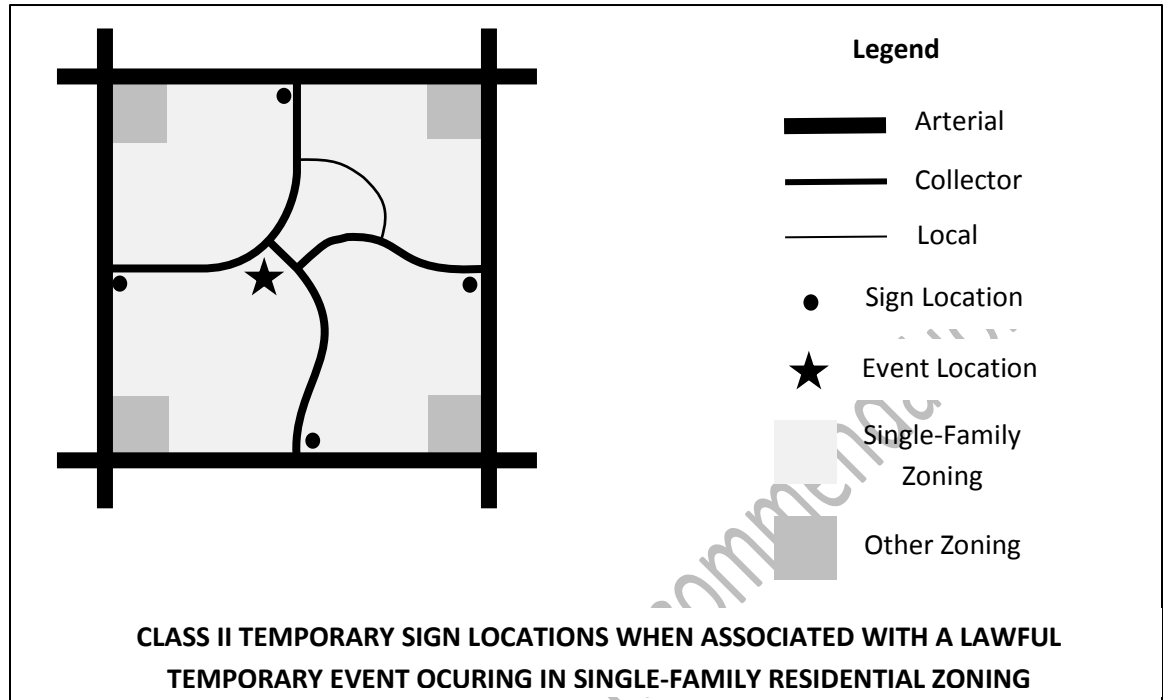
- c) When allowed, *Class I Temporary Signs* may be located within the street right-of-way, but not within any median, vehicle or bicycle travel lane, or sidewalk, nor within any sight visibility triangle as outlined in Standard Details 4-01 and 4-02 of the Surprise Engineering Development Standards.
- d) 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.
- e) The *sign* may be weighted or ballasted; however, no such *sign* may be affixed to the ground or to any permanent *structure*.
- f) *Class I Temporary Signs* may be placed one (1) hour before the start of the *Lawful Temporary Event* and shall be removed not more than one (1) hour after the end of the *Lawful Temporary Event*.
- g) If the *Lawful Temporary Event* being served by the *Class I Temporary Sign* requires a Temporary Use Permit, the locations of

the *Class I Temporary Signs* shall be included with the application materials.

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

Class II Temporary Signs, as defined herein, are allowed subject to the General Requirements as stated above plus the following:

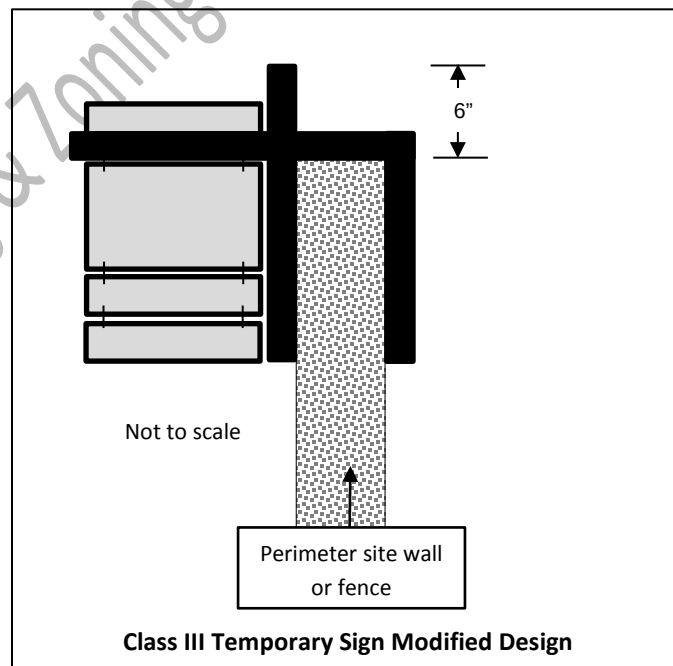
- a) *Class II Temporary Signs* are only allowed in conjunction with a lawful commercial use including *Cottage Industries*, but not *Home Occupations*, or in conjunction with a *Lawful Temporary Event* being held on land zoned for single-family residential uses.
- b) When a *Class II Temporary Sign* is being utilized in conjunction with a lawful commercial use, one (1) such *sign* may be located within 15' of the doorway of the customer entrance to the *building* in which the lawful commercial use is occurring.
- c) When a *Class II Temporary Sign* is being utilized in conjunction with a *Lawful Temporary Event* located on land zoned for single-family residential uses, the following locational requirements apply:
 - i) One (1) *Class II Temporary Sign* may be placed at the site of the *Lawful Temporary Event*,
 - ii) One (1) *Class II Temporary Sign* may be placed at the point where the local street or collector street intersects with the arterial street grid.
 - iii) In no circumstance shall a street other than a local street or collector street be located between a *Class II Temporary Sign* and the *Lawful Temporary Event* served by the *sign*.



- d) When allowed, *Class II Temporary Signs* may be located within the street right-of-way, but not within any median, vehicle or bicycle travel lane, or sidewalk, nor within any sight visibility triangle as outlined in Standard Details 4-01 and 4-02 of the Surprise Engineering Development Standards.
- e) 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.
- f) The *sign* may be weighted or ballasted; however, no such *sign* may be affixed to the ground or to any permanent *structure*.
- g) *Class II Temporary Signs* associated with a *Lawful Temporary Event* located on land zoned for single-family residential uses may be placed between the hours of 4:00 PM Friday to 11:00 PM Sunday. Otherwise, *Class II Temporary Signs* may be displayed during the business hours of the business served by the *Class II Temporary Sign*.
- h) If the *Lawful Temporary Event* being served by the *Class II Temporary Sign* requires a Temporary Use Permit, the locations of the *Class II Temporary Signs* shall be included with the application materials.

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) *Class II Temporary Signs* shall not be located within the street right-of-way, median, vehicle or bicycle travel lane, or sidewalk, nor within any sight visibility triangle as outlined in Standard Details 4-01 and 4-02 of the Surprise Engineering Development Standards.
- d) 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.
- e) 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, except that *Class IV Temporary Signs* associated with a public hearing shall not be counted towards this total.
- b) *Class IV Temporary Signs* shall not be located within the street right-of-way, median, vehicle or bicycle travel lane, or sidewalk, nor within any sight visibility triangle as outlined in Standard Details 4-01 and 4-02 of the Surprise Engineering Development Standards.
- c) The maximum number of *sign panels* per *sign structure* shall not exceed two (2).

6. ***Banner Signs and Festoons:***

- a) **General:** The following provisions apply to all *banner signs* and *festoons*:
 - i. *Banner Signs* shall be equipped with ventilation flaps.
 - ii. *Banner Signs* and *Festoons* shall be securely attached to the *building* or fence, but in no case shall be attached to freestanding poles or vegetation.
- b) **Residential:** Any number of *Banner Signs*, *Festoons* or combination thereof are permitted per dwelling unit, provided the aggregate length does not exceed twenty (20) lineal feet and the aggregate area does not exceed 100 square feet.
- c) **Non-Residential:** *Banner Signs* and *Festoons* are permitted on properties zoned for non-residential use subject to the following:
 - i. One (1) *Banner Sign* may be placed on a *building*, provided the maximum area of the *Banner Sign* shall not exceed one (1) square foot per linear foot of *building* elevation, not to exceed 500 square feet.
 - ii. 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.

- iii. Any number of *Festoons* may be placed on a *building* provided the *Festoon* contains no advertising copy, the aggregate length does not exceed twenty (20) lineal feet, and the aggregate area does not exceed 100 square feet.

- d) **Construction Sites and Temporary Construction Yards:** *Banner Signs* are allowed in conjunction with active construction sites and temporary construction yards regardless of zoning, subject to the following:

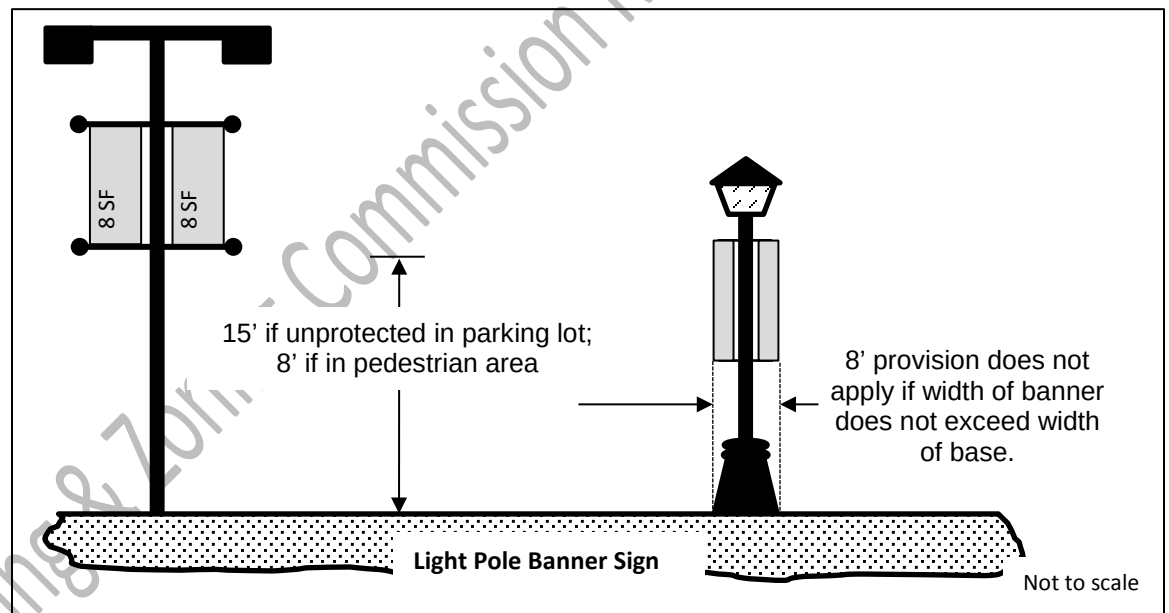
- i. One (1) or more *Banner Signs* may be affixed to the perimeter fence surrounding a construction site or temporary construction yard, provided said *Banner Signs* do not extend above the height of the perimeter fence.
- ii. Individual *Banner Signs* shall not exceed ten (10) feet in length. Where multiple *Banner Signs* are utilized in lieu of screening material on a fence surrounding a construction site or temporary construction yard, said *signs* shall be spaced not less than one (1) foot apart unless the *Banner Sign* is fabricated of material with not less than 50% visual transparency, in which case this provision shall not apply.

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.

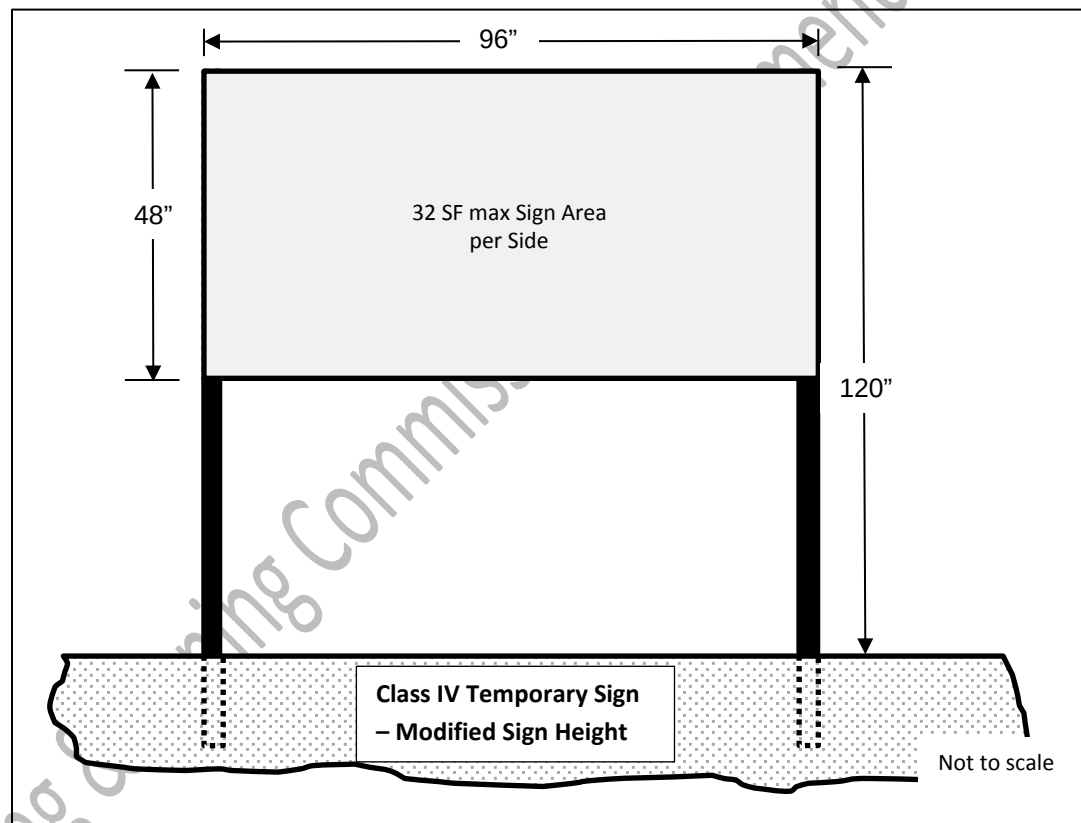
9. **Sign Walkers:** *Sign Walkers* are permitted to operate within the City of Surprise subject to the following restrictions:

- 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*.

10. **Model Home Complex Signs:** In addition to other *signs* that are permitted in association with a single-family residence, a *Model Home Complex* may employ the following:

- a) One (1) *Class III Temporary Sign* meeting the requirements of Section 113-09.A.4 herein for each lot located within the boundaries of an approved *Model Home Complex*. Such signs shall not be illuminated except by ambient lighting.

- b) One (1) *Class IV Temporary Sign* meeting the requirements of Section 113-09.A.5 herein may be located within the boundaries of the approved *Model Home Complex*; however, if the *Model Home Complex* is located adjacent to a Collector or Arterial Street, the overall height of the *Class IV Temporary Sign* allowed under this Paragraph may be increased to 120 inches, provided the *sign* is designed to withstand windloads as required by the building codes in effect at the time the sign is erected. A *Class IV Temporary Sign* permitted under this Paragraph may be *externally illuminated* as outlined in Section 113-10.

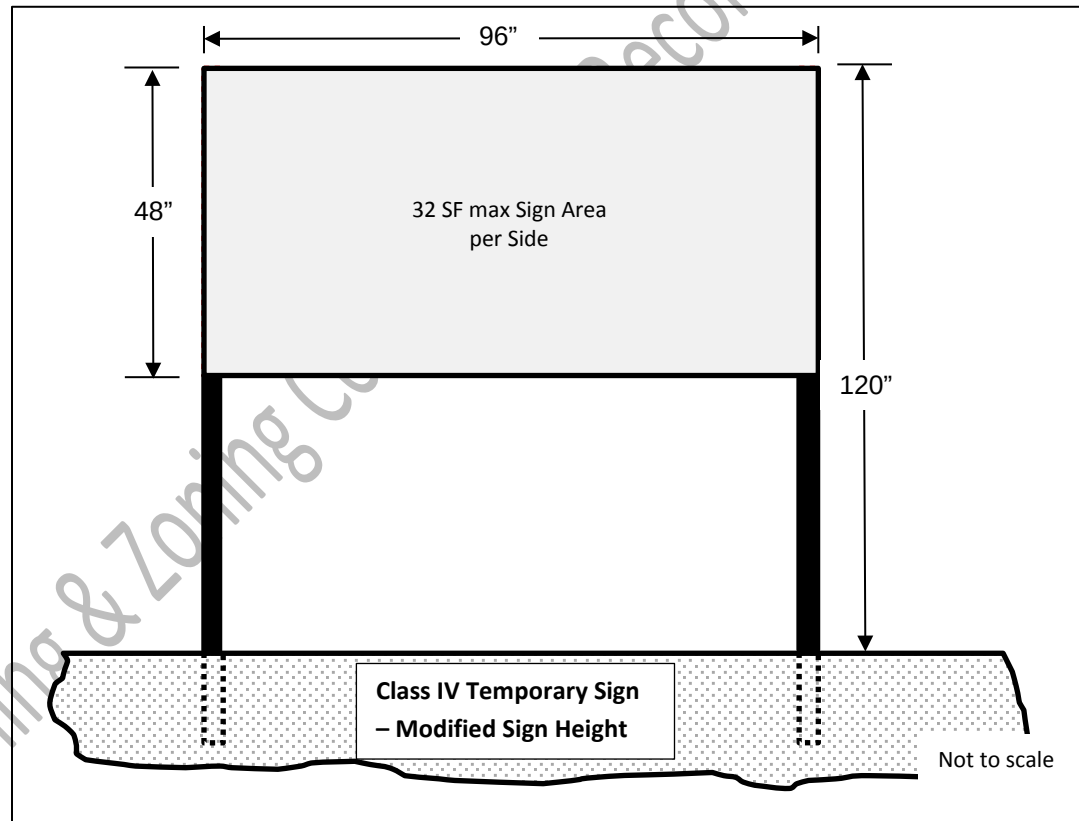


- c) One (1) flagpole not exceeding a height of 45' may be erected within the boundaries of the Model Home Complex provided said flagpole is located within the building envelope or within the required front yard of the lot in which it is placed, but not located within any required side or required rear yard. A maximum of two (2) flags may be displayed from said flagpole. The flag and flagpole permitted under this Paragraph may be *externally illuminated* in accordance with Section 122-145 of the Surprise Municipal Code.

- d) Two (2) flagpoles not exceeding a height of twenty (20) feet may be erected for each lot located within the boundaries of the approved Model Home Complex. A maximum of one (1) flag may be displayed from each flagpole. Flagpoles permitted under this Section may be erected along the perimeter of the Model Home Complex. Flagpoles permitted under this Paragraph shall not be illuminated except by ambient lighting.
- e) Four (4) additional *Teardrop Banner Signs* meeting the requirements of Section 113-09.A.8 herein for each lot located within the boundaries of an approved *Model Home Complex*, except that Paragraphs 113-08.A.8.c, 113-08.A.d and 113-08.A.e shall not apply. *Teardrop Banner Signs* permitted under this Paragraph shall not be illuminated except by ambient lighting.
- f) One (1) *Banner Sign* not exceeding three (3) feet in height and five (5) feet in length may be attached to the trap fence. Said *Banner Sign* shall be equipped with ventilation flaps. *Banner Signs* permitted under this Paragraph shall not be illuminated except by ambient lighting.
- g) One (1) *Awning Sign* or *Canopy Sign* provided the awning or canopy is limited to the customer entrance to the sales office associated with the approved *Model Home Complex*. *Awning Signs* or *canopy signs* permitted under this Paragraph shall not be illuminated except by ambient lighting.
- h) One (1) *Building Wall Sign* not exceeding four (4) square feet may be affixed to the front elevation of the Model Home Sales Office facing the street from which the Model Home Complex takes access. Said sign may be *externally illuminated* or back-lit in accordance with Section 113-10.
- h) Information regarding *Model Home Signs* shall be included with the Model Home Complex application packet to be reviewed and approved with the Model Home Complex. In circumstances where Model Home Complexes in existence as of the effective date of this Ordinance are to be retrofitted for purposes of implementing signage permitted under this Section, an amendment to the approved Model Home Complex is required.
- i) All *Model Home Signs* permitted under this Section shall be removed upon the conversion of the Model Homes to a residential use in accordance with Section 122-92(h) of the Surprise Municipal Code.

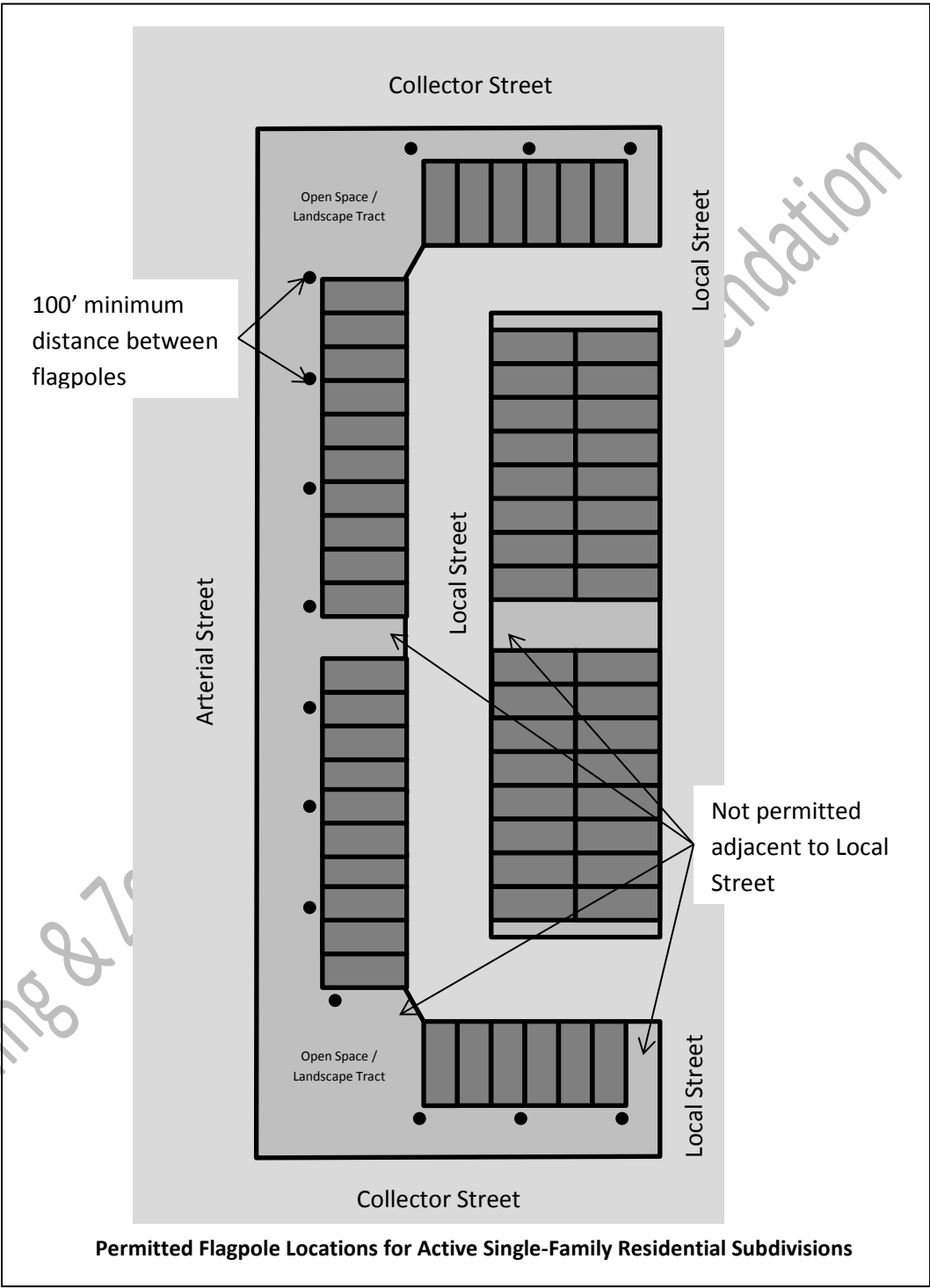
11. **Active Single-Family Residential Subdivision Signs:** In addition to other signs that may be permitted in association with a *Model Home Complex*, the following *Signs* are permitted within the boundaries of an *Active Single-Family Residential Subdivision*:

- a) One (1) *Class IV Temporary Sign* meeting the requirements of Section 113-09.A.5 herein may be located within the boundaries of an *Active Single-Family Residential Subdivision*, provided such sign is located adjacent to a Collector Street or Arterial Street. The overall height of the *Class IV Temporary Sign* allowed under this Paragraph may be increased to 120 inches, provided the sign is designed to withstand windloads as required by the building codes in effect at the time the sign is erected. A *Class IV Temporary Sign* permitted under this Paragraph may be externally illuminated as outlined in Section 113-10.



- c. Where an *Active Single-Family Residential Subdivision* includes an open space tract or landscape tract located adjacent to a Collector Street or Arterial street, a series of flagpoles not exceeding 20 feet in height may be erected within said tract provided said flagpoles are spaced no closer than 100 feet apart; however, flagpoles permitted under this Paragraph may not be located adjacent to any Local Street regardless of the location of the tract relative to the

Local Street. Further, flagpoles permitted under this Paragraph may not be illuminated except by ambient lighting.



- c) *All Active Single-Family Residential Subdivision Signs* shall be removed upon the close of escrow of the last lot in the subdivision or upon cessation of use, whichever comes first.

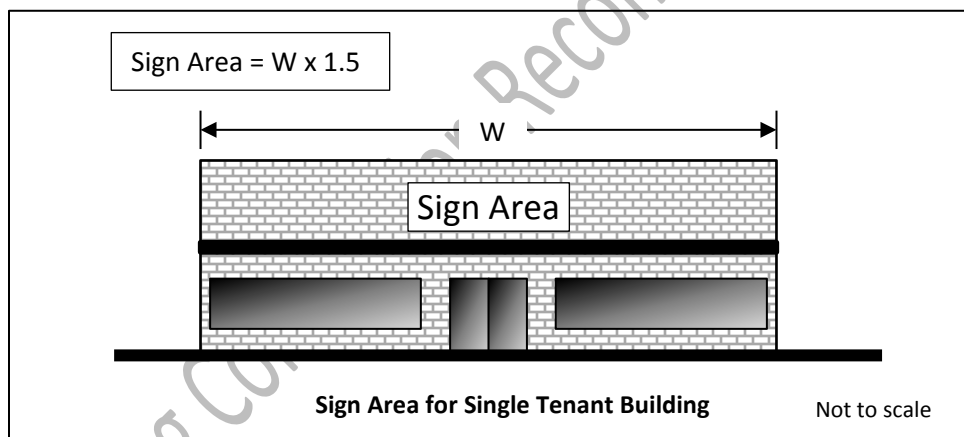
Planning & Zoning Commission Recommendation

- B. **Building-Mounted Signs:** Building-mounted *signs* may only be placed on *building* elevations which face a street or primary parking lot. For purposes of this Section, parking areas adjacent to service bays, access drives located behind a *building*, or alley ways are not considered primary parking areas.

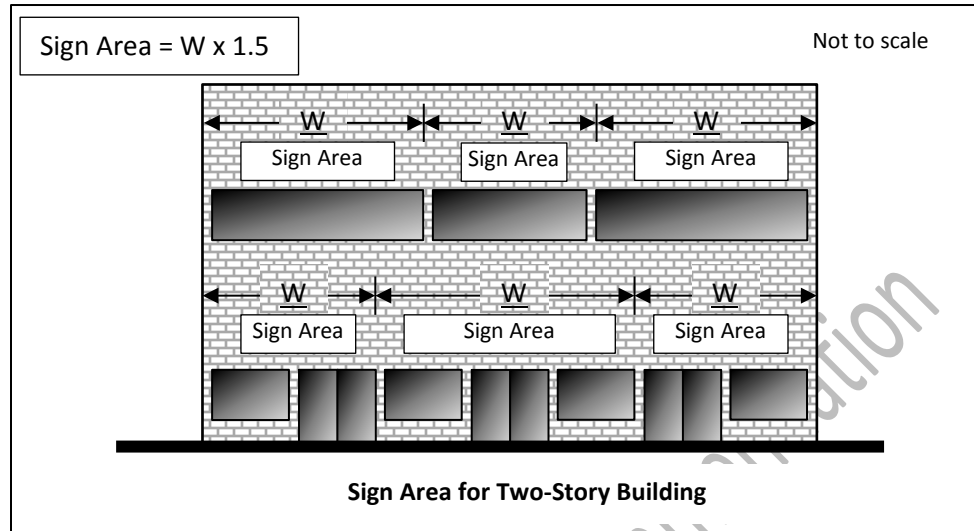
1. **Building Wall Signs:**

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

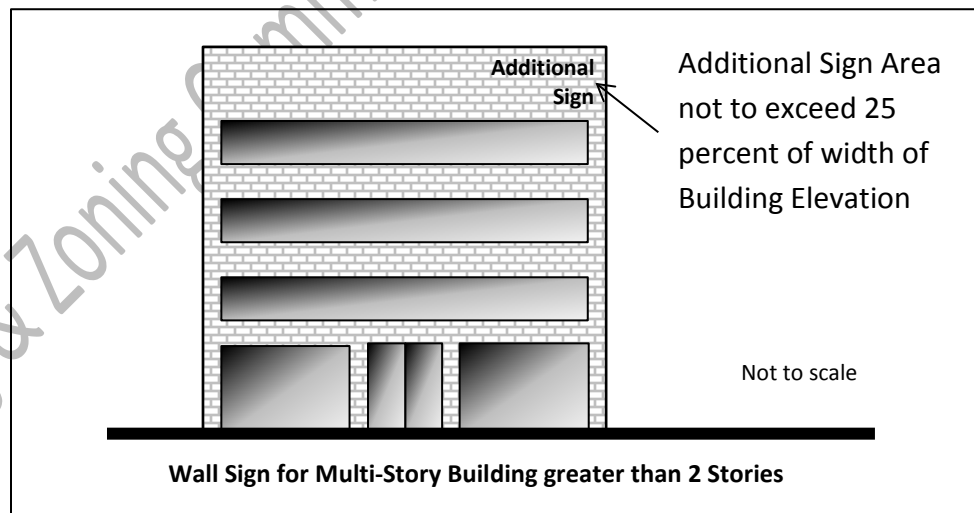
- a) For single story, single-tenant *buildings*, any number of *Building Wall Signs* may be affixed to any *building* elevation, provided the aggregate *sign area* does not exceed one and one-half (1.5) square foot per one (1) linear foot of *building* elevation on which the *sign* is mounted.



- b) For two-story 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 two (2) stories one (1) *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.

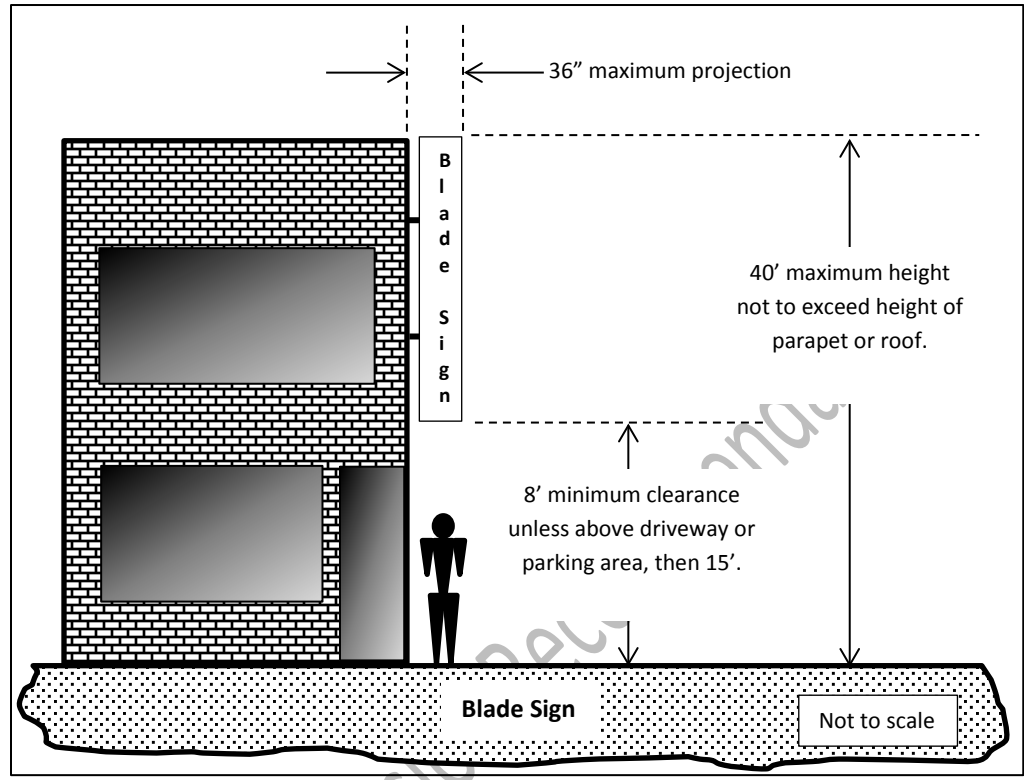


- d) The *sign area* of any *Building Wall Sign* serving an arterial street may be increased by twenty-five (25) percent when the *building* is setback at least 600 feet from the public right-of-way and may be further increased an additional twenty-five (25) percent for each additional 200 feet of setback, 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 113-10.

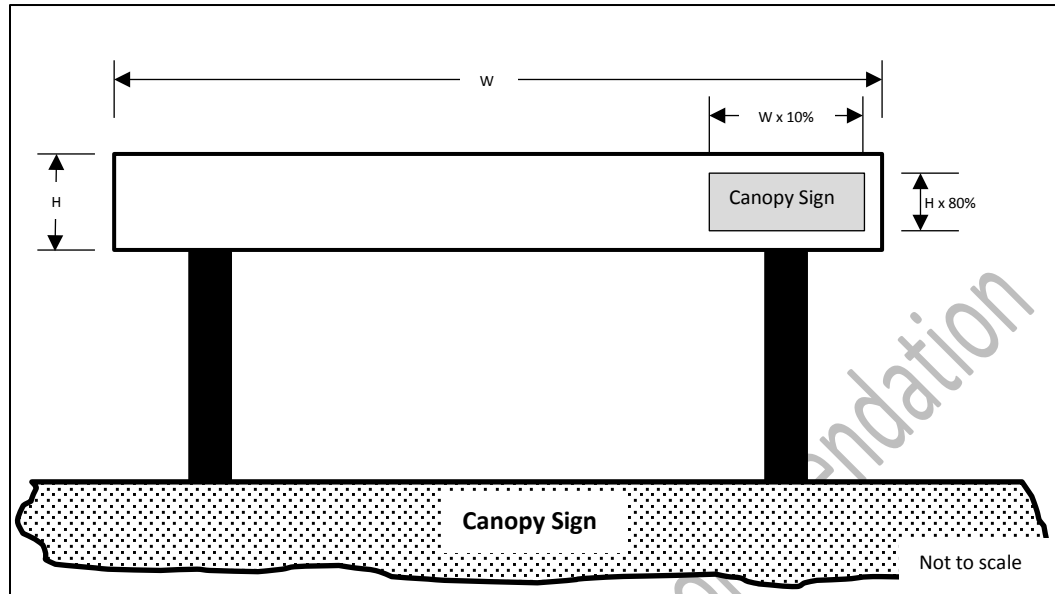
2. ***Blade Signs:***

- 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 113-10.



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 113-11.

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 113-11.

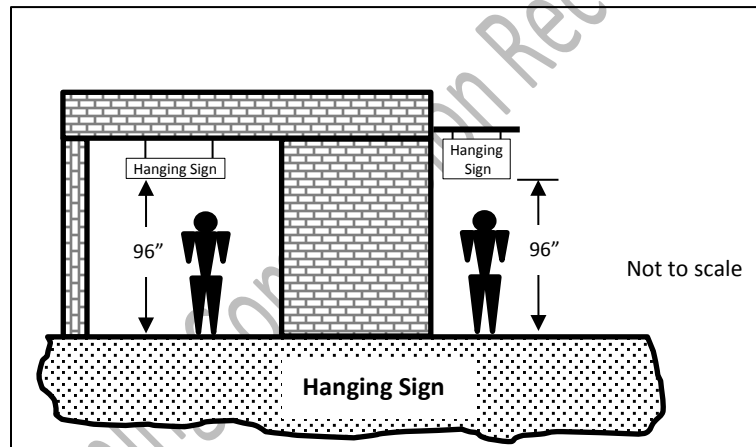
5. **Awning Signs:**

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 113-10.



7. **Window Signs and Sunscreens:**

- 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*.

C. Freestanding Ground 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 Monument 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 eight (8) 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 fifty (50) 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 Monument 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 113.10.
- g) *Level 2 Electronic Messaging* is permitted, subject to the provisions outlined in Section 113-11.

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* as outlined in Section 113.10 provided the source of *external illumination* is not visible.

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

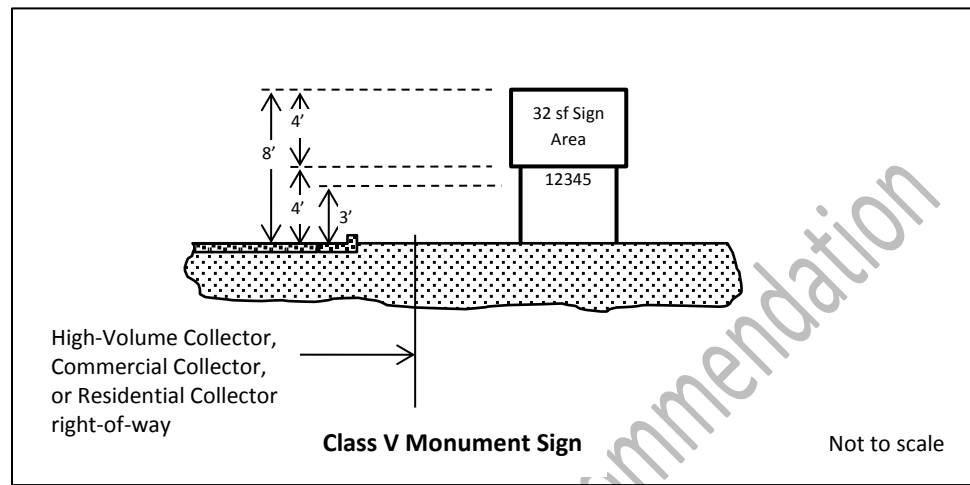
Class IV Monument Signs are permitted within the interior of any multi-family residential, commercial or industrial development, subject to the following:

- 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 113-10 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) One (1) *Class V Monument Sign* meeting the requirements outlined below is permitted for every 150 feet of collector or arterial street frontage or portion thereof, regardless of the presence or location of driveway, provided sight distance requirements are met. The minimum spacing between individual *Class V Monument Signs*, or between a *Class V Monument Sign* and a *Class VI Monument Signs*, located on the same property shall be not less than 150 feet measured radially.
- c) When allowed, 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 maximum *sign area* exceed 32 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*.



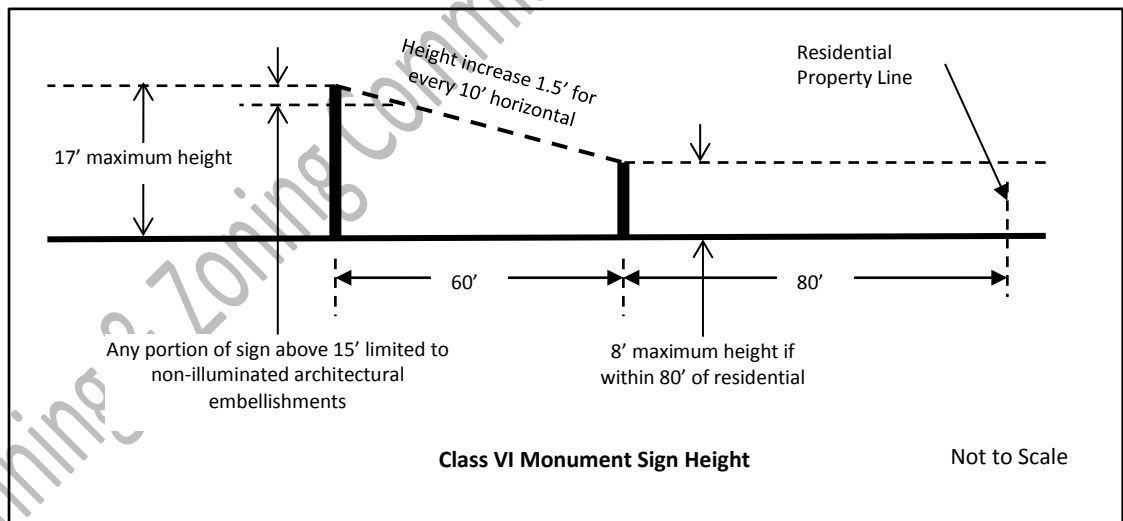
- d) The base of a *Class V Monument Sign* shall be fitted with the address of the property or properties in a manner that is consistent with Section 113-13.
- e) A *Class V Monument Sign* shall be located within a landscape area not less than 80 square feet.
- f) *Class V Monument Signs* shall be setback 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 113.10.
- h) *Level 1 Electronic Messaging* and *Level 2 Electronic Messaging* are permitted on a *Monument Sign*, subject to the provisions outlined in Section 113-11.

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

- a) *Class VI Monument Signs* are permitted in conjunction with non-residential uses in a non-residential zone or that portion of a Planned Area Development where the land use plan of the PAD specifically calls out non-residential uses.
- b) *Class VI Monument Signs* shall only be located adjacent to a Parkway, Major Arterial street, Minor Arterial street, or along Grand

Avenue. When allowed, one (1) *Class VI Monument Sign* meeting the requirements outlined below is permitted for every 300 feet of said roadway or portion thereof, regardless of the presence or location of driveway, provided sight distance requirements are met. The minimum spacing between individual *Class VI Monument Signs* located on the same property shall be not less than 300 feet measured radially. The minimum spacing between Class V Monument Signs and Class VI Monument Signs located on the same property shall not be less than 150 feet measured radially. Properties with less than 300 feet of Parkway, Major Arterial street, Minor Arterial street, or Grand Avenue frontage shall not be permitted any *Class VI Monument Sign*.

- c) If a *Class VI Monument Sign* is located within 80 feet of a property having single-family residential zoning, the height of the *Class VI Monument Sign* shall not exceed eight (8) feet; however, the height of a *Class VI Monument Sign* may increase one and one-half (1.5) foot for every additional ten (10) feet of horizontal distance the sign is located away from a property having single-family residential zoning up to a maximum height of seventeen (17) feet, provided however that any height in excess of fifteen (15) feet shall be limited to architectural embellishments.



- d) The *sign area* of a *Class VI Monument Sign* shall be limited to thirty-six (36) square feet, but may increase twelve (12) square feet for every one (1) foot increase in the overall height of the sign up to a maximum *sign area* of 120 square feet.

- e) 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 113-13.
- f) A *Class VI Monument Sign* shall be located within a landscape area not less than the maximum *sign area* allowed for that *sign*.
- g) *Class VI Monument Signs* shall be setback not less than two (2) feet from the right-of-way line. Further, in the event a Public Utility Easement is present, the *sign* shall be setback not less than two (2) feet from the easement, unless the property owner signs a waiver acknowledging the prior rights of the utility companies to occupy said easement.
- h) *Class VI Monument Signs* may be *internally illuminated, back-lit or externally illuminated* in accordance with the requirements set forth in Section 113.10.
- i) *Level 1 Electronic Messaging* and *Level 2 Electronic Messaging* are permitted on a *Class VI Monument Sign*, subject to the provisions outlined in Section 113-11.

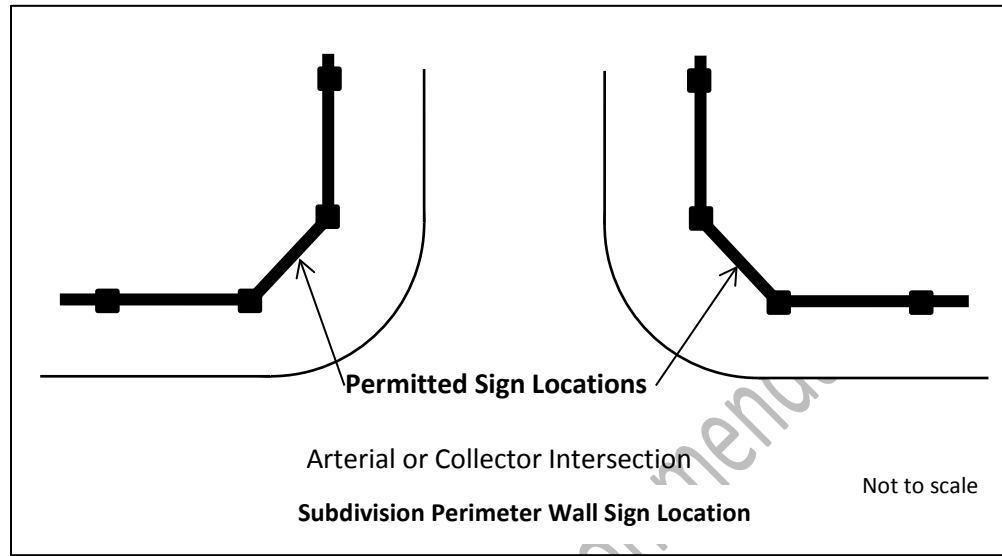
6. ***Roadway Arch Signs:***

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

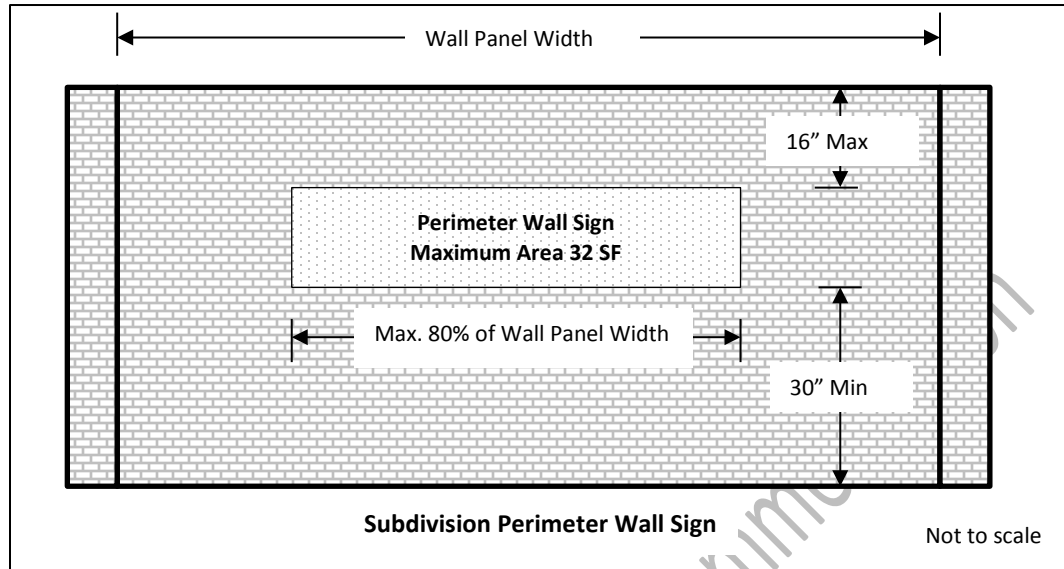
- a) *Roadway Arch Signs* shall maintain a vehicular clearance of not less than eighteen (18) feet;
- b) *Roadway Arch Signs* shall not interfere with pedestrian or vehicular movement.
- c) *Roadway Arch Signs* may be *internally illuminated, or back-lit* in accordance with the requirements set forth in Section 113-10 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 113-10.



8. **Freeway Monument Signs:** Freeway Monument Signs may be permitted as outlined in this Section:

a) **State Route 303 Corridor:** Freeway monument signs may be located within the following portions of the **State Route 303 Corridor**, subject to prior approval of a Conditional Use Permit in accordance with Section 122-154 of the Surprise Unified Development Code:

i. **State Route 303 and U.S. 60:** An area of land generally located at the intersection of State Route 303 and U.S. 60, being situated in the south half of Section 18 and the north half of Section 19, Township 4 North, Range 2 West and the south half of Section 36, Township 4 North Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at a point located at Longitude 112°24'13" West by Latitude 33°40'49" North, thence southwesterly along a line bearing N43°00'58"E a distance of 1,320 feet to the beginning of a non-tangent curve the center of which is said Longitude and Latitude; thence clockwise along the arc of said curve a distance of approximately 2,070 feet, thence departing said arc southeasterly along a line bearing N46°13'20"W a distance of 1,320 feet to the to the POINT OF BEGINNING.

ii. **State Route 303 and Bell Road:** An area of land generally located at the intersection of State Route 303 and Bell Road, being situated in the north half of Section 1, Township 3

North, Range 2 West and the south half of Section 36, Township 4 North Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the North Quarter Corner of said Section 1, thence easterly along the north line of the northeast quarter of said Section 01 a distance of 850 feet to the beginning of a non-tangent curve the center of which is said North Quarter Corner; thence clockwise along the arc of said curve a distance of approximately 4,000 feet to a point on the east line of the southwest quarter of said Section 36, thence departing said curve, southerly along said east line a distance of 850 feet to the POINT OF BEGINNING.

- iii. **State Route 303 and Greenway Road:** An area of land generally located at the intersection of State Route 303 and Greenway Road, being situated in the southeast quarter of Section 1 Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the South Quarter Corner of said Section 01, thence northerly along the west line of said southeast quarter a distance of 450 feet to the beginning of a non-tangent curve the center of which is said South Quarter Corner; thence clockwise along the arc of said curve a distance of approximately 700 feet to a point on the south line of said southeast quarter; thence departing said curve, westerly along said south line a distance of 450 feet to the POINT OF BEGINNING.

- iv. **State Route 303 and Cactus Road:** An area of land generally located at the intersection of State Route 303 and Cactus Road, being situated in the northeast quarter of Section 24 Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

BEGINNING at the North Quarter Corner of said Section 24; thence easterly along the north line of said northeast quarter a distance of 850 feet to the beginning of a non-tangent curve the center of which is said North Quarter Corner; thence clockwise along the arc of said curve approximately 1340 feet to a point on the west line of said northeast quarter; thence departing said curve, northerly along said

west line a distance of 850 feet to the POINT OF BEGINNING.

- v. All *freeway monument signs* located within the aforementioned locations are subject to the provisions in Paragraph 113-09.C.9.b through e.

b) **Additional Locational Requirements:** The following additional locational requirements apply for all *freeway monument signs* regardless of where in the corridor it is located:

- i. *Freeway monument signs* may only be approved on lands zoned for Commercial or Industrial uses.
- ii. No *freeway monument sign* shall be located within 300 feet of a property zoned for Residential uses, or any open space tract that is associated with a residential development.
- iii. *Freeway monument signs* shall not be located closer than twenty (20) feet from the adjacent right-of-way.
- iv. No *freeway monument sign* shall be approved within 660 feet of any *billboard sign* approved or existing at the time of Conditional Use Permit application for the *freeway monument sign* in question.
- v. Spacing between *freeway monument signs* shall be not less than 750 feet, unless separated by a freeway or arterial-right of-way.
- vi. *Freeway monument signs* shall not be allowed within a natural or manmade watercourse;

c) **Dimensional Requirements:** The following dimensional requirements apply for all *freeway monument signs* regardless of the corridor in which it is located:

- i. The overall height of a *freeway monument sign* shall not exceed sixty-five (65) feet as measured from the finished grade of the site where the *freeway monument sign* is located to the highest point of the *sign structure*.
- ii. *Freeway monument signs* shall be allowed an extra three (3) feet in height for architectural embellishments.

- iii. The *sign area* of a *freeway monument sign* shall not exceed 650 square feet.
- d) **Design Requirements:** The following design requirements apply for all *freeway monument signs* regardless of the corridor in which it is located:
 - i. *Freeway monument signs* may incorporate *Level 2 Electronic Messaging Centers* as outlined Section 113-11 herein, except that *Electronic Messaging Centers* used in *freeway monument sign* applications may occupy up to 50% of the allowable *sign area* of the *sign*, exclusive of architectural embellishments as required herein, and provided such *Electronic Messaging Centers* are turned off between 11:00 PM and dawn.
 - ii. *Freeway monument signs* shall incorporate architectural features of the commercial development on which the sign is located; however, such embellishments shall not include any sign copy.
 - iii. *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; Freeway monument signs may be illuminated by externally-illuminated indirect or internal lighting;
- e. Any Conditional Use Permit approval is hereby conditioned upon the applicant obtaining a valid construction permit for the *freeway monument sign* approved under said Conditional Use Permit. The applicant shall obtain Certificate of Completion from the City of Surprise within six (6) months of approval of the Conditional Use Permit by the Planning and Zoning Commission. Failure to obtain a Certificate of Completion within the designated time allotment shall render the Conditional Use Permit null and void; however, the City Manager or designee may grant a one-time extension for a period not to exceed six (6) months when in the opinion of the City Manager or designee the circumstances warrant such.

D. Billboard Signs: *Billboard Signs* may be permitted as outlined in this Section:

1. **U.S. 60 Corridor:** *Billboard Signs* may be located within that portion of the **U.S. 60 Corridor** between the eastern line of Section 03, Township 03 North, Range 01 West (Dysart Road) and the north/south mid-section line of Section 03, Township 04 North, Range 02 West, subject to prior approval of a Conditional Use Permit in accordance with Section 122-154 of the Surprise Unified Development Code. All *billboard signs* located within the aforementioned corridor are subject to the provisions in Paragraph 113-09.D.3 through 5 and the following:
 - a. No *billboard sign* shall be located within 2,640 feet of the intersection of U.S. 60 and State Route 303, specifically defined as a point located at Longitude 112°24'13"W by Latitude 33°40'49"N.
 - b. No *billboard sign* shall be located within 1,320 feet of the intersection of U.S. 60 and Bell Road, specifically defined as a point located at Longitude 112°21'02"W by Latitude 33°38'19"N.
 - c. The overall height of a *billboard sign* within the U.S. 60 Corridor shall not exceed thirty (30) feet as measured from the adjacent roadway to the top of the *sign structure*, exclusive of architectural embellishments as permitted in this Section.
 - d. The overall dimensions of the *sign panel* associated with a *billboard sign* within the U.S. 60 Corridor shall not exceed thirty-six (36) feet in width and 10.6 feet in height for a total *sign area* not to exceed 381.6 square feet, exclusive of architectural embellishments as permitted in this Section.
2. **State Route 303 Corridor:** *Billboard Signs* may be located within that portion of the **State Route 303 Corridor** between a specific point located at Longitude 112°21'35"W by Latitude 33°41'48"N and the East line of Section 16, Township 04 North, Range 01 West, subject to prior approval of a Conditional Use Permit in accordance with Section 122-154 of the Surprise Unified Development Code. All *billboard signs* located within the aforementioned corridor are subject to the provisions in Paragraph 113-09.D.3 through 5 and the following:
 - a. No *billboard sign* shall be located within 2,640 feet of the intersection of U.S. 60 and State Route 303, specifically defined as a point located at Longitude 112°24'13"W by Latitude 33°40'49"N.
 - b. *Billboard signs* located within the State Route 303 corridor as defined above shall serve eastbound and/or westbound traffic, but shall only be located north of the freeway right-of-way. Further,

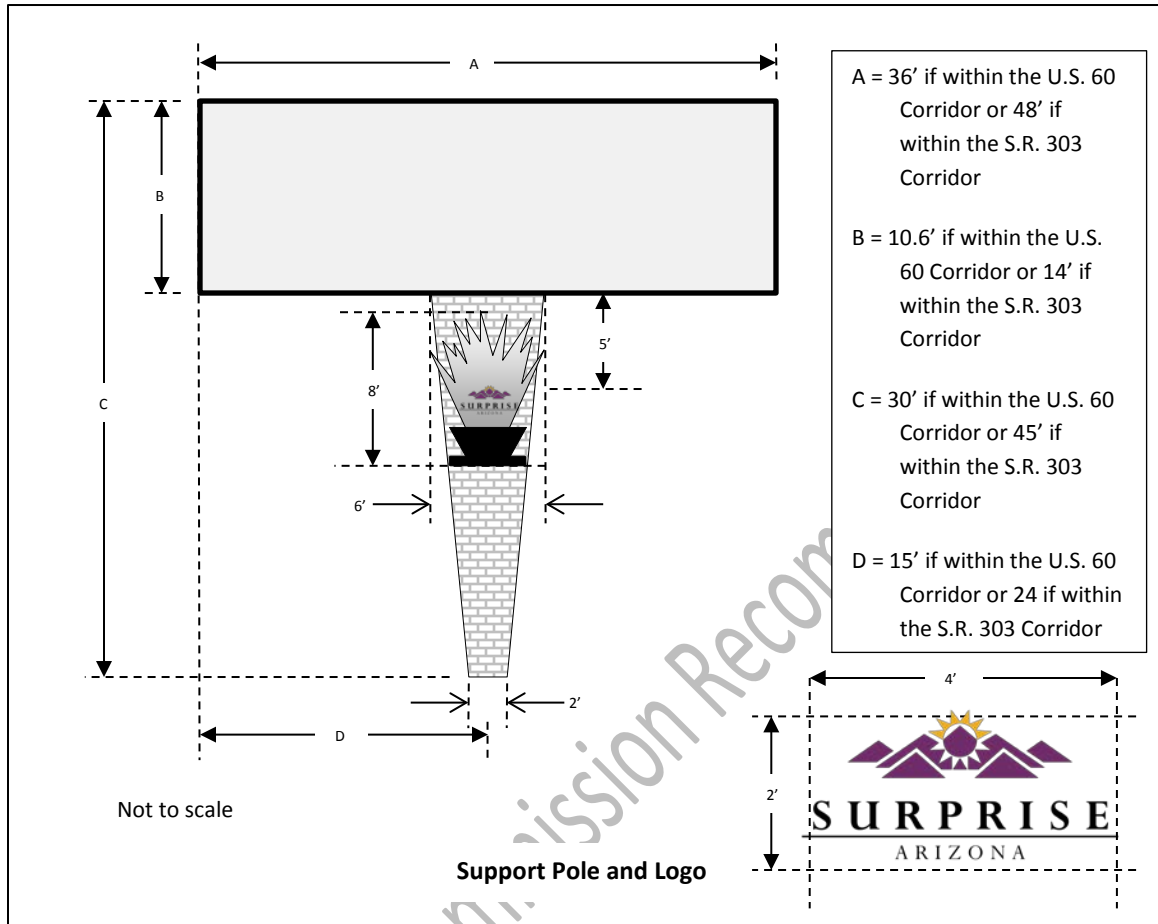
where a *billboard sign* is located within the State Route 303 Corridor, at least one (1) sign face shall consist of an Electronic Messaging Center.

- c. The overall height of a *billboard sign* within the State Route 303 Corridor shall not exceed forty-five (45) feet as measured from the adjacent roadway to the top of the *sign structure*, exclusive of architectural embellishments as permitted in this Section.
- d. The overall dimensions of the *sign panel* associated with a *billboard sign* within the State Route 303 Corridor shall not exceed forty-eight (48) feet in width and fourteen (14) feet in height for a total *sign area* not to exceed 672 square feet, exclusive of architectural embellishments as permitted in this Section.

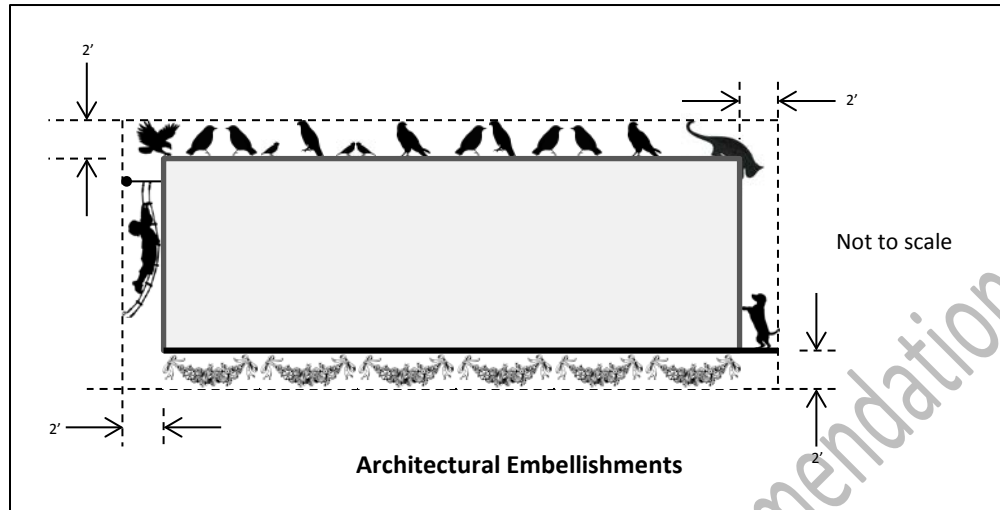
3. **Additional Locational Requirements:** The following additional locational requirements apply for all *billboard signs* regardless of the corridor in which it is located:

- a. *Billboard signs* may only be approved in the CN, CC, CR, BP, IP, PF or ILM zoning districts, or if located within a Planned Area Development (PAD), that portion of the PAD in which the approved land use plan specifically calls out commercial, industrial or employment uses.
- b. Notwithstanding the Union Pacific Railroad right-of-way, no *billboard sign* shall be located within 300 feet of a property zoned for Residential uses, or any open space tract that is associated with a residential development.
- c. *Billboard signs* shall not be located closer than twenty (20) feet from the U.S. 60 or State Route 303 right-of-way line and not further than 200 feet from said right-of-way line.
- d. No *billboard sign* shall be approved within 660 feet of any *Freeway Monument Sign* existing at the time of Conditional Use Permit application for the *billboard sign* in question.
- e. No *billboard sign* shall be approved within 2,640 of any *billboard sign* approved or existing at the time of Conditional Use Permit application for the *billboard sign* in question.

4. **Design Requirements:** The following design requirements apply for all *billboard signs* regardless of the corridor in which it is located:
- a. *Billboard Signs* may incorporate *Level 2 Electronic Messaging Centers* as outlined Section 113-11 herein, except that *Electronic Messaging Centers* used in *billboard* applications may occupy up to 100% of the allowable *sign area* of the *billboard*, exclusive of architectural embellishments as may be permitted or required herein, and provided such *Electronic Messaging Centers* are turned off between 11:00 PM and dawn.
 - b. *Billboard Signs* shall be supported by a single pole or column, which shall be dimensionally centered beneath the *sign panel* and shall incorporate a pole cover comprised of stone, brick or other architecturally compatible material that conceals the structural component of the pole or column. Unless an alternative design is approved by the Planning and Zoning Commission, the pole cover shall be of a trapezoidal shape, with a base width equal to one-third (1/3) the width of the top of the pole cover.
 - c. Unless an alternative design is approved by the Planning and Zoning Commission, the supporting pole or column shall also include additional architectural embellishments that incorporate the official *Primary City of Surprise Logo* superimposed onto a stylized agave image. The logo shall be approximately two (2) feet tall by four (4) feet wide. The stylized agave image shall be eight (8) feet high by six (6) feet wide. The vertical center of the arrangement shall be five (5) feet below the lower edge of the *sign panel*.



- d. Artistic or architectural embellishments up to thirty (30) square feet may be attached to the perimeter of the *sign panel*, provided said embellishments do not extend more than two (2) feet in any direction beyond the face of the *sign* and do not otherwise obstruct the architectural embellishments as may be required under Paragraph 113-09.D.4.c above.



5. Any Conditional Use Permit approval is hereby conditioned upon the applicant obtaining a valid construction permit for the *billboard sign* approved under said Conditional Use Permit. The applicant shall obtain Certificate of Completion from the City of Surprise within six (6) months of approval of the Conditional Use Permit by the Planning and Zoning Commission. Failure to obtain a Certificate of Completion within the designated time allotment shall render the Conditional Use Permit null and void; however, the City Manager or designee may grant a one-time extension for a period not to exceed six (6) months when in the opinion of the City Manager or designee the circumstances warrant such.

Planning & Zoning Commission Recommendation

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Section 113-10 – Sign Illumination

- A. Unless otherwise specified in this Chapter, *signs* may be *externally illuminated*, *internally illuminated* or *back-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 located within the Scenic Lands Development Sub Area as depicted in the Surprise General Plan 2035, sign lighting shall be limited to internal illumination only, with the negative space between and around the individual characters of the *sign copy* limited to opaque materials.
- 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 *building* greater than five (5) stories 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 113-11 – 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 113-06.
- 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 113-11.B below.

TABLE 113-11.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 113-11.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 not more than thirty (30) percent of the allowable *sign area* of a particular *sign* except that:
 - a) When *Electronic Messaging Centers* are utilized in conjunction with a *Billboard Sign*, the *sign area* of the *Electronic Messaging Center* may encompass 100% of the allowable *sign area* as outlined in Paragraph 113-09.D.1.d and 113-09.D.2.d.

- b) When *Electronic Messaging Centers* are utilized in conjunction with a *Freeway Monument Sign*, the *sign area* of the *Electronic Messaging Center* may encompass 50% of the allowable *sign area* as outlined in Paragraph 113-09.8.c)iii.
5. **Certification:** Prior to the issuance of a permit relating to an *Electronic Messaging Center*, the applicant shall provide a written certification from the owner of the sign attesting that said owner has read and understands the provisions of this Section, agrees to abide by said Section, and agrees to cooperate with City of Surprise staff with regards to any nighttime testing that may be necessary should the 0.3 foot-candle limitation be at question.

Section 113-12 – 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 113-10; 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 113-13 – 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*.

Planning & Zoning Commission Recommendation

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Section 113-14 – 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**

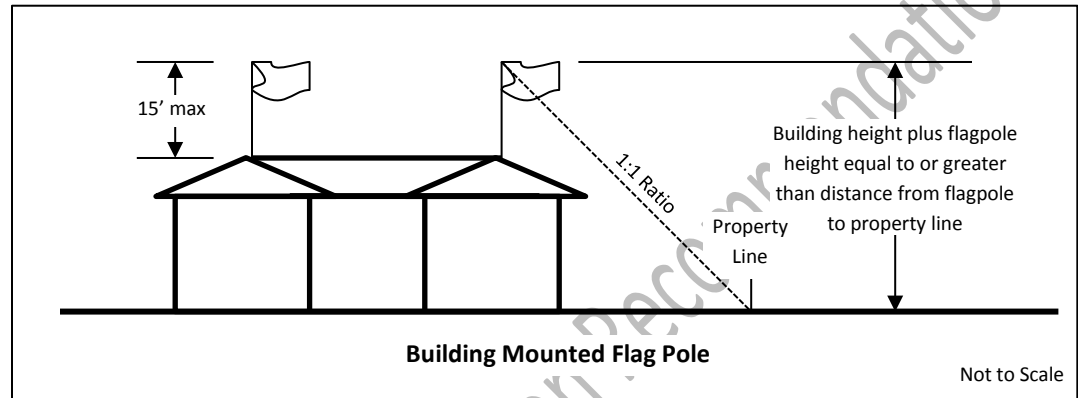
1. Not more than one (1) freestanding flagpole per single-family lot of record is allowed except that when associated with an HOA-maintained open space tract, then three (3) such flagpoles are allowed.
2. A freestanding flagpole associated with a single-family residence may be located within any portion of the building envelope, or within the required front or required rear yard, but not within a required side 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 feet.
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.
5. Additional *Flags* are permitted within *Model Home Complexes* in accordance with Section 113-09.A.10 and *Active Single-Family Residential Subdivisions* as outlined in Section 113-09.11.

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 113-15 – 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 113-07.A.
- C. A Comprehensive Sign Program may not introduce a *sign* type that is specifically prohibited in Section 113-07.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.

Planning & Zoning Commission Recommendation

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Section 113-16 – Nonconforming Signs

A. General Provisions:

1. *Nonconforming signs* shall be maintained in good condition pursuant to Section 113-08.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 113-16.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 113-16.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*:

A *nonconforming sign* shall be removed upon verification that any of the following conditions have been met:

1. The City determines and notifies the property owner that the use of the property or *building* upon which the *nonconforming sign* is located has ceased or been abandoned for more than 90 consecutive days, and the owner fails to provide the City with acceptable documentation or other information demonstrating that the use has not ceased or been abandoned; or,
2. These regulations, or amendment to these regulations, which made the *sign* non-conforming has been in effect for twenty (20) years.

Section 113-17 – Enforcement

A. General Provisions:

1. The City Manager or designee is hereby authorized and directed to enforce all provisions of this Chapter in conformance with the regulations and procedures specified herein.
2. Any violation of this Chapter constitutes a public nuisance and may result in the issuance of either a civil citation or criminal citation by the City as set forth in Article VI of the Surprise Municipal Code.
2. Each day a violation of any provision of this Chapter or the failure to perform any act or duty required by this Chapter continues shall constitute a separate violation or offense.
3. When two (2) or more persons have liability to the City or are responsible for a violation of this Chapter, their responsibility shall be joint and several.
4. The re-erection of any *sign* or substantially similar *sign* on the same premises after a Notice of Violation has been issued shall be deemed a continuance of the original 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 stating a date-certain by which 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.
7. The period of notice for *permanent signs* shall be thirty (30) days.

- 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 First Class Mail or 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. **Penalties for Violation:** Penalties for violations are as outlined in Article VI of the Surprise Municipal Code. Imposition of a fine or penalty assessment shall not relieve the owner of the responsibility for abatement of the violation(s) or excuse him/her from liability for any and all costs incurred by the City for abatement. In no event shall the owner of premises where the violation has occurred be held criminally responsible for a *temporary sign* violation of this Chapter committed by a tenant in possession of the premises or other third party.
- E. **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 113-09.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, provided a City of Surprise employee who is authorized to do so has made an attempt to contact the individual whose name appears on the *Temporary Sign* at the address or phone number printed on said *sign*.
 6. All actual costs incurred by the City of Surprise in the removal or repair of said sign shall be paid by the owner of the sign or the owner of the

premises where the sign is located. Action for recovery may be brought by the Surprise City Attorney upon proper certification to him/her by the City Manager or authorized agent.

Planning & Zoning Commission Recommendation

Section 113-18 – Appeals

A. Decisions by the Zoning Administrator:

1. The denial of a *sign* permit or any written interpretation of a *sign* regulation made by the Zoning Administrator, pursuant to his/her legal authority, may be appealed to the Board of Adjustment pursuant to Section 2-302 of the Surprise Municipal Code, except as modified by the provisions of this Section 113-18. The appeal shall specify the grounds for appeal and shall be submitted in writing with the Community Development Department within fifteen (15) calendar days of the date the decision was issued. If a timely appeal is not filed, the Zoning Administrator's decision shall become final.
2. Challenges to the constitutionality of any provision of this Chapter regulating *signs* shall only be processed pursuant to Section 113-18.B below.
3. The Board of Adjustment may affirm, reverse, or modify the decision of the Zoning Administrator, which decision will be final, unless the Board's decision is timely appealed by any person aggrieved to the City Council within fifteen (15) calendar days of the decision. Appeals shall be filed in writing with the office of the City Clerk and shall specify the grounds for the appeal. The appeal shall be placed on the next available agenda for review and decision by the City Council. The appeal shall be decided based on the record of the Board of Adjustment proceedings and the issues limited to those presented to and decided by the Board of Adjustment.
4. Any person aggrieved by the decision of the City Council may appeal the decision of the City Council to Superior Court within 30 calendar days, as provided by state law.

B. Constitutional Issues Involving Application of Sign Regulations:

1. When an appeal raises an issue(s) involving the application of Federal or Arizona constitutional law in the issuance or denial of a *sign* permit, the revocation of a *sign* permit, or an order to alter or remove a *sign*, the constitutional issue(s) shall be referred to a hearing officer appointed by the City for hearing and decision.
2. The appeal shall be in writing and shall include the following information:
 - a. The name and address of the applicant.

- b. The ordinance, code provision, or other City document or policy statement that is alleged to be unconstitutional.
 - c. Any relevant facts and supporting documents.
 - d. The names and addresses of any witnesses.
3. The Zoning Administrator shall forward the appeal and all supporting documents to the hearing officer within ten (10) working days of receipt with a copy to the applicant.
4. The Zoning Administrator may prepare and include with the transmittal to the hearing officer a written statement of the City's response to the appeal accompanied by any supporting documents, names of witnesses, and any other matters considered relevant.
5. Upon receipt of the appeal, the hearing officer shall contact the Zoning Administrator and the applicant acknowledging receipt and scheduling a time for the appeal to be heard not later than 30 days after receipt. The applicant shall be given at least ten (10) day notice of the time when the appeal will be heard unless he/she agrees to a shorter time period.
6. The applicant shall bear the burden to establish that the subject ordinance, code provision, or other City document or policy statement is unconstitutional.
7. The hearing officer shall decide the appeal and issue a written decision setting forth findings of fact and conclusions of law within five (5) working days after the appeal is heard.
8. The decision shall be transmitted to the Zoning Administrator and the applicant at the address provided by the applicant.
9. If the hearing officer finds that the subject ordinance, code provision, or other City document or policy is unconstitutional, in whole or in part, the City shall issue within 30 days of the hearing officer's decision a written notice to the applicant stating that it will either (1) repeal or otherwise amend the challenged ordinance, code provision, or other document or policy to cure the constitutional deficiency or (2) take no action.
10. Any person aggrieved by the City's response to the hearing officer's decision may file, at any time within 30 calendar days thereafter, a complaint in a court of competent jurisdiction to review the City's response based on the record of the appeal to the hearing officer.

Chapter 113—SIGNS¹¹¹

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.~~

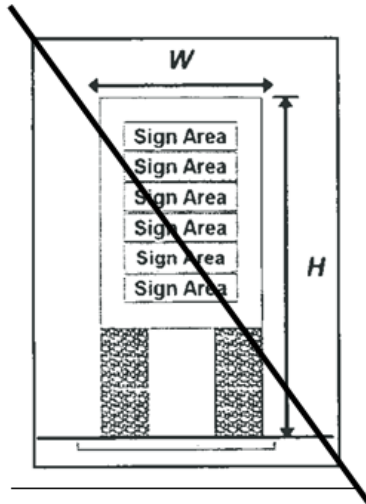
~~*Portable sign:* Any sign not affixed to a structure or ground mounted on a site that does not meet the definition of sandwich sign.~~

~~*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, ornamentalations, 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, ornamentalations, 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.~~

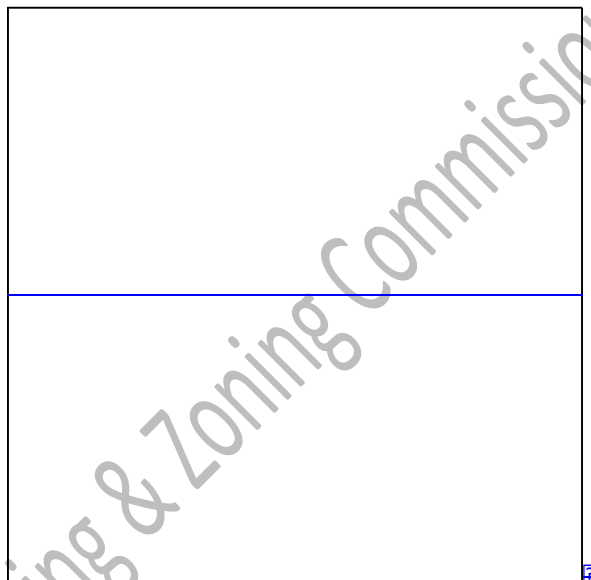
- ~~(a) All signs shall be structurally designed, constructed, erected and maintained in accordance with all applicable provisions and requirements of this Code.~~
- ~~(b) Signs are considered a component of the site's design and building architecture; and they shall be architecturally integrated with 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:~~

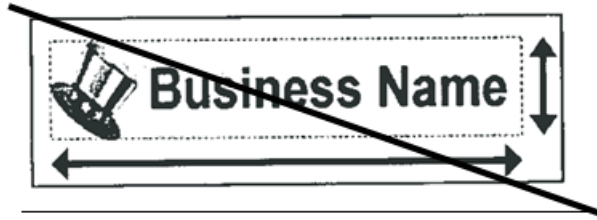
~~(a) Sign measurement criteria:~~

- ~~(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

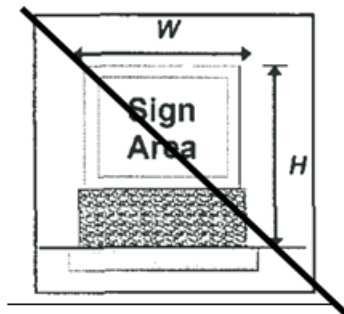
- c. ~~Sign copy mounted, affixed, or painted on an illuminated surface, or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy. Such elements may include, but are not limited to, lit canopy fascia signs, spanner 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.~~

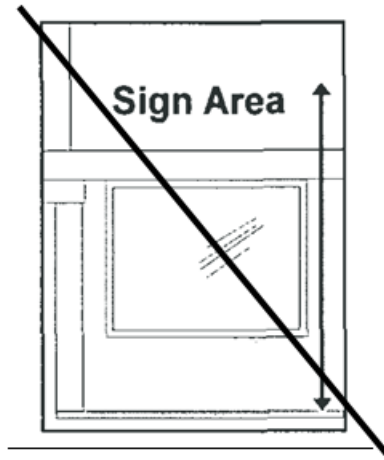
~~Sec. 113-105. Sign height.~~

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.

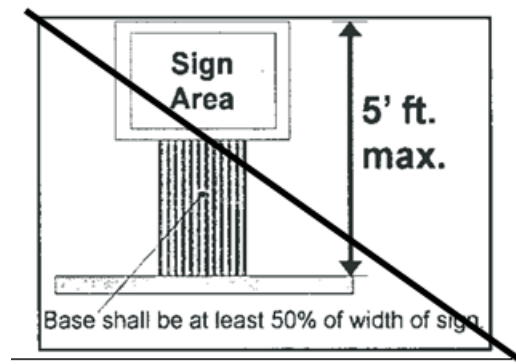
c. ~~Aggregate sign area allowed.~~

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.~~

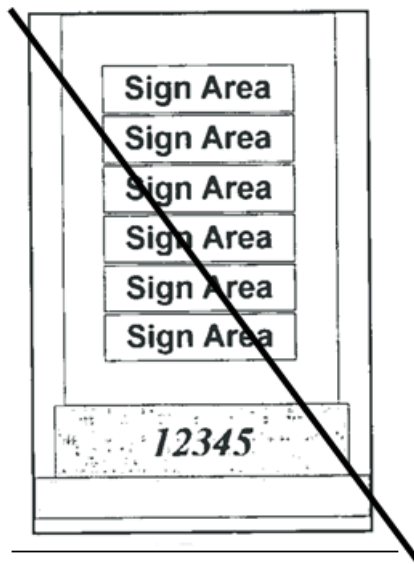
~~(1) Generally.~~

- 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.~~

February 20, 2018 Post P&Z Revisions

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

CITY OF SURPRISE PLANNING CASE FS15-311

**(ALTERNATIVE REVISIONS PROHIBITING BILLBOARDS, ADDING CLARIFYING
LANGUAGE, AND CORRECTING SCRIVENER'S ERRORS)**

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

- 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:** The City of Surprise finds that while *signs* are essential to commerce and wayfinding, *signs* may also obstruct views, distract motorists, displace alternative uses for land, contribute to blight, and pose other problems that legitimately call for regulation. A *sign* placed on land or on 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*.
- C. **Purpose:** The purpose of this Chapter is to safeguard the public interest from the negative impacts of *signs* thus ensuring the protection of property values, the character of neighborhoods, and the creation of a convenient, attractive and harmonious community, while encouraging economic prosperity.
- D. **Intent:** The City of Surprise intends to allow adequate communication through signage while encouraging aesthetic quality in the design, location and size of all *signs* by:
 - 1. Allowing adequate signage for business identification while meeting public and private objectives by establishing 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 C herein.
 - 2. Promoting 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. Promoting 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. Protecting property values, the local economy, and the quality of life through regulations that are intended to preserve and enhance the appearance of the streetscape that affects the image of the city.
 - 5. Maintaining acceptable outdoor lighting levels through regulations that 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. Providing for adequate wayfinding through and within the city through regulations that are intended to aid motorists and pedestrians in navigating to local businesses and other points of interest safely.
7. Promoting the health, safety, morals, and general welfare of the citizens of the City of Surprise.

E. 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 the federal government, the State of Arizona, the City of Surprise, or any other political subdivision of the state. 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. 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.

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 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 – Substitution

With the property owner's consent, a protected *non-commercial message* of any type may be substituted for any duly permitted or allowed *commercial message* or any duly permitted or allowed *non-commercial message*, provided that the *sign structure* or mounting device is permitted without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of *commercial speech* over protected *non-commercial speech*, or favoring of any particular *non-commercial message* over any other *non-commercial message*.

Section 113-05 – Rules of Interpretation

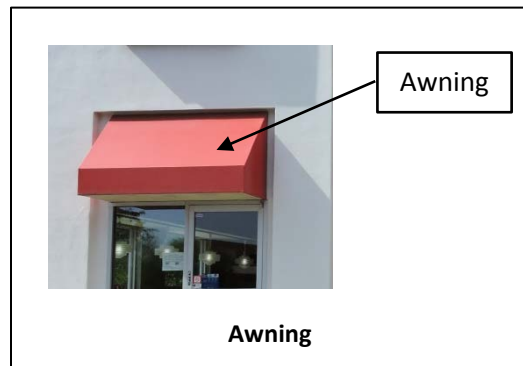
- A. Words or phrases within this Chapter which are expressed using *italics* shall assume the meaning as ascribed in Section 113-06 of this Chapter. Words or phrases not expressed in italics shall assume the common meaning of the word or phrase unless such word or phrase is otherwise included in Section 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 113-06 – Definitions. For purposes of administering Chapter 113, the following definitions apply:

Active Single-Family Residential Subdivision: A subdivision consisting of single-family lots that are for sale to the public by a homebuilder.

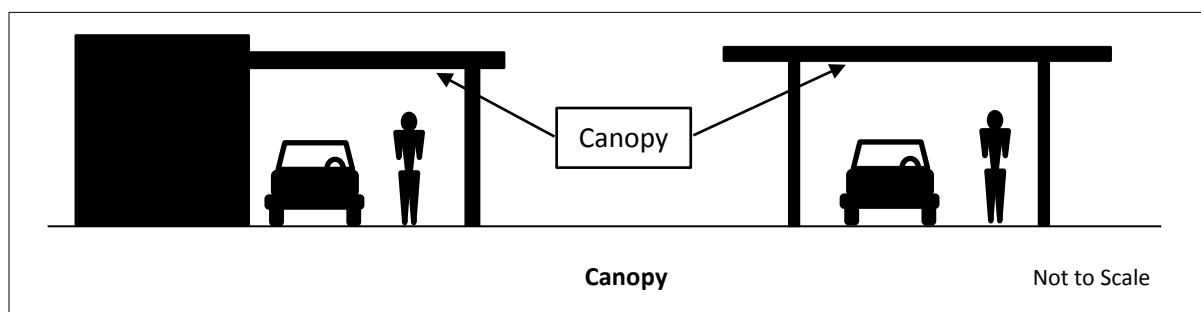
Awning: An architectural projection, typically made of cloth or metal, which projects from and is supported by the walls of a *building* and is intended to provide shade or shelter above a window or door.



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*.

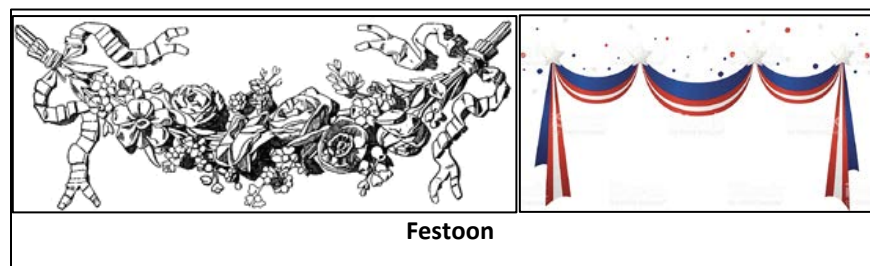
Electronic Messaging Center (EMC): A *sign* that utilizes computer-generated messages or some other electronic means of *changeable copy*. These *signs* include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

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*.

Festoon: A swath of fabric, ribbon, garland, or flowers which is suspended, draped, and bound at intervals to form graceful loops or scalloped folds. Festoons do not include *pennant* strings or string lighting.



Home Occupation: A use of land that is in accordance with Section 122-86 of the Surprise Municipal Code.

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. For purposes of this Chapter, the following uses are also considered Lawful Temporary Events: Real estate open houses occurring within lands zoned for residential uses; and, religious institutions where religious services or religious events are held on lands zoned for residential uses, but where the primary use established for said land is that of a public school, private school, or charter school, or other community facility, or public meeting hall.

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

Logo, Primary City of Surprise: The official *logo* of the City of Surprise.

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.

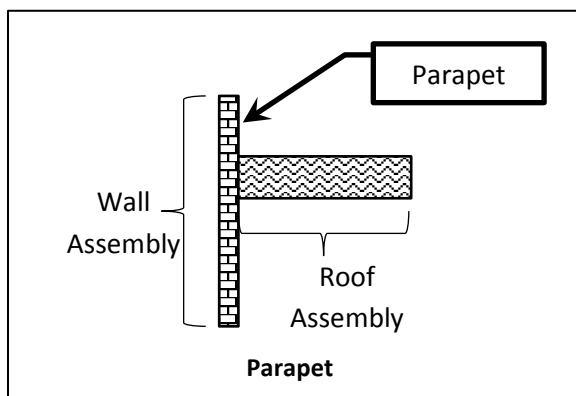


Message, Commercial: Speech that identifies, advertises, or directs attention to a business or is intended to induce a purchase of a good, property, or service, including, without limitation, any speech naming a brand of good or service and any speech that is not a noncommercial message.

Message, Non-commercial: Speech that in no way identifies, advertises, or directs attention to a business or is intended to induce a purchase of a good, property, or service, including, but not limited to, religious, political, and ideological speech.

Model Home Complex: A use of land that is in accordance with Section 122-92 of the Surprise Municipal Code.

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

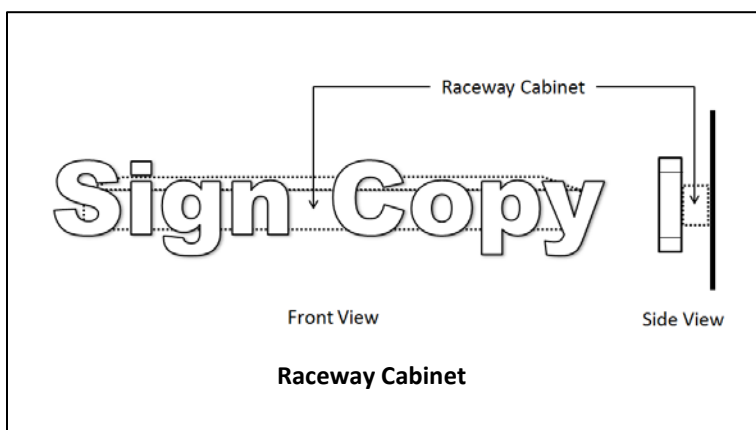


Pennant: A type of *flag*, generally in the shape of a triangle and typically flown from a string.



Pennant

Raceway cabinet: An aluminum channel box not more than eight (8) inches in depth used to mount signage to a wall or other structure.



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.

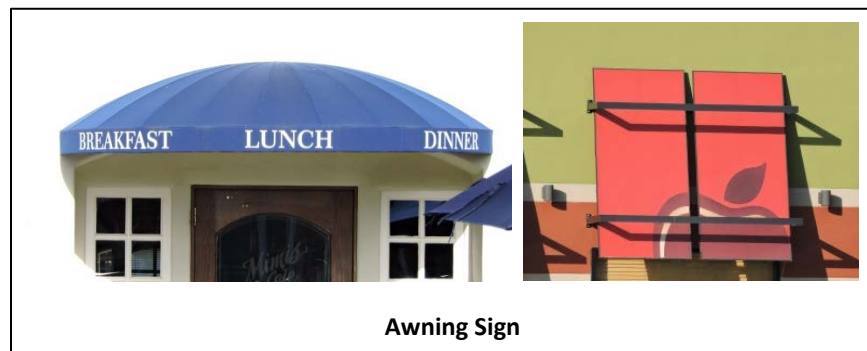
Sign, Address: A *sign* intended for the display of a property's address.

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*.



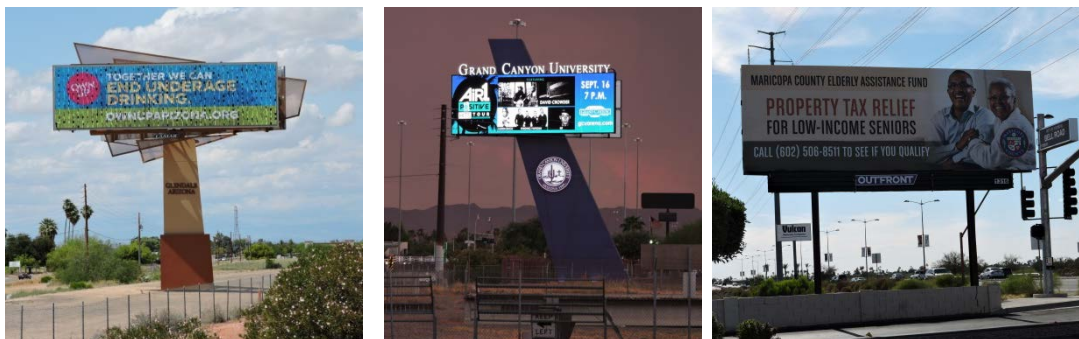
Sign, backlit: A *sign* typically utilizing opaque graphics, in which the light source is concealed or contained within the graphic thereby causing the graphic to become visible against the illuminated surface onto which the graphic is mounted.

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*.



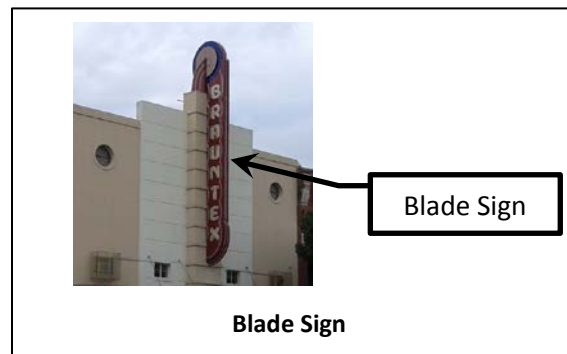
Banner Sign

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*.

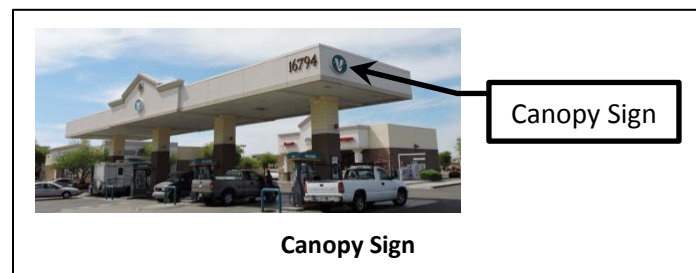


Billboard

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 ground: A *sign* that is erected on its own self-supporting structure, detached from any supporting elements of a *building*, but not a billboard sign or off-premises sign.

Sign, Freeway Monument: A *pylon sign* which is located along a freeway right-of-way and intended to display a *commercial message* relating to the commercial center on which the *sign* is located. Freeway monument signs are not considered billboard signs.

Sign, governmental: A *sign* erected by or on behalf of a governmental body, including but not limited to a sign to post legal notices, identify public property, convey public information, or direct or regulate pedestrian or vehicular traffic.

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 on-premises 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.

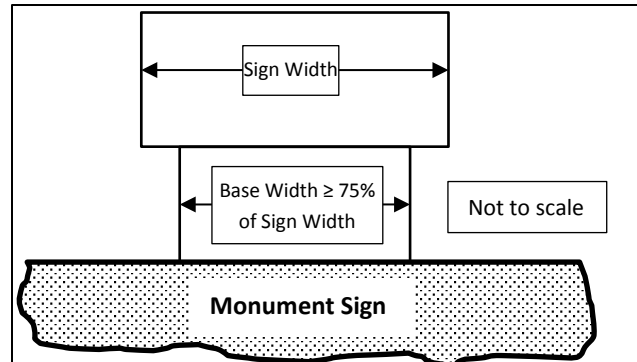
Sign, Light Pole Banner: A fabric *sign* suspended between two horizontal supports, which are attached to a light pole for the purpose of supporting the *sign*.



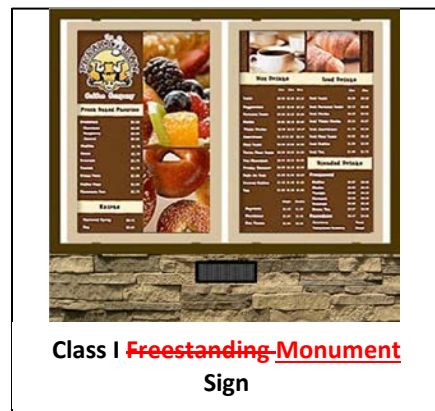
Sign, Median: Any *sign* other than a *public sign* that is located within the median of any street, regardless of whether the median is painted or raised.

Sign, Model Home Complex: Any *sign* or *flag* that is approved for use in a *Model Home Complex*.

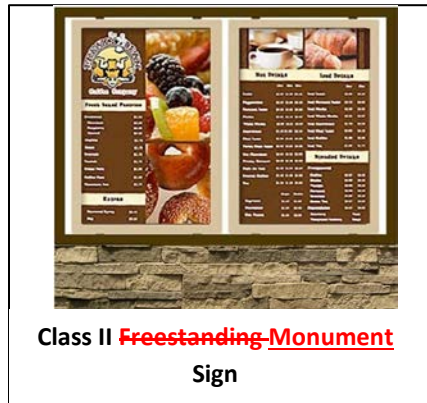
Sign, Monument: A freestanding ground sign with a base that is at least 75 percent of the width of the sign. intended to display a message relating to the property on which the sign is located. Monument Signs are not considered billboard signs.



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.



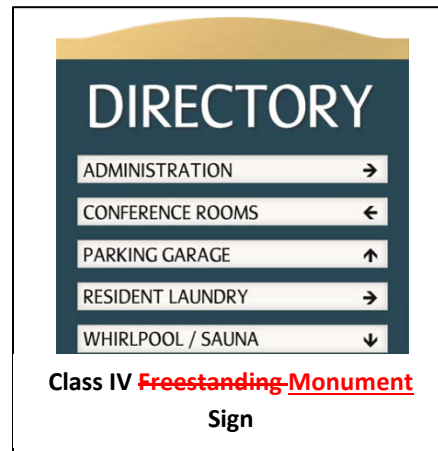
Sign, Monument, Class II: Commonly referred to as a “preview sign”, a Class II Monument Sign is a *monument sign* associated with the drive-through lanes of a *drive-through business*, and which is not equipped with a loudspeaker or microphone.



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*.

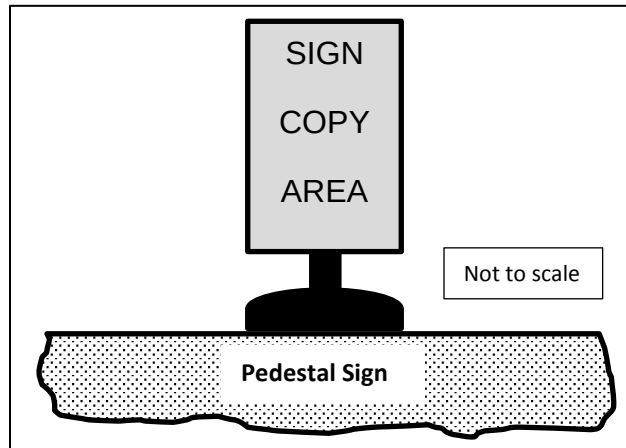
Sign, non-conforming: A *sign* that does not conform to the requirements of this Chapter.

Sign, Off-premises: A Class I Temporary Sign or Class II Temporary Sign ~~Any sign, other than a billboard sign,~~ that directs attention to an activity, business, commodity, service, entertainment, product, or attraction sold, offered, or existing elsewhere than upon the property where the *sign* is located.

Sign, On-premises: Any *sign*, other than a *billboard sign*, that directs attention to an activity, business, commodity, service, entertainment, product, or attraction sold, offered, or existing on the property where the *sign* is located.

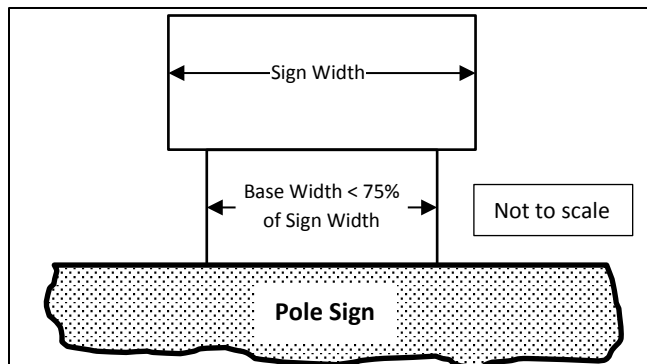
Sign panel: The surface on which *sign copy* is depicted.

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



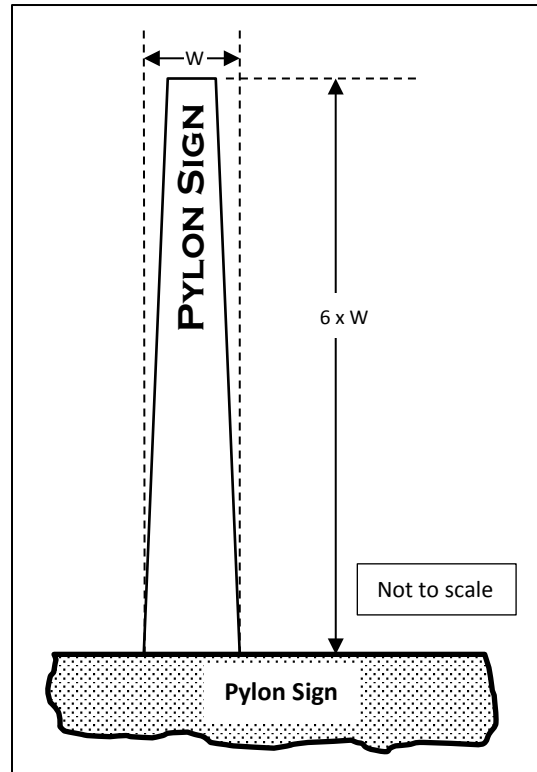
Sign, permanent: An on-premises sign that due to its physical characteristics and method of attachment is intended for permanent display.

Sign, Pole: An on-premises freestanding ground 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”.)

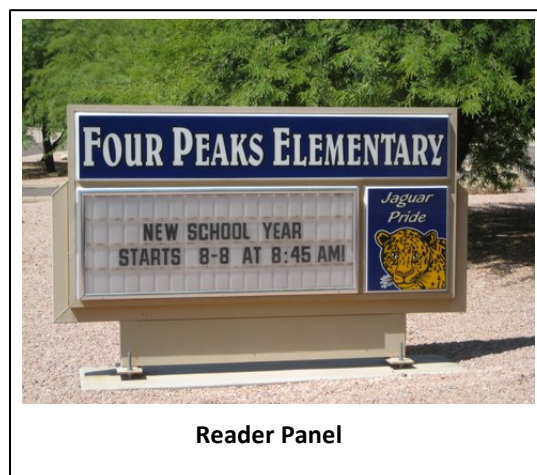


Sign, portable: A temporary sign that may be readily moved from location to location without the need of any specialized knowledge or equipment, and that is not affixed to the ground or any structure.

Sign, Pylon: An on-premises 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: An on-premises sign in which the individual characters of the *sign copy* may be changed manually and immediately, but not including Electronic Messaging.



Sign, Residential Subdivision: Any *sign* that is approved for use in association with an *Active Single-Family Residential Subdivision*.

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. A Roadway Arch Sign is not considered a billboard sign.



Roadway Arch Sign

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



Roof Sign

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

Sign, Shingle: An on-premises sign suspended from, and located entirely under a covered porch, walkway, canopy or awning.

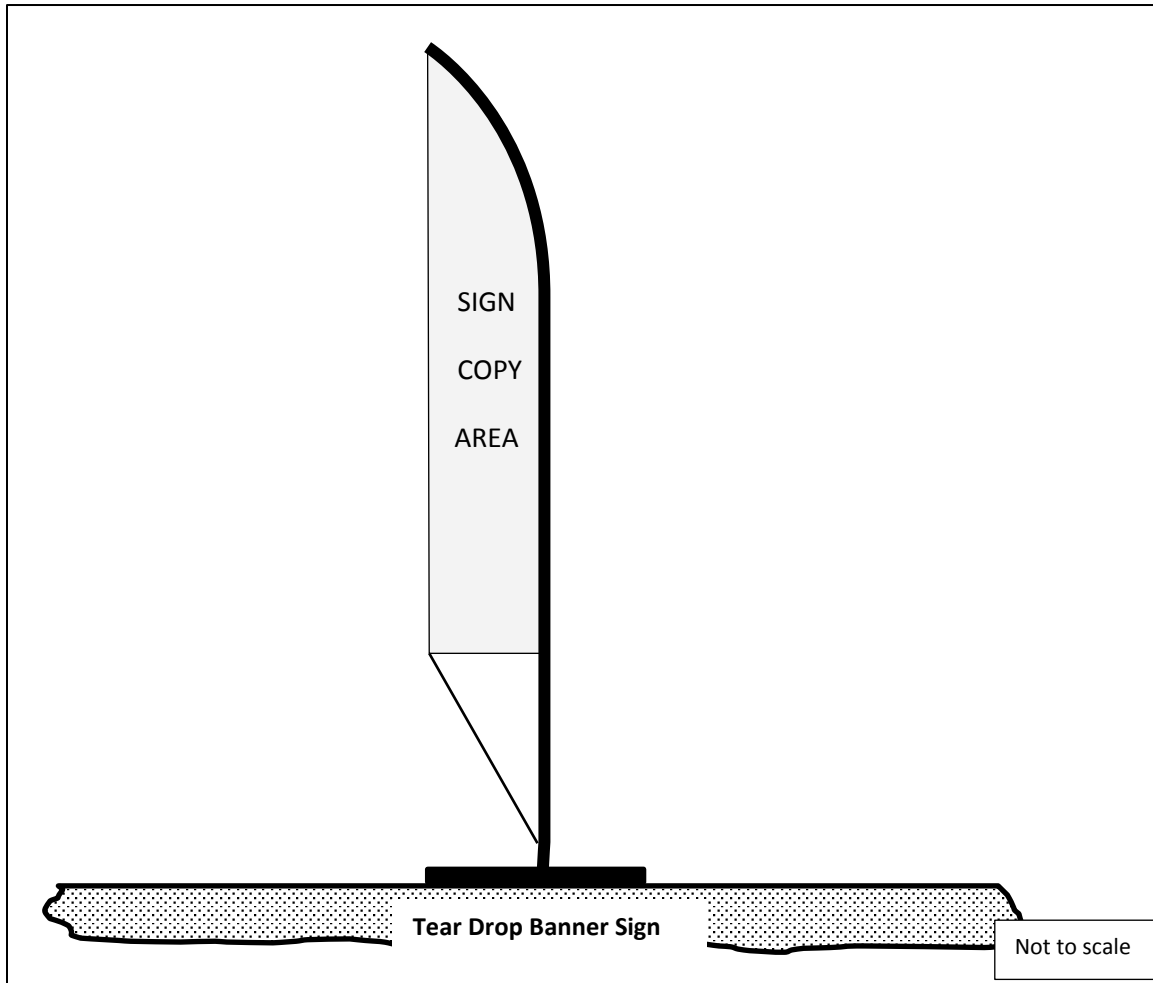


Shingle Sign

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, or park bench.

Sign structure: The supports and framework of a sign.

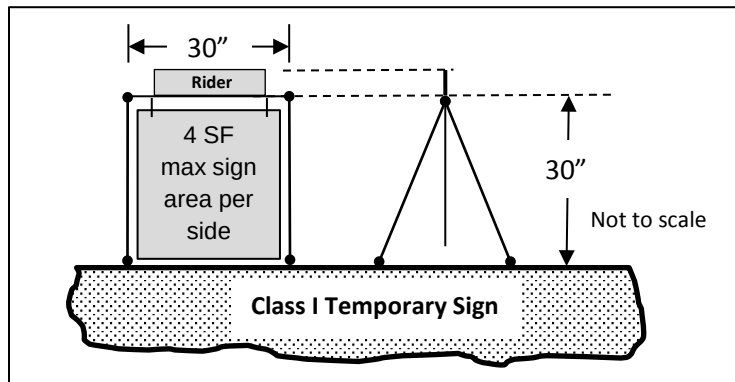
Sign, Teardrop Banner: An on-premises sign consisting of a narrow strip of fabric material which is attached to a flexible or partially flexible pole in a vertical manner.



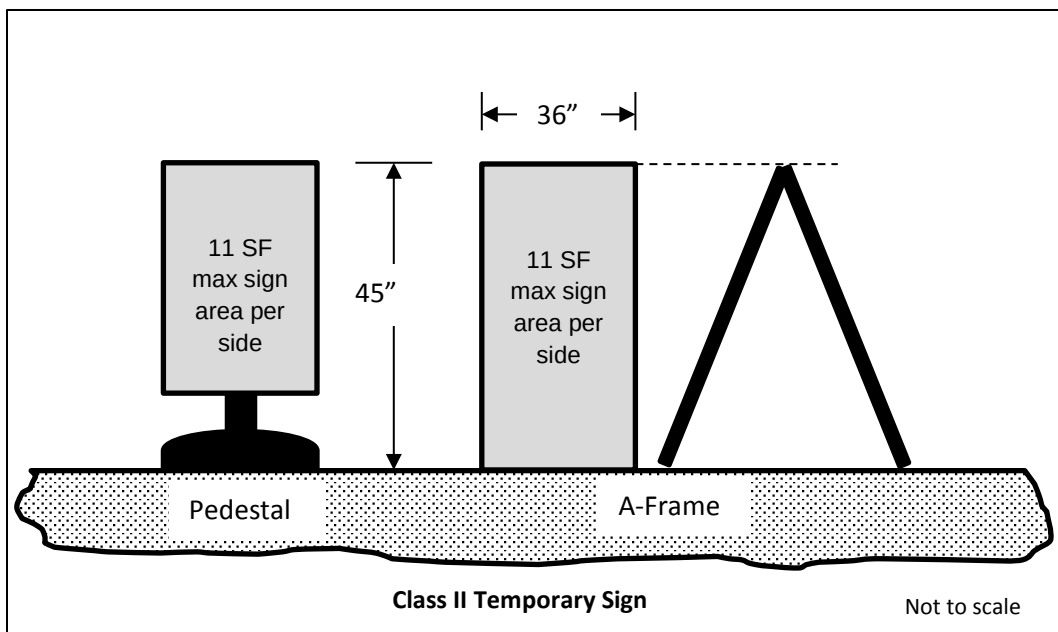
Sign, temporary: A *sign* that due to its physical characteristics and method of attachment is not intended for permanent display. See also "*sign, permanent*".

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 thirty (30) inches, the overall width of the *sign structure* does not exceed thirty (30) inches and which does not exceed eight (8) square feet of aggregate *sign area*.

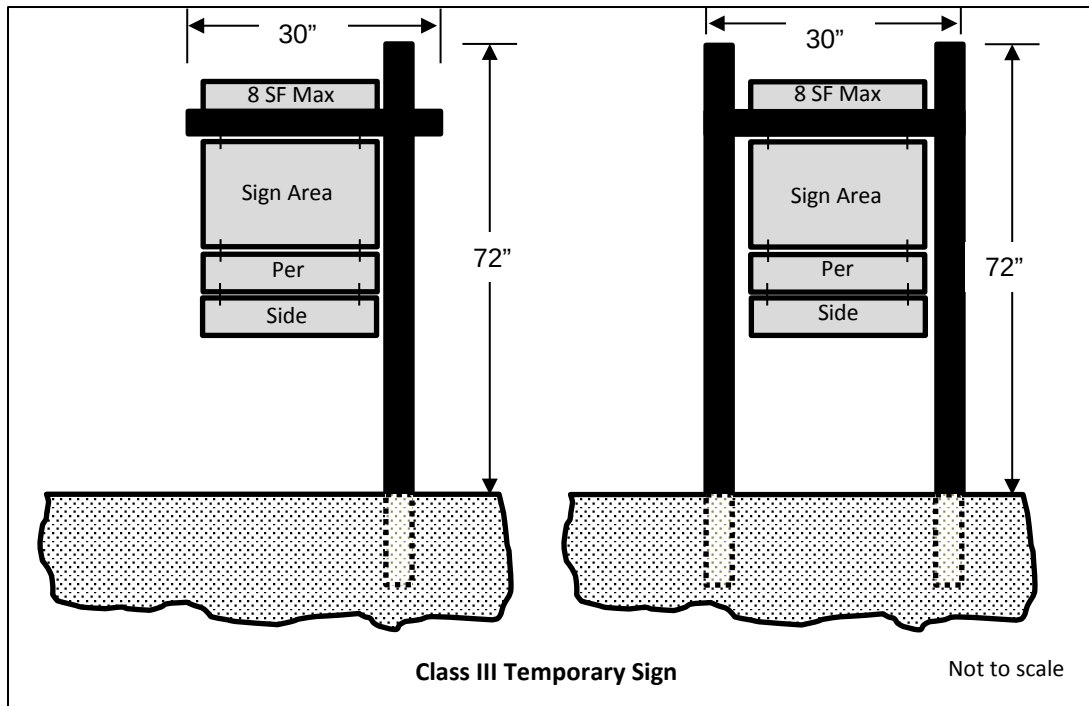
Riders not exceeding six (6) inches in height and twenty-four (24) inches in length which are attached to the top of the A-Frame shall not be included in the overall height measurement or *sign area* measurement.



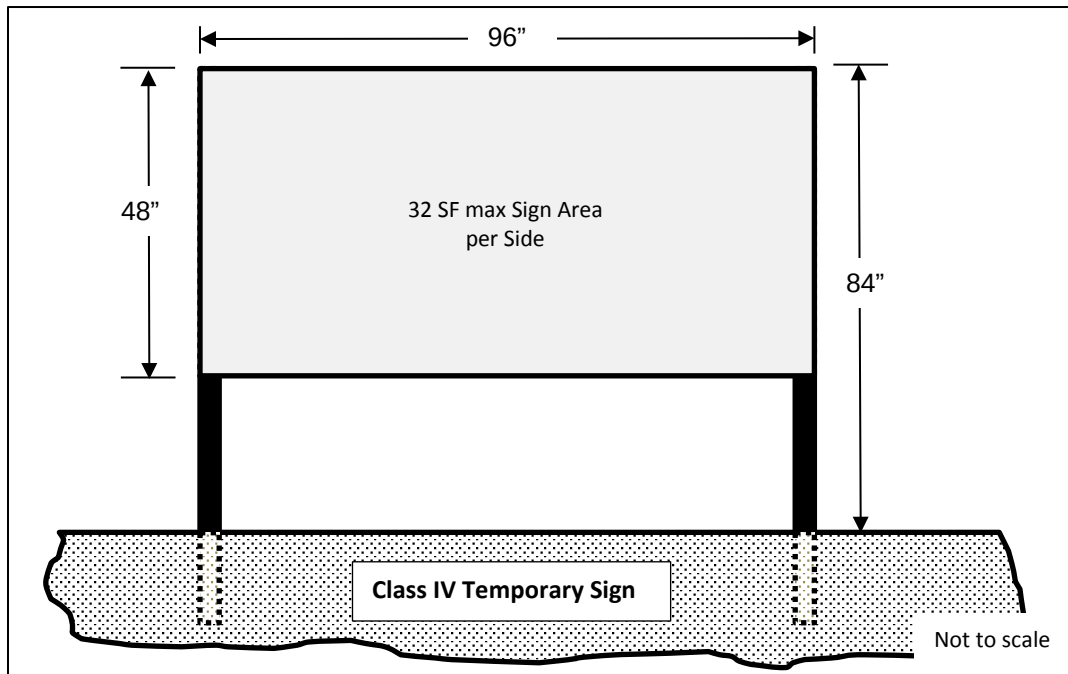
Sign, Temporary, Class II (A-Frame Sign and Pedestal Sign): A temporary, portable sign in which the overall height of the *sign structure* does not exceed forty (45) inches, the overall width of the *sign structure* does not exceed thirty-six (36) inches and which does not exceed twenty (22) square feet of aggregate *sign area*.



Sign, Temporary, Class III (Small Post Sign): An on-premises 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: An on-premises 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.



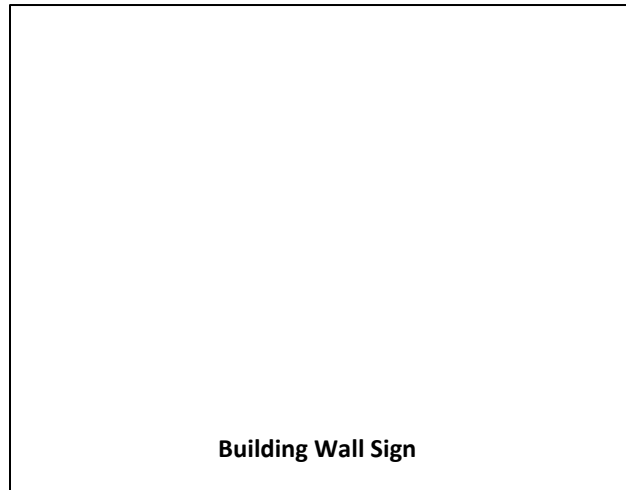
Sign, Vehicle: Any sign mounted, painted, or otherwise erected on a *vehicle*.

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



Sign Walker

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*.



Building Wall Sign

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



Subdivision Perimeter Wall Sign

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.

Speech, Commercial: (see *Message, Commercial*).

Speech, Non-commercial: (see *Message, Non-commercial*).

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 113-07 – Permitted and Prohibited Signs

- A. **Permitted Signs by Zoning District** – Only those *sign* types and classes that are specifically listed in Table 113-07.A for each zoning district may be allowed, subject to the provisions outlined elsewhere in this Chapter.

TABLE 113-07.A – PERMITTED SIGNS (P=Permitted, shaded cell = Not Permitted, C = Conditional Use Permit)												
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												
113-09.A.2	Class I Temporary Signs (Small A-Frame Signs)	P	P	P	P	P	P	P	P	P	P	P
113-09.A.3	Class II Temporary Signs (Large A-Frame Signs)			P	P	P	P	P	P	P	P	P
113-09.A.4	Class III Temporary Signs (Small Post Signs)			P	P	P	P	P	P			P
113-09.A.5	Class IV Temporary Signs (Large Post Signs)			P	P	P	P	P	P			P
113-09.A.6	Banner Signs and Festoons			P	P	P	P	P	P			P
113-09.A.7	Light Pole Banner Signs	P	P		P	P	P	P	P			P
113-09.A.8	Teardrop Banner Signs			P	P	P	P	P	P	P		P
113-09.A.9	Sign Walkers	P	P	P	P	P	P	P	P	P	P	P
113-09.A.10	Model Home Complex Signs			P				P				
113-09.A.11	Residential Subdivision Signs			P				P				
BUILDING MOUNTED SIGNS												
113-09.B.1	Building Wall Signs			P	P	P	P		P			P
113-09.B.2	Blade Signs			P	P	P	P		P			P
113-09.B.3	Canopy Signs				P	P	P		P			P
113-09.B.4	Marquee Signs						P					P
113-09.B.5	Awning Signs						P		P			P
113-09.B.6	Hanging Signs					P	P	P	P			P
113-09.B.7	Window Signs and Sunscreens			P	P	P	P	P	P			P
FREESTANDING GROUND SIGNS												
113-09.C.1	Class I Monument Signs (Menu Signs)						P		P			
113-09.C.1	Class II Monument Signs (Preview Signs)						P		P			
113-09.C.2	Class III Monument Signs (Directional Signs)	P	P	P	P	P	P	P	P	P	P	P
113-09.C.3	Class IV Monument Signs (Directory Signs)				P	P	P		P			
113-09.C.4	Class V Monument Signs (Minor Monument Signs)			P	P	P	P		P			P
113-09.C.5	Class VI Monument Signs (Major Monument Signs)				P	P	P		P			P
113-09.C.6	Roadway Arch Signs	P	P				P		P			
113-09.C.7	Subdivision Perimeter Wall Signs			P	P	P	P					P
113-09.C.8	Freeway Monument Signs						C					
113-09.D	Billboard Signs						C					
OTHER SIGNAGE												
113-11	Level 1 Electronic Messaging			P	P	P	P	P	P			P
113-11	Level 2 Electronic Messaging				P	P	P		P			P
113-12	Reader Panels			P	P	P	P	P	P			P
113-13	Address Identification			P	P	P	P	P	P	P	P	P
113-14	Flags and Flagpoles			P	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, except for those signs erected by, or on behalf of the City of Surprise, or as otherwise expressly permitted in this Chapter, 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 113-09.A.2 and 113-09.A.3 below.

C. **Signs in the Private Street Right-of-way:** Signs are not permitted within private street rights-of-way, except when associated with an approved Planned Area Development (PAD) or Comprehensive Sign Program (CSP), as required by the City of Surprise, or as otherwise permitted in this Chapter, 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, except as otherwise permitted in this Chapter or where ~~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, Pole Signs* of a permanent nature, *Snipe Signs, and Median 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.
10. *Signs* placed in locations that are deemed by the City of Surprise to present a hazard to public safety, obstruct clear vision in the area, or interferes with the requirements of the Americans with Disabilities Act (42 United States Code sections 12101 through 12213 and 47 United States Code sections 225 and 611).

11. *Billboard Signs*

G. **Signs Exempt from these Regulations** – The following *signs* are exempt from regulation under this Chapter:

1. ~~Governmental Signs. 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 and the requirements of Sections 113-10, 113-11 and 113-12 herein.

H. **Violation** – Any *sign* that is not in compliance with this Section is in violation of this ~~e~~Ordinance.

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Section 113-08 – General Provisions

A. Permitting Requirements:

1. **Permits Required:** With the exception of those *sign* types listed in 113-08.A.3 below, a construction 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, Construction, and Aesthetics:

1. *Signs* shall be designed in compliance with the applicable construction codes adopted by the City and in effect at the time of construction.
2. Where *raceway cabinets* are utilized, said *raceway cabinets* shall be painted to match the color of the surface onto which it is mounted.
3. Whenever a *permanent sign* is removed, the surface onto which the *sign* was mounted shall be repaired as closely as practicable to a new-like condition.

4. Unless specifically approved by the ~~Planning and Zoning Commission~~ City Council through a Comprehensive Sign Program or Conditional Use Permit for other than Freeway Monument Sign, as applicable, supporting elements for all *signs* shall appear to be free of any angle iron, bracing, guy wires or similar features.
5. When electrical service is provided to any *sign*, all components of said service are to be entirely concealed or, when necessary, painted to match the surface of the structure upon which they are mounted.
6. 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.

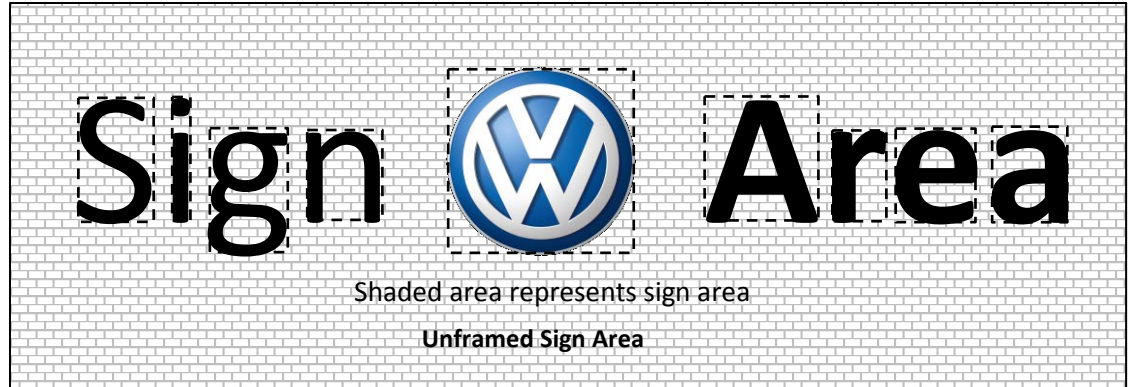
C. Sign Maintenance:

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.

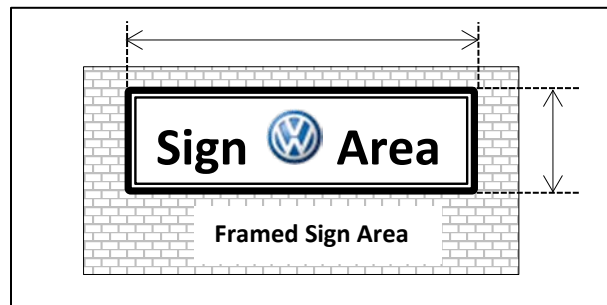
D. Methods of Measurements:

1. **Sign Area:**

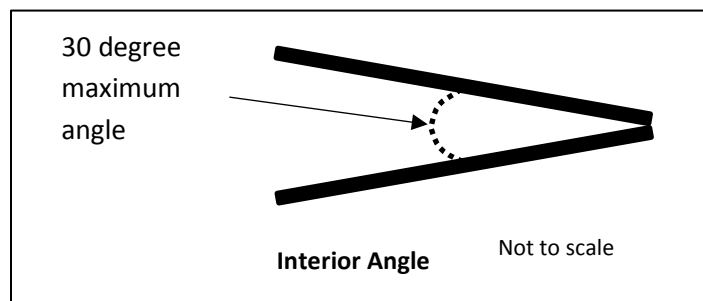
- a) **Unframed Signs:** Where the individual letters, logos and graphics of a *sign* are mounted directly to a wall or *sign structure*, the *sign area* is determined by calculating the smallest rectangle or combination of rectangles containing *sign copy*.



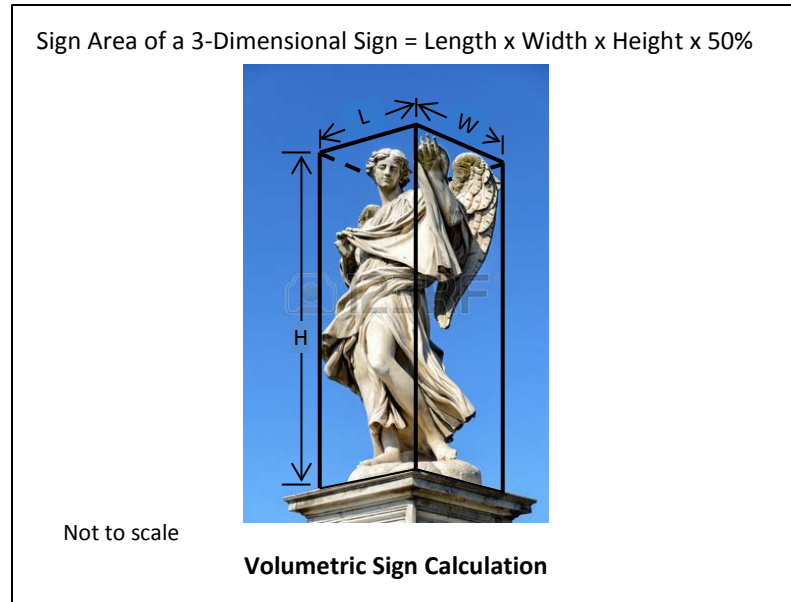
- b) **Framed Signs:** Where the individual letters, logos and graphics are integral to a *sign panel*, or are framed in by an architectural element or contrasting color apart from the color of the wall or *sign structure*, the *sign area* shall be the area of the panel or frame.



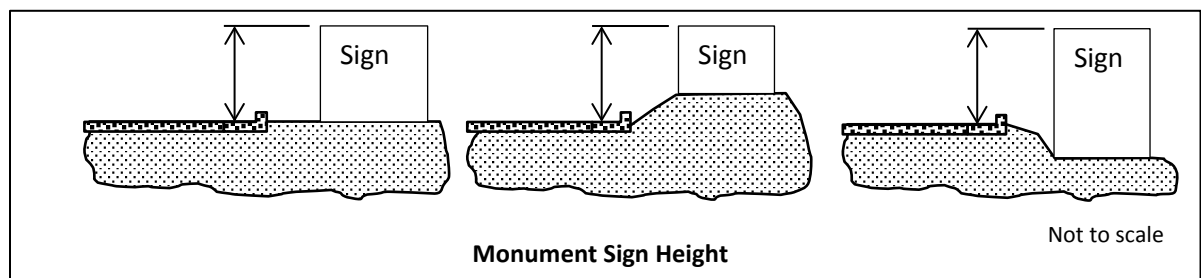
- c) **Double-Sided Signs:** Only one side of a double-sided *freestanding ground sign* shall be used to calculate the *sign area*, provided the interior angle between *sign faces* is not greater than 30 degrees. This provision does not apply to *A-Frame Signs*.



- 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:** All linear measurements and calculations shall be accurate to the closest inch. All area measurements and calculations shall be accurate to the closest square inch. All volumetric measurements and calculations shall be accurate to the closest cubic inch.

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Section 113-09 – Sign Classifications and Types

The following *sign* classifications and types as defined in Section 113-06 are permitted in the City of Surprise as outlined in Table 113-07.A subject to the following “time, place and manner” restrictions.

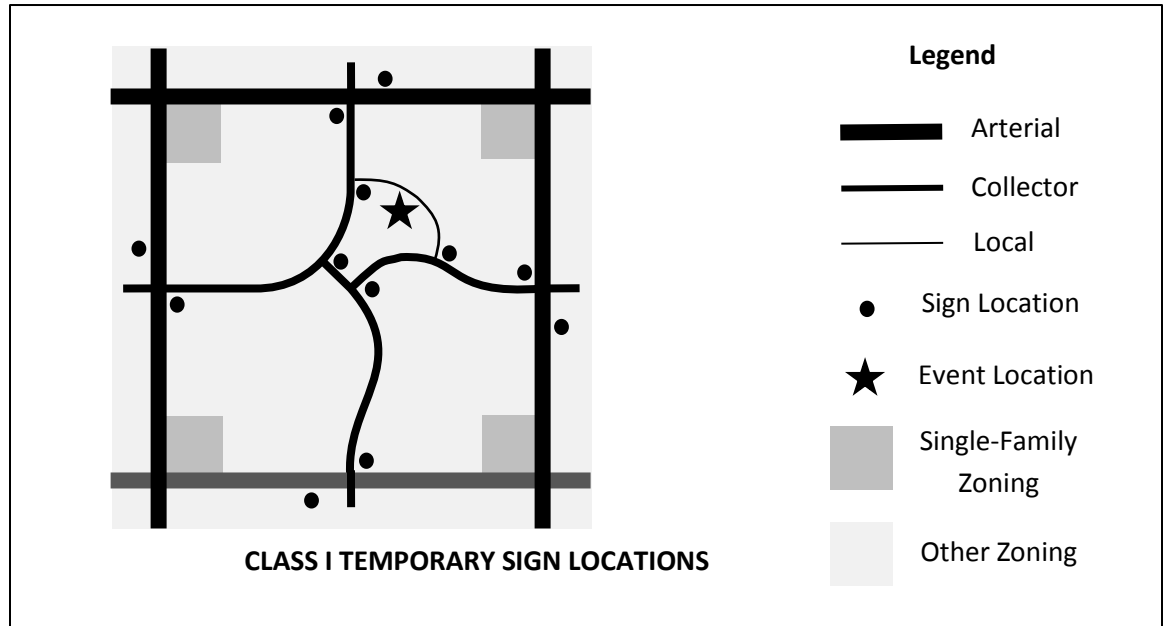
A. ***Temporary Signs:*** When allowed, *Temporary Signs* shall conform to the following requirements:

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.
- 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):*** *Class I Temporary Signs*, as defined herein, are allowed subject to the General Requirements as stated above plus the following:

- a) *Class I Temporary Signs* are only allowed in conjunction with a *Lawful Temporary Event* being held on land zoned for single-family residential uses.
- b) *Class I Temporary Signs* may be placed in the following locations when in association with a *Lawful Temporary Event* occurring on land zoned for single-family residential uses:
 - i) One (1) *Class I Temporary Sign* at the site of the *Lawful Temporary Event*,
 - ii) One (1) *Class I Temporary Sign* at each local or collector street intersection leading from the site of the *Lawful Temporary Event* to the adjacent arterial street grid,
 - iii) Two (2) *Class I Temporary Sign* at the point where the local or collector street intersects with the arterial street. One (1) sign may be located at the corner of the intersection on the side of the arterial street closest to the *Lawful Temporary Event*. A second sign may be located on the ~~of these signs may be located on the~~ opposite side of the arterial street ~~from where the *Lawful Temporary Event* is occurring~~, provided said *sign* is no further than 500 feet from the intersection.

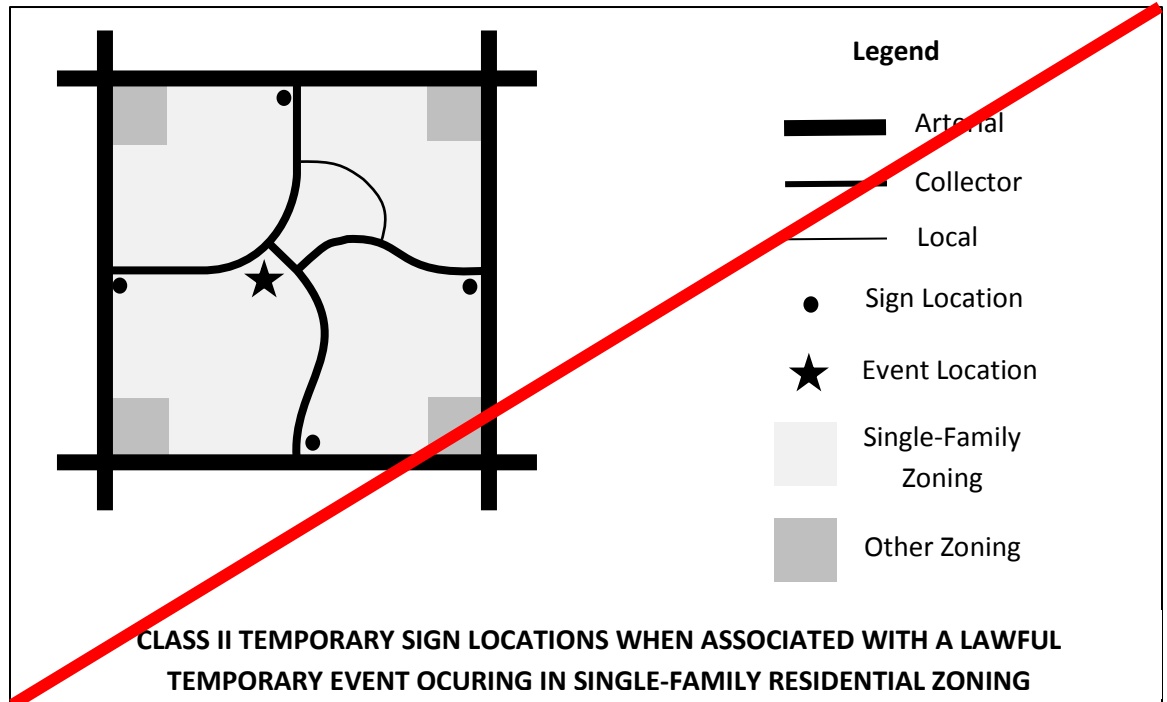


- c) When allowed, *Class I Temporary Signs* may be located within the street right-of-way, but not within any median, vehicle or bicycle travel lane, or sidewalk, nor within any sight visibility triangle as outlined in Standard Details 4-01 and 4-02 of the Surprise Engineering Development Standards.
- d) 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.
- e) The *sign* may be weighted or ballasted; however, no such *sign* may be affixed to the ground or to any permanent *structure*.
- f) *Class I Temporary Signs* may be placed one (1) hour before the start of ~~the~~a *Lawful Temporary Event* and shall be removed not more than one (1) hour after the end of ~~the~~a *Lawful Temporary Event that occurs between the hours of 9:00 AM and 6:00 PM on Mondays, Tuesdays, Wednesdays, and Thursdays. In addition, Class I Temporary Signs may be placed for any length of time between the hours of 4:00 PM Friday and 11:00 PM Sunday.*
- g) If the *Lawful Temporary Event* being served by the *Class I Temporary Sign* requires a Temporary Use Permit, the locations of the *Class I Temporary Signs* shall be included with the application materials.

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

Class II Temporary Signs, as defined herein, are allowed subject to the General Requirements as stated above plus the following:

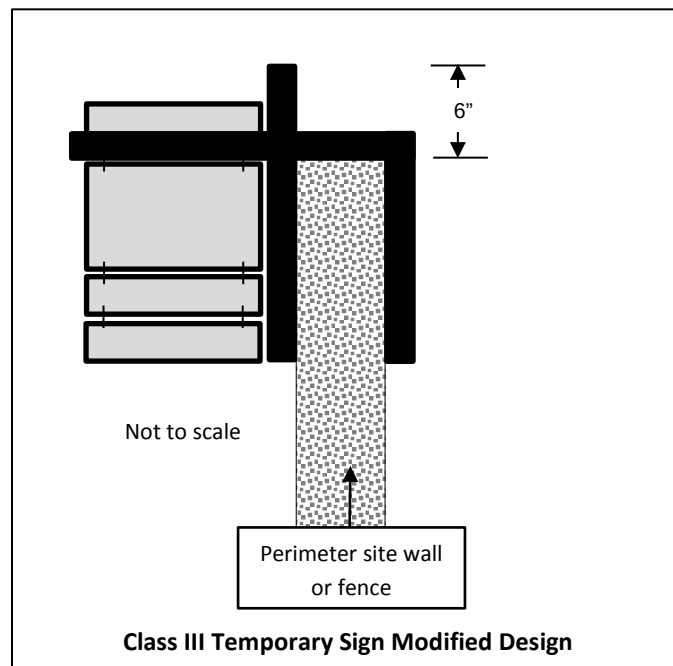
- a) *Class II Temporary Signs* are only allowed in conjunction with a lawful commercial use including *Cottage Industries*, but not *Home Occupations*, ~~or in conjunction with a Lawful Temporary Event being held on land zoned for single-family residential uses.~~
- b) When a *Class II Temporary Sign* is being utilized in conjunction with a lawful commercial use, one (1) such *sign* may be located within 15' of the doorway of the customer entrance to the *building* in which the lawful commercial use is ~~occurring~~ located.
- ~~c) When a *Class II Temporary Sign* is being utilized in conjunction with a *Lawful Temporary Event* located on land zoned for single-family residential uses, the following locational requirements apply:~~
 - ~~i) One (1) *Class II Temporary Sign* may be placed at the site of the *Lawful Temporary Event*,~~
 - ~~ii) One (1) *Class II Temporary Sign* may be placed at the point where the local street or collector street intersects with the arterial street grid.~~
 - ~~iii) In no circumstance shall a street other than a local street or collector street be located between a *Class II Temporary Sign* and the *Lawful Temporary Event* served by the *sign*.~~



- dc)** When allowed, *Class II Temporary Signs* may be located within the street right-of-way, but not within any median, vehicle or bicycle travel lane, or sidewalk, nor within any sight visibility triangle as outlined in Standard Details 4-01 and 4-02 of the Surprise Engineering Development Standards.
- ed)** 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.
- fe)** The *sign* may be weighted or ballasted; however, no such *sign* may be affixed to the ground or to any permanent *structure*.
- gf)** ~~*Class II Temporary Signs associated with a Lawful Temporary Event located on land zoned for single-family residential uses may be placed between the hours of 4:00 PM Friday to 11:00 PM Sunday. Otherwise, Class II Temporary Signs utilized in conjunction with a lawful commercial use*~~ may be displayed during the business hours of the business served by the *Class II Temporary Sign*.
- h)** ~~If the *Lawful Temporary Event* being served by the *Class II Temporary Sign* requires a Temporary Use Permit, the locations of the *Class II Temporary Signs* shall be included with the application materials.~~

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) *Class II Temporary Signs* shall not be located within the street right-of-way, median, vehicle or bicycle travel lane, or sidewalk, nor within any sight visibility triangle as outlined in Standard Details 4-01 and 4-02 of the Surprise Engineering Development Standards.
- d) 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.
- e) 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, except that *Class IV Temporary Signs* associated with a public hearing shall not be counted towards this total.
- b) *Class IV Temporary Signs* shall not be located within the street right-of-way, median, vehicle or bicycle travel lane, or sidewalk, nor within any sight visibility triangle as outlined in Standard Details 4-01 and 4-02 of the Surprise Engineering Development Standards.
- c) The maximum number of *sign panels* per *sign structure* shall not exceed two (2).

6. ***Banner Signs and Festoons:***

- a) **General:** The following provisions apply to all *banner signs* and *festoons*:
 - i. *Banner Signs* shall be equipped with ventilation flaps.
 - ii. *Banner Signs* and *Festoons* shall be securely attached to the *building* or fence, but in no case shall be attached to freestanding poles or vegetation.
- b) **Residential:** Any number of *Banner Signs*, *Festoons* or combination thereof are permitted per dwelling unit, provided the aggregate length does not exceed twenty (20) lineal feet and the aggregate area does not exceed 100 square feet.
- c) **Non-Residential:** *Banner Signs* and *Festoons* are permitted on properties zoned for non-residential use subject to the following:
 - i. One (1) *Banner Sign* may be placed on a *building*, provided the maximum area of the *Banner Sign* shall not exceed one (1) square foot per linear foot of *building* elevation, not to exceed 500 square feet.
 - ii. 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.

- iii. Any number of *Festoons* may be placed on a *building* provided the *Festoon* contains no advertising copy, the aggregate length does not exceed twenty (20) lineal feet, and the aggregate area does not exceed 100 square feet.

- d) **Construction Sites and Temporary Construction Yards:** *Banner Signs* are allowed in conjunction with active construction sites and temporary construction yards regardless of zoning, subject to the following:

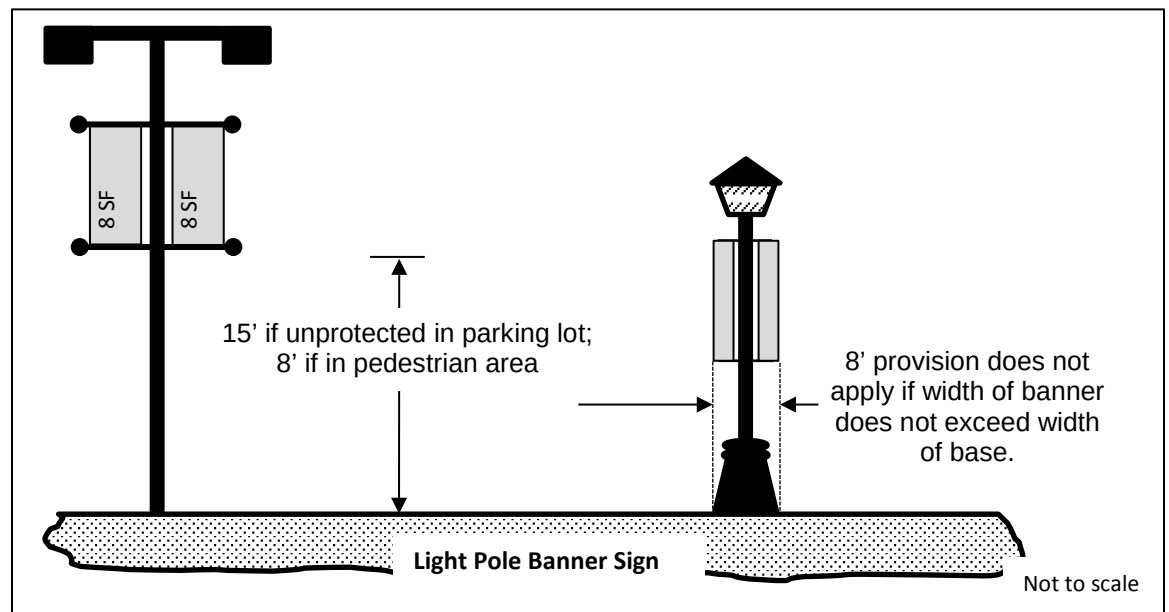
- i. One (1) or more *Banner Signs* may be affixed to the perimeter fence surrounding a construction site or temporary construction yard, provided said *Banner Signs* do not extend above the height of the perimeter fence.
- ii. Individual *Banner Signs* shall not exceed ten (10) feet in length. Where multiple *Banner Signs* are utilized in lieu of screening material on a fence surrounding a construction site or temporary construction yard, said *signs* shall be spaced not less than one (1) foot apart unless the *Banner Sign* is fabricated of material with not less than 50% visual transparency, in which case this provision shall not apply.

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.

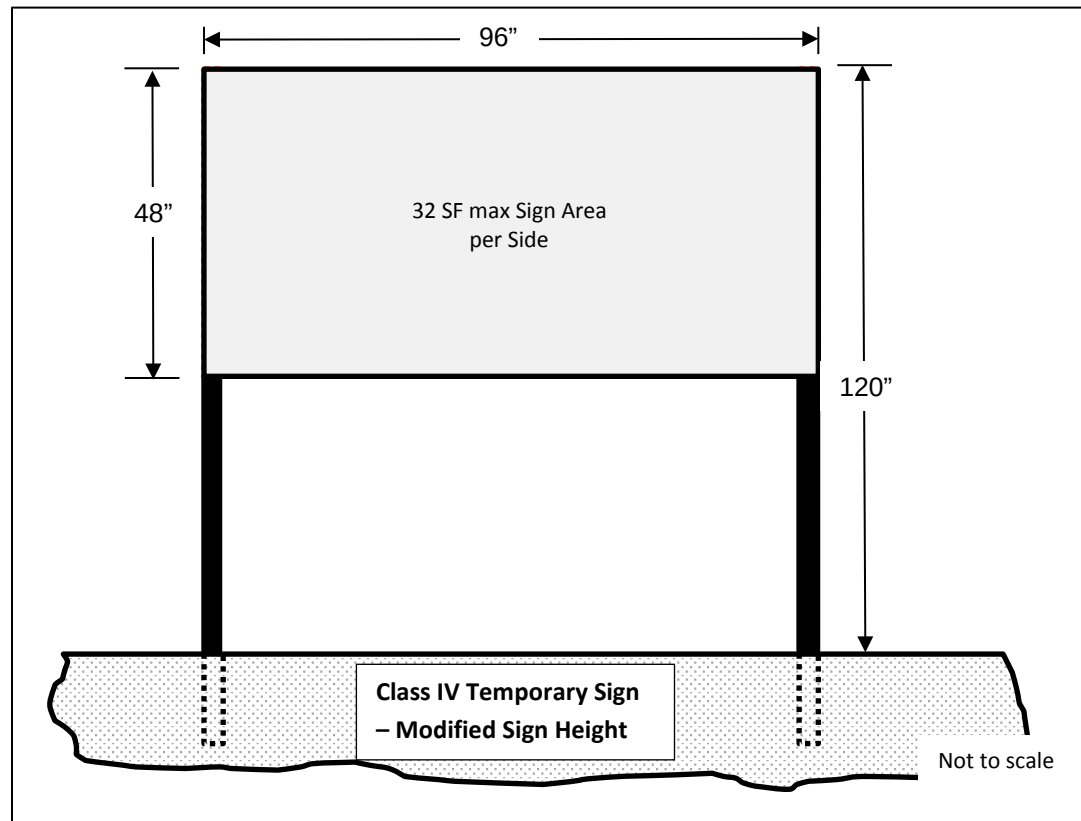
9. ***Sign Walkers:*** *Sign Walkers* are permitted to operate within the City of Surprise subject to the following restrictions:

- 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*.

10. ***Model Home Complex Signs:*** In addition to other *signs* that are permitted in association with a single-family residence, a *Model Home Complex* may employ the following:

- a) One (1) *Class III Temporary Sign* meeting the requirements of Section 113-09.A.4 herein for each lot located within the boundaries of an approved *Model Home Complex*. Such signs shall not be illuminated except by ambient lighting.

- b) One (1) *Class IV Temporary Sign* meeting the requirements of Section 113-09.A.5 herein may be located within the boundaries of the approved *Model Home Complex*; however, if the *Model Home Complex* is located adjacent to a Collector or Arterial Street, the overall height of the *Class IV Temporary Sign* allowed under this Paragraph may be increased to 120 inches, provided the *sign* is designed to withstand windloads as required by the building codes in effect at the time the sign is erected. A *Class IV Temporary Sign* permitted under this Paragraph may be *externally illuminated* as outlined in Section 113-10.



- c) One (1) flagpole not exceeding a height of 45' may be erected within the boundaries of the Model Home Complex provided said flagpole is located within the building envelope or within the required front yard of the lot in which it is placed, but not located within any required side or required rear yard. A maximum of two (2) flags may be displayed from said flagpole. The flag and flagpole permitted under this Paragraph may be *externally illuminated* in accordance with Section 122-145 of the Surprise Municipal Code.
- d) Two (2) flagpoles not exceeding a height of twenty (20) feet may be erected for each lot located within the boundaries of the approved

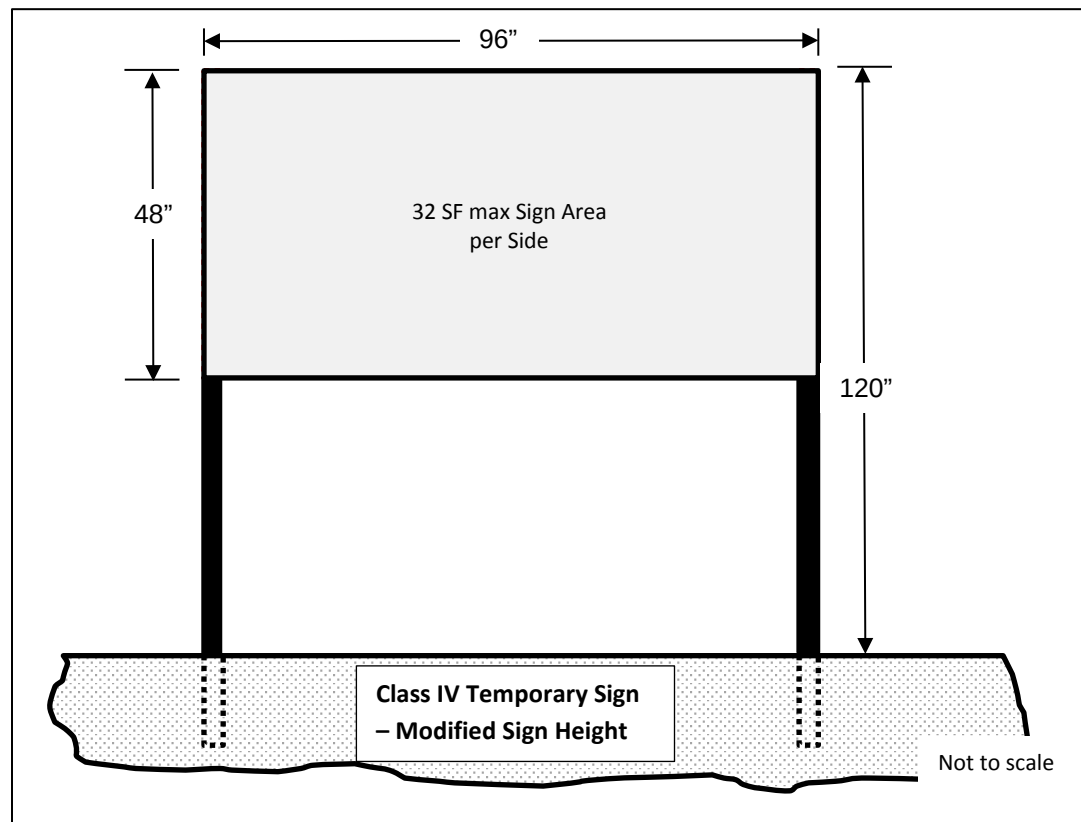
Model Home Complex. A maximum of one (1) flag may be displayed from each flagpole. Flagpoles permitted under this Section may be erected along the perimeter of the Model Home Complex. Flagpoles permitted under this Paragraph shall not be illuminated except by ambient lighting.

- e) Four (4) additional *Teardrop Banner Signs* meeting the requirements of Section 113-09.A.8 herein for each lot located within the boundaries of an approved *Model Home Complex*. except that Paragraphs 113-08.A.8.c, 113-08.A.d and 113-08.A.e shall not apply. *Teardrop Banner Signs* permitted under this Paragraph shall not be illuminated except by ambient lighting.
- f) One (1) *Banner Sign* not exceeding three (3) feet in height and five (5) feet in length may be attached to the trap fence. Said *Banner Sign* shall be equipped with ventilation flaps. *Banner Signs* permitted under this Paragraph shall not be illuminated except by ambient lighting.
- g) One (1) *Awning Sign* or *Canopy Sign* provided the awning or canopy is limited to the customer entrance to the sales office associated with the approved *Model Home Complex*. *Awning Signs* or *canopy signs* permitted under this Paragraph shall not be illuminated except by ambient lighting.
- h) One (1) *Building Wall Sign* not exceeding four (4) square feet may be affixed to the front elevation of the Model Home Sales Office facing the street from which the Model Home Complex takes access. Said sign may be *externally illuminated* or back-lit in accordance with Section 113-10.
- h) Information regarding *Model Home Signs* shall be included with the Model Home Complex application packet to be reviewed and approved with the Model Home Complex. In circumstances where Model Home Complexes in existence as of the effective date of this Ordinance are to be retrofitted for purposes of implementing signage permitted under this Section, an amendment to the approved Model Home Complex is required.
- i) All *Model Home Signs* permitted under this Section shall be removed upon the conversion of the Model Homes to a residential use in accordance with Section 122-92(h) of the Surprise Municipal Code.

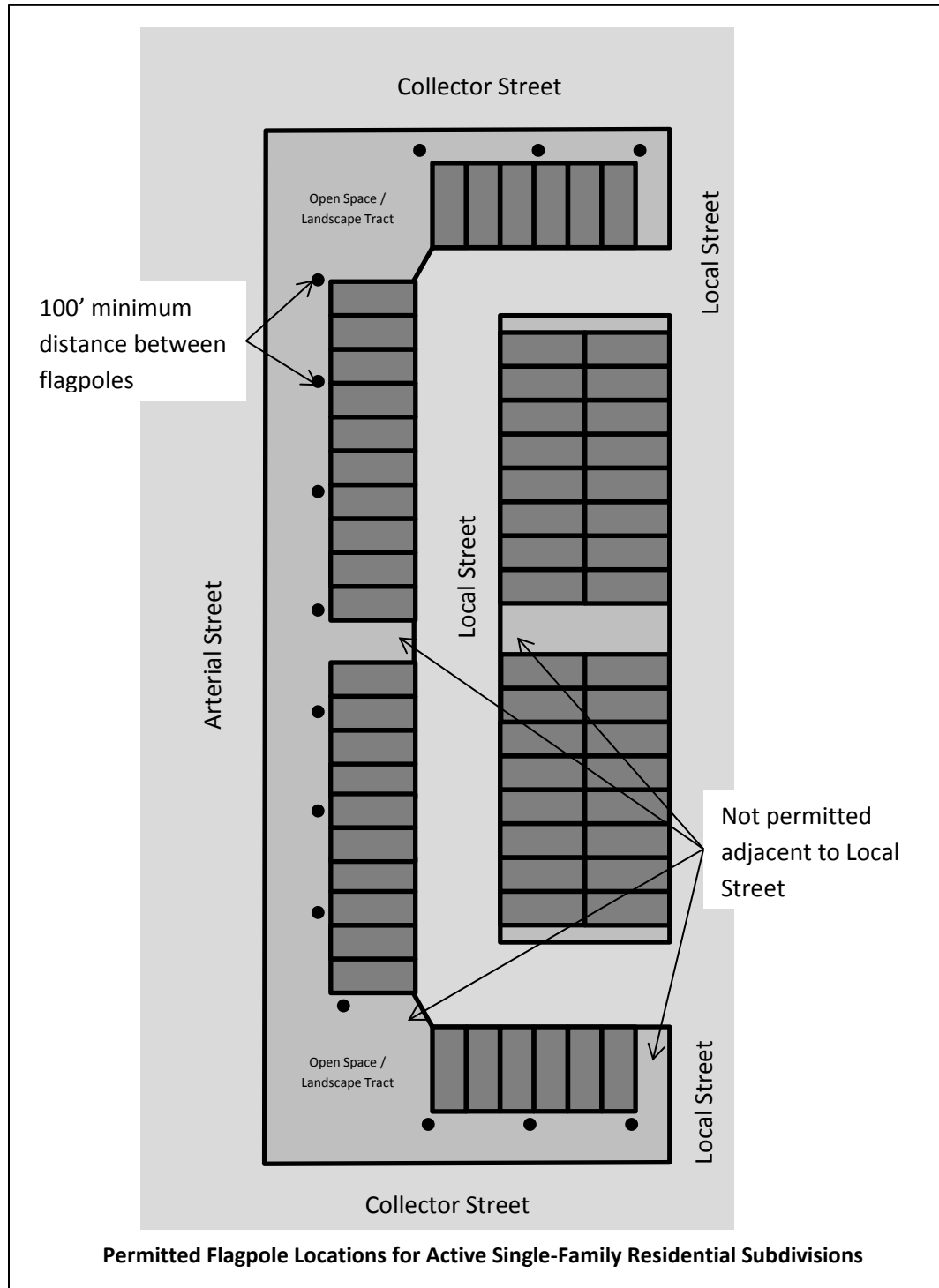
11. ***Active Single-Family Residential Subdivision Signs:*** In addition to other *signs* that may be permitted in association with a *Model Home Complex*,

the following *Signs* are permitted within the boundaries of an *Active Single-Family Residential Subdivision*:

- a) One (1) *Class IV Temporary Sign* meeting the requirements of Section 113-09.A.5 herein may be located within the boundaries of an *Active Single-Family Residential Subdivision*, provided such *sign* is located adjacent to a Collector Street or Arterial Street. The overall height of the *Class IV Temporary Sign* allowed under this Paragraph may be increased to 120 inches, provided the *sign* is designed to withstand windloads as required by the building codes in effect at the time the *sign* is erected. A *Class IV Temporary Sign* permitted under this Paragraph may be *externally illuminated* as outlined in Section 113-10.



- c. Where an *Active Single-Family Residential Subdivision* includes an open space tract or landscape tract located adjacent to a Collector Street or Arterial street, a series of flagpoles not exceeding 20 feet in height may be erected within said tract provided said flagpoles are spaced no closer than 100 feet apart; however, flagpoles permitted under this Paragraph may not be located adjacent to any Local Street regardless of the location of the tract relative to the Local Street. Further, flagpoles permitted under this Paragraph may not be illuminated except by ambient lighting.



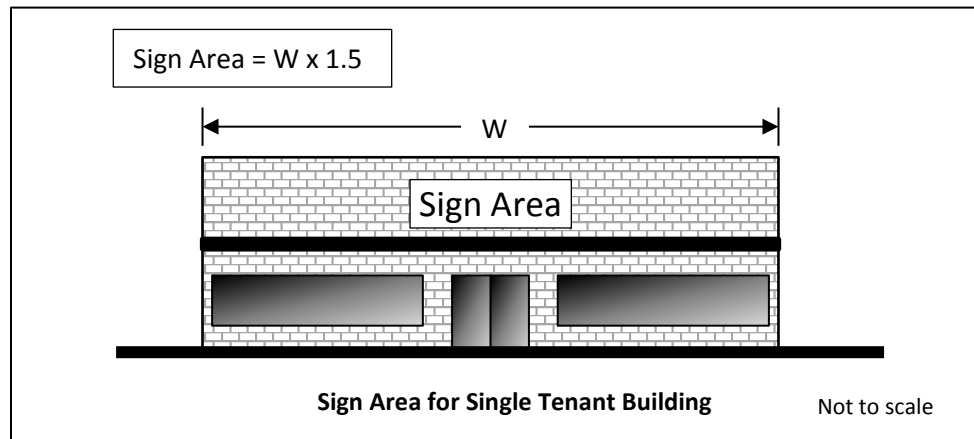
- c) All *Active Single-Family Residential Subdivision Signs* shall be removed upon the close of escrow of the last lot in the subdivision or upon cessation of use, whichever comes first.

- B. **Building-Mounted Signs:** Building-mounted *signs* may only be placed on *building* elevations which face a street or primary parking lot. For purposes of this Section, parking areas adjacent to service bays, access drives located behind a *building*, or alley ways are not considered primary parking areas.

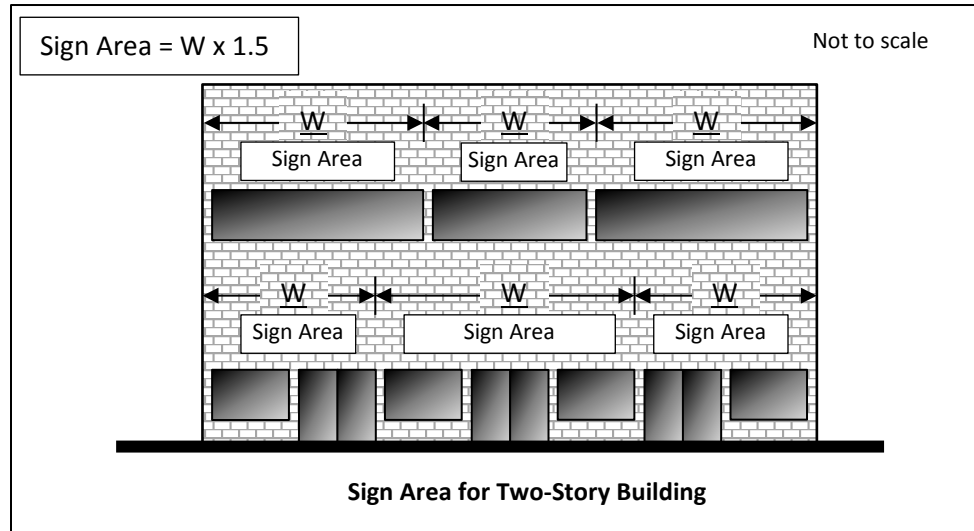
1. **Building Wall Signs:**

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

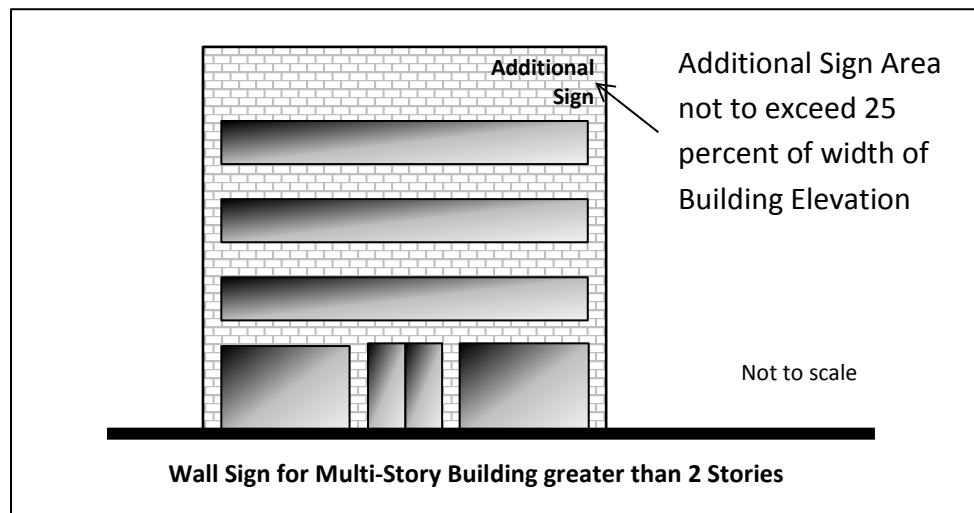
- a) For single story, single-tenant *buildings*, any number of *Building Wall Signs* may be affixed to any *building* elevation, provided the aggregate *sign area* does not exceed one and one-half (1.5) square foot per one (1) linear foot of *building* elevation on which the *sign* is mounted.



- b) For two-story 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 two (2) stories one (1) *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.

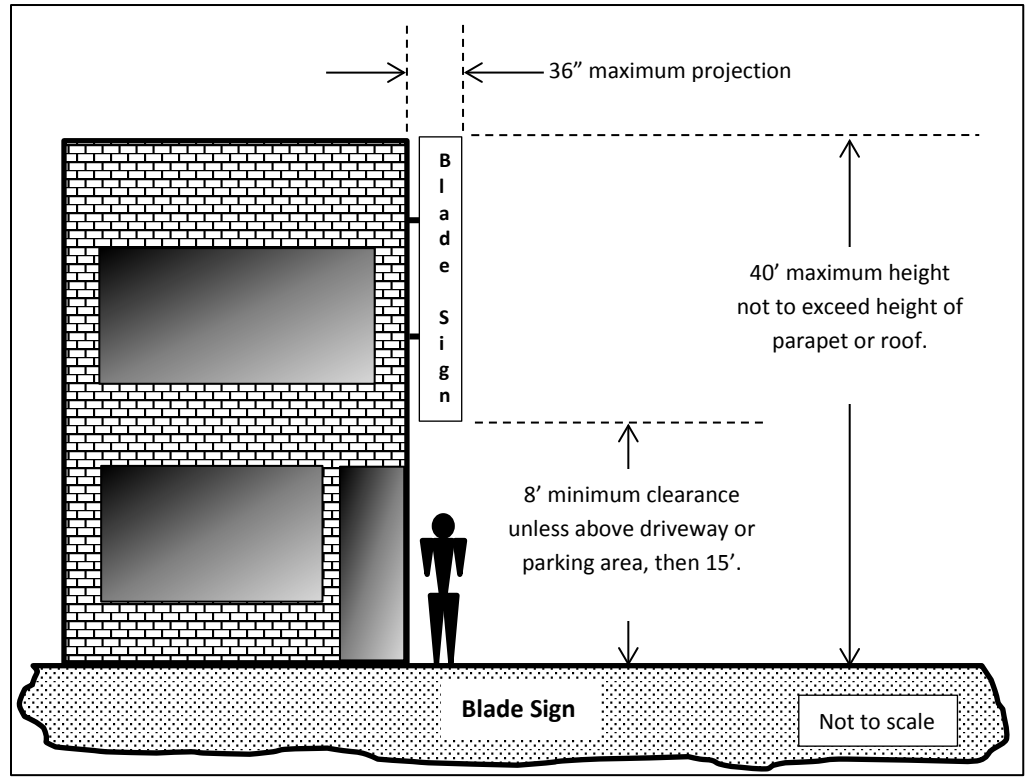


- d) The *sign area* of any *Building Wall Sign* serving an arterial street may be increased by twenty-five (25) percent when the *building* is setback at least 600 feet from the public right-of-way and may be further increased an additional twenty-five (25) percent for each additional 200 feet of setback, 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 113-10.

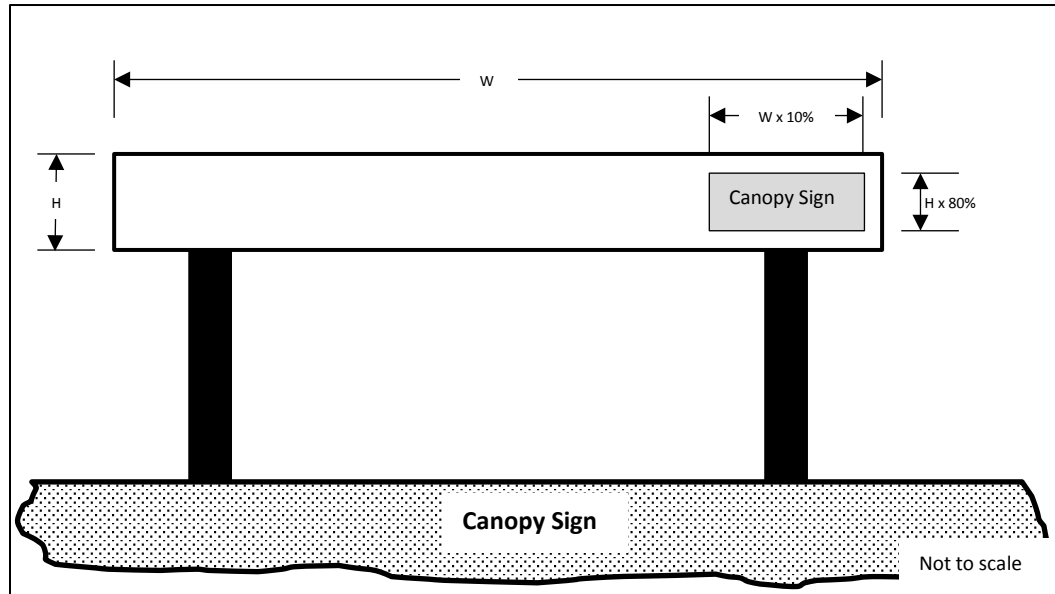
2. ***Blade Signs:***

- 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 113-10.



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 113-11.

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 113-11.

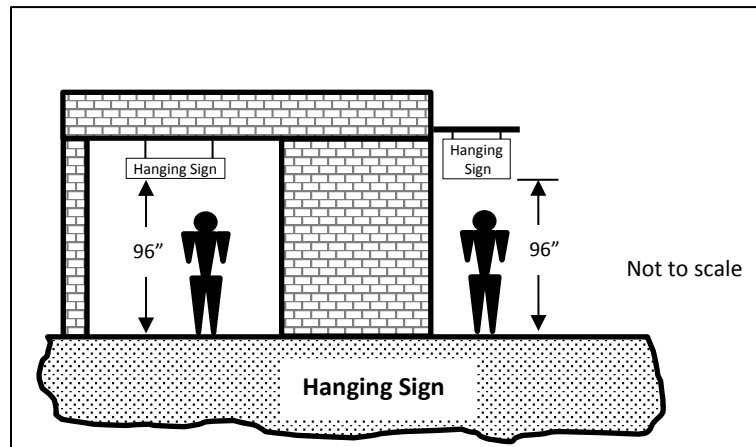
5. **Awning Signs:**

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 113-10.



7. **Window Signs and Sunscreens:**

- 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*.

C. Freestanding Ground 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 Monument 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 eight (8) 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 fifty (50) 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 Monument 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 113.10.
- g) *Level 2 Electronic Messaging* is permitted, subject to the provisions outlined in Section 113-11.

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* as outlined in Section 113.10 provided the source of *external illumination* is not visible.

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

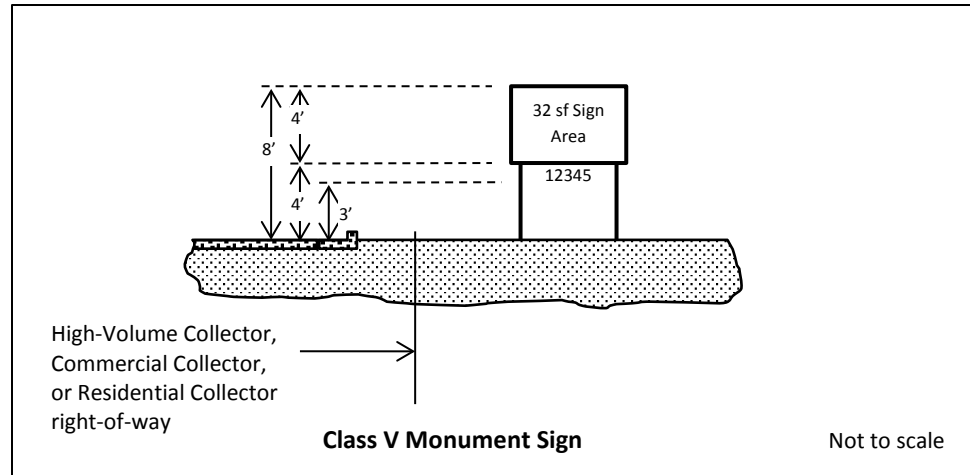
Class IV Monument Signs are permitted within the interior of any multi-family residential, commercial or industrial development, subject to the following:

- 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 113-10 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) One (1) *Class V Monument Sign* meeting the requirements outlined below is permitted for every 150 feet of collector or arterial street frontage or portion thereof, regardless of the presence or location of driveway, provided sight distance requirements are met. The minimum spacing between individual *Class V Monument Signs*, or between a *Class V Monument Sign* and a *Class VI Monument Signs*, located on the same property shall be not less than 150 feet measured radially.
- c) When allowed, 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 maximum *sign area* exceed 32 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*. The height of the *sign structure* may extend an additional two (2) feet above the face if the *sign* provided said extension is limited to non-illuminated architectural embellishments and contains no *sign copy*.

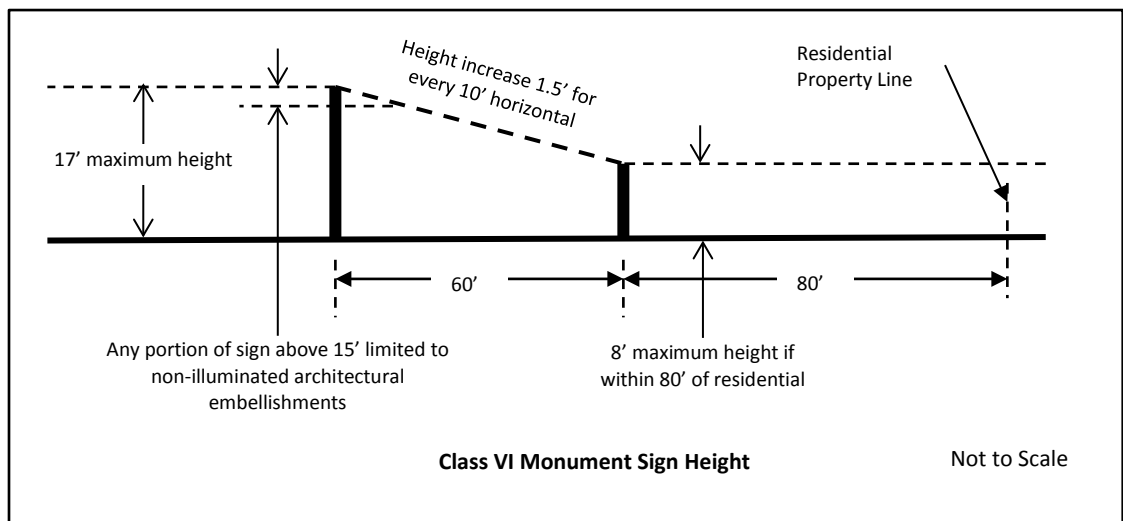


- d) The base of a *Class V Monument Sign* shall be fitted with the address of the property or properties in a manner that is consistent with Section 113-13.
- e) A *Class V Monument Sign* shall be located within a landscape area not less than 80 square feet.
- f) *Class V Monument Signs* shall be setback 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 113.10.
- h) *Level 1 Electronic Messaging* and *Level 2 Electronic Messaging* are permitted on a *Monument Sign*, subject to the provisions outlined in Section 113-11.

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

- a) *Class VI Monument Signs* are permitted in conjunction with non-residential uses in a non-residential zone or that portion of a Planned Area Development where the land use plan of the PAD specifically calls out non-residential uses.

- b) *Class VI Monument Signs* shall only be located adjacent to a Parkway, Major Arterial street, Minor Arterial street, or along Grand Avenue. When allowed, one (1) *Class VI Monument Sign* meeting the requirements outlined below is permitted for every ~~150300~~ feet of said roadway or portion thereof, regardless of the presence or location of driveway, provided sight distance requirements are met. The minimum spacing between individual *Class VI Monument Signs* located on the same property shall be not less than ~~150300~~ feet measured radially. The minimum spacing between *Class V Monument Signs* and *Class VI Monument Signs* located on the same property shall not be less than 150 feet measured radially. Properties with less than ~~150300~~ feet of Parkway, Major Arterial street, Minor Arterial street, or Grand Avenue frontage shall not be permitted any *Class VI Monument Sign*.
- c) ~~No if a~~ *Class VI Monument Sign* ~~is~~ may be located within 80 feet of a property having single-family residential zoning. The height of a *Class VI Monument Sign* located 80 feet or more from a property having single-family zoning, the height of the *Class VI Monument Sign* shall not exceed eight (8) feet at 80- feet distant; however, the height of a *Class VI Monument Sign* may increase one and one-half (1.5) foot for every additional ten (10) feet of horizontal distance the *sign* is located away from a property having single-family residential zoning up to a maximum height of seventeen (17) feet, provided however that any height in excess of fifteen (15) feet shall be limited to architectural embellishments.



- d) The *sign area* of a *Class VI Monument Sign* shall be limited to thirty-six (36) square feet, but may increase twelve (12) square feet for every one (1) foot increase in the overall height of the sign up to a maximum *sign area* of 120 square feet.

- e) 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 113-13.
- f) A *Class VI Monument Sign* shall be located within a landscape area not less than the maximum *sign area* allowed for that *sign*.
- g) *Class VI Monument Signs* shall be setback not less than two (2) feet from the right-of-way line. Further, in the event a Public Utility Easement is present, the *sign* shall be setback not less than two (2) feet from the easement, unless the property owner signs a waiver acknowledging the prior rights of the utility companies to occupy said easement.
- h) *Class VI Monument Signs* may be *internally illuminated, back-lit or externally illuminated* in accordance with the requirements set forth in Section 113.10.
- i) *Level 1 Electronic Messaging* and *Level 2 Electronic Messaging* are permitted on a *Class VI Monument Sign*, subject to the provisions outlined in Section 113-11.

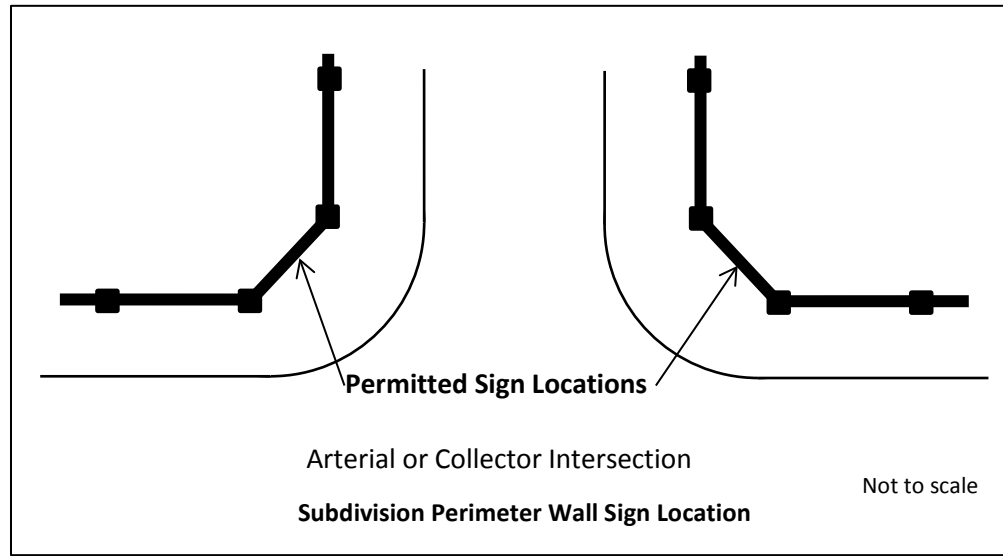
6. ***Roadway Arch Signs:***

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

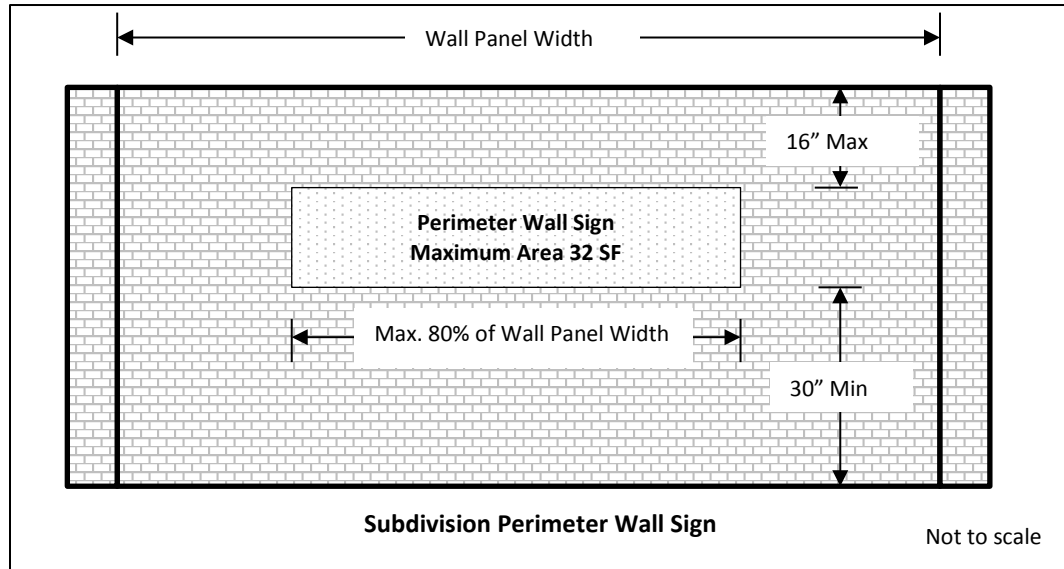
- a) *Roadway Arch Signs* shall maintain a vehicular clearance of not less than eighteen (18) feet;
- b) *Roadway Arch Signs* shall not interfere with pedestrian or vehicular movement.
- c) *Roadway Arch Signs* may be *internally illuminated, or back-lit* in accordance with the requirements set forth in Section 113-10 except that if the *Roadway Arch Sign* is located within 100 feet of 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 113-10.



8. **Freeway Monument Signs:** Freeway Monument Signs may be permitted as outlined in this Section:

a) **State Route 303 Corridor:** Freeway monument signs may be located within the following portions of the **State Route 303 Corridor**, subject to prior approval of a Conditional Use Permit to be processed as a Type IV Application in accordance with Section 122-~~154~~155 of the Surprise Unified Development Code:

i. **State Route 303 and U.S. 60:** An area of land generally located at the intersection of State Route 303 and U.S. 60, being situated in the south half of Section 18 and the north half of Section 19, Township 4 North, Range 2 West and the south half of Section 36, Township 4 North Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at a point located at Longitude 112°24'13" West by Latitude 33°40'49" North, thence southwesterly along a line bearing N43°00'58"E a distance of 1,320 feet to the beginning of a non-tangent curve the center of which is said Longitude and Latitude; thence clockwise along the arc of said curve a distance of approximately 2,070 feet, thence departing said arc southeasterly along a line bearing N46°13'20"W a distance of 1,320 feet to the to the POINT OF BEGINNING.

ii. **State Route 303 and Bell Road:** An area of land generally located at the intersection of State Route 303 and Bell Road, being situated in the north half of Section 1, Township 3 North, Range 2 West and the south half of Section 36, Township 4

North Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the North Quarter Corner of said Section 1, thence easterly along the north line of the northeast quarter of said Section 01 a distance of 850 feet to the beginning of a non-tangent curve the center of which is said North Quarter Corner; thence clockwise along the arc of said curve a distance of approximately 4,000 feet to a point on the east line of the southwest quarter of said Section 36, thence departing said curve, southerly along said east line a distance of 850 feet to the POINT OF BEGINNING.

- iii. **State Route 303 and Greenway Road:** An area of land generally located at the intersection of State Route 303 and Greenway Road, being situated in the southeast quarter of Section 1 Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the South Quarter Corner of said Section 01, thence northerly along the west line of said southeast quarter a distance of 450 feet to the beginning of a non-tangent curve the center of which is said South Quarter Corner; thence clockwise along the arc of said curve a distance of approximately 700 feet to a point on the south line of said southeast quarter; thence departing said curve, westerly along said south line a distance of 450 feet to the POINT OF BEGINNING.

- iv. **State Route 303 and Cactus Road:** An area of land generally located at the intersection of State Route 303 and Cactus Road, being situated in the northeast quarter of Section 24 Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

BEGINNING at the North Quarter Corner of said Section 24; thence easterly along the north line of said northeast quarter a distance of 850 feet to the beginning of a non-tangent curve the center of which is said North Quarter Corner; thence clockwise along the arc of said curve approximately 1340 feet to a point on the west line of said northeast quarter; thence departing said curve, northerly along said west line a distance of 850 feet to the POINT OF BEGINNING.

- v. All *freeway monument signs* located within the aforementioned locations are subject to the provisions in Paragraph 113-09.C.9.b through e.

b) **Additional Locational Requirements:** The following additional locational requirements apply for all *freeway monument signs* regardless of where in the corridor it is located:

- i. *Freeway monument signs* may only be approved on lands zoned for Commercial or Industrial uses.
- ii. No *freeway monument sign* shall be located within 300 feet of a property zoned for Residential uses, or any open space tract that is associated with a residential development.
- iii. *Freeway monument signs* shall not be located closer than twenty (20) feet from the adjacent right-of-way.
- ~~iv. No *freeway monument sign* shall be approved within 660 feet of any *billboard sign* approved or existing at the time of Conditional Use Permit application for the *freeway monument sign* in question.~~
- iv. Spacing between *freeway monument signs* shall be not less than 750 feet, unless separated by a freeway or arterial-right of-way.
- vi. *Freeway monument signs* shall not be allowed within a natural or manmade watercourse;

c) **Dimensional Requirements:** The following dimensional requirements apply for all *freeway monument signs* regardless of the corridor in which it is located:

- i. The overall height of a *freeway monument sign* shall not exceed sixty-five (65) feet as measured from the finished grade of the site where the *freeway monument sign* is located to the highest point of the *sign structure*.
- ii. *Freeway monument signs* shall be allowed an extra three (3) feet in height for architectural embellishments.
- iii. The *sign area* of a *freeway monument sign* shall not exceed 650 square feet.

- d) **Design Requirements:** The following design requirements apply for all *freeway monument signs* regardless of the corridor in which it is located:
- i. *Freeway monument signs* may incorporate *Level 2 Electronic Messaging Centers* as outlined Section 113-11 herein, except that *Electronic Messaging Centers* used in *freeway monument sign* applications may occupy up to 50% of the allowable *sign area* of the *sign*, exclusive of architectural embellishments as required herein, and provided such *Electronic Messaging Centers* are turned off between 11:00 PM and dawn.
 - ii. *Freeway monument signs* shall incorporate architectural features of the commercial development on which the sign is located; however, such embellishments shall not include any sign copy.
 - iii. *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; Freeway monument signs may be illuminated by externally-illuminated indirect or internal lighting;
- e. Any Conditional Use Permit approval is hereby conditioned upon the applicant obtaining a valid construction permit for the *freeway monument sign* approved under said Conditional Use Permit. The applicant shall obtain Certificate of Completion from the City of Surprise within six (6) months of approval of the Conditional Use Permit by the ~~Planning and Zoning Commission~~ City Council. Failure to obtain a Certificate of Completion within the designated time allotment shall render the Conditional Use Permit null and void; however, the City Manager or designee may grant a one-time extension for a period not to exceed six (6) months when in the opinion of the City Manager or designee the circumstances warrant such.

~~D. **Billboard Signs:** *Billboard Signs* may be permitted as outlined in this Section:~~

- ~~1. **U.S. 60 Corridor:** *Billboard Signs* may be located within that portion of the **U.S. 60 Corridor** between the eastern line of Section 03, Township 03 North, Range 01 West (Dysart Road) and the north/south mid-section line of Section 03, Township 04 North, Range 02 West, subject to prior approval of a Conditional Use Permit in accordance with Section 122-154 of the Surprise Unified Development Code. All *billboard signs* located within the aforementioned corridor are subject to the provisions in Paragraph 113-09.D.3 through 5 and the following:~~
 - ~~a. No *billboard sign* shall be located within 2,640 feet of the intersection of U.S. 60 and State Route 303, specifically defined as a point located at Longitude 112°24'13"W by Latitude 33°40'49"N.~~
 - ~~b. No *billboard sign* shall be located within 1,320 feet of the intersection of U.S. 60 and Bell Road, specifically defined as a point located at Longitude 112°21'02"W by Latitude 33°38'19"N.~~
 - ~~c. The overall height of a *billboard sign* within the U.S. 60 Corridor shall not exceed thirty (30) feet as measured from the adjacent roadway to the top of the *sign structure*, exclusive of architectural embellishments as permitted in this Section.~~
 - ~~d. The overall dimensions of the *sign panel* associated with a *billboard sign* within the U.S. 60 Corridor shall not exceed thirty-six (36) feet in width and 10.6 feet in height for a total *sign area* not to exceed 381.6 square feet, exclusive of architectural embellishments as permitted in this Section.~~
- ~~2. **State Route 303 Corridor:** *Billboard Signs* may be located within that portion of the **State Route 303 Corridor** between a specific point located at Longitude 112°21'35"W by Latitude 33°41'48"N and the East line of Section 16, Township 04 North, Range 01 West, subject to prior approval of a Conditional Use Permit in accordance with Section 122-154 of the Surprise Unified Development Code. All *billboard signs* located within the aforementioned corridor are subject to the provisions in Paragraph 113-09.D.3 through 5 and the following:~~
 - ~~a. No *billboard sign* shall be located within 2,640 feet of the intersection of U.S. 60 and State Route 303, specifically defined as a point located at Longitude 112°24'13"W by Latitude 33°40'49"N.~~
 - ~~b. *Billboard signs* located within the State Route 303 corridor as defined above shall serve eastbound and/or westbound traffic, but shall only be located north of the freeway right-of-way. Further, where a *billboard sign* is located within the State Route 303 Corridor, at least one (1) sign face shall consist of an Electronic Messaging Center.~~

~~c. The overall height of a *billboard sign* within the State Route 303 Corridor shall not exceed forty-five (45) feet as measured from the adjacent roadway to the top of the *sign structure*, exclusive of architectural embellishments as permitted in this Section.~~

~~d. The overall dimensions of the *sign panel* associated with a *billboard sign* within the State Route 303 Corridor shall not exceed forty-eight (48) feet in width and fourteen (14) feet in height for a total *sign area* not to exceed 672 square feet, exclusive of architectural embellishments as permitted in this Section.~~

~~3. **Additional Locational Requirements:** The following additional locational requirements apply for all *billboard signs* regardless of the corridor in which it is located:~~

~~a. *Billboard signs* may only be approved in the CN, CC, CR, BP, IP, PF or ILM zoning districts, or if located within a Planned Area Development (PAD), that portion of the PAD in which the approved land use plan specifically calls out commercial, industrial or employment uses.~~

~~b. Notwithstanding the Union Pacific Railroad right-of-way, no *billboard sign* shall be located within 300 feet of a property zoned for Residential uses, or any open space tract that is associated with a residential development.~~

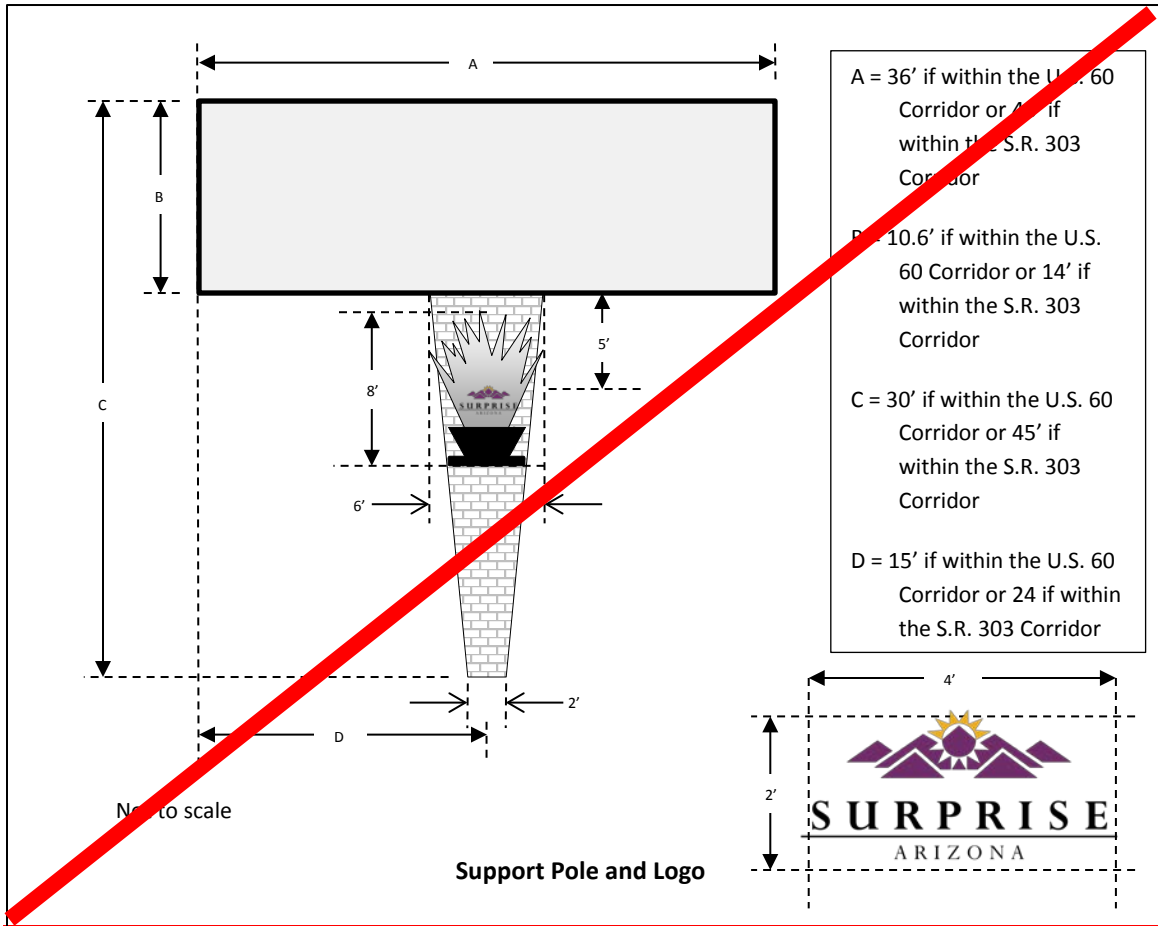
~~c. *Billboard signs* shall not be located closer than twenty (20) feet from the U.S. 60 or State Route 303 right-of-way line and not further than 200 feet from said right-of-way line.~~

~~d. No *billboard sign* shall be approved within 660 feet of any *Freeway Monument Sign* existing at the time of Conditional Use Permit application for the *billboard sign* in question.~~

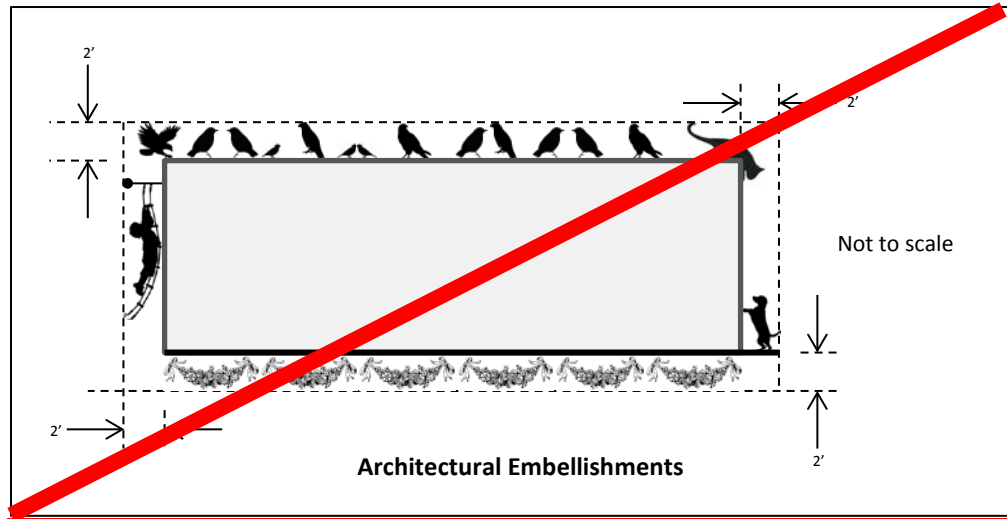
~~e. No *billboard sign* shall be approved within 2,640 of any *billboard sign* approved or existing at the time of Conditional Use Permit application for the *billboard sign* in question.~~

~~4. **Design Requirements:** The following design requirements apply for all *billboard signs* regardless of the corridor in which it is located:~~

- a. ~~Billboard Signs may incorporate Level 2 Electronic Messaging Centers as outlined Section 113-11 herein, except that Electronic Messaging Centers used in billboard applications may occupy up to 100% of the allowable sign area of the billboard, exclusive of architectural embellishments as may be permitted or required herein, and provided such Electronic Messaging Centers are turned off between 11:00 PM and dawn.~~
- b. ~~Billboard Signs shall be supported by a single pole or column, which shall be dimensionally centered beneath the sign panel and shall incorporate a pole cover comprised of stone, brick or other architecturally compatible material that conceals the structural component of the pole or column. Unless an alternative design is approved by the Planning and Zoning Commission, the pole cover shall be of a trapezoidal shape, with a base width equal to one-third (1/3) the width of the top of the pole cover.~~
- c. ~~Unless an alternative design is approved by the Planning and Zoning Commission, the supporting pole or column shall also include additional architectural embellishments that incorporate the official Primary City of Surprise Logo superimposed onto a stylized agave image. The logo shall be approximately two (2) feet tall by four (4) feet wide. The stylized agave image shall be eight (8) feet high by six (6) feet wide. The vertical center of the arrangement shall be five (5) feet below the lower edge of the sign panel.~~



d. ~~Artistic or architectural embellishments up to thirty (30) square feet may be attached to the perimeter of the sign panel, provided said embellishments do not extend more than two (2) feet in any direction beyond the face of the sign and do not otherwise obstruct the architectural embellishments as may be required under Paragraph 113-09.D.4.c above.~~



5. ~~Any Conditional Use Permit approval is hereby conditioned upon the applicant obtaining a valid construction permit for the billboard sign approved under said Conditional Use Permit. The applicant shall obtain Certificate of Completion from the City of Surprise within six (6) months of approval of the Conditional Use Permit by the Planning and Zoning Commission. Failure to obtain a Certificate of Completion within the designated time allotment shall render the Conditional Use Permit null and void; however, the City Manager or designee may grant a one-time extension for a period not to exceed six (6) months when in the opinion of the City Manager or designee the circumstances warrant such.~~

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Section 113-10 – Sign Illumination

- A. Unless otherwise specified in this Chapter, *signs* may be *externally illuminated*, *internally illuminated* or *back-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 located within the Scenic Lands Development Sub Area as depicted in the Surprise General Plan 2035, sign lighting shall be limited to internal illumination only, with the negative space between and around the individual characters of the *sign copy* limited to opaque materials.
- 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 *building* greater than five (5) stories 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 113-11 – 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 113-06.
- 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 113-11.B below.

TABLE 113-11.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 = $\sqrt{\text{Area of sign sq. ft.} \times 100}$			

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.

2. **EMC Illumination Limits:** The difference between the “off” and “solid-message” measurements using the Illumination Measurement Criteria

outlined in Section 113-11.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 not more than ~~thirty (30)~~ fifty (50) percent of the allowable *sign area* of a particular *sign* except that:
 - ~~a) When *Electronic Messaging Centers* are utilized in conjunction with a *Billboard Sign*, the *sign area* of the *Electronic Messaging Center* may encompass 100% of the allowable *sign area* as outlined in Paragraph 113-09.D.1.d and 113-09.D.2.d.~~
 - ~~b) When *Electronic Messaging Centers* are utilized in conjunction with a *Freeway Monument Sign*, the *sign area* of the *Electronic Messaging Center* may encompass 50% of the allowable *sign area* as outlined in Paragraph 113-09.8.c)iii.~~
5. **Certification:** Prior to the issuance of a permit relating to an *Electronic Messaging Center*, the applicant shall provide a written certification from the owner of the sign attesting that said owner has read and understands the provisions of this Section, agrees to abide by said Section, and agrees to cooperate with City of Surprise staff with regards to any nighttime testing that may be necessary should the 0.3 foot-candle limitation be at question.

Section 113-12 – 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 113-10; 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 113-13 – 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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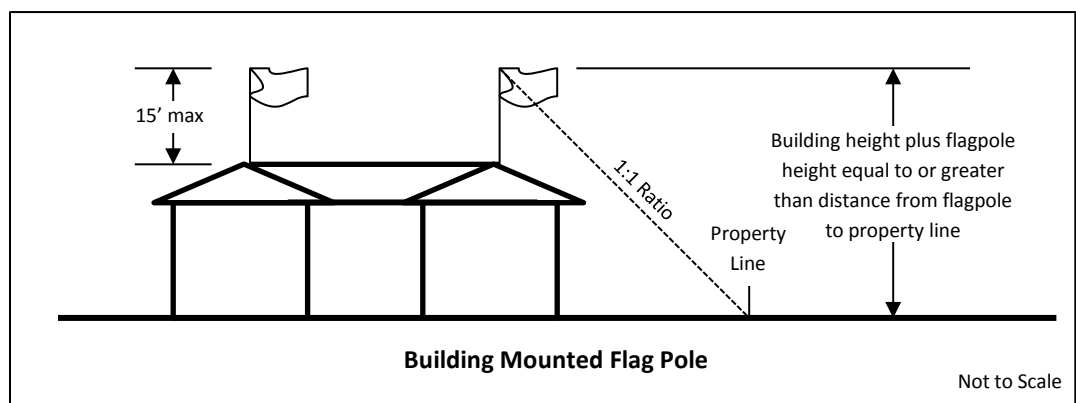
Section 113-14 – Flags and Flagpoles

- 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 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 be located within any portion of the building envelope, or within the required front or required rear yard, but not within a required side 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 feet.

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.
5. Additional *Flags* are permitted within *Model Home Complexes* in accordance with Section 113-09.A.10 and *Active Single-Family Residential Subdivisions* as outlined in Section 113-09.11.

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 113-15 – 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 113-07.A.
- C. A Comprehensive Sign Program may not introduce a *sign* type that is specifically prohibited in Section 113-07.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 113-16 – Nonconforming Signs

A. General Provisions:

1. *Nonconforming signs* shall be maintained in good condition pursuant to Section 113-08.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 113-16.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 113-16.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*:

A *nonconforming sign* shall be removed upon verification that any of the following conditions have been met:

1. The City determines and notifies the property owner that the use of the property or *building* upon which the *nonconforming sign* is located has ceased or been abandoned for more than 90 consecutive days, and the owner fails to provide the City with acceptable documentation or other information demonstrating that the use has not ceased or been abandoned; or,
2. These regulations, or amendment to these regulations, which made the *sign* non-conforming has been in effect for twenty (20) years.

Section 113-17 – Enforcement

A. General Provisions:

1. The City Manager or designee is hereby authorized and directed to enforce all provisions of this Chapter in conformance with the regulations and procedures specified herein.
2. Any violation of this Chapter constitutes a public nuisance and may result in the issuance of either a civil citation or criminal citation by the City as set forth in Article VI of the Surprise Municipal Code.
2. Each day a violation of any provision of this Chapter or the failure to perform any act or duty required by this Chapter continues shall constitute a separate violation or offense.
3. When two (2) or more persons have liability to the City or are responsible for a violation of this Chapter, their responsibility shall be joint and several.
4. The re-erection of any *sign* or substantially similar *sign* on the same premises after a Notice of Violation has been issued shall be deemed a continuance of the original 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 stating a date-certain by which 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.
 7. The period of notice for *permanent signs* shall be thirty (30) days.
- 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 First Class Mail or 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. **Penalties for Violation:** Penalties for violations are as outlined in Article VI of the Surprise Municipal Code. Imposition of a fine or penalty assessment shall not relieve the owner of the responsibility for abatement of the violation(s) or excuse him/her from liability for any and all costs incurred by the City for abatement. In no event shall the owner of premises where the violation has occurred be held criminally responsible for a *temporary sign* violation of this Chapter committed by a tenant in possession of the premises or other third party.
- E. **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 113-09.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, provided a City of Surprise employee who is authorized to do so has made an attempt to contact the individual whose name appears on the *Temporary Sign* at the address or phone number printed on said *sign*.
6. All actual costs incurred by the City of Surprise in the removal or repair of said sign shall be paid by the owner of the sign or the owner of the premises where the sign is located. Action for recovery may be brought by the Surprise City Attorney upon proper certification to him/her by the City Manager or authorized agent.

Section 113-18 – Appeals

A. Decisions by the Zoning Administrator:

1. The denial of a *sign* permit or any written interpretation of a *sign* regulation made by the Zoning Administrator, pursuant to his/her legal authority, may be appealed to the Board of Adjustment pursuant to Section 2-302 of the Surprise Municipal Code, except as modified by the provisions of this Section 113-18. The appeal shall specify the grounds for appeal and shall be submitted in writing with the Community Development Department within fifteen (15) calendar days of the date the decision was issued. If a timely appeal is not filed, the Zoning Administrator's decision shall become final.
2. Challenges to the constitutionality of any provision of this Chapter regulating *signs* shall only be processed pursuant to Section 113-18.B below.
3. The Board of Adjustment may affirm, reverse, or modify the decision of the Zoning Administrator, which decision will be final, unless the Board's decision is timely appealed by any person aggrieved to the City Council within fifteen (15) calendar days of the decision. Appeals shall be filed in writing with the office of the City Clerk and shall specify the grounds for the appeal. The appeal shall be placed on the next available agenda for review and decision by the City Council. The appeal shall be decided based on the record of the Board of Adjustment proceedings and the issues limited to those presented to and decided by the Board of Adjustment.
4. Any person aggrieved by the decision of the City Council may appeal the decision of the City Council to Superior Court within 30 calendar days, as provided by state law.

B. Constitutional Issues Involving Application of Sign Regulations:

1. When an appeal raises an issue(s) involving the application of Federal or Arizona constitutional law in the issuance or denial of a *sign* permit, the revocation of a *sign* permit, or an order to alter or remove a *sign*, the constitutional issue(s) shall be referred to a hearing officer appointed by the City for hearing and decision.
2. The appeal shall be in writing and shall include the following information:
 - a. The name and address of the applicant.
 - b. The ordinance, code provision, or other City document or policy statement that is alleged to be unconstitutional.
 - c. Any relevant facts and supporting documents.
 - d. The names and addresses of any witnesses.
3. The Zoning Administrator shall forward the appeal and all supporting documents to the hearing officer within ten (10) working days of receipt with a copy to the applicant.
4. The Zoning Administrator may prepare and include with the transmittal to the hearing officer a written statement of the City's response to the appeal accompanied by any supporting documents, names of witnesses, and any other matters considered relevant.
5. Upon receipt of the appeal, the hearing officer shall contact the Zoning Administrator and the applicant acknowledging receipt and scheduling a time for the appeal to be heard not later than 30 days after receipt. The applicant shall be given at least ten (10) day notice of the time when the appeal will be heard unless he/she agrees to a shorter time period.
6. The applicant shall bear the burden to establish that the subject ordinance, code provision, or other City document or policy statement is unconstitutional.
7. The hearing officer shall decide the appeal and issue a written decision setting forth findings of fact and conclusions of law within five (5) working days after the appeal is heard.
8. The decision shall be transmitted to the Zoning Administrator and the applicant at the address provided by the applicant.
9. If the hearing officer finds that the subject ordinance, code provision, or other City document or policy is unconstitutional, in whole or in part, the City shall issue within 30 days of the hearing officer's decision a written notice

to the applicant stating that it will either (1) repeal or otherwise amend the challenged ordinance, code provision, or other document or policy to cure the constitutional deficiency or (2) take no action.

10. Any person aggrieved by the City's response to the hearing officer's decision may file, at any time within 30 calendar days thereafter, a complaint in a court of competent jurisdiction to review the City's response based on the record of the appeal to the hearing officer.

~~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.~~

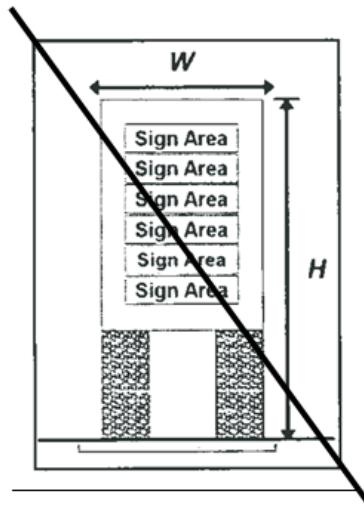
~~*Portable sign:* Any sign not affixed to a structure or ground-mounted on a site that does not meet the definition of sandwich sign.~~

~~*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, ornamentations, 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, ornamentations, 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.~~

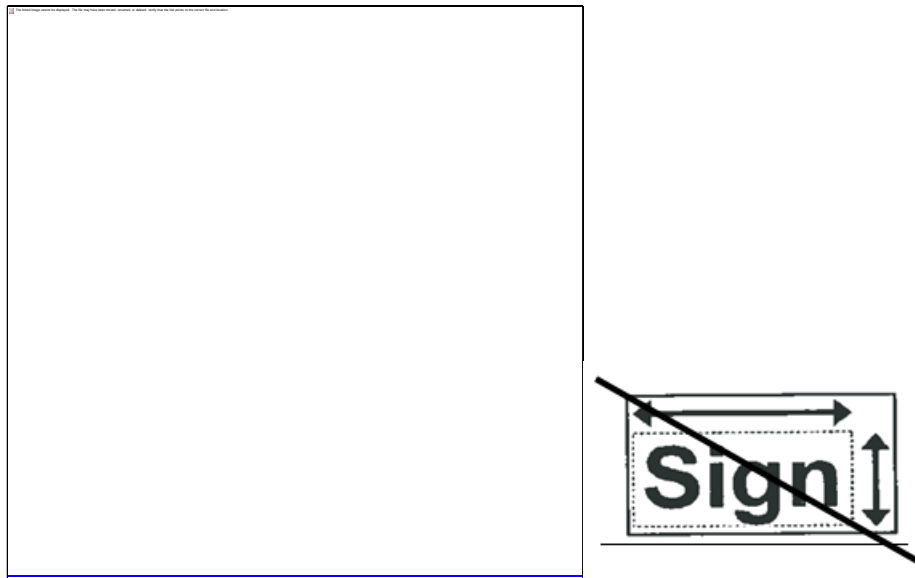
- ~~(a) All signs shall be structurally designed, constructed, erected and maintained in accordance with all applicable provisions and requirements of this Code.~~
- ~~(b) Signs are considered a component of the site's design and building architecture; and they shall be architecturally integrated with 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.~~

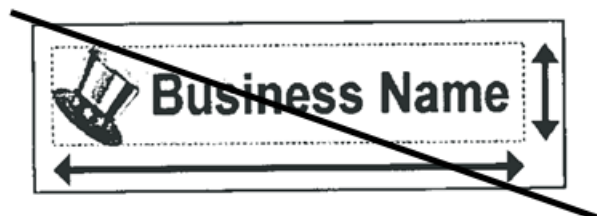
~~(a) Sign measurement criteria.~~

- ~~(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.~~



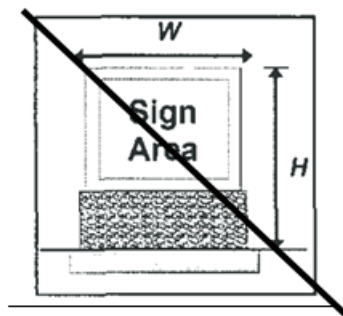
Sign Area includes Logo

- ~~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.

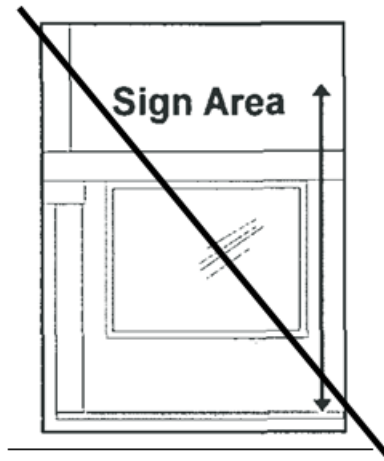
Sec. 113-105. Sign height.

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.~~

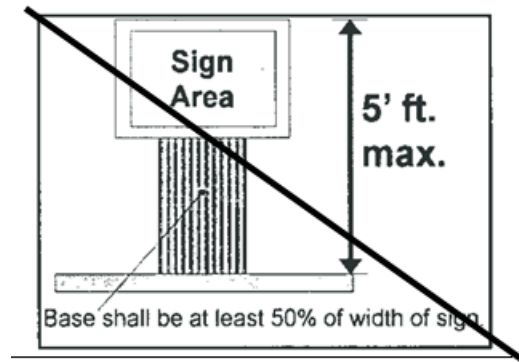
~~(1) Generally.~~

- ~~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.~~

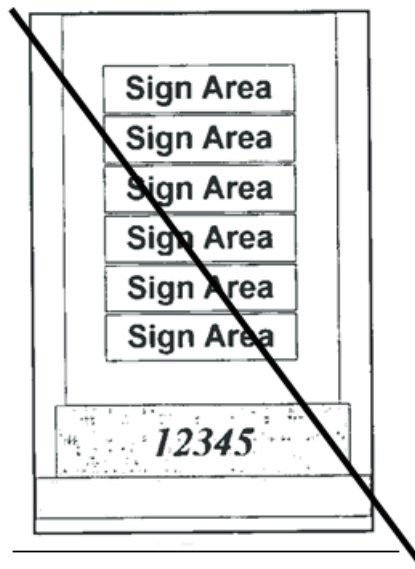
d. Any freestanding sign must include the number of the street address, but the area of these numerals shall not be included in calculating the allowed sign area.

~~(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, Surprise Sign Code Update

Written comments as of July 12, 2017

From: [REDACTED]
To: [Robert Kuhfuss](#)
Subject: Signs - Comprehensive Sign Program
Date: Wednesday, April 22, 2015 1:49:53 PM
Attachments: [CCF04222015_0001.pdf](#)

Rob – Hope you’re doing well. We worked together on various projects before you came to Surprise when I was at Pulte Homes. Glad to see that you’ve become a part of the Surprise team.

I’ve been following the process that you’ve been making on the sign ordinance and hope to offer some feedback on its impact to PADs in Surprise. This perspective is through the eyes of a master planned developer as it pertains to the current “Comprehensive Sign Program” (Article VIII).

First, I think the allowance of a Comprehensive Sign Program is a great tool that the City has in its code. I only had two suggestions that the City may consider in updating the verbiage.

1. Should only commercial PADs be allowed to have a comprehensive sign program after the initial zoning?
 - a. While working on large master planned community projects in the past it has always been challenging to get directional signage to the master planned community. Based upon what I understand in the current code, only a commercial project is provided an opportunity for a comprehensive sign program. Non-commercial projects signage must be submitted with the initial PAD. In other words, there does not appear to be a comprehensive sign program option for a non-commercial PAD after initial approval.
 - b. Timing challenge - The timing of a sign program as part of a master planned community is normally considered concurrent with the construction of the 1st phase of the master planned community. This could be many years after the initial PAD application.
 - c. Suggest that verbiage be added to the Code to allow for PADs (commercial, residential or mixed-use) to process a Comprehensive Sign Program application after the initial PAD.
2. Should offsite signage only be limited to an “existing master site plan” or where “residential development has been established”?
 - a. It is great that offsite signs are permitted but don’t believe that those off-site signs should only be limited to projects that have an existing master site plan or residential development. Since all signs must be on private property should it matter if the property is entitled or improved?
 - b. Suggest that the property owner’s permission and City approval are only required approvals for an off-site sign (as part of a comprehensive sign program).

I’ve redlined the current code per the above suggestions and have attached a pdf. Thank you in advance for your consideration. I look forward to catching up with you sometime in the near future. Best regards -

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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.~~ PERMISSION FROM THE PROPERTY OWNER HAS BEEN RECEIVED.
- (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.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

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.

From: [REDACTED]
To: [Robert Kuhfuss](mailto:Robert.Kuhfuss@surpriseaz.gov)
Subject: RE: Pottery Place Signage
Date: Wednesday, April 29, 2015 8:09:05 PM

Hello Robert, thanks for the invite but will be out of country at that date. But please keep me on your list for future meetings. Thanks, [REDACTED]

From: Robert.Kuhfuss@surpriseaz.gov
To: [REDACTED]
CC: Hobart.Wingard@surpriseaz.gov
Subject: RE: [REDACTED]
Date: Mon, 27 Apr 2015 22:21:51 +0000

[REDACTED]

We have not put together any draft language at this time, but you are welcome to participate in the process. As it stands, I will be presenting to the City Council at a workshop session on May 19th at 4:00 PM for the purpose of gathering their opinions on signage in general. That discussion will inform my work from there. The meeting will occur in the City Council Chambers at 16000 Civic Center Plaza at the City Hall Complex. You will be able to access the agenda at <http://surpriseaz.gov/index.aspx?NID=166> when the time comes.

Hope this is helpful.

Thanks

Robert H. Kuhfuss, AICP
Planner II
City of Surprise Community Development
16000 North Civic Center Plaza
Surprise, AZ 85374-7470
O: 623-222-3137 | F: 623-222-3001
robert.kuhfuss@surpriseaz.gov

From: Hobart Wingard
Sent: Thursday, April 23, 2015 8:02 AM
To: [REDACTED]
Cc: Robert Kuhfuss
Subject: RE: [REDACTED]

Good morning [REDACTED]

Good morning Bart, I don't quite understand why one business on hwy 60 on one side of town could build the windmill and not another on the other side of town? If you get time maybe call me or e-mail me with their reasoning. Nevertheless, I know how busy you are and want you to know how much myself and Mike (our general contractor) sincerely appreciate

all your help thru this entire process. Thanks again, Bill Klein Pottery Place

From: Hobart.Wingard@surpriseaz.gov

To: [REDACTED]

CC: Deborah.Perry@surpriseaz.gov; Jamie.Sullivan@surpriseaz.gov

Subject: [REDACTED]

Date: Tue, 21 Apr 2015 20:48:29 +0000

Good afternoon [REDACTED]

Staff was able to discuss you proposal to have signage similar to Moon Valley Nursery on your site on Grand Avenue. It was determined that signage of this scale would not be supported. The code presently allows for signage up to ten (10) feet in height.

Thank you,
Bart

Hobart Wingard
Planner II
City of Surprise
623.222.3156

City Hall offices open at 8 a.m. and close at 5 p.m. Monday through Friday. More info at www.surpriseaz.gov.

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0.1

21 Apr 2015 19:31:38 -0000

From: [Eric Fitzer](#)
To: [Robert Kuhfuss](#)
Cc: [Lloyd Abrams](#)
Subject: FW: Sign renderings
Date: Thursday, November 12, 2015 10:54:48 AM
Attachments: [AZ 202 Pylon 14x48 LED trees.pdf](#)
[Chandler Mach up.pdf](#)
[indian sign comp 102811.pdf](#)
[sign rendering.pdf](#)
[Tolleson Mach Up.jpg](#)
[Peoria billboard mock ups.pdf](#)
[Buckeye Structure & Materials.pdf](#)
[Buckeye Structure & Materials night.pdf](#)

FYI

From: [REDACTED]
Sent: Thursday, November 12, 2015 10:08 AM
To: Rick Buss
Cc: Eric Fitzer; [REDACTED]
Subject: Sign renderings

Rick,

It was a pleasure meeting with you and Eric the other day, we really appreciate the time you gave us. We welcome the opportunity to lend our expertise to the City of Surprise as you work to develop a comprehensive sign code. Between the two of us Rob and I have over 70 years experience in all facets of the Outdoor Advertising Industry and will help you in any way that we can.

I have attached a number of renderings of some recent projects that we've been involved with, feel free to use them as you move forward.

Your mention of city owned monument signs has intrigued Rob and he has some ideas that he would like to share with you when you have some time to sit down and discuss in greater detail. In the mean time if you would put us on the list of interested parties and keep us abreast of future meetings and agendas I would greatly appreciate it.

Should you have any additional needs please don't hesitate to call.

Best regards,

[REDACTED]

[REDACTED]

This transmittal is intended exclusively for the use of the individual or entity to whom it is addressed, and may be protected from disclosure under applicable state and or federal law. If the reader of this message is not the intended recipient, you are hereby notified that any unauthorized dissemination, distribution, or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately or telephone [REDACTED] and destroy the original message. Thank you.



CROSSROADS
@
TOLLESON

Sit. Stay. Shop.

Good boy!



TENANT

TENANT

TENANT

TENANT

TENANT

TENANT

TENANT

TENANT

TENANT

TENANT

TENANT

TENANT

50'-0"

**IT WAS THE ROAR
OF YOUR ENGINE,
NOT THE RING
OF YOUR CELL PHONE.**

 chevy.com



CHANDLER



83 -0

**IT WAS THE ROAR
OF YOUR ENGINE,
NOT THE RING
OF YOUR CELL PHONE.**

 chevy.com



P83

45 -0

HARKINS
THEATERS
BUILDING



83 -0

IT WAS THE ROAR
OF YOUR ENGINE,
NOT THE RING
OF YOUR CELL PHONE.



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HARKINS
THEATERS
BUILDING



83 -0

IT WAS THE ROAR
OF YOUR ENGINE,
NOT THE RING
OF YOUR CELL PHONE.



 chevy.com

CITY OF
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HARKINS
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BUILDING





IT WAS THE ROAR
OF YOUR ENGINE,
NOT THE RING
OF YOUR CELL PHONE.

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P&G



IT WAS THE ROAR
OF YOUR ENGINE,
NOT THE RING
OF YOUR CELL PHONE.



P83



PEORIA EIGHTY THREE



IT WAS THE ROAR
OF YOUR ENGINE,
NOT THE RING
OF YOUR CELL PHONE.



CITY OF
PEORIA

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PARK



IT WAS THE ROAR
OF YOUR ENGINE,
NOT THE RING
OF YOUR CELL PHONE.



CITY OF
PEORIA

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VISTA
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CITY OF
PEORIA

PEORIA EIGHTY THREE



IT WAS THE ROAR
OF YOUR ENGINE,
NOT THE RING
OF YOUR CELL PHONE.

PEORIA

PEORIA



IT WAS THE ROAR
OF YOUR ENGINE,
NOT THE RING
OF YOUR CELL PHONE.

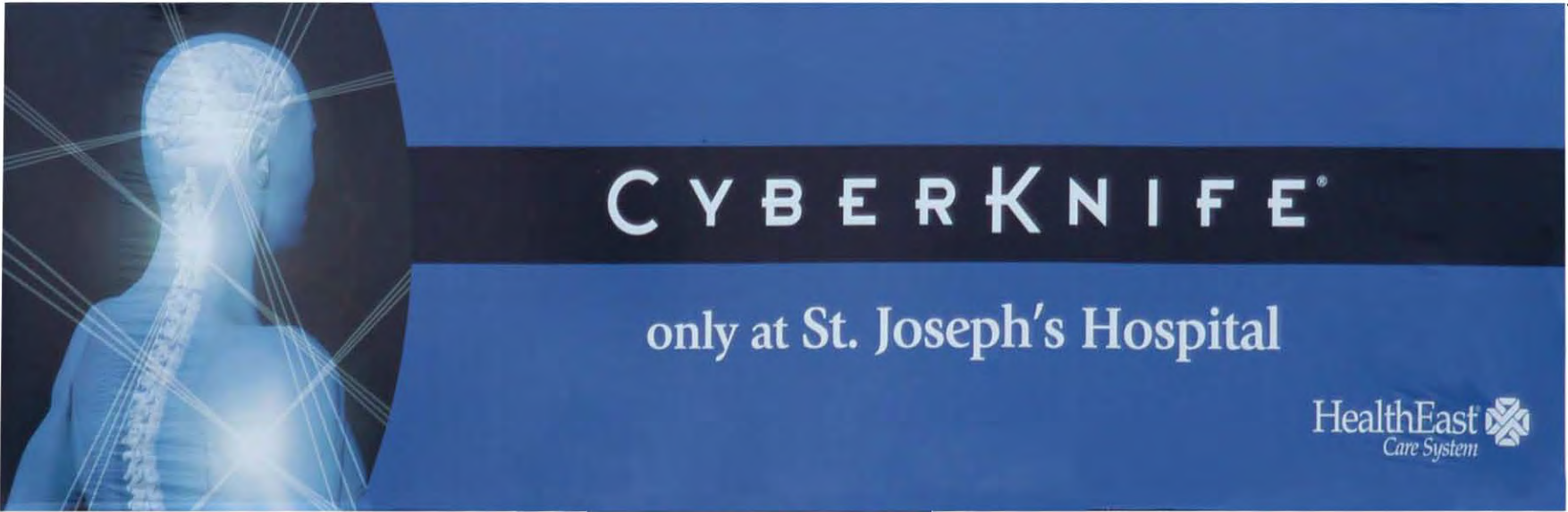


PEORIA



PEORIA

PEORIA EIGHTY THREE



50'



Double Sided Backlit Can Sign
Mounted to underside of Billboard
Matte Black Frame with Black Lettering
Outside Dimension: 1'x10', 10" deep

LCO OUTDOOR

BUCKEYE ARIZONA

Mounted to underside of billboard, in-line with digital panel face;
3.6'x20' outside dimension; 28" matte white cut-out letters;
Serif font; halo lit via white LED lights.
Cor-ten® background with black metal frame.
(4" deep or as needed to conceal electrical.)

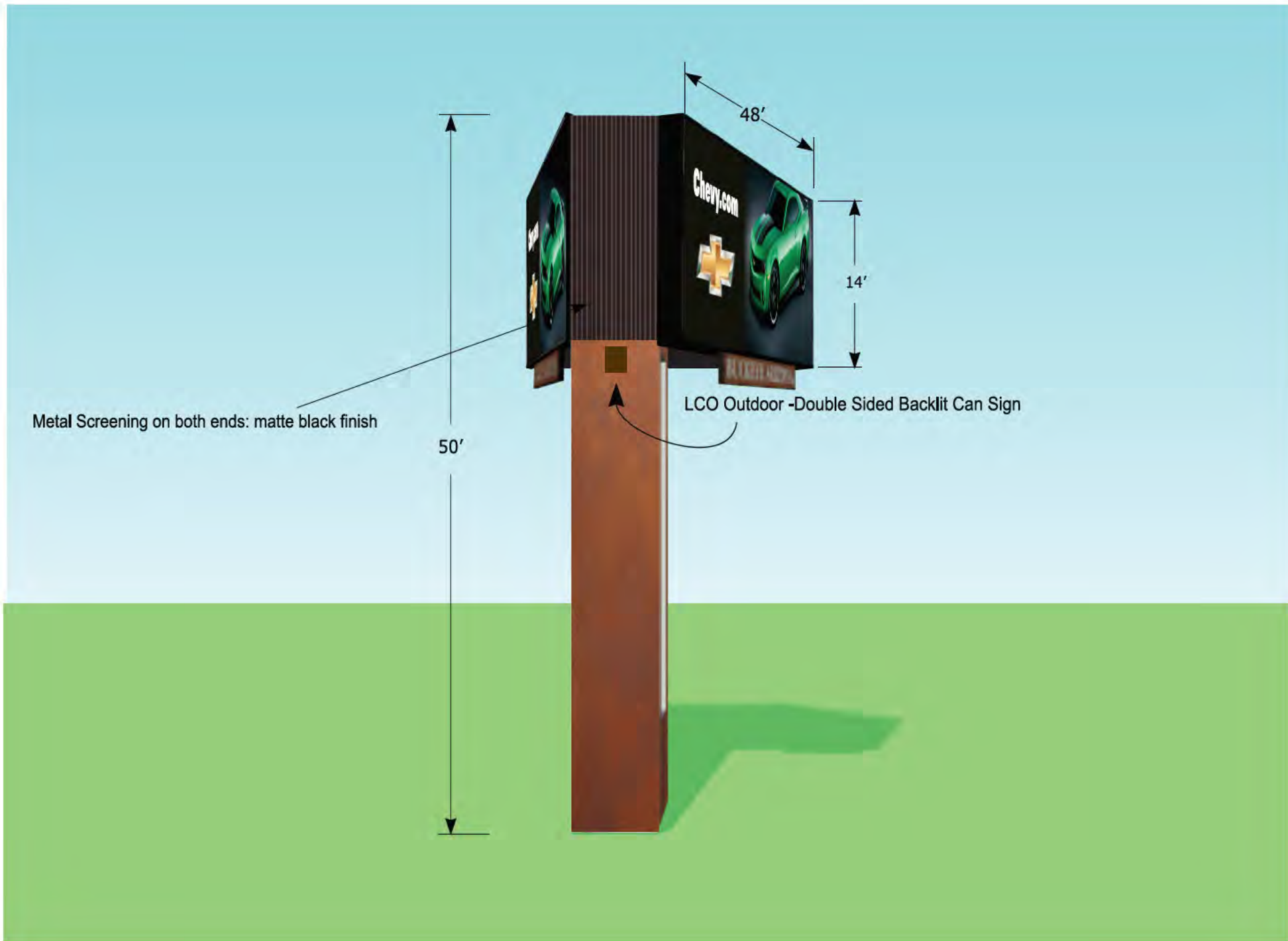
50'

42" dia. post; matte silver powder coat

Cor-ten "posts" 4' wide x 4' deep;
height at least past the bottom of digital panels

Cor-ten "base" 6' tall, 15' wide, 4' deep
height at least past the bottom of digital panels

120v, 2 Wire, Clear Incandescent Rope Light



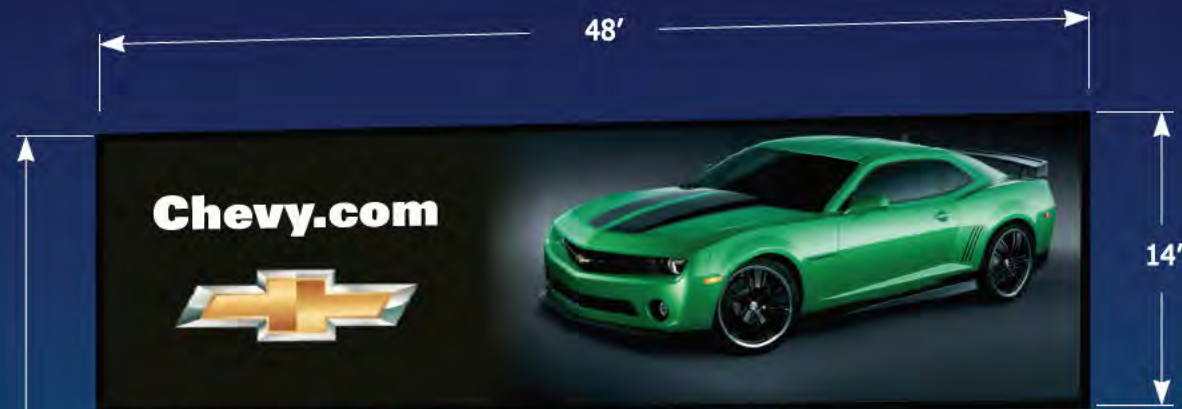
48'

14'

50'

Metal Screening on both ends: matte black finish

LCO Outdoor -Double Sided Backlit Can Sign



Double Sided Backlit Can Sign
Mounted to underside of Billboard
Matte Black Frame with Black Lettering
Outside Dimension: 1'x10', 10" deep

LCO OUTDOOR

BUCKEYE ARIZONA

Mounted to underside of billboard, in-line with digital panel face;
3.6'x20' outside dimension; 28" matte white cut-out letters;
Serif font; halo lit via white LED lights.
Cor-ten® background with black metal frame.
(4" deep or as needed to conceal electrical.)

50'

42" dia. post; matte silver powder coat

Cor-ten "posts" 4' wide x 4' deep;
height at least past the bottom of digital panels

Cor-ten® "base" 6' tall, 15' wide, 4' deep
height at least past the bottom of digital panels

120v, 2 Wire, Clear Incandescent Rope Light

Metal Screening on both ends: matte black finish

50'

48'

14'

LCO Outdoor -Double Sided Backlit Can Sign



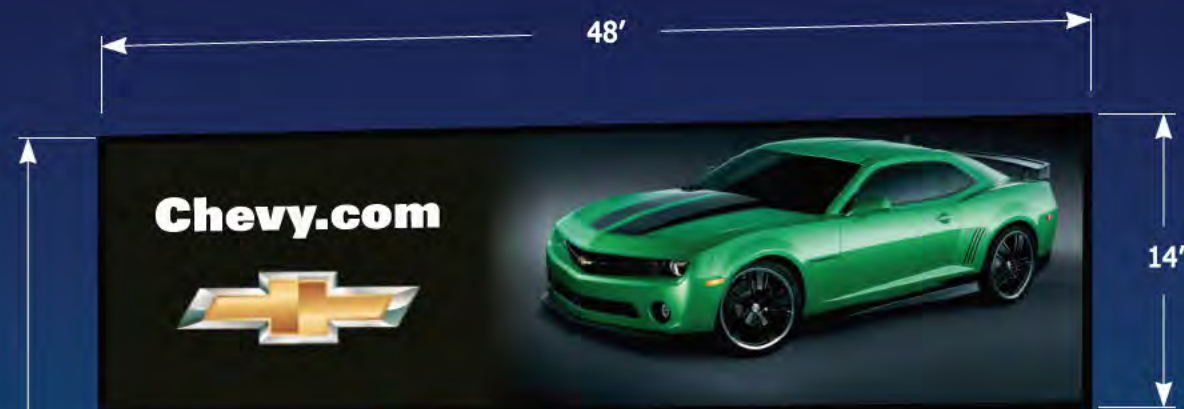


Unplug.

DiscoverTheForest.org



48'



Double Sided Backlit Can Sign
Mounted to underside of Billboard
Matte Black Fram with Silver Lettering
Outside Dimension: 1'x10', 10" deep

50'

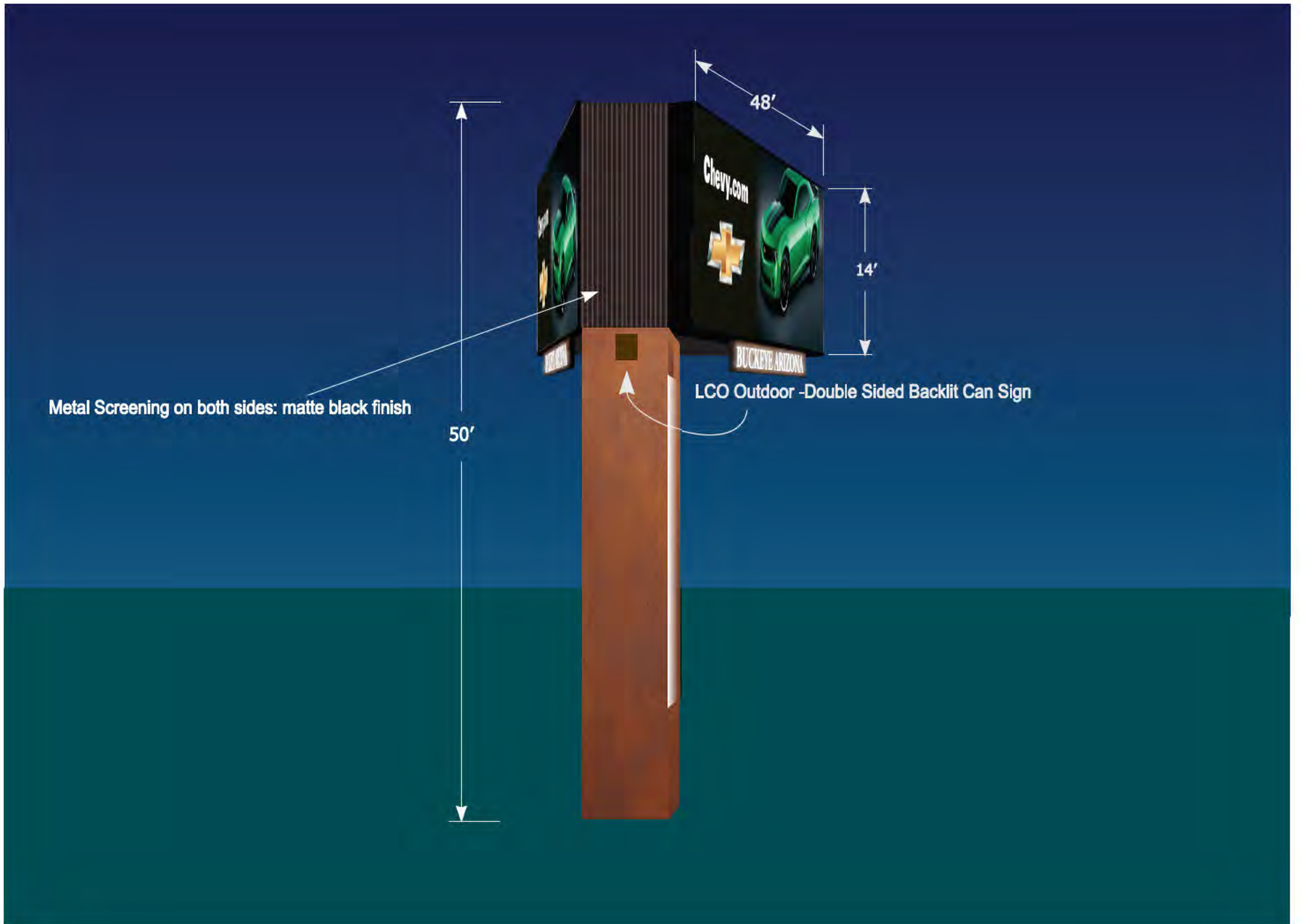
42" dia. post; matte silver powder coat
or other low/no maintenance finish.

Mounted to underside of billboard, in-line with digital panel face;
3.6'x20' outside dimension; 28" matte white cut-out letters;
Serif font; halo lit via white LED lights.
Cor-ten® background with black metal frame.
(4" deep or as needed to conceal electrical.)

Cor-ten "posts" 4' wide x 4' deep;
height at least past the bottom of digital panels

Cor-ten® "base" 6' tall, 15' wide, 4' deep
height at least past the bottom of digital panels

120v, 2 Wire, Clear Incandescent Rope Light



From: Robert Kuhfuss
To: [REDACTED]
Subject: RE: sign amendment
Date: Thursday, February 23, 2017 1:30:00 PM

[REDACTED],

We ran a Text Amendment last year striking all reference to political signs from our code. That issue is covered under state statute.

Assuming you are referring to “snipe” signs, the currently proposed language would prohibit that type of sign in the median.

Hope that answers your questions.

Thanks

Robert H. Kuhfuss, AICP, MPA
City of Surprise Community Development Department
16000 North Civic Center Plaza
Surprise, AZ 85374-7470
O: 623-222-3137 | F: 623-222-3001
robert.kuhfuss@surpriseaz.gov

From: [REDACTED]
Sent: Thursday, February 23, 2017 10:52 AM
To: Robert Kuhfuss
Subject: RE: sign amendment

How would these changes affect political signs? Signs in the medians?

TIA

[REDACTED]

At 11:48 AM 2/21/2017, Robert Kuhfuss wrote:

[REDACTED],

Sorry about that. We had not quite posted the document. You can find it now at
<https://www.surpriseaz.gov/Calendar.aspx?EID=6986&day=8&month=3&year=2017&calType=0>

Thank you.

Robert H. Kuhfuss, AICP, MPA
City of Surprise Community Development Department
16000 North Civic Center Plaza
Surprise, AZ 85374-7470

O: 623-222-3137 | F: 623-222-3001
robert.kuhfuss@surpriseaz.gov

From: [REDACTED]
Sent: Friday, February 17, 2017 5:50 PM
To: Robert Kuhfuss
Subject: RE: sign amendment

Yep, I saw that -- I was/am asking for a copy of the proposed test as stated in the public notice.

[REDACTED]

At 04:06 PM 2/17/2017, Robert Kuhfuss wrote:

We've scheduled a series of stakeholder meetings starting March 8th at 6:00 PM. Notice will go out next week.

We are also taking this to City Council as a work session item on March 7th.

Robert H. Kuhfuss, AICP, MPA
City of Surprise Community Development Department
16000 North Civic Center Plaza
Surprise, AZ 85374-7470
O: 623-222-3137 | F: 623-222-3001
robert.kuhfuss@surpriseaz.gov

From: [REDACTED]
Sent: Friday, February 17, 2017 10:50 AM
To: Robert Kuhfuss
Subject: sign amendment

Please send info on this issue. Address below or email is fine.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Protons have mass? I didn't even know they were Catholic.

"Do What's Right. Do it right. Do it right Now!!"

City Hall offices open at 8 a.m. and close at 5 p.m. Monday through Friday. More info at www.surpriseaz.gov.

This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under Arizona law, e-mail communications and e-mail addresses may be public records.
0.1

17 Feb 2017 23:06:34 -0000

From: Robert Kuhfuss
To: [REDACTED]
Subject: RE: City of Surprise Sign Code Update Outreach Meetings
Date: Friday, February 24, 2017 8:20:00 AM
Attachments: [image002.jpg](#)

[REDACTED]

Thank you for your question. The intent was to accommodate gas stations, drug stores, schools, churches, etc. that commonly use this type of signage in lieu of the old fashioned reader boards with the plastic inserts. It is unlikely that someone is going to sit with their finger on the button manually scrolling through a series of messages, but the price of gas could change during the course of the day.

We were restrictive in our language since there seems to be some reticence regarding EMCs. I would certainly welcome any input you might have.

I'm also wondering if there might even be an opportunity for a nighttime EMC demonstration before our Planning Commission and City Council. The demonstration would highlight lighting levels, measurements, etc. The days are starting to get longer so if that is a possibility, we'd need to put something together fairly quickly.

Thank you again and please let me know your thoughts.

Robert H. Kuhfuss, AICP, MPA
City of Surprise Community Development Department
16000 North Civic Center Plaza
Surprise, AZ 85374-7470
O: 623-222-3137 | F: 623-222-3001
robert.kuhfuss@surpriseaz.gov

From: [REDACTED]
Sent: Friday, February 24, 2017 7:20 AM
To: Robert Kuhfuss
Subject: RE: City of Surprise Sign Code Update Outreach Meetings

Robert,
I have a question regarding the definition of Level 1 EMC. The definition refers to message changing "manually" and does not mention how often the messages could change (as compared to Level 2 which mentions the signs may be changed automatically every 8 sec). Do you have any insight as to why the definition is written this way?

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.

Thank you,



From: Robert Kuhfuss [<mailto:Robert.Kuhfuss@surpriseaz.gov>]

Sent: Tuesday, February 21, 2017 1:13 PM

To: Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>

Subject: City of Surprise Sign Code Update Outreach Meetings

Hello all,

As you are likely aware, the City of Surprise is re-writing its Sign Code in its entirety. We are scheduling a series of stakeholder meetings throughout the month of March, 2017. Each of these meetings will be held at **6:00 PM** at the date and location outlined below:

Day	Date	Location	Address
Wednesday	March 8, 2017	Surprise Regional Library	16089 North Bullard Avenue, Surprise, AZ 85074
Wednesday	March 15, 2017	Surprise Community Room	16000 North Civic Center Plaza, Surprise, AZ 85074
Wednesday	March 22, 2017	Surprise Community Room	16000 North Civic Center Plaza, Surprise, AZ 85074
Wednesday	March 29, 2017	Surprise Regional Library	16089 North Bullard Avenue, Surprise, AZ 85074

The proposed text may be found at <https://www.surpriseaz.gov/Calendar.aspx?EID=6986&day=8&month=3&year=2017&calType=0>.

You are welcome to attend any or all of these meetings, and you may submit written comments to me at the address noted below. For more information, please contact me at the location listed below. We look forward to hearing from you.

Please also be advised that we will be presenting this matter to the City Council during their work session of Tuesday, March 7, 2017, at 4:00 PM, if you are interested in attending.

Thank you.

Robert H. Kuhfuss, AICP, MPA
City of Surprise Community Development Department
16000 North Civic Center Plaza
Surprise, AZ 85374-7470
O: 623-222-3137 | F: 623-222-3001
robert.kuhfuss@surpriseaz.gov

City Hall offices open at 8 a.m. and close at 5 p.m. Monday through Friday. More info at www.surpriseaz.gov.

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0.1

21 Feb 2017 19:13:11 -0000

From: [REDACTED]
To: [Robert Kuhfuss](#)
Cc: [Lloyd Abrams](#); [Joshua Mike](#)
Subject: Signage meeting
Date: Monday, March 13, 2017 8:37:37 PM

Dear Rob,

It was nice to meet you last Wednesday at the library, and I thought that it was a good meeting, with great participation.

I know this is an extreme point of view, but I need to say it anyway. I don't like signs, period. They're usually tacky, and take away from the timeless design of a city or town, unless you are in Times Square in New York, or on the Vegas Strip, and of course, those are two places of extreme signage.

With that said, I would like to see Surprise be a real 21st Century city. If you see a classic European country village, there are few signs. If you see an artist's rendering of a futuristic city, there are NO signs, because of course all people in the future are telepathic and they know where all the burger joints are. Is that "food for thought"? But seriously, many important parts of our City are still a blank canvas, and we need someone like a city architect to supervise and advise on the design and placement. I don't have anything against logos on buildings, provided they meet a creative design code. My reasoning is as follows: How many of us really dislike commercials on TV? We will get up and do something else, fast-forward the recording, change channels, or mute it when playing, but try to ignore it in the end. I fear this is the end result of having a code that allows a lot of signs, provided they all minimally meet that code. People will drive through Surprise without looking.

My father worked in New York as a film editor, and did a lot of work in commercials, and he's the first one to say that the majority of commercials have few redeeming qualities, and are annoying to most viewers. I am not a snob, but I think there's got to be a better way, and I would know it if I heard it. What was presented at the meeting was a lot of the same-old, same-old. I would hope that we would do something better.

On another note, the Country Inn & Suites, although I feel bad for them, have a horrible location for a hotel, and again reflects poor planning. I realize the owners make these decisions without regard to the bigger picture. That's their own fault. I don't think theirs is a City signage issue as much as an ADOT issue, as they are located on a state highway, not a City street.

Again, I appreciate your efforts and those of your staff, and I hope to attend some additional meetings in the coming months.

Very truly yours

[REDACTED]



Timeless Design



Renderings show an urban downtown that Surprise General Plan 2035 envisions for the future with improved transportation and connections between neighborhoods. Rendering Credit: City of Surprise (Arizona Builders Exchange - 2013 Re Surprise General Plan)

<http://azbex.com/new-general-plan-approved-by-surprise-voters/>

From: [Webmaster](#)
To: [Robert Kuhfuss](#)
Subject: New Sign Code Public Comment
Date: Monday, March 20, 2017 3:57:02 PM

A New Sign Code Public Comment as Been Received!

The comment:

Good Afternoon,

I'm sorry that I am not able to attend any of the future meetings concerning the new sign code in the city of Surprise. I am concerned with one aspect of the new sign code, that I think warrants a comment here however. The right to use an A frame sign should continue in my business/professional opinion. I see A frame signs everywhere across Arizona as well as places that would be considered much more intrusive to business rights and liberties like California and many places on the east coast. Beach towns, ritzy towns, upscale, downscale, everywhere I go, A frames are used to solicit business for business owners. They are not downscale. When presented properly they can be portrayed as being rather glamorous! I was putting balloons on mine which I think cheered people up. Why would balloons be illegal? I remember an event where the city released thousands of balloons into the sky. I'm not releasing them after. Why? No one I asked so far, thinks that balloons and a frame signage should be illegal. Please rethink these revisions. Please don't hesitate to have me answer any questions you might have.

Thank you in Advance,



was received on 03/20/2017 at 06:56 pm

Thank you,
Webmaster

From: [REDACTED]
To: [Robert Kuhfuss](#)
Cc: [REDACTED]
Subject: Comments on the Draft Surprise Code
Date: Friday, March 31, 2017 9:22:36 AM
Attachments: [image001.gif](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)
[ASA ISA comments draft Surprise Sign Code 3-29-17.docx](#)

Hello Bob,

Here are the ASA/ISA comments on the proposed code. We look forward to discussing the proposed code later today.

Best regards,

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] NEW

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.

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* 



2017-03-02 18:06:43

We recommend that multiple geometric be utilized versus the smallest rectangle. this will encourage creative designs since irregular shapes will not be penalized. See attached model code page 28 for additional images and details.

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, or 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 roadway in conjunction with a driveway serving any multiple 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 paved surface of the roadway served by the *sign*;

jcarpentier
2017-03-02 21:22:39

We recommend that freeway signs be allowed with similar standards that are in the existing code.

Monument Sign and Freestanding Sign

2017-03-02 18:29:06

We recommend that 40 sq. ft. be allowed for this sign type

Freestanding Sign may be located within 100 feet of a residential zoning district or use.

2017-03-30 18:49:10

We recommend that the sign type not be identified by content. The city will need to review the content to determine compliance with this sign type.

thirty (30) inches in height as measured from the adjacent paved 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 family residential, commercial or industrial development following:

- a) The *Class IV Monument Sign* shall not exceed six (6) feet in height as measured from the adjacent pavement surface 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 on a Volume Collector street, Residential Collector street, or Minor Collector street. The height of the *Class V Monument Sign* shall not exceed eight (8) feet as measured from the edge of the street being served by the *sign*, nor shall the *Class V Monument Sign* exceed six (6) feet in height. The *sign area* shall not exceed 24 square feet. The bottom of the *sign* shall be no lower than four (4) feet above the pavement of the street being served by the *sign*.

jcarpentier
2017-03-02 18:32:18

We recommend that the sign type not be identified by content. The city will need to review the content to determine compliance with this sign type.

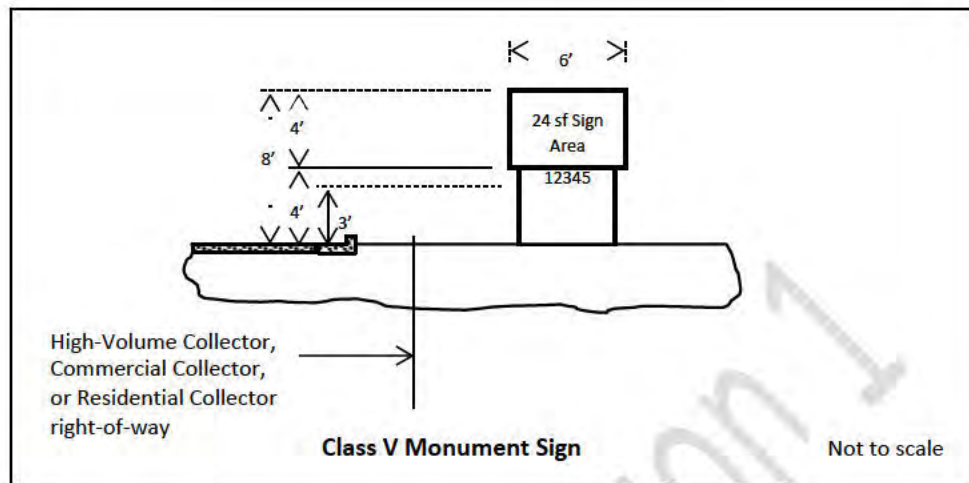
six (6) feet in height
face of the roadway

2017-03-30 18:47:58

also a ratio allowance?
height of Commercial Monument Sign shall be edge of pavement shall the width of the

jcarpentier
2017-03-30 18:48:17

Additional width will be needed to accommodate the additional sign area. Also suggest that additional ratio be allowed to foster creativity. square footage of 40 sq. ft. to be safely viewed



- 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 an Easement is present, in which case the sign shall be setback 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 at the entrance providing access from the street to a complex served by the sign.

2017-03-02 19:25:44

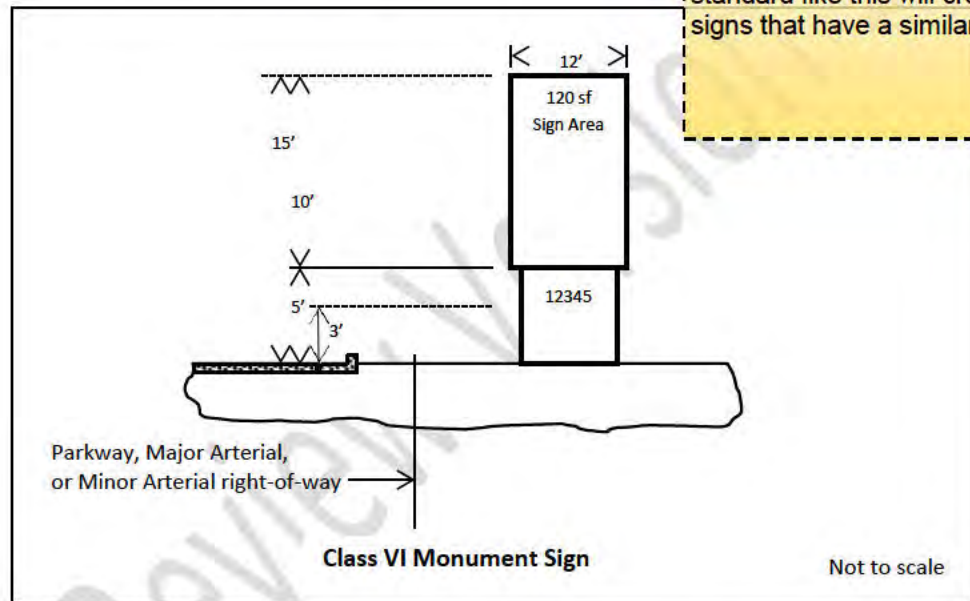
the landscape material shall be of the type that will not to exceed 3' in height so as to maintain visibility of the sign copy and address.

illuminated, back-lit or externally illuminated in accordance with the requirements set forth in Section 113.09.

2017-03-02 19:24:35

and/or every 300'

- 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 area exceed 120 square feet. The bottom edge of the sign shall be lower than five (5) feet above the adjacent edge of the street being served by the *sign*.



jcarpentier
2017-03-02 18:50:15

We suggest that additional width be added to give designers additional options. A standard like this will create monument signs that have a similar overall shape.

- 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 10 feet from the right-of-way line except that in the presence of a Utility Easement is present, in which case the setback shall be not less than two (2) feet from the easement.

2017-03-02 19:12:17

the landscape material shall be of the type that will not to exceed 3' in height so as to maintain visibility of the sign copy and address.

- 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 development subject to the following:

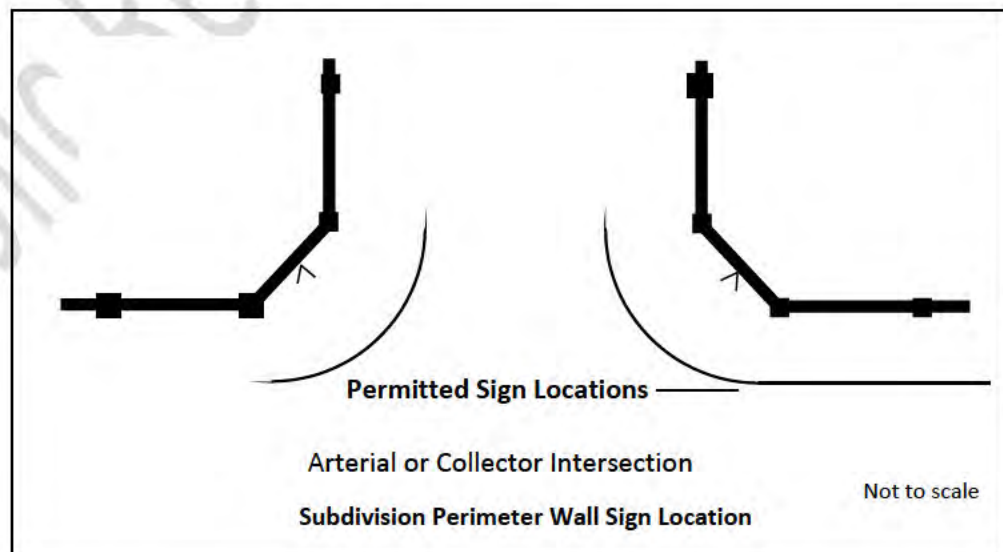
- a) *Roadway Arch Signs* shall maintain a vehicle clearance of not less than fifteen (15) feet;
- b) *Roadway Arch Signs* shall not interfere with pedestrian or vehicle movement.
- c) *Roadway Arch Signs* may be *internally illuminated*, or *back-lit* in accordance with the requirements set forth in 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.

jcarpentier
2017-03-02 19:26:41

We believe that this is a great addition to the code.

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.

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*;

3. Lighting does not create excessive glare to pedestrian;

4. Lighting does not obstruct traffic control or any other public use;

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 a federally registered trademark. The city may also require specific intensities for those *signs* located within environmentally sensitive areas.

C. Unless otherwise stated in this Chapter, any *sign* that is 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 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) levels: 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*

2017-03-31 16:14:44

We suggest a specific guideline for ~~high~~ USSC has illumination guideline that are around 750 nits for illuminated signs. That can be measured and enforced but the proposed language is too discretionary.

2017-03-02 19:28:10

this will be a challenge to fairly ~~enforce~~ since muted leaves for much discretion

not be illuminated by ambient lighting

2017-03-02 19:30:56

2017-03-31 16:16:14

this section needs hold times and % of allowable area for less intense districts around 50% and 75% for more intense districts.

Electronic Messaging Center

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~~
6. **Affidavit:** A signed affidavit (form provided by the city) shall be required by the owner prior to issuance of a sign permit. (This affidavit indicates that the owner has received the operating requirements for electronic message signs and agrees to adhere to these standards or may be to enforcement action by the City.

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

2017-03-14 21:07:18

Section 113-11 – Reader Panels

Wherever ~~Level 4~~ *Electronic Messaging Centers* (EMCs) are allowed, may be substituted, provided:

- A. The *Reader Panel* otherwise meets the provisions of Section
- 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*.

since each location is slightly different on ambient light a factory present limit is not possible. As an alternative we suggest that an affidavit be signed by the owner indicating they have received and will comply with the city standards for operational and

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 *sign* non-conforming has been in effect for ten (10) years.
2. Extension of time to apply: The dates established in this section to be brought into compliance with the requirements may be expanded at the request of the sign owner. When evaluating the extension of time for a *non-conforming sign*, consider the following factors to determine whether the sign owner has had a reasonable amount of time to recuperate the initial investment:
 - a) The date the sign was first installed.
 - b) The date the sign was last inspected.
 - c) The date the sign was last repaired.
 - d) The date the sign was last replaced.
 - e) The date the sign was last removed.



Dear Robert,

Thank you for the opportunity to participate in the March 22, 2017 public meeting and review of the proposed Surprise Sign Ordinance.

WeMAR appreciates the work that has gone into amending the sign ordinance and continues. It is our hope the remarks below will be of help and value as you and your staff go forward.

We were struck with surprise when we read pages 5&6. These two pages seem overly aggressive in their position that signs are undesirable and have only negative impacts. We believe signs are more properly treated as free speech, rather than land use, since they are a form of communication.

We are concerned that while sign walkers and political signs are not addressed by the proposed ordinance because of state laws, there may overlap in court interpretation, particularly the ability for the city to differentiate between commercial speech and political speech without discriminating based on content and/or speaker, and the posting of signs in the public right of way.

In general, we are concerned that permits are required for all signs. Since signs are a form of speech, this amounts to permitted speech which has been struck down by the courts.

Signs are still the most cost effective and least expensive method for businesses to advertise the goods and services they provide, as well as their location. Property owners wishing to sell personal or real property depend on signs to advertise the sale, and guide those interested to the property.

Individuals who start a business place their finances, savings, homes, assets and their family's future at stake. These individuals believe they can provide a product or service the market is interested in and willing to pay for, these businesses will fail if no one knows what they do, where they are or who they are. As an economic development issue and a free speech issue, this is of concern.

Property owners attempting to sell or lease their property will experience difficulty and time delays if they are limited to inadequate signage. Some properties will require very few signs to guide potential customers, other properties will require several signs. Inadequate signage frustrates real estate agents, property owners, neighbors and potential buyers. We suggest adequate signage for the task be the guide. For residents attempting garage sales, open houses or estate sales, inadequate signage will mean they are unable to conduct a successful sale.

As to the question of temporary sign glut along main streets, Justice Alito suggested limiting the number of signs displayed by defining a particular number of signs allowed within a particular number of miles or feet. These limitations would need to be appropriate to the location of the property and street access. For example, a two-lane rural street may find adequate signage at a particular number of signs per $\frac{1}{4}$ or $\frac{1}{2}$ mile. A busy suburban street may find adequate signage at a particular number of signs per feet of roadway or front footage.

Several small business owners and [REDACTED] spoke to A-frame signs outside their business on Bell Rd bringing in customers. One small business owner said he experienced 4-6 customers/day coming in from his A-frame sign at the driveway entrance to the shopping center he is located in. The small business owner of a [REDACTED] shop stated her concerns that not having her one A-frame sign would have an adverse effect on her business. Both small business owners voiced concern that inadequate signage and an inability to post an A-Frame sign will mean they will be forced to close their businesses before the end of the year.

[REDACTED] stated her office recorded 57 walk-ins' in 2016. People who found [REDACTED] from driving by and seeing the A-frame sign at their entrance. That doesn't count members of the public who came by to get more information about Surprise, but did not purchase. Several real estate agents saw the A-frame sign, chose to drop in and eventually work, at [REDACTED] in Surprise as well. [REDACTED] estimates each house they sell contributes \$46,000 to Surprise in ancillary business (escrow, inspectors, appraisers, other services). That amounts to \$2,622,000.00 in ancillary business and does not include the economic impact after escrow closes to area businesses and property taxes.

While [REDACTED] is a large brokerage, each real estate agent is an independent contractor. They are the smallest of small business. Inadequate signage does not allow agents to advertise properties for lease or sale, and limits their ability to direct potential buyers or tenants to the property. This will restrict the ability of licensed real estate agents to conduct their business and serve their clients.

Studies from USD (University of San Diego) and the University of Cincinnati have shown adequate signage is a significant component of business success, no matter how big the business. They found a strong correlation between number of signs and sales increases, as well as transaction amount increases.

A small A-frame directional sign contributes 10% to weekly sales. The addition of one building sign contributed an increase of 4.75% to sales. For \$500,000 of income, that translates to about a \$23,750 increased. Increased income adds to the amount of sales tax the city receives. The USD study found 68% of customers used signs to find the business and were frustrated when they could not find a business because of inadequate signage. Surprise has several businesses located in retail, medical or industrial complexes with limited signage to the street and passersby.

We question the compelling government interest of limiting building signage, particularly on buildings facing more than one street or buildings that are part of an office/industrial complex. Building signage and directional signage should be adequate so as to allow patrons to easily identify the building and direction of travel they must follow to arrive safely and in a timely manner to their destination. We question the compelling government interest in limiting directional signage inside commercial and residential development.

In the public meeting, we asked why the difference between flagpole sizes for residential private parties versus residential model homes. On the surface this appears to discriminate based on the speaker. We were told it is a safety issue based on size of the lot and the fall arc of the flagpole. We suggest this restriction be articulated based on the safety issue, not the person.

We discussed the legibility and visibility of signs and the need for public safety reasons, as well as business reasons, to establish **minimum** sign sizes based on science of the visual arc, legibility and visibility. Busy streets with several lanes will need larger signs than small streets with little traffic.

In the proposal, temporary signs must all have the name and contact information of the person placing the sign. We suggested this statement be amended to read "person or entity" since the Designated Broker (DB) or Managing Broker is the responsible party in supervision of all real estate agents, and the broker is in the best position to make sure the offending sign is taken care of quickly.

Arizona State law already requires real estate brokerage signs on property listed for sale or lease, display the brokerage name and contact information. Requiring the agent name and contact number may not be possible with the limited sign space allocated by the proposed sign ordinance. An additional concern is that sign riders will not be possible under this code. Sign riders alert potential buyers not only of amenities, but legally required notifications such as agent owned property.

In the proposed ordinance, banner signs are limited to commercial districts only. We asked that this be amended to allow banner signs in residential areas as well. Frequently property owners will post a "New Baby", "Welcome Home" to the Military (or other family member), "Just Married", or some other personal message for a short period of time. We question the compelling government interest in limiting this speech. Personal property rights and free speech rights may be abridged with the proposed limitation.

In the meeting, we expressed concern and asked for clarification on Building Mounted Signs, item #1. We are concerned that businesses with more than one business under one roof will not have adequate signage. Example: Grocery store with a bank and a Starbucks, or a real estate brokerage with a title company or lender.

We are likewise concerned for the limit of window (40%) allowed for window signs. The window is part of the building the business either leases or owns. Many businesses express specials or product to the public with window signs. We question the compelling government interest in regulating this. Because sunscreens are allowed 100% of window space, the 40% limit appears to be arbitrary.

In Section 113-09 (Sign Illumination) we are concerned that limited visibility of the sign at night will create a public safety hazard and injure businesses who are unable to have visible and legible signage at night. The term "environmentally sensitive areas" is a legally specific term. It is our understanding from City comments at the meeting, that the City of Surprise has no legally recognized "environmentally sensitive areas" and therefore this term may be used in an arbitrary fashion.

We expressed our concerns on the Comprehensive Sign Program (CSP). The criteria specify the sign must be "appropriate to the character of the community". We are concerned this is an arbitrary measure. We are further concerned by item D and ask: How will the CSP measure and demonstrate a sign represents a "measurable improvement" to the community; is "appropriate to the character of the development", and that it is "appropriate to the neighborhood"? This appears to be an arbitrary measure and most likely will be determined by content or identity of the speaker.

The limitations for Non-Conforming signs is of concern to us as well. The methodology suggested is amortization. Signs are an expression of the business' identity and branding. Frequently customers will recognize a shape and color before reading the sign. Some signs have no words at all (example: McDonald's).

Signs are a business owner's expression of their business character and identity. The business "good will" that is part of the sign value, is in addition to the amortization and depreciation of the physical sign structure and frequently adds to the value of the business. We are concerned this proposal will essentially be a government taking without compensation and therefore unconstitutional. We further question the narrow government interest and constitutionality in mandating a business change their branding identity.

We are concerned the term "abandonment" of a sign is not defined and therefore subject to arbitrary determination. We are concerned the 90-day limit is unreasonable under special circumstances such as estate sale, bankruptcy, owner health issues, complicated and prolonged business sale or other circumstances in which a sign and business are not abandoned, but rather caught up in a process of property transfer outside their control.

Causing a well-recognized sign to be taken down would immediately devalue the business and the property it is located on, causing harm to the ownership interest. This could be argued as an unconstitutional government taking.

We are concerned about the enforcement provision. Charging a business owner who violates the sign ordinance with a criminal violation, punishable by jail, seems overly zealous and increases the risk of opening a business in Surprise. We ask the enforcement provision be much less injurious to the business owner and more appropriate to the nature of the violation.

We are further concerned with the apparent lack of due process afforded accused sign ordinance offenders. Nowhere in section 113-16 is a mechanism provided in which the accused sign owner may protest the notice of violation or protest the fine involved. The only method open to the sign owner is suing the City in court.

The automatic discarding of the City removed sign within 5 business days does not appear to give the sign owner adequate time to receive due process. The short time period does not allow adequate time for court proceedings, and therefore appears to be a government taking of property without compensation.

We hope you find these comments helpful. Thank you for the opportunity to provide input on the proposed sign ordinance.

Sincerely,

A large black rectangular redaction box covering the signature area.

April 6, 2017

From: [REDACTED]
To: [Robert Kuhfuss](#)
Subject: Change in Sign Code
Date: Tuesday, April 18, 2017 10:43:52 AM

Good Morning Sir

As a resident of Surprise (Rancho Gabriella) and a [REDACTED] located on West Bell RD just west of the 303 loop

I want to voice my opinion on the new code that becomes effective on April 23 2017.

I have a building sign that was approved by the city of Surprise AZ and farmers Insurance group

which allows my office to have visibility from our north facing building but due to the number of cars

or what you call traffic patterns we have no street exposure. I have a new A frame sign that was professionally made due to Farmers Insurance strict codes as well. Currently I place this A-sign on the rock located right in front of my window with no sidewalk or public area risk. I then take this sign inside each evening at 5 PM with never a overnight or weekend/holiday exposure..

This sign is vital to my office visibility as many of my clients are seniors and the name and Logo assist them.

I would request to have this new code reviewed and if possible make exceptions for the business that respect the public view and also are not chained to a pole or tree. Our business elected to stay in Surprise during the economic 2009 downturn and feel that we would be granted a provision for regulated hours etc.

Thank you for this consideration and I trust this will cause you and your committee to reconsider this 100% removal.

Respectfully submitted

[REDACTED]



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From: [REDACTED]
To: [Robert Kuhfuss](#)
Subject: RE: Surprise Sign Code Update
Date: Tuesday, April 25, 2017 9:49:38 AM
Attachments: [HBACA SURPRISE Sign Code Comments_04.24.2017.pdf](#)

Good morning Robert,

Sorry for the delay in getting this to you. Attached, please find a comment letter with some of the suggested language options from the other municipalities. I have also included the home builder sign pictures. If you need those in a word document as opposed to a .pdf, let me know and I will send that over separately.

Thanks again for taking the time to meet with me. If you have any questions or if there is anything else I can provide, please let me know.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Licensed to Practice Law in Arizona

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From: Robert Kuhfuss [mailto:Robert.Kuhfuss@surpriseaz.gov]
Sent: Friday, April 07, 2017 4:23 PM
To: [REDACTED]
Subject: RE: Surprise Sign Code Update

Let's plan on 1:00 here. Thanks

Robert H. Kuhfuss, AICP, MPA
City of Surprise Community Development Department
16000 North Civic Center Plaza
Surprise, AZ 85374-7470
O: 623-222-3137 | F: 623-222-3001
robert.kuhfuss@surpriseaz.gov

[REDACTED]

Sent: Friday, April 07, 2017 4:12 PM
To: Robert Kuhfuss
Subject: Re: Surprise Sign Code Update

Thank you very much for the prompt response. The afternoon of April 17 will be fine. I'm open any time after 12:00 so whatever time works best for you will be fine.

Get [Outlook for iOS](#)

From: Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>

Sent: Friday, April 7, 2017 4:10:23 PM

To: [REDACTED]

Subject: RE: Surprise Sign Code Update

[REDACTED], I'd be happy to meet with you. Next week is filling up but the following week is fairly open. How does Monday, April 17th in the afternoon work for you?

Robert H. Kuhfuss, AICP, MPA
City of Surprise Community Development Department
16000 North Civic Center Plaza
Surprise, AZ 85374-7470
O: 623-222-3137 | F: 623-222-3001
robert.kuhfuss@surpriseaz.gov

From: [REDACTED]
Sent: Friday, April 07, 2017 3:45 PM
To: Robert Kuhfuss
Subject: RE: Surprise Sign Code Update

Robert,

Thank you very much for the reminder email. I have to apologize, I have not been as quick to respond to your request for comment as I would have hoped. I was wondering if I could schedule a time to come out and visit with you prior to the 20th. My standard practice with the various cities/towns has been to review pictures of the various types of signs being used by home builders all over the Valley to figure out how those signs are treated in Surprise under the current code and how they would be treated under the proposed code. Based on our discussion, I may be able to offer some suggested revisions based on the draft codes from other municipalities. Please let me know if this is a request that you can accommodate and when you are able to meet.

Thank you very much.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

p 602.274.6545

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From: Robert Kuhfuss [<mailto:Robert.Kuhfuss@surpriseaz.gov>]

Sent: Friday, April 07, 2017 3:41 PM

To: Robert Kuhfuss

Subject: Surprise Sign Code Update

Hello all,

Just a quick reminder that we will be taking the draft sign code to our Planning and Zoning Commission as a discussion item on both April 20th and May 4th. You are welcome to attend.

Hope to see you.

Thank you

Robert H. Kuhfuss, AICP, MPA

City of Surprise Community Development Department

16000 North Civic Center Plaza

Surprise, AZ 85374-7470

O: 623-222-3137 | F: 623-222-3001

robert.kuhfuss@surpriseaz.gov

City Hall offices open at 8 a.m. and close at 5 p.m. Monday through Friday. More info at www.surpriseaz.gov.

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0.1



Home Builders Association of Central Arizona

April 24, 2017

SENT VIA EMAIL

Robert H. Kuhfuss, AICP, MPA
City of Surprise Community Development Department
16000 North Civic Center Plaza
Surprise AZ 85374-7470

RE: Surprise Sign Code Update

Dear Mr. Kuhfuss:

Thank you very much for taking the time to meet with me to discuss the proposed changes to the Surprise Sign Code. As I mentioned in our meeting, I have included some suggested language from other municipalities that we think are a good way of providing signage options to home builders.

While all businesses are concerned about signage as a way to attract customers, home builders face unique challenges as compared to other businesses. Typically, customers to a model home sales office are either new to the area or are not from the area at all. Moreover, a new subdivision will be built where nothing existed before. Similarly, new subdivisions are not typically built in a heavily trafficked area which would be common for a retail business. By necessity, signage is needed to assist these customers as they navigate through unfamiliar towns and neighborhoods, often on roads not available on GPS. Thus, it is imperative to home builders to have many options to provide the needed direction.

After reviewing a number of proposed sign codes from various municipalities in Maricopa County we recommend the following additions:

- (1) 32 square foot sign per street frontage¹. For example, Peoria allows:
 - o 1 sign per street frontage
 - o Max sign area 32 square feet
 - o Maximum height of 16 feet
 - o Up to 3 years in duration
 - o Must be removed once all lots in subdivision are sold
 - o Does require a permit.

¹ See Home Builder Signs page 18.

- (1) 96 square foot sign². For example, Goodyear allows:
 - o During the construction phase, each recorded subdivision may have one sign with a maximum area of 96 square feet and the maximum height shall be 13 feet.
 - o The sign shall not be located within 100 feet of any property line of an existing residence.
 - o Such sign shall not be illuminated.
 - o The sign must be removed when 95% of the lots within the subdivision are sold and/or the on-site sales office closes, whichever occurs first.
- (1) 3 square foot sign on undeveloped property less than 1 acre³. For example, Peoria allows:
 - o 1 sign per parcel less than 1 acre
 - o Max sign area 3 square feet.
 - o May be displayed up to one year
 - o Does not require a permit.
- (1) Sign + 1 additional sign for every 600 feet of street frontage on undeveloped property greater than 1 acre and on agricultural, vacant property, or property under construction⁴. For example, Chandler and Peoria allow:
 - o Chandler - "Signs located on property currently used for agriculture, vacant property or property that is currently under construction shall not exceed thirty two (32) square feet for the first acre or portion thereof."
 - o Peoria - 1 sign + 1 additional sign for every 600 feet of street frontage.
 - Max sign area of 32 square feet.
 - 8 feet maximum height.
 - May be displayed up to 1 year, may be renewed twice for 3 years total.
 - Does require a permit.
 - Peoria will likely include a separation distance component as well.
- Model home flags⁵. For example, Goodyear allows:
 - o Up to four flags per model home may be placed at any one subdivision, but the total number shall not exceed eight.
 - o Flags shall have a maximum area of 12 square feet and may not be maintained higher than 25 feet above the adjoining ground.
 - o Flags shall be removed when 95% of the lots in the subdivision are sold and/or the on-site sales office closes, whichever occurs first.

For ease of reference, I have provided the relevant portions of the various sign code drafts that have been distributed by the various municipalities in Maricopa County. In addition, I have

² See Home Builder Signs pages 13, 14, 15, 20, and 21.

³ See Home Builder Signs pages 16 and 17. (These signs are representative of the types of signs that could be placed on vacant lots within the subdivision. It would also include the lot identification signs.)

⁴ See Home Builder Signs pages 1, 2, 10, 11, and 12.

⁵ See Home Builder Signs pages 18 and 19. (Although not located at a model home, these flags are representative of those that would be placed at that location.)

Mr. Robert Kuhfuss
Surprise Sign Code Update
April 24, 2017
Page 3

included sample home builder signs that illustrate the types of signs we believe will be covered using the suggested language. If you have any questions or if there is anything else I can provide, please let me know. Once again, we really appreciate the opportunity to provide comment and for your consideration of our request.



CHANDLER

ZCA16-0002 City of Chandler / Sign Code Amendment ("redlined" version)

Draft date: November 14, 2016

being exhausted from the total allotment for each day that one or any combination of the aforementioned signs is displayed.

5. Approval process: A temporary sign permit shall be required to display feather signs as provided herein.
6. Other requirements:
 - a) Feather signs shall be securely attached to mounting poles which are secured to the ground.

E. Temporary freestanding signs.

1. Area, height and location:
 - a) Signs located on property currently used for agriculture, vacant property or property that is currently under construction shall not exceed thirty two (32) square feet for the first acre or portion thereof. For each additional acre in size, the combined area of the sign may be increased four (4) square feet up to a maximum of one hundred sixty (160) square feet. Said signs shall not exceed fifteen (15) feet in height. Said signs shall not be placed closer than fifteen (15) feet to a public right-of-way.
 - b) Signs located on residential properties shall not exceed sixteen (16) square feet in area or six (6) feet in height. No minimum setback shall be required from the public right-of-way for said signs.
 - c) Signs located on commercial, office, industrial, quasi-public, or institutional properties shall comply with the following standards:
 - I. Parcels containing two (2) acres or less are allowed a sign not to exceed sixteen (16) square feet in area.
 - II. Parcels containing less than ten (10) acres but more than two (2) acres are allowed a sign not to exceed thirty-two (32) square feet.
 - III. Parcels containing ten acres or more are allowed a sign not to exceed fifty (50) square feet and may be illuminated. Such illumination shall be indirect lighting only.
 - IV. Maximum height of all such signs shall not exceed twelve (12) feet.
 - V. Signs which exceed thirty two (32) square feet in area or eight (8) feet in height shall be setback a minimum of fifteen (15) feet from the public right-of-way.
2. Number of signs: One (1) single- or double-faced temporary freestanding sign is permitted per parcel unless it is a corner parcel, in which case two (2) such signs may be erected, one (1) sign for each street front. Notwithstanding the foregoing, an unlimited number of the following signs may be displayed and shall not be counted towards the number of signs permitted herein:
 - a. Signs or notices required by a government agency; and
 - b. Signs located in a single family residential district which do not exceed six (6) square feet in area and four (4) feet in height.
3. Duration: Signs requiring permits shall be valid for two (2) years and shall be renewable on an annual basis thereafter. A sign not requiring a permit shall be removed within thirty (30) days after the sign is considered to be abandoned as defined by this chapter.

ZCA16-0002 City of Chandler / Sign Code Amendment ("redlined" version)

Draft date: November 14, 2016

4. Approval process: In order to ensure that signs are safe and structurally sound, a sign permit shall be required for temporary freestanding signs that exceed thirty two (32) square feet in area or eight (8) feet in height.
5. Other requirements:
 - a) Temporary freestanding signs shall be made of a rigid durable material that will withstand the elements.

All temporary signs require a permit unless specifically exempted herein. The following temporary signs are prohibited unless expressly authorized within any of the subsections set out below and for the limited purposes stated within any such subsection:

- Non-public signs in public rights-of-way or on public property;
- Signs mounted on a building roof;
- Signs having intermittent or flashing illumination, animated or moving parts, or that emit sound;
- Banners, pennants, wind-driven spinners, streamers, balloons, flags, search lights, strobe lights, holographic projections, laser light displays, beacons, bandit, and inflatable signs;
- Signs imitating official traffic control signs, or any sign or device obscuring actual municipal or other public traffic control signs or devices;
- Signs mounted on, or applied to trees, utility poles, rocks, or City-owned property;
- Signs placed upon private property without the property owner's approval;
- Off-premises, portable signs or "A-frame" signs;
- Business identification/advertising signs in single-family zoning districts.

39-10.1. Contractor signs. Contractor signs designating the contractor or subcontractor engaged in the construction or repair of a building or buildings on each parcel of land shall be allowed one (1) nonilluminated sign without a permit if in compliance with the following requirements.

- A. The area of any single sign shall not exceed thirty-two (32) square feet in area nor exceed eight (8) feet in height.
- B. The sign shall be removed within ten (10) days of completion of the work by the contractor or subcontractor on the property.
- C. All contractors or subcontractors signs may be consolidated on one (1) sign. The area of a consolidated sign is calculated at six (6) square feet per contractor or subcontractor listed with a maximum sign area of one hundred (100) square feet for six (6) or more contractors. Said sign shall not exceed eight (8) feet in height or be located closer than ten (10) feet to a public right of way.

39-10.2. Development signs.

- A. A sign permit shall be required for the erection of a development sign and is valid for a period of one (1) year.
- B. One (1) single or double faced freestanding sign is allowed upon the parcel of property to be developed unless it is a corner lot, in which case one (1) such sign per street front.
- C. The face area of said sign shall not exceed thirty-two (32) square feet for the first acre or portion thereof. When the proposed parcel for development exceeds one (1) acre in size, the sign area may

PEORIA

Table 4: Temporary Sign Type Specifications

A. UNDEVELOPED PROPERTIES						
Property Type	Quantity	Max Sign Area	Maximum Height	Duration	Other Limitations	Permit
Parcels ≤ 1 ac 	1	3 SF	3 FT	Up to 1 Year		No
Parcels > 1 acre 	1 sign + 1 additional sign for every 600 LF street frontage	32 SF	8 FT	Up to 1 Year, may be renewed twice for 3 years total		Yes
B. RESIDENTIAL PROPERTIES						
Sign Type	Quantity	Max Sign Area	Maximum Height	Duration	Other Limitations	Permit
Yard Sign 	1	3 SF	3 FT	Up to 3 Months	Located on a developed residential lot	No
Neighborhood Sign 	1 sign per neighborhood entrance	3 SF	3 FT	Up to 1 Week	Located within neighborhood common area	No
New Subdivision Sign 	1 sign per street frontage	32 SF/sign	16 FT	Up to 3 years	Must be removed once all lots in subdivision are sold	Yes

Table 4: Temporary Sign Type Specifications (cont'd)

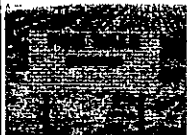
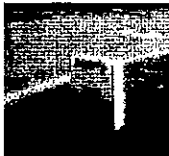
Sign Type	Quantity	Max Sign Area	Maximum Height	Duration	Other Limitations	Permit
Special Promotion   	2 Wall-Mounted Banners	32 SF Total	N/A	Max 30 days per installation Max 4x per year	N/A	Yes, For Each Install
	2 Pole Mounted Banners "Swooper Signs"	32 SF per sign	15 FT		Max Width: 3 FT	
	1 A-frame or T-frame sign portable sign	6 SF	3 FT		N/A	
D. SPECIAL CONDITIONS — In addition to temporary signs permitted by use/development character, the following special conditions apply:						
Sign Type	Quantity	Max Sign Area	Maximum Height	Duration	Other Limitations	Permit
Properties Under Construction	1	32 SF	8 FT	Building Permit: From Issuance until closed	Active building permit required	No
Properties listed for sale, lease, or rent						
≤ 1 acre  	1	6 SF	Free-Standing Sign: 5 FT Other Signs: N/A	While property is listed	N/A	No
> 1 acre 	1 sign + 1 sign for every additional 600 LF street frontage	32 SF	8 FT	While property is listed	N/A	Yes

Table 4: Temporary Sign Type Specifications (cont'd)

Election Season, Non-Commercial Messages	Not limited	Residential Zoning, adj. to Rural or Local Road: 16 SF Other: 32 SF	<7 FT	90 days prior to General Election and up to 15 days after Primary Election	See below	No
	Per ARS § 16-1019, such signs may be located within the City right-of-way provided they are not: 1. hazardous to public safety; 2. within a roadway median or traffic circle; 3. affixed to any City-owned utility pole, traffic control device or safety barrier; 4. located in a manner that interferes with the requirements of the Americans with Disabilities Act; 5. located in a designated commercial tourism, commercial resort, and hotel sign-free zone designated by the City Council pursuant to ARS §16-1019; and 6. otherwise in violation of a requirement found in this Section. Except as provided herein, such signs shall not be located on City-owned property, buildings, or structures.					
Grand Opening/New Business	Not limited. Includes banners, balloons, streamers, flags, pennants, and merchandise.	N/A	N/A	60 days within first 6 months of receiving a valid business license	See Grand Opening/New Business definition. Not permitted for Home Occupations.	No
Old Town A-frame	1 A-frame	6 SF	3 FT	Up to 1 year	Permitted for non-residential uses within the Old Town and Central Districts in the Old Town Specific Area Plan boundaries.	Yes
Resident Right of Way Sign 	4	6 SF	3 FT	4 days max, 4 x per year	For residents of Peoria with utility bill or other proof of address. Signs in ROW subject to same limitations as Election Season Signs	Yes

34 SIGNS

Sign Walker 	N/A	12 SF	6 FT	Daylight hours	Max Width: 6 FT See below	No
	• Shall not be located adjacent to local or collector roads in Residential Zoning Districts. • Shall be at least thirty (30) feet away from any street intersection or driveway entrance. • Shall not be located in any drive aisle, parking stall, driveway, or on sidewalks in a manner that provides less than a four (4) foot free and clear pathway for pedestrians. • Shall not be located within a median or on a street. • Shall not be located on walls, boulders, planters, other signs, vehicles, utility facilities, or any structure.					
Temporary Use 	1 Banner + 3 A-frame or T-frame Portable Signs	Banner: 24 SF A-frame: 6 SF	Banner: N/A A-Frame: 3 FT	For the duration of approved Temporary Use Permit	N/A	Temp. Use Permit

34.11 Administration

- A. **Permit Application.** For signs requiring permits as described in this Section, a Sign Permit application shall be submitted to the Department, together with the required materials, and applicable fee, on an official form provided by the Department. The application shall satisfy the submittal requirements of the associated Process Guide for the appropriate sign type.
- B. **Permit Expiration.** Permits issued by the City under the provisions of this Article shall expired and become void if the work authorized by such permit is not completed within 180 days from the date of issuance of said permit.
- C. **Permit Revocation.** The Planning Manager or designee shall have continuing jurisdiction over all permits issued under the provisions of this Article and may revoke a permit if it was obtained by fraud or misrepresentation.
 1. Notice of the City's decision to revoke a sign permit shall be provided to the property owner by first class mail, or delivered in person to any person responsible for the premises on which the sign is located, or if no responsible party can be identified, by affixing a copy of the notice in a conspicuous location at the entrance to the premises.
- D. **Nuisance.** No permit issued under the provisions of this Article shall be deemed to constitute permission or authorization to maintain a public or private nuisance, nor shall such permit constitute a defense in an action to abate a nuisance.

GOODYEAR

landscaping. A maximum area of 32 square feet per wall sign is permitted.



WALL SIGN

- (3) The maximum height of any permanent subdivision sign shall be eight feet. The sign is encouraged to include the name of the development for efficient wayfinding.

b. Temporary Subdivision Signs:

- (1) During the construction phase, each recorded subdivision may have one sign with a maximum area of 96 square feet and the maximum height shall be 13 feet.
- (2) The sign shall not be located within 100 feet of any property line of an existing residence.
- (3) Such sign shall not be illuminated.
- (4) The sign must be removed when 95% percent of the lots within the subdivision are sold and/or the on-site sales office closes, whichever occurs first.

Commented [SC24]: No changes.

c. Model Homes:

- (1) Up to four flags per model home may be placed at any one subdivision, but the total number shall not exceed eight.
- (2) Flags shall have a maximum area of 12 square feet and may not be maintained higher than 25 feet above the adjoining ground.
- (3) Flags shall be removed when 95% of the lots in the subdivision are sold and/or the on-site sales office closes, whichever occurs first.

Commented [SC25]: No changes for this quasi-residential use.

GILBERT

H. Temporary Residential Subdivision Signs. Temporary Residential Subdivision Signs are permitted in single-family residential zoning districts for each builder in a recorded subdivision plat only in conjunction with a valid building permit for a model home complex. Temporary Residential Subdivision Signs are unlawful if they do not meet the criteria and limitations set forth below in Table 4.408.H, Temporary Residential Subdivision Signs: Criteria and Limitations.

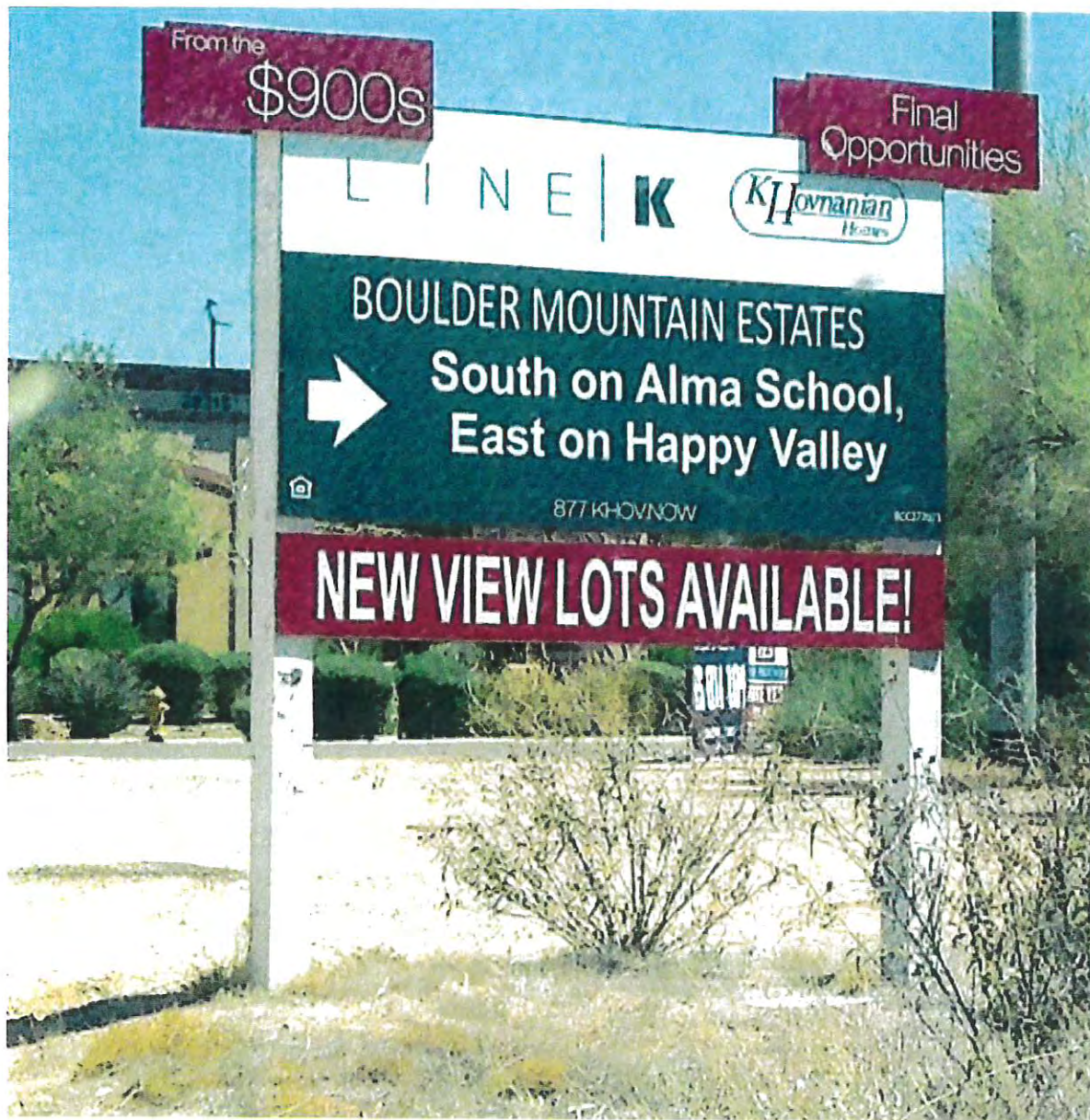
TABLE 4.408.H. Temporary Residential Subdivision Signs: Criteria and Limitations			
	Principal Entry(ies)	Model Home Complex	Perimeter Subdivision Open Space
Maximum Number of Signs	1 per entry	1 or more	1 per street frontage
Maximum Sign Area	32 sq. ft.	96 sq. ft.	32 sq. ft.
Maximum Height	8 ft.	8 ft.	8 ft.
Minimum Setback/ Distance from Right of Way ¹	10 ft. (5 ft. if less than 32 sq. ft.)	10 ft. (5 ft. if less than 32 sq. ft.)	10 ft. (5 ft. if less than 32 sq. ft.)
Aggregate Maximum Sign Area	256 sq. ft.		
Duration	3 years or until the model home complex is permanently closed, whichever occurs first.		
Allowed on Public Sidewalk / Right-of-Way	No		
Allowed within a Sight Visibility Triangle	No		
Lighting or Illumination Allowed	No		
Permission of Owner Required	Yes		
Permit Required	Yes		
Movement Allowed	No		
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No		

¹ Minimum sign setbacks are measured from the edge of the property line. Setbacks do not apply to wall signs.

HOME BUILDER SIGNS



Offsite Directional Sign located at an intersection.



Same picture as before.



Model home sign located at the driveway to the model home complex.

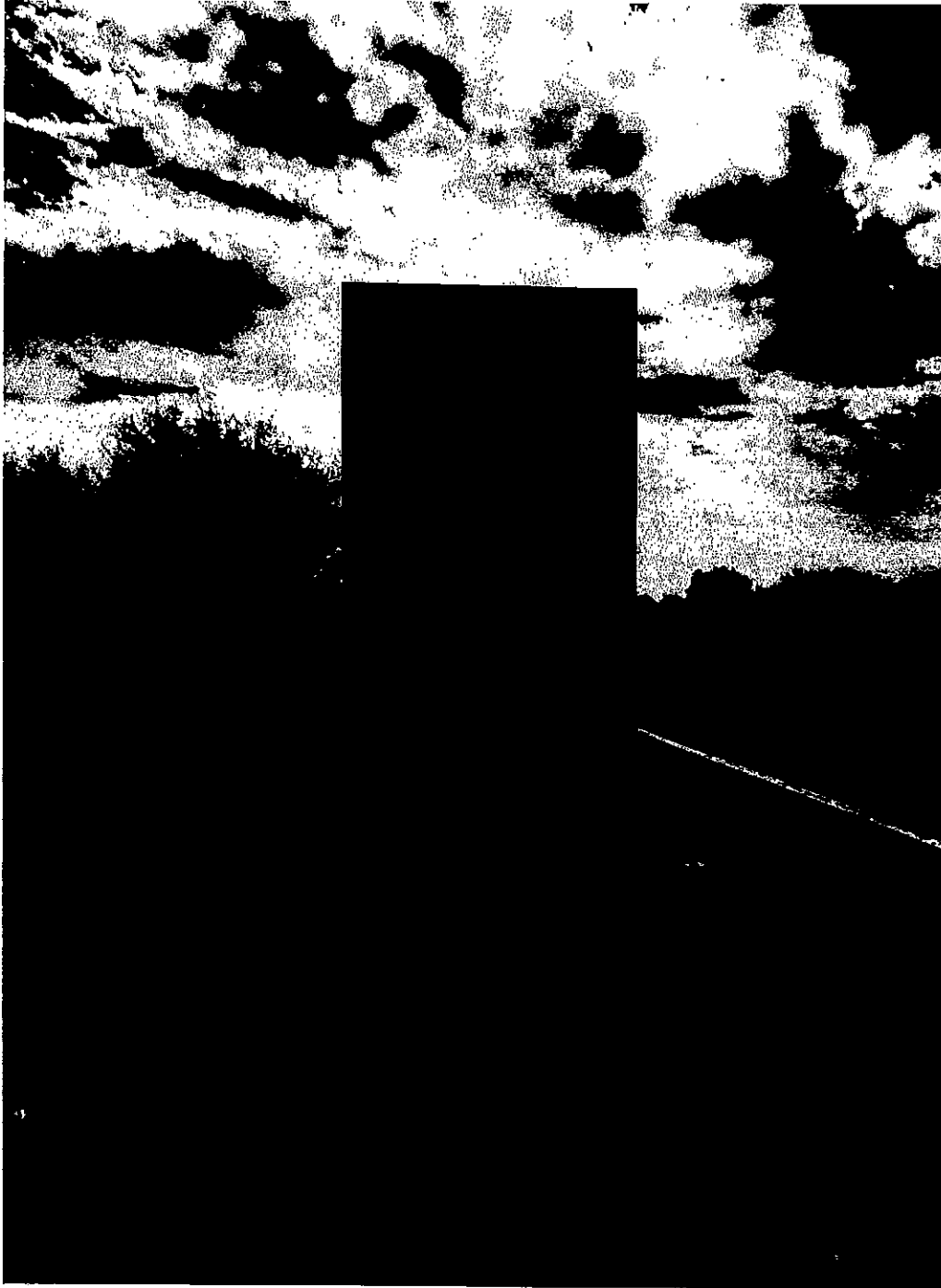


Two offsite directional signs located on what appears to be vacant land approaching an intersection.

Signs are 4' x 8' (32 square feet)



Same picture.



Another offsite directional sign located along the side of a road approaching an intersection. This sign is obviously oriented differently than the other signs.



This looks like one of those larger signs that came up at the last meeting that is located along the subdivision. This one is located next to the sidewalk along the adjacent collector street (Dixileta).



This is roughly the same size as the sign above, but it is located on a vacant lot within the subdivision. It is clearly larger than 4' x 8'.

Sign is 8' x 12' (96 sq. ft.) For reference the sign permit number is 189009.



Same picture.



These are what I am going to call lead in signs. They are located on vacant lots once you enter the subdivision leading to the model home. Signs are 2' x 2'.



Different view showing the signs leading in to the model home.



These are flags located on the non-street side of the sidewalk on an adjacent street to the subdivision entrance. The sign in the background does appear to be 4' x 8'.



Another picture of the flags along the perimeter of the subdivision.



This is a sign that is along Cave Creek Rd. where you turn onto a local street to the entrance of the subdivision. I included this picture because of its size (larger than 4' x 8') and because of the rider.



A better picture of the placement of this sign.

From: [Eric Fitzer](#)
To: [Robert Kuhfuss](#)
Subject: FW: Surprise Sign Code Update - Minor Change
Date: Thursday, May 04, 2017 5:21:21 PM
Attachments: [image001.jpg](#)
[Surprise Sign Code Minor Modification.docx](#)

FYI

From: [REDACTED]
Sent: Thursday, May 04, 2017 11:38 AM
To: Eric Fitzer
Cc: Lloyd Abrams; [REDACTED]
Subject: Surprise Sign Code Update - Minor Change

Eric, you and Lloyd met with [REDACTED] a few weeks back regarding the City's sign code update. I believe when the meeting was over, Bill and Rhett stated that they would review the City's proposed update and provide for the possibility of allowing billboards as an option within the sign code. After thorough analysis and crafting some draft language that included utilizing a conditional use permit process for billboards, we decided to keep our requested change simple.

Since the comprehensive sign program allows for someone to introduce a unique or creative sign type that is not listed as a permitted sign type in Section 113-06.A, we are requesting removing the words 'billboard signs' from the prohibitive use section of the sign code update. We apologize for the time it took for us to get back to you on this, but we think this proposal makes the most sense. (the only edit in the attached document is the crossing out of the words billboard signs from section 113-06 F.1.) We are not sure if subsection F of the same overall section applies, but will leave that up to staff to decide.

Please call me to discuss. We did not intend on attending this evenings study session. Let us know how you would like us to proceed with this issue and how staff intends to handle this request. Thanks and look forward to discussing with you. Kurt

[REDACTED]

[REDACTED]

[REDACTED]

- 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.

From: [REDACTED]
To: [Robert Kuhfuss](#)
Subject: Sign Code input as it relates to case # CE-17-1444 and Code 113-4 (B)
Date: Wednesday, May 10, 2017 10:55:28 AM

Dear Robert,

It was suggested to me by Chr [REDACTED] that I may send you our feedback / input, as it pertains to Code 113-4 (B). We are a small business that opened on June 28th of 2016 (we are still in infant stages). Our store is [REDACTED] in Surprise. Our store is part of a plaza with other businesses as well. At the time we opened, we knew we were allowed to use A-Frame signs. We put them out everyday, and put them away at the end of the business day. These signs generated a large amount of traffic flow into the store. As a result of them, the store took right off in a positive direction and we've been very pleased with business. Sales exceeded my expectations early on. This store is our lifelong dream to open, and we work extremely hard to make it go.

Since we were forced to remove our signs, we are now only getting 1 - 3 people per day in the store now. When we had our A-frame signs set out, we'd get 50-75 people per day easily, and lots of purchases. In the past week, we've made 3 sales. There's a chance our business is going to fail now because we cannot adequately display signage. We are far enough back from the road that people just drive right by, blindly. Although we advertise both online and through periodical publications, it is not what really draws in the people. It's the A-frame signs that do it. We rely on that person that is just driving by and saw the A-frame sign.

It seems to me that the City would want us to bring in as much revenue as possible since we send in all of the Sales Tax we collect. These signs are not hurting anyone or causing any problems. We are hard working people just trying to earn a living.

I ask that the City of Surprise again, reinstate the use of A-Frame signs and help all of us little guys out. We are such a young business and we rely on the cars driving by to see our signs and stop.

Thank you for your consideration.

Sincerely,

[REDACTED]
[REDACTED]

From: [REDACTED]
To: [Robert Kuhfuss](#)
Subject: RE: Surprise Sign Code Update
Date: Monday, June 12, 2017 2:55:37 PM

That's great but what are we suppose to do till then. I have went from making \$1500 to \$2000 a day to making \$300.00 to \$500.00 City of surprise could of not picked the worst time of year to do this to small businesses...

[REDACTED]

----- Original Message -----

Subject: Surprise Sign Code Update
From: Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>
Date: Thu, June 08, 2017 4:50 pm
To: Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>

Greetings everyone,

I wanted to give everyone an update. We are planning a series of discussions with the Planning and Zoning Commission. Each session will cover a specific topic as outlined below. You are encouraged to attend, even if you think that subject matter might not pertain to your specific situation.

- <!--[if !supportLists]-->1. <!--[endif]-->**July 6, 2017** – Wall Signs and Freestanding Signs
- <!--[if !supportLists]-->2. <!--[endif]-->**July 20, 2017** – Billboards, Freeway Signs, and Electronic Messaging Centers (EMCs)
- <!--[if !supportLists]-->3. <!--[endif]-->**August 3, 2017** – Temporary Signs
- <!--[if !supportLists]-->4. <!--[endif]-->**September 7, 2017** – Open Discussion and Summary of Revisions

The above meetings will take place at 6:00 PM at the City Council Chambers located at 16000 Civic Center Plaza in Surprise.

As always, please feel free to contact me if you have any questions, comments, or concerns.

Thank you

Robert H. Kuhfuss, AICP, MPA
City of Surprise Community Development Department
16000 North Civic Center Plaza
Surprise, AZ 85374-7470
O: 623-222-3137 | F: 623-222-3001
robert.kuhfuss@surpriseaz.gov

City Hall offices open at 8 a.m. and close at 5 p.m. Monday through Friday. More info at www.surpriseaz.gov.

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08 Jun 2017 23:50:13 -0000

From: [Jim Beaudette](#)
To: [Robert Kuhfuss](#); [REDACTED]
Subject: Elimination of Open House signs on street corners etc.
Date: Saturday, August 12, 2017 10:48:56 AM

Hello,

By not allowing open house signs to direct prospective buyers to the home location has the potential to put the residents of Surprise who have listed their home for sale at a tremendous disadvantage compared to the communities that are close to Surprise. Surprise is a beautiful city, but finding certain streets and addresses can be very difficult. There are many prospective buyers who simply drive around in their car looking for open house signs. Open houses are a very effective way to market a home in our part of the Phoenix Valley. The open house signs do work very well. Please consider continuing to allow these signs to be utilized in Surprise.

Thank you so much

Jim Beaudette..... Long Realty West

Valley

Robert Kuhfuss

From: Cindy Kingery [REDACTED]
Sent: Wednesday, August 16, 2017 2:54 PM
To: Robert Kuhfuss
Subject: Enforcement of the current sign ordinance under consideration

Dear Mr. Kuhfuss,

I am a local Realtor, selling homes in Surprise, and I am in full support of the city's attempt to enforce the current sign ordinance. Driving either way on Bell Road in Surprise can be a challenge in and of itself, but throw in a sign-flipper or someone dressed as the Statue of Liberty can certainly draw the driver's eye away from the task at hand – driving safely.

However, in regards to that ordinance also covering Open House directional signs (Class 1, Temporary Small A-Frame signs), safely situated within a community of local streets, not busy thoroughfares, I feel that this ordinance is not only unnecessary but will have a harmful and negative effect on our homeowner's trying to get their homes sold. For instance, Sun City Grand does not allow signs within one block of Sunrise Blvd. and signs may not contain balloons, flags or any other distractions. Perhaps that could be a caveat when you are enforcing the sign ordinance, but **the City of Surprise should not be taking away our ability to successfully market our clients homes or growing our business.** Marketing a home includes Open Houses and that will impact local Realtors from growing their business. Remember that many of the agents holding the Open Houses are also Surprise residents and spend their earned dollars within the city.

Open Houses are an activity that certainly is popular in the Adult Communities of Surprise as well as a means of prospective buyers to view homes without the aid of an agent.

I strongly oppose the restrictions that prohibit the use of Class 1 Temporary Small A-Frame signs currently included in the Surprise sign code. This rule creates a serious disadvantage for Surprise homeowners and their Realtors when marketing their homes for sale. This rule threatens the value of every home in Surprise. I support modifying the code to allow the use of temporary signs to effectively market the homes that I list for sale in Surprise.

Thank you for your consideration.

*Regards,
Cindy*



Cindy Kingery,

[REDACTED]

From: [Joe Brown](#)
To: [Robert Kuhfuss](#)
Subject: Keep the temporary signs for Real Estate Open Houses
Date: Tuesday, September 05, 2017 12:44:47 PM

Dear Mr. Kuhfuss,

I am a local Realtor selling homes in Surprise. I strongly oppose the restrictions that prohibit the use of temporary signs currently included in the Surprise sign code. This rule creates a serious disadvantage for Surprise homeowners and their Realtors when marketing their homes for sale. This rule threatens the value of every home in Surprise. I support modifying the code to allow the use of temporary signs to effectively market the homes that I list for sale in Surprise.

Thank you for your consideration.

Respectfully,

Joe Brown
Associate Broker



From: [Ken Hill](#)
To: [Robert Kuhfuss](#)
Date: Thursday, August 17, 2017 1:14:56 PM

Dear Mr. Kuhfuss,

I am a local Realtor selling homes in Surprise. I strongly oppose the restrictions that prohibit the use of temporary signs currently included in the Surprise sign code. This rule creates a serious disadvantage for Surprise homeowners and their Realtors when marketing their homes for sale. This rule threatens the value of every home in Surprise. I support modifying the code to allow the use of temporary signs to effectively market the homes that I list for sale in Surprise.

Thank you for your consideration.

Respectfully,

Best Regards
KEN HILL
Long Realty Surprise



www.arizonapropertybykenhill.com

From: [Toni Froese](#)
To: [Robert Kuhfuss](#)
Subject: RE: A Frame signs banned in Surprise
Date: Wednesday, August 09, 2017 10:34:26 AM
Attachments: [image003.png](#)

Dear Mr. Kuhfuss,

I am sure you are being bombarding with emails and phone calls and I would like to make a suggestion. It would behoove you to explain WHY Surprise feels this ban on signs is necessary. It doesn't make any sense. If there is a specific reason as to how it can pertain to all businesses and Realtors trying to promote Surprise and your residents we would like to understand it. For the life of me, I cannot even phantom a reason for this rule.

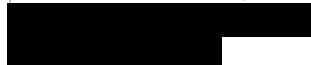
I am a local Realtor selling homes in Surprise. I strongly oppose the restrictions that prohibit the use of temporary signs currently included in the Surprise sign code. This rule creates a serious disadvantage for Surprise homeowners and their Realtors when marketing their homes for sale. This rule threatens the value of every home in Surprise.

I support modifying the code to allow the use of temporary signs to effectively market the homes that your constituency list for sale in Surprise.

Thank you for your consideration.

Respectfully,
Toni Froese, Realtor

Barbara "TONI" FROESE



GOD BLESS AMERICA

From: [Denise Williams](#)
To: [Robert Kuhfuss](#)
Subject: Restrictive signage
Date: Thursday, August 17, 2017 5:54:33 AM

Dear Mr. Kuhfuss,

I am a local Realtor selling homes in Surprise. I strongly oppose the restrictions that prohibit the use of temporary signs currently included in the Surprise sign code. This rule creates a serious disadvantage for Surprise homeowners and their Realtors when marketing their homes for sale. This rule threatens the value of every home in Surprise. I support modifying the code to allow the use of temporary signs to effectively market the homes that I list for sale in Surprise.

Thank you for your consideration.

Respectfully,

*Denise Williams
Realtor @ Long Realty, Surprise*

From: [Joan Boesen](#)
To: [Robert Kuhfuss](#)
Subject: Sign Code
Date: Monday, August 21, 2017 7:53:50 PM

Dear Mr. Kuhfuss,

I am a local Realtor selling homes in Surprise. I strongly oppose the restrictions that prohibit the use of temporary signs currently included in the Surprise sign code. This rule creates a serious disadvantage for Surprise homeowners and their Realtors when marketing their homes for sale. This rule threatens the value of every home in Surprise. I support modifying the code to allow the use of temporary signs to effectively market the homes that I list for sale in Surprise.

Thank you for your consideration.

Respectfully,

Joan Boesen, Associate Broker
GRI, CSSN, e-PRO, CPRES
Long Realty West Valley



 [panel](#)

Like my business page on facebook click above.

****Be aware! Online banking fraud is on the rise. If you receive an email containing WIRE TRANSFER INSTRUCTIONS, call your escrow officer immediately at a number you trust to verify the information prior to sending funds.****

From: [Susie Waggoner](#)
To: [Robert Kuhfuss](#)
Subject: Sign ordinance for temporary signs
Date: Wednesday, August 16, 2017 3:45:17 PM

Dear Mr. Kuhfuss,

I am a local REALTOR® and I list and sell homes in Surprise. I strongly oppose the restrictions that currently prohibit the use of temporary signs as indicated in the Surprise sign code. This code/rule creates a serious disadvantage for Surprise homeowners and their Realtors when marketing their homes for sale. I would encourage Planning and Zoning as well as City Council Leaders to support modifying the code to allow the use of temporary signs to effectively market the homes that are listed for sale in Surprise, as well as limiting the number of signs that can be used. I completely understand and agree that there is NO need for signs every 2-3 feet and several signs on all 4 corners. It would be helpful to be able to place signs indicating where to turn, some houses would require only 5-6 signs but others may need to have many more. Perhaps defining 1 sign every X feet or at each street/intersection necessary to access the home.

Thank you for your consideration.

Respectfully,

Susie



Susie Waggoner,
REALTOR®, GRI®, SRES®
Long Realty West Valley
[REDACTED]
[REDACTED]

From: [Darlene Duke](#)
To: [Robert Kuhfuss](#)
Cc: [Darlene Duke](#)
Subject: Sign ordinance
Date: Sunday, August 13, 2017 8:50:28 AM

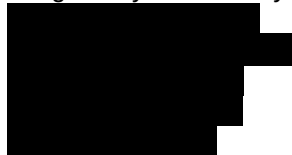
Dear Mr. kuhfuss,

I am a local Realtor selling homes in Surprise. I strongly oppose the restrictions that prohibit the use of temporary signs currently included in the Surprise sign code. This rule creates a serious disadvantage for Surprise homeowners and their Realtors when marketing their homes for sale. This rule threatens the value of every home in Surprise. I support modifying the code to allow the use of temporary signs to effectively market the homes that I list for sale in Surprise.

Thank you for your consideration.

Respectfully,

Darlene Duke
Long Realty West Valley



From: [Lona King](#)
To: [Robert Kuhfuss](#)
Subject: Sign Restriction
Date: Wednesday, August 09, 2017 12:05:32 PM

Dear Mr. Kuhfuss,

I am a local Realtor selling homes in Surprise. I strongly oppose the restrictions that prohibit the use of temporary signs currently included in the Surprise sign code. This rule creates a serious disadvantage for Surprise homeowners and their Realtors when marketing their homes for sale. This rule threatens the value of every home in Surprise. I support modifying the code to allow the use of temporary signs to effectively market the homes that I list for sale in Surprise.

Thank you for your consideration.

Respectfully,

Lona King
Long Realty West Valley

[REDACTED]
[REDACTED]
[REDACTED]

From: [Dana Barrette](#)
To: [Robert Kuhfuss](#)
Subject: Surprise Sign Code -- Allow Use of Temporary Signs
Date: Thursday, August 10, 2017 12:58:04 PM

Dear Mr. Kuhfuss,

I am a local Realtor selling homes in Surprise. I strongly oppose the restrictions that prohibit the use of temporary signs currently included in the Surprise sign code. This rule creates a serious disadvantage for Surprise homeowners and their Realtors when marketing their homes for sale. This rule threatens the value of every home in Surprise. I support modifying the code to allow the use of temporary signs to effectively market the homes that I list for sale in Surprise.

Thank you for your consideration.

Respectfully,

--

Dana J. Barrette
Realtor
Long Realty - West Valley

Knowledge. Expertise. Results.



From: [Roberta Davidson 623-889-1992](mailto:Roberta.Davidson@KellerWilliams.com)
To: [Robert Kuhfuss](mailto:Robert.Kuhfuss@KellerWilliams.com)
Subject: Surprise Sign Code Update
Date: Wednesday, August 09, 2017 10:22:30 AM

Dear Mr. Kuhfuss,

I am a local Realtor selling homes in Surprise. I strongly oppose the restrictions that prohibit the use of temporary signs currently included in the Surprise sign code. This rule creates a serious disadvantage for Surprise homeowners and their Realtors when marketing their homes for sale. This rule threatens the value of every home in Surprise. I support modifying the code to allow the use of temporary signs to effectively market the homes that I list for sale in Surprise.

Thank you for your consideration.

Respectfully,



Roberta Davidson, GRI, CNE, REALTOR®, PLLC
Keller Williams Realty Professional Partners



From: [Dale Peterson](#)
To: [Robert Kuhfuss](#)
Subject: Surprise Sign Code
Date: Saturday, August 19, 2017 11:34:35 AM

Dear Mr. Kuhfuss,

I am a local Realtor selling homes in Surprise. I strongly oppose the restrictions that prohibit the use of temporary signs currently included in the Surprise sign code. This rule creates a serious disadvantage for Surprise homeowners and their Realtors when marketing their homes for sale. This rule threatens the value of every home in Surprise. I support modifying the code to allow the use of temporary signs to effectively market the homes that I list for sale in Surprise.

Thank you for your consideration.

Respectfully,

Dale Peterson

LONG REALTY WEST VALLEY



From: [Rachel Van Hoesen](#)
To: [Robert Kuhfuss](#)
Subject: Surprise Sign Petition Signatures
Date: Friday, August 18, 2017 10:57:22 AM
Attachments: [Scan.pdf](#)

Dear Mr. Kuhfuss,

I am a local Realtor selling homes in Surprise. I strongly oppose the restrictions that prohibit the use of temporary signs currently included in the Surprise sign code. This rule creates a serious disadvantage for Surprise homeowners and their Realtors when marketing their homes for sale. This rule threatens the value of every home in Surprise. I support modifying the code to allow the use of temporary signs to effectively market the homes that I list for sale in Surprise.

Thank you for your consideration.

Attached is many signatures collected from our office signing the petition.

Respectfully,

The office of Long Realty West Valley

Rachel Van Hoesen

Listing Coordinator

Long Realty West Valley



From: [Mike Reppy](#)
To: [Robert Kuhfuss](#)
Subject: Surprise
Date: Wednesday, August 09, 2017 10:18:27 AM

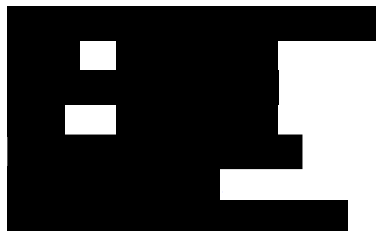
Dear Mr. Kuhfuss,

I am a local Realtor selling homes in Surprise. I strongly oppose the restrictions that prohibit the use of temporary signs currently included in the Surprise sign code. This rule creates a serious disadvantage for Surprise homeowners and their Realtors when marketing their homes for sale. This rule threatens the value of every home in Surprise. I support modifying the code to allow the use of temporary signs to effectively market the homes that I list for sale in Surprise.

Thank you for your consideration.

Respectfully,

MIKE REPPY
REALTOR
Multi-Million Dollar Producer



From: [Van Carranza](#)
To: [Robert Kuhfuss](#)
Subject: Temporary Real Estate Signs
Date: Friday, August 18, 2017 7:28:12 PM
Attachments: [OutlookEmoji-1464325383188_Mvc2238db2-0c7b-4dd3-b151-dba5974affdf.jpg](#)

Dear Mr. Kuhfuss,

I am a local Realtor selling homes in Surprise. I strongly oppose the restrictions that prohibit the use of temporary signs currently included in the Surprise sign code. This rule creates a serious disadvantage for Surprise homeowners and their Realtors when marketing their homes for sale. This rule threatens the value of every home in Surprise. I support modifying the code to allow the use of temporary signs to effectively market the homes that I list for sale in Surprise.

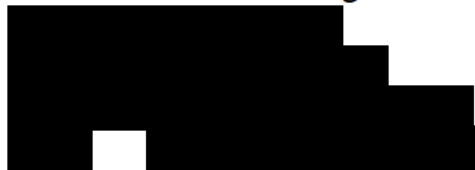
Thank you for your consideration.

Respectfully,

Van Carranza



Van Carranza



From: [Bob File](#)
To: [Robert Kuhfuss](#)
Subject: Temporary Sign Ordinance
Date: Wednesday, August 09, 2017 4:34:38 PM

Dear Mr. Kuhfuss,

I am a local Realtor selling homes in Surprise. I strongly oppose the restrictions that prohibit the use of temporary signs currently included in the Surprise sign code. This rule creates a serious disadvantage for Surprise homeowners and their Realtors when marketing their homes for sale. This rule threatens the value of every home in Surprise. I support modifying the code to allow the use of temporary signs to effectively market the homes that I list for sale in Surprise.

Thank you for your consideration.

Respectfully,
Robert File
Long Realty West Valley
Sent from my iPhone

From: [Patti](#)
To: [Robert Kuhfuss](#)
Cc: jblanton13@cox.net
Subject: Temporary Sign Regulation - Surprise AZ
Date: Wednesday, August 09, 2017 11:32:50 AM

Dear Mr. Kuhfuss:

As active Realtors in the Surprise area we are writing to strongly oppose restrictions that prohibit the use of temporary signs - now a part of the Surprise sign code.

This code is extremely detrimental to any homeowner attempting to sell their home and, at the same time, detrimental to the City of Surprise as a whole. Homes that stay on the market for an extended period of time do nothing but decrease home values as you can see by reading and keeping abreast of home sales across the country.

If nothing else, serious consideration should be given to modifying the code to allow the use of temporary signs to effectively market the homes that we and our peers/colleagues list for sale in Surprise.

Patti Blanton/Debbie Myers
REALTORS
Long Realty West Valley



From: [Angela Brunetti](#)
To: [Robert Kuhfuss](#)
Subject: Temporary Sign Restrictions
Date: Wednesday, August 09, 2017 11:01:18 AM

Dear Mr. Kuhfuss,

I am a local Realtor selling homes in Surprise. I strongly oppose the restrictions that prohibit the use of temporary signs currently included in the Surprise sign code. This rule creates a serious disadvantage for Surprise homeowners and their Realtors when marketing their homes for sale. This rule threatens the value of every home in Surprise. I support modifying the code to allow the use of temporary signs to effectively market the homes that I list for sale in Surprise.

Thank you for your consideration.

Respectfully,

Angela Brunetti

Angela Brunetti
REALTOR®



Long Realty West Valley



From: [Dale Chandler](#)
To: [Robert Kuhfuss](#)
Subject: Temporary Sign use
Date: Wednesday, August 09, 2017 5:17:47 PM

Dear Mr. Kuhfuss,

I am a local Realtor selling homes in Surprise. I strongly oppose the restrictions that prohibit the use of temporary signs currently included in the Surprise sign code. This rule creates a serious disadvantage for Surprise homeowners and their Realtors when marketing their homes for sale. This rule threatens the value of every home in Surprise. I support modifying the code to allow the use of temporary signs to effectively market the homes that I list for sale in Surprise.

Thank you for your consideration.

*Respectfully,
Dale Chandler, Associate Broker
Above & Beyond Realty*



Thank you,

Dale Chandler

Associate Broker

Above & Beyond Realty

"Success Through Serving Others" DaleChandler.com



From: [Marcie Coffman](#)
To: [Robert Kuhfuss](#)
Subject: Temporary Signs
Date: Wednesday, August 16, 2017 1:55:18 PM

Dear Mr. Kuhfuss,

I am a local Realtor selling homes in Surprise. I strongly oppose the restrictions that prohibit the use of temporary signs currently included in the Surprise sign code. This rule creates a serious disadvantage for Surprise homeowners and their Realtors when marketing their homes for sale. This rule threatens the value of every home in Surprise. I support modifying the code to allow the use of temporary signs to effectively market the homes that I list for sale in Surprise.

Thank you for your consideration.

Respectfully,

Marcie Coffman

A black rectangular redaction box covering the signature area.

From: [Marcia File](#)
To: [Robert Kuhfuss](#)
Subject: Temporary signs
Date: Wednesday, August 30, 2017 7:59:11 PM

Dear Mr. Kuhfuss,

I am a local Realtor selling homes in Surprise. I strongly oppose the restrictions that prohibit the use of temporary signs currently included in the Surprise sign code. This rule creates a serious disadvantage for Surprise homeowners and their Realtors when marketing their homes for sale. This rule threatens the value of every home in Surprise. I support modifying the code to allow the use of temporary signs to effectively market the homes that I list for sale in Surprise.

Thank you for your consideration.

Respectfully,

Marcia File

Long Realty West Valley

From: [Margaret Popp](#)
To: [Robert Kuhfuss](#)
Subject: Temporary Signs to Market Surprise Homes
Date: Wednesday, August 09, 2017 12:09:20 PM

Dear Mr. Kuhfuss,

I am a local Realtor selling homes in Surprise. I strongly oppose the restrictions that prohibit the use of temporary signs currently included in the Surprise sign code. This rule creates a serious disadvantage for Surprise homeowners and their Realtors when marketing their homes for sale. This rule threatens the value of EVERY home in Surprise. I support modifying the code to allow the use of temporary signs to effectively market the homes that I list for sale in Surprise.

Thank you for your consideration.

*Respectfully,
Margi Popp*

--

MARGI POPP
e-Pro/Realtor®
Seller and Buyer Agent

"The secret of success in life is for a man to be ready for his opportunity when it comes."
Author Abraham Lincoln

LONG REALTY WEST VALLEY



From: [Liz Recchia](#)
To: [Robert Kuhfuss](#)
Cc: [Kathy Basque](#)
Subject: WeMAR comments to Council re: Feb vote
Date: Wednesday, August 09, 2017 12:54:19 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[Letter WeMAR sent to Mayor & Council Plus Signature Pages.pdf](#)

Hi Robert,

I hope this finds you well.

I wanted to let you know we sent a letter to the Mayor and City Council yesterday regarding the February vote on the sign ordinance extension.

I have attached a copy of the package we sent for your reference. Additionally, we will be making comments at the August 15th City Council meeting.

I appreciate the comments you and Eric have made before the P&Z Committee and your recognition that temporary signage is important to residents and business.

Please let me know if you have any questions.

Thank you,

Liz Recchia

Government Affairs Director

West Maricopa Association of REALTORS®

[REDACTED]

[REDACTED]

2015 WeMAR REALTOR® of the Year

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Liz Recchia
Government Affairs Director
West Maricopa Association of REALTORS®



To:
Mayor Wolcott and City Council
City of Surprise
16000 N Civic Center Plaza
Surprise, Az 85374

August 1, 2017

Dear Mayor Wolcott and City Council,

I am writing on behalf of the members of WeMAR, the West Maricopa Association of REALTORS®.

In February 2017, you voted to remove temporary sign policies in place since 2009. The reasons for the temporary sign policy are still valid. We request you reconsider, and allow those temporary policies to be put back in place.

Adequate, visible and legible signage is very important to business, their customers and the community. Surprise has several retail and business developments in which signage is not adequate or visible to passersby.

REALTORS® who have been hired to list and sell property on behalf of a property owner, depend on temporary signage to direct potential customers to the property and to identify a property as "for sale" or "for lease".



Property owners offering their property for sale or lease, or holding a garage sale, also depend on temporary signage.

The current ban on temporary A-Frame signs and limited temporary signage makes conducting business, open houses and other events extremely difficult. Businesses depend on A-Frame signs to direct customers to the entrance of their complex. REALTORS® conducting open houses rely on A-Frame signs to direct traffic to the property efficiently. Property owners depend on A-Frame signs in a like manner.

Waiting until a new sign ordinance is adopted places a substantial burden on business and property owners.

We ask you to reconsider, and allow the sign policy to be as it has been since 2009 until a new sign ordinance is established.

Sincerely,



Liz Recchia

NAME (PRINT)

NAME (SIGN)

BROKERAGE

Walt Patterson

Walt Patterson

ColdwellBanker

Rick Messersmith

Rick

"

"

Susan Bear

Susan Bear

"

"

James Musselman

James Musselman

Coldwell Banker

Charles Thompson

Charles Thompson

Coldwell Banker

RITA KRENTZEL

Rita Krentzel

Coldwell Banker

MITCH WOLFE

Mitch Wolfe

Coldwell Banker

Nicola Piasnikowski

Nicola Piasnikowski

Coldwell Banker

DEREK OSTROVSKI

Derek Ostrovski

Coldwell Banker

Dorothy Quimette

Dorothy Quimette

Coldwell Banker

MIKE LUOSTEN

Mike Luosten

Coldwell Banker

SCILLA SMITH

Scilla Smith

Coldwell Banker

JOE RANDALL

Joe Randall

Coldwell Banker

OLIVIA COUZ

Olivia Couz

Coldwell Banker

JUDITH GLEY

Judith Gley

Coldwell Banker

Teresa Anderson

Teresa Anderson

Coldwell Banker

NAME (PRINT)

NAME (SIGN)

BROKERAGE

NAME (PRINT)	NAME (SIGN)	BROKERAGE
Kellydawn Zollinger	Kellydawn Zollinger	REAL LIVING Property for You
Teresa KUBO-Acuna	Teresa KUBO-Acuna	REAL LIVING Property for You
Aubrey Smith	A. Aubrey Smith	REAL LIVING Property for You
Leanne Fisher	Leanne Fisher	REAL LIVING Property for You
Nichelle Hiebert	Nichelle Hiebert	REAL LIVING Property for You!
Jack Hansen	Jack Hansen	REAL LIVING Property for You
Dennis Goodnick	Dennis Goodnick	REAL LIVING Property for You
Chris Hendrick	Chris Hendrick	REAL LIVING Property for You
Michael Klein	Michael Klein	REAL LIVING Property for You
Bill GADDIS	Bill GADDIS	REAL LIVING Property for You
Stephan Lauer	Stephan Lauer	REAL LIVING Property for You
Lisa Miller	Lisa Miller	REAL LIVING Property for You
William E. ASHWEIL	William E. ASHWEIL	REAL LIVING Property for You
Donna Stogden	Donna Stogden	REAL LIVING Property for You
Kellydawn Zollinger	Kellydawn Zollinger	REAL LIVING Property for You
Luke Lewis	Luke Lewis	REAL LIVING Property for You

NAME (PRINT)

NAME (SIGN)

BROKERAGE

Cynthia Packer

Cynthia Packer

Keller Williams
Realty Professionals
Partners

LaMont Packer

LaMont Packer

Keller Williams
Realty Professionals
Partners

NAME (PRINT)

NAME (SIGN)

BROKERAGE

NAME (PRINT)	NAME (SIGN)	BROKERAGE
Andy Kest	[Signature]	Keller Williams
Eric Sanchez	[Signature]	Keller Williams
Laurenzy Erickson	[Signature]	Keller W. Williams
Anthony Hassell	[Signature]	Keller Williams
Underson Shelly	[Signature]	Keller Williams
Varlene Kays Shivers	[Signature]	Keller Williams
Lori Kennedy	[Signature]	Keller Williams
Erica Darnold	[Signature]	Keller Williams
Ernesta Amstrong	[Signature]	Keller Williams
Alli Lee M. Zamora	[Signature]	Keller Williams
Andria Wadsworth	[Signature]	Keller Williams
Angi Smith	[Signature]	Keller Williams
Alexa Smith	[Signature]	Keller Williams
Joyce Ladner	[Signature]	Keller Williams
Sarah Struck	[Signature]	Keller Williams
Tan Stoddard	[Signature]	Keller Williams
Kelly Abrams	[Signature]	Keller Williams
Adam Covich	[Signature]	Keller Williams

NAME (PRINT)

NAME (SIGN)

BROKERAGE

Wanda Neat	W Neat	Realty One Group
Mary Balderago	M Balderago	Realty One Group
Chris Kraemer	C Kraemer	Realty One Group
Maria Paulina Ruiz	Maria P Ruiz	Realty One Group
Yolanda Ruiz	Yolanda Ruiz	Realty One Group
Debra Ruiz	Debra Ruiz	Realty One Group
Phillis Giordano	Phillis Giordano	Realty One Group
Hettie S. Smith	Hettie S. Smith	Realty One Group
Lynn Ashton	Lynn Ashton	Realty One Group
Naomi Valles	Naomi Valles	Realty One Group
Cheryl Krede	Cheryl Krede	Realty One Group
Geetha Kene	Geetha Kene	Realty One Group
WIOLETA KAPUSTA	W. Kapusta	Realty One Group
Donna Laguna	Donna Laguna	Realty One Group
Yasenia Estrada	Yasenia Estrada	Realty One Group
Brian Cross	Brian Cross	Realty One Group
Larry Krueger	Larry Krueger	Realty One Group
Angela Giddings	Angela Giddings	Realty One Group
Karla Goodman	Karla Goodman	Realty One Group
Rae Sweet	Rae Sweet	Realty One Group

NAME (PRINT)

NAME (SIGN)

BROKERAGE

MATTHEW MOORE

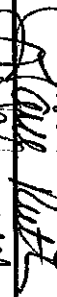
REALTY ONE GROUP

Sheri Castillo



Realty One Group

Tina Rothrock



Realty One Group

HEMEL M. HALL



Realty One Group

Sally Roer



Realty One Group

SESHU MADH



Realty One Group

Janell Lloyd



Realty One Group

Boldy Klatter



Realty One Group

Morgan Bailey



Realty One Group

Dolly Pearson



Realty One Group

Debbie Allen



Realty One Group

Calvin Williams



Realty One Group

Jay Oliver



Desert Home Premier

Isma Schlegel



Realty Preferred Choice

NAME (PRINT)

NAME (SIGN)

BROKERAGE

Patricia Haines	Patricia Haines	Award Realty
SANDRA Fullerton	Sandra Fullerton	Award Realty
Maureen Sciotino	Maureen Sciotino	Award Realty
TAK Cutchell	TAK Cutchell	Award Realty
Robert E. BRISBY	Robert E. BRISBY	Award Realty
KIM M. BERRIS	KIM M. BERRIS	Award Realty
Lee Brubaker	Lee Brubaker	Award Realty
Julia J. Kramer	Julia J. Kramer	Award Realty
MIKE MARY	MIKE MARY	Award Realty
Emelinda Evans	Emelinda Evans	Award Realty
STEVE BRAUN	STEVE BRAUN	Award Realty
CARL SCHUEITZ	CARL SCHUEITZ	Award Realty
Joanna Coane	Joanna Coane	Award Realty
Kevin Wampler	Kevin Wampler	Award Realty
Janette Wampler	Janette Wampler	Award Realty
PHILIP E. HALDER	PHILIP E. HALDER	Award Realty
Thomas A. Halder	Thomas A. Halder	Award Realty
LEONA K. PETERS	LEONA K. PETERS	Award Realty
Mark Reinhardt	Mark Reinhardt	Award Realty
Randy Strick	Randy Strick	Award Realty

NAME (PRINT)

NAME (SIGN)

BROKERAGE

Connie L. Byrne	Connie L. Byrne	Award Realty
Howard BenHoe	Howard BenHoe	" "
Mickey McGee	of Jackson	" "
MICHAEL POWERS	Michael Powers	" "
Georgina J. Starnwood	Georgina J. Starnwood	" "
Sue Beckwith	Sue Beckwith	Award Realty
William T. Brown	William T. Brown	Memoes Title
William A. Shaw	William A. Shaw	Award Realty
GREEN BROOKS	Green Brooks	THURSDAY 12:45 PM
Kay Peterson	Kay A. Peterson	Award Realty
Shirley Dale	Shirley Dale	Award Realty
Joanne L. Hall	Joanne L. Hall	Award Realty
David Hall	David Hall	Award Realty
BOB STARK	Bob Stark	Award Realty
Andrea Bartsch	Andrea Bartsch	Award Realty
ARVID O. PETERSON	Arvid O. Peterson	Award Realty
Kent Potts	Kent Potts	Award Realty

NAME (PRINT)

NAME (SIGN)

BROKERAGE

Brian McMahon

Brian McMahon

HomeSmart

Roxes Bojorgues

Roxes Bojorgues

HomeSmart

Sharon Rowison

Sharon Rowison

HomeSmart

Pam Rives

Pam Rives

HomeSmart

Deborah Carlsson

Deborah Carlsson

HomeSmart

David Hackety

David Hackety

HomeSmart

Elis Mulder

Elis Mulder

HomeSmart

Charlotte Brown

Charlotte Brown

HomeSmart

Kathy Stevers

Kathy Stevers

HomeSmart

Carol Dwyer

Carol Dwyer

HomeSmart

Maryann Gomez

Maryann Gomez

HomeSmart

Aggie L. Hartman

Aggie L. Hartman

HomeSmart

John Stevens

John Stevens

HomeSmart

NAME (PRINT)

NAME (SIGN)

BROKERAGE

Christine Smith

Christine Smith

HomeSmart

Duane Smith

Duane Smith

HomeSmart

Olga Barthel

Olga Barthel

HomeSmart

Martha Navaro

Martha Navaro

HomeSmart

ROBERT PETROWSKI

Robert Petrowski

HomeSmart

Anna Carl

Anna Carl

HomeSmart

Edelweiss

Edelweiss

HomeSmart

ELLY WHITE

Elly White

HomeSmart

Aileen Weiss

Aileen Weiss

HomeSmart

Heidi Zimmer

Heidi Zimmer

HomeSmart

NAME (PRINT)

NAME (SIGN)

BROKERAGE

James Eyer

James Eyer

HomeSmart

MICHELLE STAN

Michelle Stan

HomeSmart

MARTY GREENBERG

Marty Greenberg

HomeSmart

James Kessler

James Kessler

HomeSmart

Baron Wacker

Baron Wacker

HomeSmart

PAT KETCHAM

Pat Ketcham

HomeSmart

Mark Olsen

Mark Olsen

HomeSmart

Laura Wilkerson

Laura Wilkerson

HomeSmart

Diana Hurst

Diana Hurst

HomeSmart

Brooke Kistner

Brooke Kistner

HomeSmart

David Mander

David Mander

HomeSmart

Rebecca Mank

Rebecca Mank

HomeSmart

NAME (PRINT)

NAME (SIGN)

BROKERAGE

NAME (PRINT)	NAME (SIGN)	BROKERAGE
Amelia Giventa	Amelia Giventa	HomeSmart
MARREN HOLLIS	MARREN HOLLIS	HomeSmart
DENISE VINES	DENISE VINES	HomeSmart
KIMBERLY MOORE	KIMBERLY MOORE	HomeSmart
PHILIP DANKS	PHILIP DANKS	HomeSmart
RANDI KLEIN	RANDI KLEIN	HomeSmart
RJ MILLERSMITH	RJ MILLERSMITH	HomeSmart
ORLAND J. SANDSON	ORLAND J. SANDSON	HomeSmart
OP. SANDSON	OP. SANDSON	HomeSmart
BARRY LAMONT GREENS	BARRY LAMONT GREENS	HomeSmart
BRANDIE L. CHECKS	BRANDIE L. CHECKS	HomeSmart

NAME (PRINT)

NAME (SIGN)

BROKERAGE

NAME (PRINT)	NAME (SIGN)	BROKERAGE
Indy Boell	Indy Boell	KW
John Wynn	John Wynn	KW
Kira Ste	Kira Ste	KW
John Bradburn	John Bradburn	KW
Marsela Reynolds	Marsela Reynolds	KW
Tracey A. Banning	Tracey A. Banning	KW
Yoland Biazano	Yoland Biazano	KW
Michael Jones	Michael Jones	KW
Michael Gore	Michael Gore	KW
East MDavis	East MDavis	KW
John Daffner	John Daffner	KW
Martha Bitter	Martha Bitter	KW
Marshall Boies	Marshall Boies	KW
Julia D. Humes	Julia D. Humes	KW
Joe Delgado	Joe Delgado	KW
Christie McCulley	Christie McCulley	KW
Dale Probert	Dale Probert	KW
Stacy Christian	Stacy Christian	KW
Connie Drelling	Connie Drelling	KW
Edan Archibald	Edan Archibald	KW

NAME (PRINT)

NAME (SIGN)

BROKERAGE

Gres Parler

Gres Parler

KW

Fred Solagade

Fred Solagade

KW

Carl Anderson

Carl Anderson

KW

Marcel Muthery

Marcel Muthery

KW

Patly Piciolini

Patly Piciolini

KW

Heather Rose

Heather Rose

KW.

Robert Plin

Robert Plin

KW.

NAME (PRINT)

NAME (SIGN)

BROKERAGE

Tedd Smith



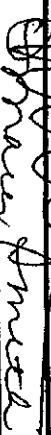
Kenneth Williams & Paul Partners

Shannon Cunningham



Keller Williams and Prof. Partners

Maest Smith



Keller Williams Pro Partners

NAME (PRINT)

NAME (SIGN)

BROKERAGE

PATRICK DAVIS	Patrick Davis	Russ Lyon Sotheby's
CAMDEN STEELE	Camden Steele	INTL REALTY
THOMAS BRACKINGTON	Thomas Brackington	Russ Lyon Sotheby's Int'l.
Mary Beth Cline	Mary Beth Cline	Russ Lyon Sotheby's Realty
Cindy Smith	Cindy Smith	Russ Lyon SIR
Linda Kaiser	Linda Kaiser	Russ Lyon SIR
DAVID FRIEDMAN	David Friedman	Russ Lyon Sotheby's Int'l Realty
Lori Reiland	Lori Reiland	Russ Lyon Sotheby's Int'l Realty
DELISA DAUM	Delisa Daum	Russ Lyon Sotheby's Int'l Realty

DigiSign Verified: CFAEFBC5-0FA2-43BA-B510-4BF93ABE0E83

NAME (PRINT)

NAME (SIGN)

BROKERAGE

Susan Lutz

Susan Lutz

CENTURY 21 Arizona Foothills

Surprise Resident Agents.

NAME (PRINT)

NAME (SIGN)

BROKERAGE

Ginger Zilk	<i>[Signature]</i>	West USA Realty
Trish Bratt	<i>[Signature]</i>	West USA Realty
Erica Blankenship	<i>[Signature]</i>	West USA Realty
Erica Blankenship	<i>[Signature]</i>	West USA Realty
Michelle Lewis	<i>[Signature]</i>	West USA Realty
Teri Mogensen	<i>[Signature]</i>	West USA Realty
Scott Schultz	<i>[Signature]</i>	West USA Realty
Sammy Bowring	<i>[Signature]</i>	West USA Realty
DAVID NOCHRAAL	<i>[Signature]</i>	West USA Realty
Michelle Cochran	<i>[Signature]</i>	West USA Realty
Deborah Lamb	<i>[Signature]</i>	West USA Realty
Angela McIver	<i>[Signature]</i>	West USA Realty
Debbie Long	<i>[Signature]</i>	West USA Realty
Ann Pulver	<i>[Signature]</i>	West USA Realty
Deborah Welch	<i>[Signature]</i>	West USA Realty
Julie Kolland	<i>[Signature]</i>	West USA Realty
Jesse Gregory	<i>[Signature]</i>	West USA Realty

NAME (PRINT)

NAME (SIGN)

BROKERAGE

Karen Cahill

Karen Cahill

Century 21 AZ Foothills

JUAN GOMEZ SALES

~~JUAN GOMEZ SALES~~

Century 21 AZ Foothills

Leonard Kelley

Leonard Kelley

Century 21 AZ Foothills

NAME (PRINT)

NAME (SIGN)

BROKERAGE

JACK TOWERS	J E Tamm	Long Realty Sunc
KIMBERLY MANKOWSKI	Kim Mankowski	Long Realty West Valley
JUDY PRICKER-LEWIS	Judy Pricker-Lewis	Long Realty
Craig Ploeger	Craig Ploeger	Long Realty West Valley
Maranetta Ploeger	Maranetta Ploeger	Long Realty West Valley
CARY ANTKU	Cary Antku	" "
Nancy Mazour	Nancy Mazour	" "
JOSEPH FARRINO	Joseph Farrino	Long Realty
SUSIE WAGGONER	Susie Waggoner	Long Realty
Pamela Bahl	Pamela Bahl	Long Realty West Valley
Don Wheeler-Riley	Don Wheeler-Riley	Long Realty West Valley
MARIE COFFMAN	Marie Coffman	Long Realty " "
Nancy Miska	Nancy Miska	Long Realty West Valley
Pamela Martin	Pamela Martin	Long Realty West Valley
Jim Hanbrick	Jim Hanbrick	" " " "
DARCENE TAFFE	Darlene Taffe	Long Realty West Valley
DIANA SNYDER	Diana Snyder	Long Realty West Valley
Ellen Rose Plotkin	Ellen Rose Plotkin	Long Realty West Valley
Rebecca Good	Rebecca Good	Long Realty West Valley
MATTHEW GEORGE	Matthew B. George	Long Realty West Valley
Jerry Rickles	Jerry Rickles	" " "

BROKERAGE

Susan Markus	Susan Markus	Ling Realty
Van Carranza	Van Carranza	Long Realty
Kyle Conroy	Kyle Conroy	Long Realty
Grail Burgazi	Grail Burgazi	Long Realty
Deby Curcio	Deby Curcio	Long Realty
James R. Wiatrowski	James R. Wiatrowski	Long Realty
JOSE MARIE PLANT	JOSE MARIE PLANT	Long Realty
Linda Van Beursem	Linda Van Beursem	Long Realty
Heather Van Beursem	Heather Van Beursem	Long Realty
Yvette Kaplan	Yvette Kaplan	Long Realty



INTERNATIONAL SIGN ASSOCIATION

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Alexandria, VA 22314
main (703) 836-4012
fax (703) 836-8353
info@signs.org

WWW.SIGNS.ORG



January 4, 2018

City of Surprise Planning and Zoning Commission

I am contacting you on behalf of the Arizona Sign Association and the International Sign Association. Both association work with jurisdictions to assist in the creation of beneficial and enforceable sign regulations.

We offer you the following suggestions Version 2 of the Draft Sign code for your consideration:

Recommended additions or deletions are highlighted.

Section 113-08 General Provisions B.2. – Page 35-36

~~Raceway cabinets may only be utilized when mounting a building wall sign to a building surface that is generally difficult to repair such as, but not limited to, stone or brick masonry. Raceway cabinets shall not be utilized in conjunction with surface materials that are generally easy to repair such as, but not limited to, stucco or Engineered Insulated Finishing Systems (EIFS). Where raceway cabinets are utilized, said raceway cabinets shall be painted to match the color of the surface onto which it is mounted.~~

An exterior may be stucco but does not allow for sufficient access inside the wall to install pan channel type letters. Due to the difficulty in administration as drafted, we recommend that raceways be allowed with proposed design guidelines.

Section 113-10 Sign Illumination

~~In those areas of the city that are considered environmentally sensitive located within the Scenic Lands Development Sub Area as depicted in the Surprise General Plan 2035, the city may require the use of muted colors unless specific colors are included in a federally registered trademark that has been registered with a federal or state agency. The city may also require reduced lighting intensities for those signs located within environmentally sensitive areas the Scenic Lands Development Sub Area. Signs in these areas shall have only the sign copy illuminated non sign copy area shall be non illumination.~~

We recommend that specific design requirements be stated since muted colors and reduced lighting cannot be easily administered nor understood by the applicants.

~~Any Building Wall Sign associated with a multi-story building greater than five (5) two (2) stories or a multi-story mixed use building greater than five (5) stories as outlined in Section 113-~~

201 Daktronics Dr. PO Box 5128
Brookings, SD 57006-5128

tel 800-325-7446 605-692-0200
fax 605-692-0381

www.daktronics.com

January 17, 2018

Page 2

Neighboring cities have addressed this issue and allowed 50% of overall sign area for churches and/or other non-residential uses in residential areas. Below are code excerpts from Gilbert and Glendale, AZ:

Gilbert, AZ

4.409 – Permanent Signs

3. *Electronic Changing Message Displays.* The entire Sign Face of a Freestanding Monument, Tower Sign, and Freeway Sign may be an electronic Changing Message Display if said sign is located within a zoning district where Freestanding Signs are allowed except for residential zoning districts and subject to the following operational limitations. For non-residential uses in residential zoning districts, one-half (1/2) of the Sign Face of a Freestanding Monument Sign may be an electronic Changing Message Display, subject to the following operation limitations:

Glendale, AZ

7.104 General Provisions

Sign, Reader Panel: A sign designed to permit immediate change of copy either manually or electronically.

4. Reader Panel Signs.

- a. Churches may use up to one-half (1/2) of the allowed freestanding sign area for a reader panel.

Additionally, we wish to point out that restricting sign owners to small EMC sizes forces them to either use small fonts or to break up information into multiple messages. Both of these options can make it difficult for passerbys to read and completely understand the messages. This small, restrictive EMC size will prevent many customers from even considering EMC's in their signs, due to the limitations it imposes.

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January 17, 2018

Page 3

We hope you find this information useful. We would strongly encourage you to allow up to 50% of overall sign area for non-residential uses in residential areas.

Daktronics is the world leader in design and manufacture of electronic display systems. We are committed to working with regulatory entities, while addressing the needs of local businesses, schools, churches, and organizations.

If you have any question or if I can provide any additional information, please let me know. Thank you for your time.

Sincerely,
DAKTRONICS, INC.



Kimberly Mayer
Signage Legislation
(605) 692-0220



INTERNATIONAL SIGN ASSOCIATION

1001 N. Fairfax Street
Suite 301
Alexandria, VA 22314
main (703) 836-4012
fax (703) 836-8353
info@signs.org

WWW.SIGNS.ORG



0809.B.1.c that is located within ~~1,320~~ 200' 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.

A reasonable distance should be stated such as 200'. A wall sign that is 1/4 mile away from a residential district will have no measurable impact on that district.

Section 113-11 electronic Messaging Centers (EMCs)

When Electronic Messaging Centers are utilized in conjunction with a Freeway Monument Sign, or a Class VI monument sign, the sign area of the Electronic Messaging Center may encompass 50% of the allowable sign area as outlined in Paragraph 113-09.9.c)iii.

We recommend that sections 4a in this Section that is in reference to billboard regulations, be located in the billboard section of the code. For ease of administration for staff and applicants.

We truly appreciate your consideration of our recommendations.

Sincerely,

James Carpentier AICP
Director of State & Local Government Relations

From: Cruz, Frank
To: Robert Kuhfuss
Subject: RE: Surprise Sign Code Update
Date: Wednesday, January 03, 2018 11:19:39 AM
Attachments: [image006.png](#)
[image008.png](#)
[image009.png](#)

Hi Robert,

What are the possibilities to ALSO include the following coordinates to the State Route 303 Corridor: **EAST line of Section 9 Township 04 North, Range 01 West**. There are a few PAD parcels North of 303 that might work for our company in the future. These locations fall within this Township. Thanks, Frank

State Route 303 Corridor between a specific point located at Longitude 112°21'1335"W by Latitude 33°41'48"N and the **EAST line of Section 16, Township 04 North, Range 01 West**.



From: Robert Kuhfuss [mailto:Robert.Kuhfuss@surpriseaz.gov]
Sent: Tuesday, December 26, 2017 1:38 PM
To: Cruz, Frank <FrankCruz@clearchannel.com>
Subject: RE: Surprise Sign Code Update

623-222-3137. thanks

----- Original Message -----

From: "Cruz, Frank" <FrankCruz@clearchannel.com>
Date: Tue, December 26, 2017 1:35 PM -0700
To: Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>
Subject: RE: Surprise Sign Code Update

Great. Phone is fine. What's a good number and I'll call you tomorrow?

From: Robert Kuhfuss [mailto:Robert.Kuhfuss@surpriseaz.gov]
Sent: Tuesday, December 26, 2017 1:34 PM
To: Cruz, Frank <FrankCruz@clearchannel.com>
Subject: RE: Surprise Sign Code Update

yes. phone or in person?

----- Original Message -----

From: "Cruz, Frank" <FrankCruz@clearchannel.com>
Date: Tue, December 26, 2017 1:26 PM -0700
To: Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>
Subject: RE: Surprise Sign Code Update

Perfect. 10am tomorrow okay?

From: Robert Kuhfuss [mailto:Robert.Kuhfuss@surpriseaz.gov]
Sent: Tuesday, December 26, 2017 1:22 PM
To: Cruz, Frank <FrankCruz@clearchannel.com>
Subject: RE: Surprise Sign Code Update

Frank, happy to discuss. Tomorrow okay?

----- Original Message -----

From: "Cruz, Frank" <FrankCruz@clearchannel.com>
Date: Tue, December 26, 2017 1:15 PM -0700
To: Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>
Subject: RE: Surprise Sign Code Update

Hi Robert, do you have some time this week to discuss the language below? I have just a few questions and it shouldn't take too long.

Thanks,

Frank



Frank Cruz
Real Estate Representative and Public Affairs / Arizona Division

Clear Channel Outdoor
2325 E Camelback Rd. Suite 400
Phoenix, AZ . 85016
O: 602-381-4741
C: 480-417-9955
clearchanneloutdoor.com

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From: Robert Kuhfuss [mailto:Robert.Kuhfuss@surpriseaz.gov]

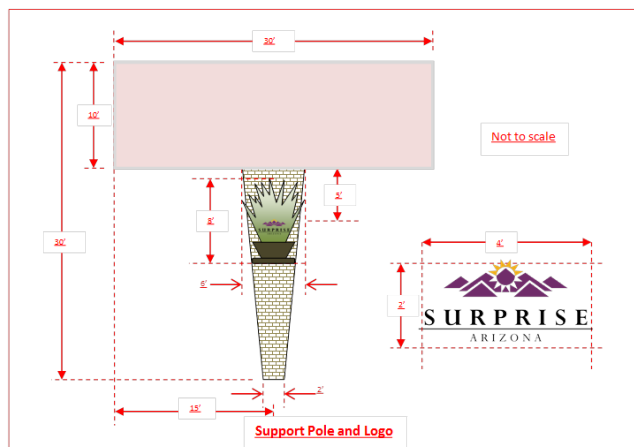
Sent: Friday, December 22, 2017 9:47 AM
To: Robert Kuhfuss <robertkuhfuss@yahoo.com>
Subject: Surprise Sign Code Update

Gentlemen - Hope all is well.

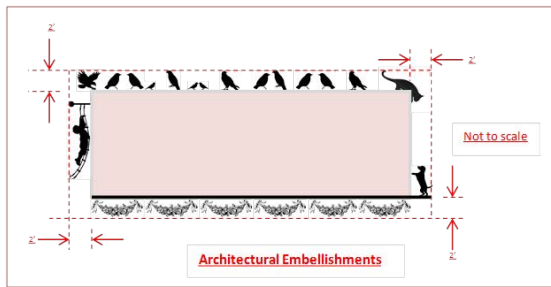
We finished drafting up some language regarding Billboards. We're targeting the January 4th P&Z for discussion. I've attached the billboard language for your convenience. The entire Version 2 revisions will be posted to our website in the near future.

8. Billboard Signs: *Billboard Signs may be permitted as outlined in this Section:*

- a) **U.S. 60 Corridor:** *Billboard Signs may be located within that portion of the U.S. 60 Corridor between the eastern line of Section 03, Township 03 North, Range 01 West (Dysart Road) and the north/south mid-section line of Section 03, Township 04 North, Range 02 West, subject to prior approval of a Conditional Use Permit in accordance with Section 122-154 of the Surprise Unified Development Code. All billboard signs located within the aforementioned corridor are subject to the provisions in Paragraph 113-09.C.8.c through f and the following:*
- i. *No billboard sign shall be located within 2,640 feet of the intersection of U.S. 60 and State Route 303, specifically defined as a point located at Longitude 112°24'13"W by Latitude 33°40'49"N.*
 - ii. *No billboard sign shall be located within 1,320 feet of the intersection of U.S. 60 and Bell Road, specifically defined as a point located at Longitude 112°21'02"W by Latitude 33°38'19"N.*
- b) **State Route 303 Corridor:** *Billboard Signs may be located within that portion of the State Route 303 Corridor between a specific point located at Longitude 112°21'4335"W by Latitude 33°41'48"N and the West line of Section 16, Township 04 North, Range 01 West, subject to prior approval of a Conditional Use Permit in accordance with Section 122-154 of the Surprise Unified Development Code. All billboard signs located within the aforementioned corridor are subject to the provisions in Paragraph 113-09.C.8.c through f and the following:*
- i. *No billboard sign shall be located within 2,640 feet of the intersection of U.S. 60 and State Route 303, specifically defined as a point located at Longitude 112°24'13"W by Latitude 33°40'49"N.*
 - ii. *Billboard signs located within the State Route 303 corridor as defined above may serve eastbound and/or westbound traffic, but shall only be located north of the freeway right-of-way.*
- c) **Additional Locational Requirements:** *The following additional locational requirements apply for all billboard signs regardless of the corridor in which it is located:*
- i. *Billboard signs may only be approved in the CN, CC, CR, BP, IP, PF or ILM zoning districts, or if located within a Planned Area Development (PAD), that portion of the PAD in which the approved land use plan specifically calls out commercial, industrial or employment uses.*
 - ii. *Notwithstanding the Union Pacific Railroad right-of-way, no billboard sign shall be located within 300 feet of a property zoned for Residential uses, or any open space tract that is associated with a residential development.*
 - iii. *Billboard signs shall not be located closer than twenty (20) feet from the U.S. 60 or State Route 303 right-of-way line and not further than 200 feet from said right-of-way line.*
 - vi. *No billboard sign shall be approved within 660 feet of any Freeway Monument Sign existing at the time of Conditional Use Permit application for the billboard sign in question.*
 - v. *No billboard sign shall be approved within 2,640 of any billboard sign approved or existing at the time of Conditional Use Permit application for the billboard sign in question.*
- d) **Dimensional Requirements:** *The following dimensional requirements apply for all billboard signs regardless of the corridor in which it is located:*
- i. *The overall height of a billboard sign shall not exceed thirty (30) feet as measured from the adjacent roadway to the top of the sign structure, exclusive of architectural embellishments as permitted in this Section.*
 - ii. *The overall dimensions of the sign panel associated with a billboard sign shall not exceed thirty (30) feet in width and ten (10) feet in height for a total sign area not to exceed 300 square feet, exclusive of architectural embellishments as permitted in this Section.*
- e) **Design Requirements:** *The following design requirements apply for all billboard signs regardless of the corridor in which it is located:*
- i. *Billboard Signs may incorporate Level 2 Electronic Messaging Centers as outlined Section 113-11 herein, except that Electronic Messaging Centers used in billboard applications may occupy up to 100% of the allowable sign area of the billboard, exclusive of architectural embellishments as may be permitted or required herein, and provided such Electronic Messaging Centers are turned off between 11:00 PM and dawn.*
 - ii. *Billboard Signs shall be supported by a single pole or column, which shall be dimensionally centered beneath the sign panel and shall incorporate a pole cover comprised of stone, brick or other architecturally compatible material that conceals the structural component of the pole or column. Unless an alternative design is approved by the Planning and Zoning Commission, the pole cover shall be of a trapezoidal shape, with a base width equal to one-third (1/3) the width of the top of the pole cover.*
 - iii. *Unless an alternative design is approved by the Planning and Zoning Commission, the supporting pole or column shall also include additional architectural embellishments that incorporate the official Primary City of Surprise Logo superimposed onto a stylized agave image. The logo shall be approximately two (2) feet tall by four (4) feet wide. The stylized agave image shall be eight (8) feet high by six (6) feet wide. The vertical center of the arrangement shall be five (5) feet below the lower edge of the sign panel.*



- iv. *Artistic or architectural embellishments up to thirty (30) square feet may be attached to the perimeter of the sign panel, provided said embellishments do not extend more than two (2) feet in any direction beyond the face of the sign and do not otherwise obstruct the architectural embellishments as may be required under Paragraph 113-09.C.8.e)iii above.*



f. Any Conditional Use Permit approval is hereby conditioned upon the applicant obtaining a valid construction permit for the billboard sign approved under said Conditional Use Permit. The applicant shall obtain Certificate of Completion from the City of Surprise within six (6) months of approval of the Conditional Use Permit by the Planning and Zoning Commission. Failure to obtain a Certificate of Completion within the designated time allotment shall render the Conditional Use Permit null and void; however, the City Manager or designee may grant a one-time extension for a period not to exceed six (6) months when in the opinion of the City Manager or designee the circumstances warrant such.

Our offices are essentially closed next week, but I will be working and am happy to discuss.

Thanks

Robert H. Kuhfuss, AICP, MPA
City of Surprise Community Development Department
16000 North Civic Center Plaza
Surprise, AZ 85374-7470
O: 623-222-3137 | F: 623-222-3001
robert.kuhfuss@surpriseaz.gov

City of Surprise offices open at 8 a.m. and close at 5 p.m. Monday through Friday. More info at www.surpriseaz.gov.

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22 Dec 2017 16:47:11 -0000

From: [Cruz, Frank](#)
To: [Robert Kuhfuss](#)
Subject: RE: Surprise Sign Code Update
Date: Thursday, January 04, 2018 8:54:42 AM
Attachments: [image001.png](#)
[image002.png](#)

Hi Robert, some quick feedback for you: The sign code below regarding spacing and the board dimensions and height are of some concern for us. To contrast, the City of Phoenix allows for 1000' of spacing, 70' in height, and up to 672' face dimensions (14'x48'). Glendale allows for 1000' of spacing, 60' in height, and also up to 672' face dimensions (14'x48').

In short, the opportunity to build larger/higher, and multiple signs outside of 1000' feet allows for more flexibility with land and good revenue generation. Especially for billboard developers/operators like ours.

Just some food for thought. See you tonight.

Frank

Frank Cruz
Real Estate Representative and Public Affairs / Arizona Division


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Phoenix, AZ . 85016
O: 602-381-4741
C: 480-417-9955
clearchanneloutdoor.com

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From: Robert Kuhfuss [<mailto:Robert.Kuhfuss@surpriseaz.gov>]
Sent: Friday, December 22, 2017 9:47 AM
To: Robert Kuhfuss <robertkuhfuss@yahoo.com>
Subject: Surprise Sign Code Update

Gentlemen - Hope all is well.

We finished drafting up some language regarding Billboards. We're targeting the January 4th P&Z for discussion. I've attached the billboard language for your convenience. The entire Version 2 revisions will be posted to our website in the near future.

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 - ii. **No billboard sign shall be located within 1,320 feet of the intersection of U.S. 60 and Bell Road, specifically defined as a point located at Longitude 112°21'02"W**

by Latitude 33°38'19"N.

- b) **State Route 303 Corridor:** *Billboard Signs* may be located within that portion of the **State Route 303 Corridor** between a specific point located at Longitude 112°21'43.35"W by Latitude 33°41'48"N and the West line of Section 16, Township 04 North, Range 01 West, subject to prior approval of a Conditional Use Permit in accordance with Section 122-154 of the Surprise Unified Development Code. All *billboard signs* located within the aforementioned corridor are subject to the provisions in Paragraph 113-09.C.8.c through f and the following:

i. No *billboard sign* shall be located within **2,640 feet** of the intersection of U.S. 60 and State Route 303, specifically defined as a point located at Longitude 112°24'13"W by Latitude 33°40'49"N.

ii. *Billboard signs* located within the State Route 303 corridor as defined above may serve eastbound and/or westbound traffic, but shall only be located north of the freeway right-of-way.

- c) **Additional Locational Requirements:** The following additional locational requirements apply for all *billboard signs* regardless of the corridor in which it is located:

i. *Billboard signs* may only be approved in the CN, CC, CR, BP, IP, PF or ILM zoning districts, or if located within a Planned Area Development (PAD), that portion of the PAD in which the approved land use plan specifically calls out commercial, industrial or employment uses.

ii. Notwithstanding the Union Pacific Railroad right-of-way, no *billboard sign* shall be located within 300 feet of a property zoned for Residential uses, or any open space tract that is associated with a residential development.

iii. *Billboard signs* shall not be located closer than twenty (20) feet from the U.S. 60 or State Route 303 right-of-way line and not further than 200 feet from said right-of-way line.

vi. No *billboard sign* shall be approved within 660 feet of any *Freeway Monument Sign* existing at the time of Conditional Use Permit application for the *billboard sign* in question.

v. No *billboard sign* shall be approved within 2,640 of any *billboard sign* approved or existing at the time of Conditional Use Permit application for the *billboard sign* in question.

- d) **Dimensional Requirements:** The following dimensional requirements apply for all *billboard signs* regardless of the corridor in which it is located:

i. The overall height of a *billboard sign* shall not exceed thirty (30) feet as measured from the adjacent roadway to the top of the *sign structure*, exclusive of architectural embellishments as permitted in this Section.

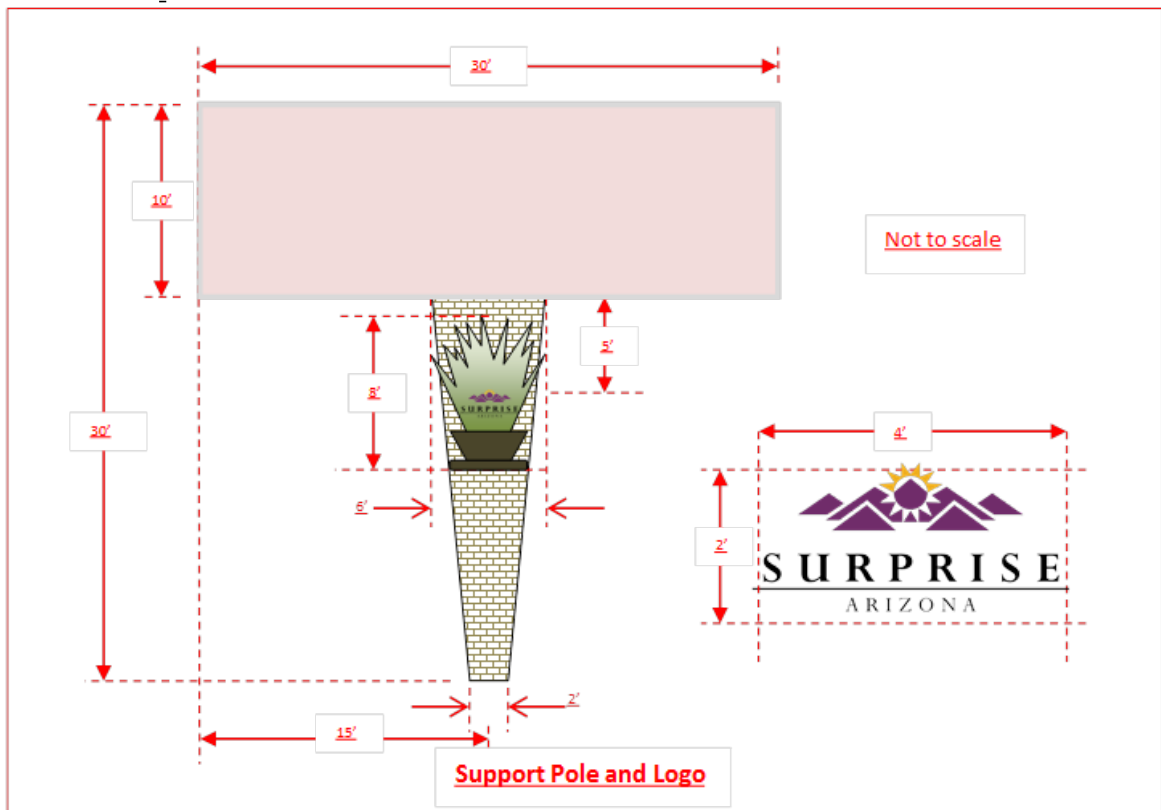
ii. The overall dimensions of the *sign panel* associated with a *billboard sign* shall not exceed thirty (30) feet in width and ten (10) feet in height for a total *sign area* not to exceed 300 square feet, exclusive of architectural embellishments as permitted in this Section.

- e) **Design Requirements:** The following design requirements apply for all *billboard signs* regardless of the corridor in which it is located:

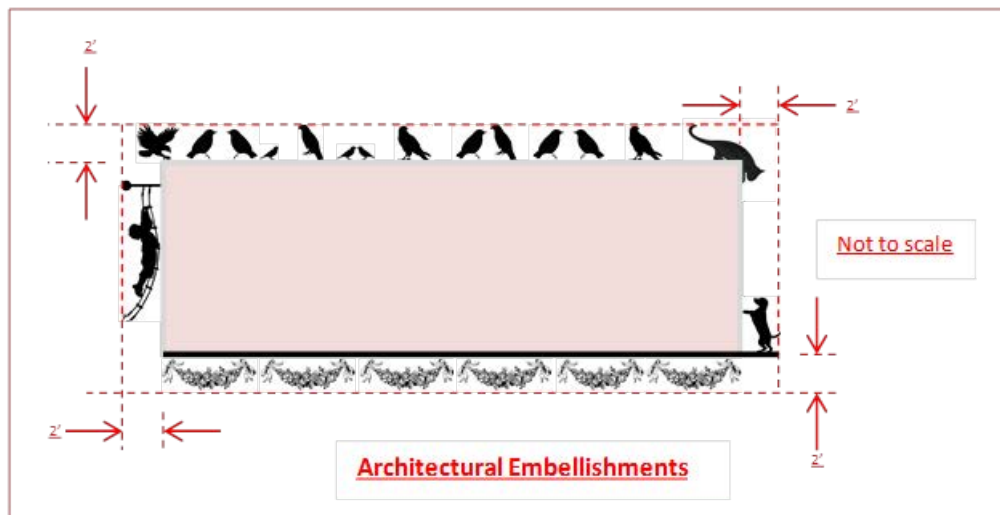
i. *Billboard Signs* may incorporate *Level 2 Electronic Messaging Centers* as

outlined Section 113-11 herein, except that *Electronic Messaging Centers* used in *billboard* applications may occupy up to 100% of the allowable *sign area* of the *billboard*, exclusive of architectural embellishments as may be permitted or required herein, and provided such *Electronic Messaging Centers* are turned off between 11:00 PM and dawn.

- ii. Billboard Signs shall be supported by a single pole or column, which shall be dimensionally centered beneath the *sign panel* and shall incorporate a pole cover comprised of stone, brick or other architecturally compatible material that conceals the structural component of the pole or column. Unless an alternative design is approved by the Planning and Zoning Commission, the pole cover shall be of a trapezoidal shape, with a base width equal to one-third (1/3) the width of the top of the pole cover.
- iii. Unless an alternative design is approved by the Planning and Zoning Commission, the supporting pole or column shall also include additional architectural embellishments that incorporate the official *Primary City of Surprise Logo* superimposed onto a stylized agave image. The logo shall be approximately two (2) feet tall by four (4) feet wide. The stylized agave image shall be eight (8) feet high by six (6) feet wide. The vertical center of the arrangement shall be five (5) feet below the lower edge of the *sign panel*.



- iv. Artistic or architectural embellishments up to thirty (30) square feet may be attached to the perimeter of the *sign panel*, provided said embellishments do not extend more than two (2) feet in any direction beyond the face of the *sign* and do not otherwise obstruct the architectural embellishments as may be required under Paragraph 113-09.C.8.e)iii above.



- f. Any Conditional Use Permit approval is hereby conditioned upon the applicant obtaining a valid construction permit for the *billboard sign* approved under said Conditional Use Permit. The applicant shall obtain Certificate of Completion from the City of Surprise within six (6) months of approval of the Conditional Use Permit by the Planning and Zoning Commission. Failure to obtain a Certificate of Completion within the designated time allotment shall render the Conditional Use Permit null and void; however, the City Manager or designee may grant a one-time extension for a period not to exceed six (6) months when in the opinion of the City Manager or designee the circumstances warrant such.

Our offices are essentially closed next week, but I will be working and am happy to discuss.

Thanks

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22 Dec 2017 16:47:11 -0000

From: [Cruz, Frank](#)
To: [Robert Kuhfuss](#)
Subject: FW: Surprise Sign Code Update
Date: Thursday, January 04, 2018 9:52:55 AM
Attachments: [image001.png](#)
[image002.png](#)

Sorry, one more very important fact: Digital technology has changed for the better regarding **aspect ratios**. Because of this, our company (and others), are now converting our old digital 10x30 sign faces to a newer and more improved digital 10.6'x36' sign face. The newer models offer much better quality (clarity, brightness, etc.) than the old 10x30s. However, the newer digital 10.6'x36' dimension is 381.6, which exceeds the current 10'x30' 300' dimension below.

Looking ahead, it'd be extremely prudent and helpful for the City to reconsider amending the sign face dimensions to allow 14'x48' (672' per face). Or at the very least, 381.6 per face' to allow for the newer digital 10'6"x36' signs. The former however, would be best the best case scenario.

I hope this helps. Frank

From: Cruz, Frank
Sent: Thursday, January 4, 2018 8:54 AM
To: 'Robert Kuhfuss' <Robert.Kuhfuss@surpriseaz.gov>
Subject: RE: Surprise Sign Code Update

Hi Robert, some quick feedback for you: The sign code below regarding spacing and the board dimensions and height are of some concern for us. To contrast, the City of Phoenix allows for 1000' of spacing, 70' in height, and up to 672' face dimensions (14'x48'). Glendale allows for 1000' of spacing, 60' in height, and also up to 672' face dimensions (14'x48').

In short, the opportunity to build larger/higher, and multiple signs outside of 1000' feet allows for more flexibility with land and good revenue generation. Especially for billboard developers/operators like ours.

Just some food for thought. See you tonight.

Frank

Frank Cruz
Real Estate Representative and Public Affairs / Arizona Division

 **Clear Channel Outdoor**
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clearchanneloutdoor.com

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From: Robert Kuhfuss [<mailto:Robert.Kuhfuss@surpriseaz.gov>]
Sent: Friday, December 22, 2017 9:47 AM
To: Robert Kuhfuss <robertkuhfuss@yahoo.com>
Subject: Surprise Sign Code Update

Gentlemen - Hope all is well.

We finished drafting up some language regarding Billboards. We're targeting the January 4th P&Z for discussion. I've attached the billboard language for your convenience. The entire Version 2 revisions will be posted to our website in the near future.

8. **Billboard Signs:** *Billboard Signs* may be permitted as outlined in this Section:

a) **U.S. 60 Corridor:** *Billboard Signs* may be located within that portion of the **U.S. 60 Corridor** between the eastern line of Section 03, Township 03 North, Range 01 West (Dysart Road) and the north/south mid-section line of Section 03, Township 04 North, Range 02 West, subject to prior approval of a Conditional Use Permit in accordance with Section 122-154 of the Surprise Unified Development Code. All *billboard signs* located within the aforementioned corridor are subject to the provisions in Paragraph 113-09.C.8.c through f and the following:

i. No *billboard sign* shall be located within **2,640 feet** of the intersection of U.S. 60 and State Route 303, specifically defined as a point located at Longitude 112°24'13"W by Latitude 33°40'49"N.

ii. No *billboard sign* shall be located within 1,320 feet of the intersection of U.S. 60 and Bell Road, specifically defined as a point located at Longitude 112°21'02"W by Latitude 33°38'19"N.

b) **State Route 303 Corridor:** *Billboard Signs* may be located within that portion of the **State Route 303 Corridor** between a specific point located at Longitude 112°21'43.35"W by Latitude 33°41'48"N and the West line of Section 16, Township 04 North, Range 01 West, subject to prior approval of a Conditional Use Permit in accordance with Section 122-154 of the Surprise Unified Development Code. All *billboard signs* located within the aforementioned corridor are subject to the provisions in Paragraph 113-09.C.8.c through f and the following:

i. No *billboard sign* shall be located within **2,640 feet** of the intersection of U.S. 60 and State Route 303, specifically defined as a point located at Longitude 112°24'13"W by Latitude 33°40'49"N.

ii. *Billboard signs* located within the State Route 303 corridor as defined above may serve eastbound and/or westbound traffic, but shall only be located north of the freeway right-of-way.

c) **Additional Locational Requirements:** The following additional locational requirements apply for all *billboard signs* regardless of the corridor in which it is located:

i. *Billboard signs* may only be approved in the CN, CC, CR, BP, IP, PF or ILM zoning districts, or if located within a Planned Area Development (PAD), that portion of the PAD in which the approved land use plan specifically calls out commercial, industrial or employment uses.

ii. Notwithstanding the Union Pacific Railroad right-of-way, no *billboard sign* shall be located within 300 feet of a property zoned for Residential uses, or any open space tract that is associated with a residential development.

iii. *Billboard signs* shall not be located closer than twenty (20) feet from the U.S. 60 or State Route 303 right-of-way line and not further than 200 feet from said right-of-way line.

vi. No *billboard sign* shall be approved within 660 feet of any *Freeway Monument Sign* existing at the time of Conditional Use Permit application for the *billboard sign* in question.

v. No *billboard sign* shall be approved within 2,640 of any *billboard sign* approved or existing at the time of Conditional Use Permit application for the *billboard sign* in question.

-
d) **Dimensional Requirements:** The following dimensional requirements apply for all *billboard signs* regardless of the corridor in which it is located:
-

i. The overall height of a *billboard sign* shall not exceed thirty (30) feet as measured from the adjacent roadway to the top of the *sign structure*, exclusive of architectural embellishments as permitted in this Section.

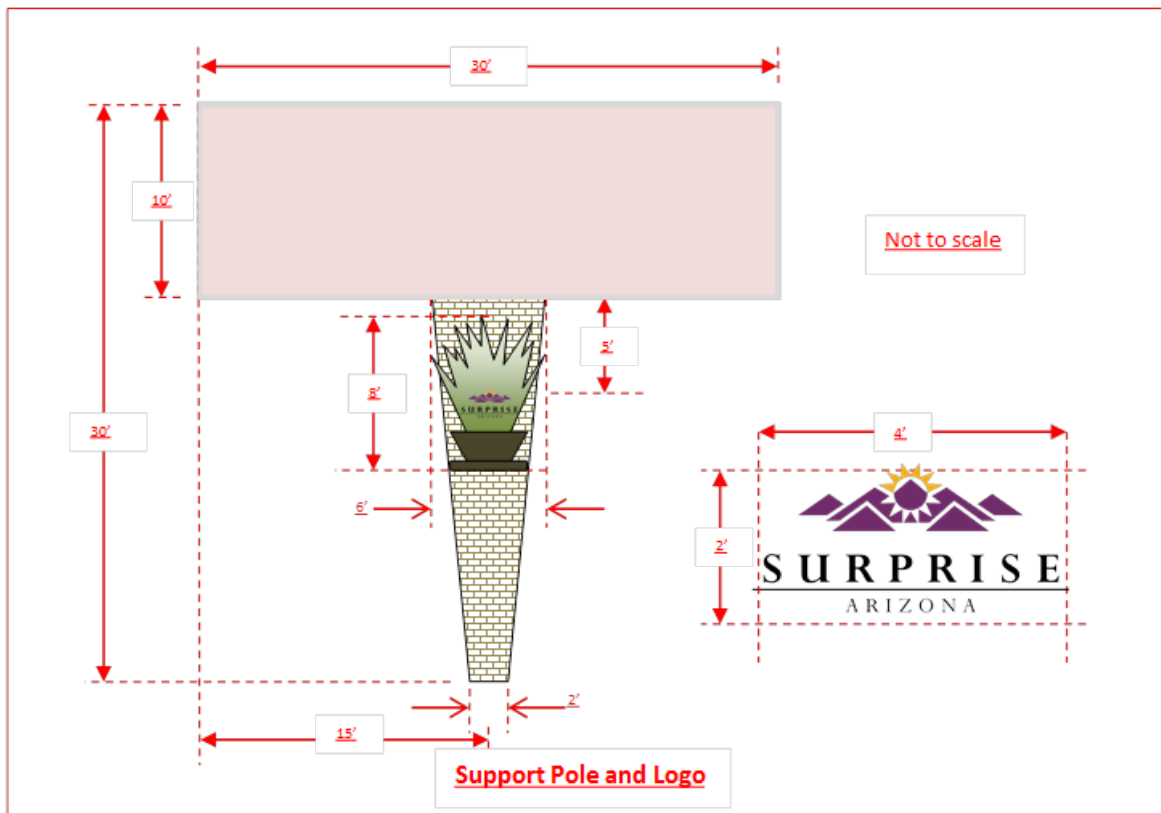
ii. The overall dimensions of the *sign panel* associated with a *billboard sign* shall not exceed thirty (30) feet in width and ten (10) feet in height for a total *sign area* not to exceed 300 square feet, exclusive of architectural embellishments as permitted in this Section.

-
e) **Design Requirements:** The following design requirements apply for all *billboard signs* regardless of the corridor in which it is located:
-

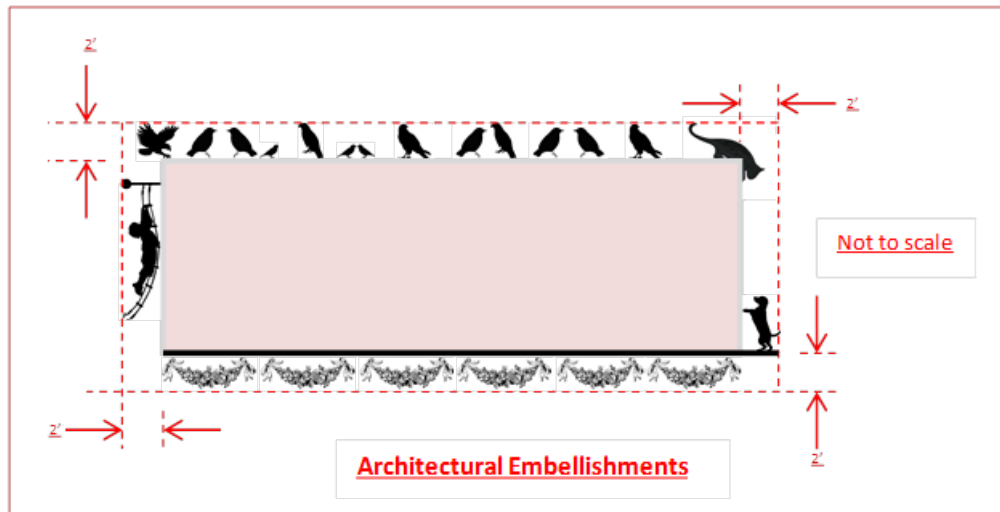
i. *Billboard Signs* may incorporate *Level 2 Electronic Messaging Centers* as outlined Section 113-11 herein, except that *Electronic Messaging Centers* used in *billboard* applications may occupy up to 100% of the allowable *sign area* of the *billboard*, exclusive of architectural embellishments as may be permitted or required herein, and provided such *Electronic Messaging Centers* are turned off between 11:00 PM and dawn.

ii. *Billboard Signs* shall be supported by a single pole or column, which shall be dimensionally centered beneath the *sign panel* and shall incorporate a pole cover comprised of stone, brick or other architecturally compatible material that conceals the structural component of the pole or column. Unless an alternative design is approved by the Planning and Zoning Commission, the pole cover shall be of a trapezoidal shape, with a base width equal to one-third (1/3) the width of the top of the pole cover.

iii. Unless an alternative design is approved by the Planning and Zoning Commission, the supporting pole or column shall also include additional architectural embellishments that incorporate the official *Primary City of Surprise Logo* superimposed onto a stylized agave image. The logo shall be approximately two (2) feet tall by four (4) feet wide. The stylized agave image shall be eight (8) feet high by six (6) feet wide. The vertical center of the arrangement shall be five (5) feet below the lower edge of the *sign panel*.
-



- iv. Artistic or architectural embellishments up to thirty (30) square feet may be attached to the perimeter of the *sign panel*, provided said embellishments do not extend more than two (2) feet in any direction beyond the face of the *sign* and do not otherwise obstruct the architectural embellishments as may be required under Paragraph 113-09.C.8.e)iii above.



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circumstances warrant such.

Our offices are essentially closed next week, but I will be working and am happy to discuss.

Thanks

Robert H. Kuhfuss, AICP, MPA
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22 Dec 2017 16:47:11 -0000

From: Cruz, Frank
To: Robert Kuhfuss
Subject: RE: Helpful link to billboard comparables
Date: Monday, January 08, 2018 2:19:29 PM
Attachments: image001.png

Hi Robert, I just left you a vm about the management agreement. I'll sit tight and wait for your reply. Frank

From: Robert Kuhfuss [mailto:Robert.Kuhfuss@surpriseaz.gov]
Sent: Friday, January 5, 2018 4:33 PM
To: Cruz, Frank <FrankCruz@clearchannel.com>
Subject: Re: Helpful link to billboard comparables

Thank you Frank. I'm away from the office but will take a look when I get back. A couple weeks ago you said you might be able to find a billboard agreement with a city that would help us understand that structure. Were you able to find anything?

----- Original Message -----

From: "Cruz, Frank" <FrankCruz@clearchannel.com>
Date: Fri, January 05, 2018 1:17 PM -0700
To: Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>
Subject: Helpful link to billboard comparables

Hi Robert, You and Lloyd did fantastic last night. All things considered and with the vast amount of content you needed to cover in short amount of time, I don't think anyone else could've done a better job.

The following link below will be extremely helpful for you and Staff in regards to identifying like-for-like billboard comparables in the area that I recommend they drive and take look at. The boards on the link below are brand new (less than 2 years old) and along the Loop 101 and I-10 Corridors, as well as our brand new 10x30 "vinyl" board on L303 and Glendale. The link is also interactive and allows for anyone to click on any board featured for more detailed information about the billboard structures, etc. (Worth noting: The 14x48 boards on the link are 65' in height. The 10x30 board is 30' in height).

<https://seek.cco.io/results/map?latitude=33.508386&longitude=-112.03170139999999&numbers=3892%2C3895%2C3890%2C3893%2C3894%2C3910%2C3896%2C3911%2C3891%2C3889%2C3888%2C3887%2C3885%2C3886%2C3913%2C3912>

Regarding the proposed 10.6x36 digital board along the L303, I'm still a bit concerned about the "cross-read" being too small and too hard to read for commuters travelling East. Even at the rate of speed at 65mph, the 303 has such a large "mid-section" in-between the East and West corridors that advertising could easily be missed or simply too hard to see for those East bound commuters who would be exposed to the "West Face" of the structure. This could be a challenge for us in terms of selling the West Face to our advertising clients, thus potential "devaluing" the structure. Typically, a company like mine would ask for a "height and size variance" to help offset this challenge. This is where we would usually ask to go higher than the allowed 30' height and larger than the 10.6x36 face dimension up to 14x48. Our digital costs average around \$250k up to \$500k. Therefore, our priority would be to ensure that we're able to provide the City and our advertising clients the highest and best structure and use for that area.

Regarding the US 60, 10.6x36 digital signs are perfect for that particular corridor.

Please let me know if you need anything else. Otherwise, I'll see you again at the next meeting.

Frank



Frank Cruz
Real Estate Representative and Public Affairs / Arizona Division

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05 Jan 2018 23:32:36 -0000

From: Robert Kuhfuss
To: ["Kim Mayer"](#)
Subject: RE: Sign Code Draft: Class VI Monument Signs - overall sign area
Date: Friday, January 12, 2018 12:19:00 PM

Kim,

Thank you! Great catch. I'm bumping up against a hard deadline so I might not be able to fix that before the packet goes out, but I will address it with the Commission on Thursday. I'm thinking maximum of 36 square feet with a 12 square foot increase per 1' increase in height up to a maximum of 120 square Feet.

Also, Version 3 will be published soon so keep an eye out.

Thanks again.

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From: Kim Mayer [mailto:Kim.Mayer@daktronics.com]
Sent: Friday, January 12, 2018 9:48 AM
To: Robert Kuhfuss
Subject: Sign Code Draft: Class VI Monument Signs - overall sign area

Good Morning, Robert,

We have been reviewing the proposed sign code draft #2 and have a question regarding Class VI – major monument signs. I see where the height limitations are discussed, but I do not see where the overall sign area is identified. Would you or your staff please let me know where in the code the overall sign area is provided?

Thank you – I appreciate your assistance,
Kim Mayer

Kimberly Mayer
Sign Legislation

tel 605.275.1040 ext 56476
address 600 E. 54th Street N, Sioux Falls, SD 57104
website www.daktronics.com



From: [Kurt A. Jones](#)
To: [Robert Kuhfuss](#); [Eric Fitzer](#)
Subject: Meeting to discuss Proposed Sign Ordinance Update
Date: Tuesday, January 09, 2018 1:19:15 PM

Rob and Eric, our client, Rhett Cooney, was at the Planning & Zoning Commission meeting last week regarding the sign ordinance update. As you know, Mr. Cooney is interested in the Billboard portion of the ordinance update. He sent you an email last week on that subject. He feels the Commissions questions regarding his concerns with size, height and spacing weren't addressed.

He is preparing to reach out to the Planning & Zoning Commission members individually between now and next week's hearing on the subject. Can we sit down with you for an hour discuss our concerns before he/we do this? Let me know your availability later this week or early next week. Thanks, Kurt

Kurt A. Jones, AICP | Senior Planner | 602.452.2729



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C 480.225.8937 | P 602.255.6000 | F 602.255.0103
Offices: Arizona | California | Nevada

From: [JoAnna Mankiewicz](#)
To: [Robert Kuhfuss](#)
Subject: Citywide Amendment to Surprise Muni Code re signs
Date: Saturday, January 06, 2018 2:18:54 PM

Dear Robert,

I would ask you to read my email into the record at the public hearing on January 18. We are unable to attend, as I am suffering with pneumonia this holiday season and I need to recuperate for several weeks.

My husband and I attended a couple of your input meetings on the City's signage ordinance. I realize there are various viewpoints and stakeholders here, and I most strongly represent the aesthetic interests of our City, in keeping it as uncluttered and sophisticated as possible. This reflects on the perception of our city by residents as well as visitors. Very simply: The less signage, the better. I prefer NO signage. If you have to use signage, upgrade or upscale it if possible, and keep it to a minimum, so that the architectural and decorative elements of our landscape predominate rather than the signage.

JoAnna and Leo Mankiewicz
Surprise, AZ

From: [Rhett Cooney](#)
To: [Robert Kuhfuss](#)
Cc: [Eric Fitzer](#); [Kurt Jones](#)
Subject: Re: Surprise Sign Code Update - Upcoming Meetings
Date: Thursday, January 04, 2018 11:37:16 AM

Good Morning Robert,

I hope you had a safe and enjoyable holiday. I've had a chance to evaluate the latest draft and want to share my thoughts with you prior to tonight's meeting. I am hoping there is time to reconsider the size, height and separation on the "State Route 303 Corridor".

Size - The industry norm for freeway signs is 14'x48' the larger size is necessary do to the speed of the traveling motorists and the additional distance the sign is set off the lanes of travel. For instance on the 303 corridor the leading edge of the sign would be 150'-175' from the nearest west bound lane of traffic and 250' - 275' from the farthest East bound lane.

Height - The industry norm for freeway signs is 45' - 70' the increased height is necessary do to the speed of the traveling motorists, the additional distance the sign is set off the lanes of travel which creates a view which is lower in the horizon and the unknown variables of trees, topography, site improvements and other unique conditions on individual sites.

Separation - The industry norm for freeway signs varies from 500' which is A.D.O.T.'s requirement to between 1,000' & 1,200'. The defined corridor is limited to slightly less than a mile which could facilitate only 2 but more likely 1 sign within Surprise. A reduced requirement of 1,600' - 1,800' would allow 3 signs but more likely only 2 within the corridor.

If this is something you are willing to consider, you could either make individual changes to the various requirements or at least create language that allows the Planning Commission and City Council the latitude to make variations if there is justification for it.

I appreciate your help and consideration on these issues.

Best regards,

Rhett Cooney

Boulevard Media Company
P.O. Box 14652
Scottsdale, AZ 85267
(480) 326-1736 Cell

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From: Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>
Sent: Thursday, December 28, 2017 4:04:13 PM
To: Robert Kuhfuss
Subject: Surprise Sign Code Update - Upcoming Meetings

Hello all. Hope the holidays find you well.

Just a quick note regarding our sign code update. We will be taking some revised language to the Planning and Zoning Commission as a discussion item on January 4, 2018 at 6:00 PM. This is not a public hearing, but you are welcome to attend. You can review the edits on line at <https://www.surpriseaz.gov/3369/Sign-Code-Update>. Specifically, Version 2 and the four associated Exhibits.



Sign Code Update | Official Website - Surprise, Arizona

www.surpriseaz.gov

The City of Surprise is in the process of amending City Code Chapter 113, which deals with signs. The update aims to balance business needs with aesthetics, while ...

Sign Code Update Documents

- [Res 2017-98 Approved Temporary Sign Code Policy](#)
- [Sign Code - Public Review Version 1](#)
- [Sign Code - Public Review Version 2](#)
- [Sign Code - Public Review Version 2 Exhibit A Section 113-09.A.2 Alternative #1](#)
- [Sign Code - Public Review Version 2 Exhibit B Section 113-09.A.2 Alternative #2](#)
- [Sign Code - Public Review Version 2 Exhibit C Section 113-09.A.3 Alternative #1](#)
- [Sign Code - Public Review Version 2 Exhibit D Section 113-09.A.3 Alternative #2](#)

Also, we are targeting the following dates:

City Council Work Session, January 16, 2018 at 4:00 PM

Planning and Zoning Commission Public Hearing, January 18, 2018 at 6:00 PM

City Council Public Hearing, February 6, 2018 at 6:00 PM

All meetings will be held at the City Council Chambers, 16000 Civic Center Plaza, Surprise, AZ 85374

These dates will likely generate further revisions. I'll send you updates as they occur.

Thank you

Robert H. Kuhfuss, AICP, MPA

City of Surprise Community Development Department

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28 Dec 2017 23:04:14 -0000

From: [Liz Recchia](#)
To: [Robert Kuhfuss](#)
Cc: [Kathy Basque](#); [Eric Fitzer](#); [Lorraine Nevarez](#)
Subject: WeMAR comments regarding Proposes sign ordinance
Date: Thursday, January 04, 2018 4:05:48 PM
Attachments: [Jan 4 2018 written comments.pdf](#)

Good Afternoon Robert,

Thank you for emailing the updated proposed sign ordinance. Attached is a copy of the written comments we have mailed to you. In addition to these I wanted to let you know there are a few typos:

Alternative #1&2 of Section 113-09 A3:

Paragraph 3.c – I believe *Class I Temporary Sign* should read *Class II Temporary Sign*.

Illustration: Title of illustration, *ocuring* should read *occurring*.

Pg 87 – Enforcement – There are two #2 items in this section. I believe there should be 5 items total (not 4).

Pg 66 – Item 5f: last line. I believe *utilty* should read *utility*

In addition to these, I wanted to suggest the word “permitted” be changed to “allowed” on page 31, Section 113-07 titled Permitted and Prohibited Signs. This change would make the meaning more clear to the reader.

If you have any questions or wish additional clarification of my remarks, please let me know.

Thank you,

Liz Recchia

Government Affairs Director

West Maricopa Association of REALTORS®

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January 4, 2018

Dear Robert,

Thank you for the updated draft sign ordinance copy. We have looked it over and have the following comments and suggestions:

Alternative Language suggestion for Section 113-09 A2 – WeMAR prefers Alternative #2.

Alternative Language suggestion for Section 113-09 A3 – WeMAR prefers a combination of alternatives #1 and #2. We suggest adding paragraph 3c from Alternative #2 to the text of Alternative #1.

In addition to the Class II Temporary Sign permitted under 113-09 A.3.b. above, properties zoned for commercial uses may utilize one (1) Class II Temporary Sign per 200 linear feet of street frontage. Said signs may be placed adjacent to, but not within any right-of-way, median, vehicle or bicycle travel lane, or sidewalk, or within any sight visibility triangle as outlined in Standard Details 4-01 and 4-02 of the Surprise Engineering Development Standards.

We appreciate the access to the Public Right of Way surrounding neighborhoods in which an open house is held. We believe we have access to the Public Right of Way by definition and by case law. However, we recognize this is a point of disagreement, therefore we are requesting the code include language confirming this access. We also realize it is the City's right to govern sign placement as to numbers, size, type, time and safety. We suggest the City allow temporary directional signage to lawful temporary events along the public right of way at 1 sign per ¼ mile.

It is extremely difficult to guide potential homebuyers to open houses in the Northern areas of Surprise. People trying to find open houses in the Desert Oasis area, or farther north on Grand do not realize they need to keep driving after they cross the 303. As the city expands north and west, this problem of guiding people to their destination will become more vivid.

We realize the concern for sign clutter along the right of way, however by allowing one sign per ¼ mile per event and limiting the hours a sign may appear (example: one hour before to one hour after the event) it is likely Saturday and Sunday mid days will be the most heavily signed

times. This would limit the time of maximum signage, while providing property owners and REALTORS® with open houses the ability to efficiently guide customers to the open house.

When it comes to private right of ways, WeMAR does not see a compelling government interest in regulating signage, other than for safety. If private owners wish to place signs in their right of way, that is a property right and subject to the agreement of the private parties involved.

When it comes to the enforcement provisions, WeMAR is happy to see the City has added an appeal process. We would still like to see criminal violation taken out of the code.

We noticed on page 11, the terms “faded”, “cracking” and “rusting” are equated with disrepair and blight. Sometimes these are elements of intentional design, particularly with businesses promoting vintage or old west themes. We ask the phrase “*unless part of the intentional design*” be added.

WeMAR still contends that 90 days is too short a time to declare a sign abandoned when sitting on vacant land or a vacant building. Frequently distressed properties such as probate or bankruptcy will require longer periods of time to resolve as the court negotiates the final resolution. Signs and their good will value are part of the business valuation. We are concerned that in some cases the City removing a sign during a distressed property proceeding may reduce the value of the estate or business.

In the section on page 53 regarding wall signs, the term “tenant” is repeatedly used. Buildings may be occupied by tenants or owners. As a point of clarification, we suggest using the term “occupant”.

Window signs, WeMAR is still opposed to the limitation of signage on the window. Not only do window screens cover 100% of the window and give no visibility, but with consideration to new opaque window films that cover the window but allow for visibility into the business, this rule appears to be arbitrary.

On page 77, B – Legally recognized trademarks can, and are established by use. It seems an unnecessary and burdensome requirement to force business to also register their mark. The establishment of a legally recognized mark by use is established in case law and WeMAR believes the City should not overburden business.

Overall WeMAR is pleased with the changes the City has made. We appreciate the increased types of signage and the encouragement to business to expand architectural and aesthetic horizons. A business’ sign is integral to their identity in the community and serves to illuminate their uniqueness in the marketplace.

WeMAR appreciates the time and effort City Staff has made to create a more business friendly sign ordinance.

Please let me know if you have questions or require clarification of these remarks.

Sincerely,



Liz Recchia

Government Affairs Director

West Maricopa Association of REALTORS®

201 Daktronics Dr. PO Box 5128
Brookings, SD 57006-5128

tel 800-325-7446 605-692-0200
fax 605-692-0381

www.daktronics.com

January 17, 2018

Mr. Robert Kuhfuss

Robert.kuhfuss@surpriseaz.gov

City of Surprise Community Development Department
16000 North Civic Center Plaza
Surprise, AZ 85374

Re: Proposed Sign Ordinance – 2nd Draft

Dear Robert,

Please accept this letter as feedback on the second draft of the proposed sign ordinance.

We want to address the following section of the code:

Section 113-~~40~~11 – Electronic Messaging Centers (EMCs)

4. **EMCs as a Portion of Sign Area:** When allowed, *Electronic Messaging Centers* may comprise all or part of the not more than thirty (30) percent of the allowable sign area of a particular sign, but shall in no case exceed the maximum allowable sign area for a particular sign except that:

If we are interpreting this correctly, a Level 1 EMC - as part of a minor monument sign in a residential area - would be restricted to only 30% of the total sign area. We believe this is too restrictive and hinders our customers' abilities to communicate with the public.

We assume this proposal may be related to concerns about brightness. However, your proposed sign code already requires that EMC brightness not exceed 0.3 footcandles. The code also requires that all displays be equipped with sensors, so they automatically dim according to ambient light conditions.

We are pleased to see this language in the code, as it ensures that signs are not too bright nor too dim. Because the code adequately addresses brightness concerns, we propose that a church or similar business in a residential area be allowed to install an EMC of up to 50% of the total sign area.

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www.daktronics.com

January 17, 2018

Page 2

Neighboring cities have addressed this issue and allowed 50% of overall sign area for churches and/or other non-residential uses in residential areas. Below are code excerpts from Gilbert and Glendale, AZ:

Gilbert, AZ

4.409 – Permanent Signs

3. *Electronic Changing Message Displays.* The entire Sign Face of a Freestanding Monument, Tower Sign, and Freeway Sign may be an electronic Changing Message Display if said sign is located within a zoning district where Freestanding Signs are allowed except for residential zoning districts and subject to the following operational limitations. For non-residential uses in residential zoning districts, one-half (1/2) of the Sign Face of a Freestanding Monument Sign may be an electronic Changing Message Display, subject to the following operation limitations:

Glendale, AZ

7.104 General Provisions

Sign, Reader Panel: A sign designed to permit immediate change of copy either manually or electronically.

4. Reader Panel Signs.

- a. Churches may use up to one-half (1/2) of the allowed freestanding sign area for a reader panel.

Additionally, we wish to point out that restricting sign owners to small EMC sizes forces them to either use small fonts or to break up information into multiple messages. Both of these options can make it difficult for passerbys to read and completely understand the messages. This small, restrictive EMC size will prevent many customers from even considering EMC's in their signs, due to the limitations it imposes.

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January 17, 2018

Page 3

We hope you find this information useful. We would strongly encourage you to allow up to 50% of overall sign area for non-residential uses in residential areas.

Daktronics is the world leader in design and manufacture of electronic display systems. We are committed to working with regulatory entities, while addressing the needs of local businesses, schools, churches, and organizations.

If you have any question or if I can provide any additional information, please let me know. Thank you for your time.

Sincerely,
DAKTRONICS, INC.



Kimberly Mayer
Signage Legislation
(605) 692-0220



FS15-311 Sign Code Update

City Council

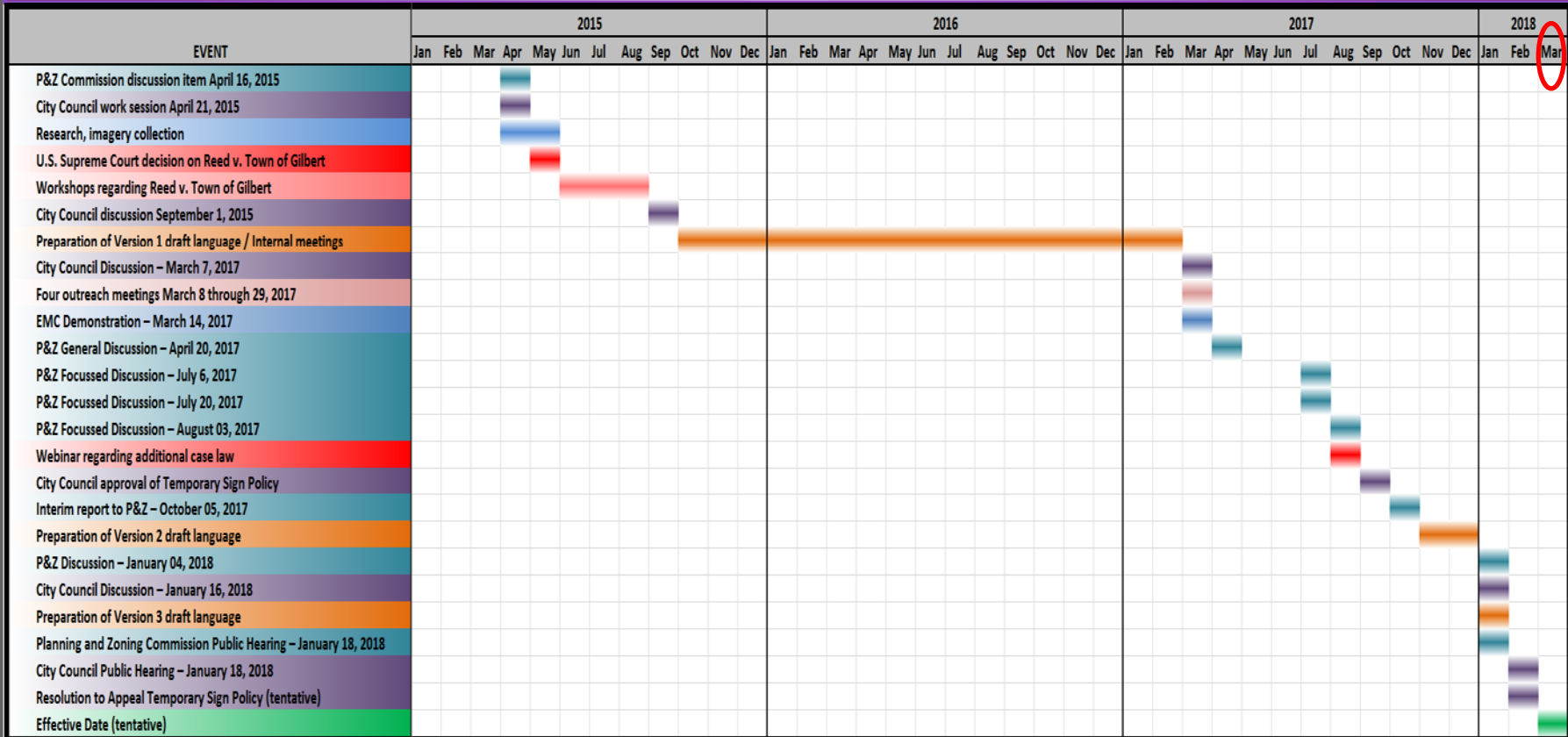
March 06, 2018 (continued from February 06, 2018)



Goal

- **Staff's Goal – Create a Sign Code that is:**
- **Is clear and concise**
 - **Based on empirical research**
 - **Provides the appropriate level of business advertising**
 - **Maintains a high aesthetic standard**
 - **Is compliant with applicable law**
 - **Expresses the identity of the city**

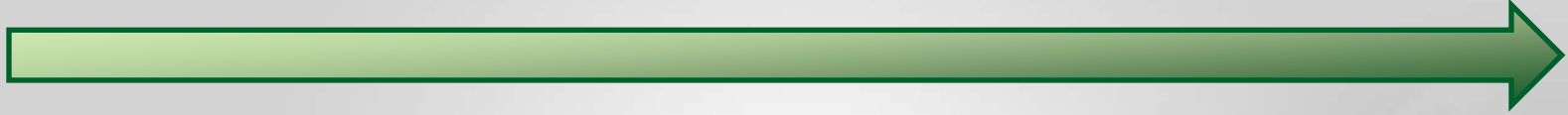
Timeline



Summary of Changes:



Next Steps (tentative)



- **TBD – Repeal of Temporary Sign Policy**
- **April 5, 2018 – Effective Date**





SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



ORDINANCE 2018-04

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING REPEAL OF CHAPTER 113 OF THE SURPRISE MUNICIPAL CODE REGARDING SIGNS; DECLARING A PUBLIC RECORD; AND ADOPTING NEW CHAPTER 113 OF THE SURPRISE MUNICIPAL CODE REGARDING SIGNS.

WHEREAS, the City of Surprise has determined that it would be beneficial to amend and update the City's Sign Code to improve the aesthetics of the community, promote public traffic safety, and provide increased signage and public visibility for local businesses;

WHEREAS, the City of Surprise has conducted a series of publicly noticed meetings of the City of Surprise Planning and Zoning Commission and City Council where the proposed revisions to the Sign Code were presented to the public and during which interested citizens and others were provided an opportunity to provide public input;

WHEREAS, the City received numerous written comments and input from citizens and other interested parties before, during, and after these public meetings;

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, the proposed changes are deemed to be an improvement to the Surprise Municipal Code;

WHEREAS, the proposed changes are compliant with applicable case and statutory law as they pertain to signs;

WHEREAS, on February 6, 2018, during a properly noticed Public Hearing, the City Council considered the January 18, 2018, Surprise Planning and Zoning Commission's proposed sign code amendment; and

WHEREAS, upon consideration and discussion, City Council made several recommendations during said meeting which are memorialized in the document entitled, "February 20, 2018 Post P&Z Revisions...(Alternative Revisions Prohibiting Billboards, Adding Clarifying Language, and Correcting Scrivener's Errors)" and attached hereto as Exhibit A.

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

Section 1. *Repeal of existing text.* Chapter 113 of the Surprise Municipal Code is hereby repealed in its entirety.

Section 2. *Adoption of new Sign Code.* New Chapter 113 language as recommended for approval by the Planning and Zoning Commission on January 18, 2018, and further revised by staff upon recommendation of the City Council at the February 6, 2018 Regular Council Meeting and incorporated into this Ordinance as attached Exhibit A is hereby adopted in its entirety.

Section 3. *Publication and Codification.* This ordinance shall be published in the manner prescribed by law and is hereby codified.

Section 4. *Repeal of Conflicting Ordinances.* All ordinances or parts of ordinances in conflict with the provisions of this Ordinance or any part of the Surprise Municipal Code adopted herein by reference are hereby repealed, upon the effective date of this Ordinance.

Section 5. *Severability.* If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 6. *Declaration of Public Record.* The attached Exhibit A to this Ordinance, as adopted by the City Council in its entirety, is hereby declared to be a public record, and three copies of same have been placed on file with the City Clerk for public inspection. A copy may also be accessed and viewed on the Official Website of the City of Surprise (www.surpriseaz.gov) at the City Clerk's webpage under Municipal Code at "Adopted Ordinances Not Yet Codified" as Ordinance No. 2018-04.

Section 7. *Effective Date.* This Ordinance shall become effective at the time and in the manner prescribed by law.

APPROVED AND ADOPTED this _____ day of _____ 2018.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

Sign Code Update as Recommended by the Planning and Zoning Commission on
January 18, 2018

TEXT AMENDMENT

REPORT TO THE CITY COUNCIL

Case: FS15-311

Project Name: Sign Code Update

Council District: All

Meeting Date: March 6, 2018 (continued from February 6, 2018)

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: Staff has received several items of input

Commission Recommendation: The Planning and Zoning Commission recommended **approval** of the proposed Sign Code as presented to the City Council at the February 6, 2018 Regular Council Meeting. That version remains entitled, "...Planning and Zoning Commission Recommendation to City Council Final Draft."

43 **PROJECT DESCRIPTION:**

44
45 The Surprise Community Development Department seeks an amendment to Chapter 113 of the
46 Surprise Municipal Code regarding signs. This effort is associated with the larger zoning code
47 update, which is in progress; however, with the recent U.S. Supreme Court decision regarding
48 Reed v. Town of Gilbert, staff wishes to move forward with the sign code update in order to
49 ensure the city's compliance with the 1st Amendment and applicable case law.
50

51 **BACKGROUND:**

52
53 **April 16, 2015:** Staff introduced the sign code re-write in a general manner to the Planning and
54 Zoning Commission as a discussion item.
55

56 **April 21, 2015:** Staff introduced the sign code re-write in a general manner to the City Council
57 as a discussion item.
58

59 **May 2015:** U.S. Supreme Court ruling on Reed v. Gilbert.
60

61 **September 1, 2015:** Staff presented an update to the City Council regarding the Reed case.
62

63 **February 2017:** Draft sign code released to the public for review and comment.
64

65 **March 7, 2017:** Staff presented an update to the City Council as a general discussion item.
66

67 **March 8, 2017 through March 29, 2017:** Staff held a series of citizen outreach meetings to
68 discuss the draft sign code.
69

70 **April 20, 2017:** Staff presented the 1st draft language to the Planning and Zoning Commission.
71

72 **July 6, 2017:** Focused discussion with Planning and Zoning Commission regarding Methods of
73 Measurement, Wall Signs and Freestanding Signs.
74

75 **July 20, 2017:** Focused discussion with Planning and Zoning Commission regarding Billboards,
76 Freeway Signs, and Electronic Messaging.
77

78 **August 3, 2017:** Focused discussion with Planning and Zoning Commission regarding
79 Temporary Signs.
80

81 **August 31, 2017:** Staff attended a webinar summarizing relevant events that have occurred
82 since the Supreme Court's ruling on Reed v. Gilbert.
83

84 **September 5, 2017:** The City Council approved a new city-wide Temporary Sign Policy under
85 Resolution 2017-98.

September 7, 2017: This date was initially slated for a summary of revisions and open discussion with the Planning and Zoning Commission; however, emerging case law post-Reed requires staff to step back in order to ensure the draft code is in concert with that emerging case law. As a result, the discussion originally intended for this date has been postponed to a date to be determined.

October 5, 2017: Staff presented an interim report to the Commission. Topics covered included a newly adopted Temporary Sign Policy, a proposed Model Home Complex Sign Policy, Residential Subdivision Signs, Methods of Measurement, Building Wall Signs, Class I and Class II Monument Signs, Class V and Class VI Monument Signs, Billboards, and Freeway Monument Signs.

January 4, 2018: The Commission reviewed the revisions proposed as of January 4, 2018, and asked for further clarification and revisions.

January 16, 2018: The City Council reviewed the revisions proposed as of January 4, 2017.

January 18, 2018: The Commission recommended approval of the proposed Sign Code as per attached Exhibit A.

February 6, 2018: The City Council continued the matter to a date-certain of March 6, 2018.

OUTREACH:

Staff compiled a list of potential interested parties, which includes 140 individual names as of the writing of this report. Staff also conducted four (4) outreach meetings during the month of March, 2017. Individuals were notified of the outreach meetings and were provided a link to the 1st draft of the proposed sign code. Attendance at the outreach meetings was varied; however, considerable feedback was received both verbally and written.

In addition, representatives from the International Sign Association (ISA) and Daktronics provided a demonstration on Electronic Messaging Centers (EMCs) the evening of March 14, 2017. Staff also met with members of the ISA and the Arizona Sign Association (ASA) on several occasions. These efforts resulted in additional feedback regarding the proposed code.

Staff also met separately with representatives of WeMAR as well as the Home Builder's Association of Central Arizona (HBACA). Since the August 3, 2017 Commission meeting, staff received copious emails from members of the real estate industry expressing concerns over temporary signage relating to open houses. WeMAR issued three (3) letters expressing their concerns and comments.

In addition, staff met the Surprise Regional Chamber of Commerce in an effort to better engage the business community, and presented to the Surprise Regional Chamber of Commerce on July 27, 2017 on the subject of the Surprise Sign Code Update.

Staff also met with representatives from two separate billboard companies who expressed an interest in seeing permissive language relating to billboards in the draft code. Proposed language was provided to these individuals for review and comment. One individual expressed a desire to allow billboards along the western leg of Loop 303, in addition to the corridors identified in the draft.

Staff advertised the January 18, 2018 public hearing in accordance with state statute and the SUDC. Notices were mailed via 1st Class Mail to those members of the public who provided addresses to staff for that purpose.

DISCUSSION:

The project timeline is as follows (subject to change):

- **March 6, 2018** – City Council Public Hearing
- **April 5, 2018** – Effective Date

The subject application involves potential revisions to Chapter 113 of the Surprise Municipal Code as it pertains to Signs. Staff's original intent was to re-write the sign code and include that new language in the SUDC update already in progress; however, the U.S. Supreme Court's decision regarding Reed v. Town of Gilbert necessitates that we move forward with an amendment to the Municipal Code separate and apart from the progress being made with respect to the SUCD re-write.

Staff's vision was to create a sign ordinance that meets the following objectives:

- Is clear and concise
- Based on empirical research
- Provides the appropriate level of business advertising
- Maintains a high aesthetic standard
- Is compliant with applicable law
- Expresses the identity of the city

To advance these objectives, in early 2015, staff began conducting research and gathering photographic representation of the various sign types common to the northwest valley. Then, in the spring of 2015, staff presented to both the Planning and Zoning Commission and the City Council in an effort to learn what was important to those two entities. This led to early versions of the draft code, which staff circulated internally for review and comment.

170 In the summer of 2015, however, staff learned of the U.S. Supreme Court's ruling on Reed v.
171 Gilbert. This led to staff's attendance at several seminars, webinars and workshops on the subject.
172 In response, staff changed direction slightly in order to ensure that the proposed sign code would
173 be as content-neutral as reasonably possible. Staff presented the Reed issue to the City Council on
174 September 1, 2015, and ultimately released the Version 1 draft for public review and comment in
175 the spring of 2017.

176
177 During the month of March 2017, staff conducted four stakeholder meetings. These meetings were
178 advertised in the local newspaper and posted on the city's website. Staff had also been in the
179 process of compiling a list of potential stakeholders, who were notified of the upcoming
180 stakeholder meetings via 1st Class mail and email. Attendance at these four stakeholder meetings
181 was varied; however, staff received helpful feedback and was able to implement much of the
182 feedback into the Version 2 draft.

183
184 Following the release of the Version 1 draft, members of the off-premises advertising industry
185 contacted staff to see if there was any interest in including language in the Version 2 draft that
186 would allow for billboards. Staff advised that the Version 1 draft included language such to prohibit
187 such signage, but would seek guidance from the Planning and Zoning Commission. Staff presented
188 the idea to the Commission on April 20, 2017, who indicated that billboards might be acceptable in
189 certain locations. Staff then structured the Version 2 draft such to remove the billboard prohibition
190 and create specific geographic locations where billboards might be located, in addition to the
191 physical attributes for such signage.

192
193 The Commission also held four public meetings during the summer of 2017 for the purpose of
194 working through the various complexities of the draft code. While these public meetings were not
195 public hearings per se, staff advised the members of the stakeholder group of these meetings and
196 the Commission allowed public input.

197
198 Staff continued to revise the language of the Version 2 draft, but was advised of emerging case law
199 post-Reed that could have an impact on the proposed language. In order to keep the matter front
200 and center with the Commission, staff scheduled another public meeting in October of 2017 to
201 discuss the efforts to-date.

202
203 Staff presented the finalized Version 2 draft to the Commission as a discussion item on January 4,
204 2018, which led to additional revisions and questions. During this meeting, the Commission
205 expressed a difference of opinion as to how to address both small and large A-frame signs. In
206 response, staff created two alternatives for each issue and presented those alternatives to the
207 Commission during the public hearing conducted on January 18, 2018. In addition, the Commission
208 requested more information regarding monument signs and billboards.

Staff also presented the Version 2 draft to the City Council during a work session on January 16, 2018. The Council expressed concerns over the size and frequency of monument signage, billboards, and temporary signs, and requested additional graphics leading into the public hearing scheduled for February 6, 2018. Staff is in the process of preparing said graphics for presentation on February 6th.

Staff presented the Version 3 draft to the Commission on January 18, 2018. This draft included refinements to the language based on the Commission's input and included two alternatives for each the small and large A-frame issues. The Commission heard testimony from the public and voted separately to:

- Approve Exhibit B with respect to small A-Frame signs and to incorporate a 500 foot limit
- Approve Exhibit C with respect to large A-Frame signs as written
- To incorporate certain corrections related to typographical errors
- To incorporate certain revisions as they relate to the sign area, height, and sign face of billboards along the Loop 303 Corridor
- To recommend approval of Version 3 with the changes as noted above.

The City Council heard the matter on February 6, 2018 and continued the matter until a date certain of March 6, 2018. Since that hearing, staff has revised the draft code to reflect concerns expressed by the Council on that date regarding billboards, allowing placement of Class II Temporary Signs along commercial street frontage at 200' separation, adding clarifying language, and to address scrivener's errors. For clarity of record, and to provide the City Council with information regarding the **February 20, 2018 Post-P&Z Revisions**, staff offers the following discussion:

Table of Contents: The term "Billboard Signs" is stricken from the Table of Contents.

Section 113-01 – Title; Findings; Purpose; Intent; and Limitations: A scrivener's error is corrected under subsection C:

- C. **Purpose:** The purpose of this Chapter is to safeguard the public interest from the negative impacts of *signs* thus ensuring the protection of property values, the character of neighborhoods, and the creation of a convenient, attractive and harmonious community, while encouraging economic prosperity.

Section 113-06 – Definitions: The following definitions were revised:

Sign, freestanding ground: A *sign* that is erected on its own self-supporting structure, detached from any supporting elements of a *building*, but not a billboard sign or off-premises sign.

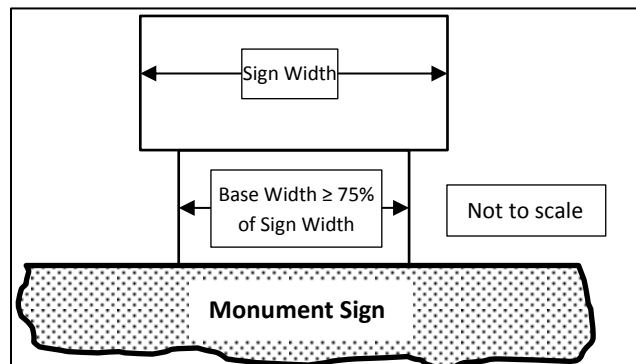
Sign, Freeway Monument: A *pylon sign* which is located along a freeway right-of-way and intended to display a *commercial message* relating to the commercial center on which the *sign* is located. Freeway monument signs are not considered billboard signs.

Sign, governmental: A sign erected by or on behalf of a governmental body, including but not limited to a sign to post legal notices, identify public property, convey public information, or direct or regulate pedestrian or vehicular traffic.

Sign, Inflatable: Any on-premises 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, Monument: A freestanding ground sign with a base that is at least 75 percent of the width of the sign, intended to display a message relating to the property on which the sign is located. Monument Signs are not considered billboard signs.



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.



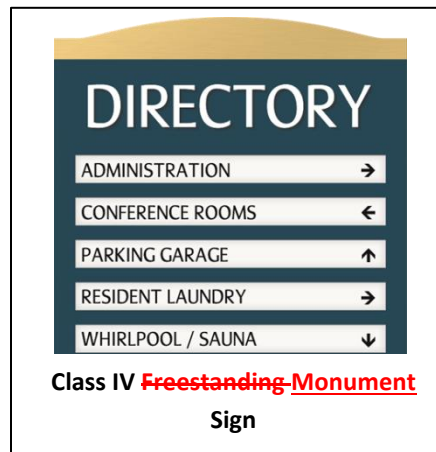
Sign, Monument, Class II: Commonly referred to as a “preview sign”, a Class II Monument Sign is a *monument sign* associated with the drive-through lanes of a *drive-through business*, and which is not equipped with a loudspeaker or microphone.



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.



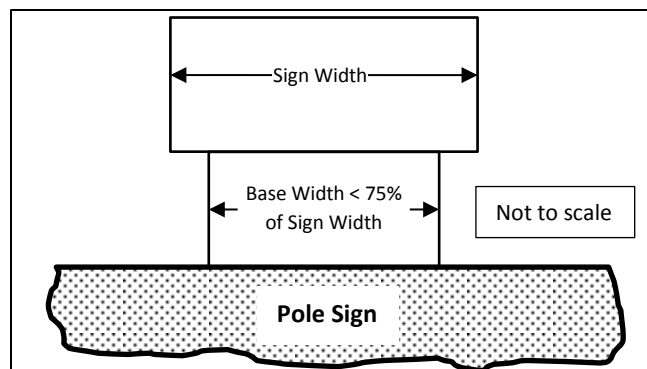
Sign, Monument, Class IV: Commonly referred to as a “directory sign”, a Class IV Monument Sign is a *monument sign* typically associated with a pedestrian promenade or parking lot drive aisle.



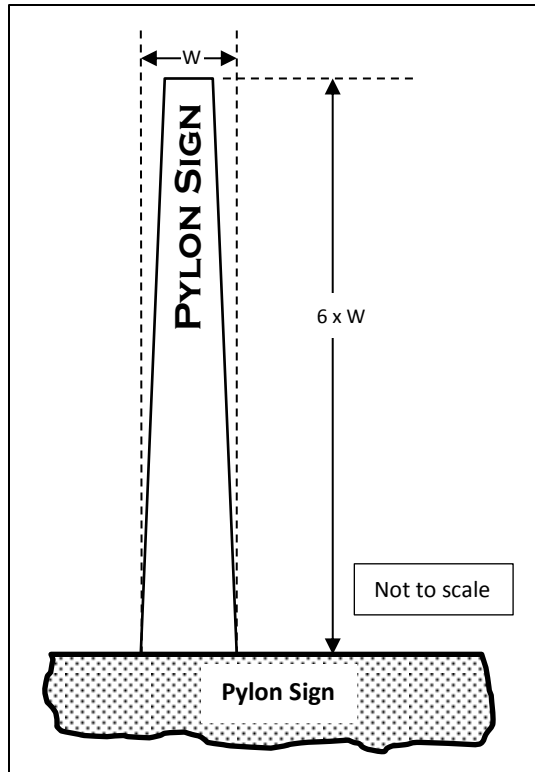
Sign, Off-premises: A Class I Temporary Sign or Class II Temporary Sign Any sign, other than a billboard sign, that directs attention to an activity, business, commodity, service, entertainment, product, or attraction sold, offered, or existing elsewhere than upon the property where the sign is located.

Sign, permanent: An on-premises sign that due to its physical characteristics and method of attachment is intended for permanent display.

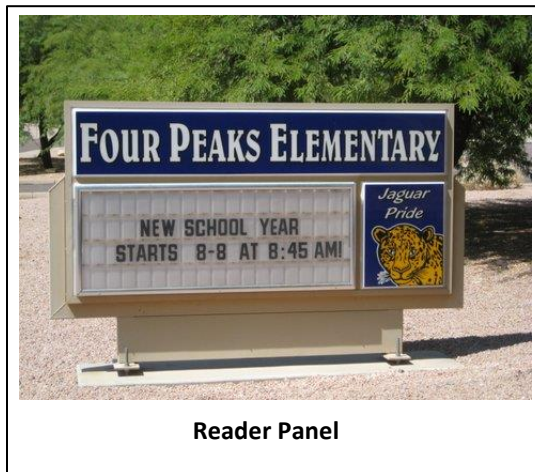
Sign, Pole: An on-premises freestanding ground sign where the width of the supporting poles, uprights or braces are collectively less than 75 percent of the width of the sign. For purposes of this Chapter, a light pole banner is not considered a pole sign. (See also “Sign, Monument” and “Sign, Pylon”.)



Sign, Pylon: An on-premises 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: An on-premises sign in which the individual characters of the *sign copy* may be changed manually and immediately, but not including Electronic Messaging.



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. A Roadway Arch Sign is not considered a billboard sign.



Roadway Arch Sign

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



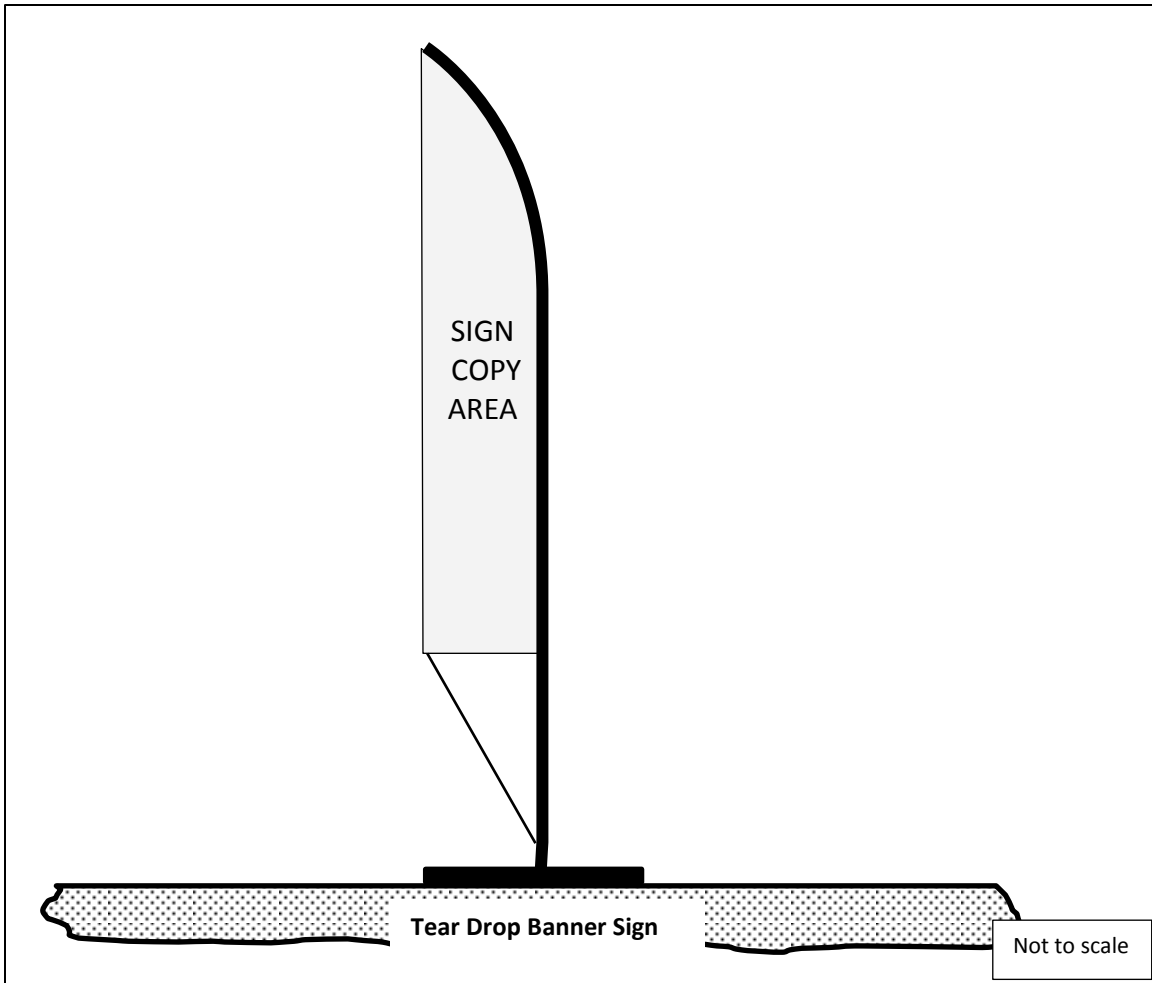
Roof Sign

Sign, Shingle: An on-premises sign suspended from, and located entirely under a covered porch, walkway, canopy or awning.

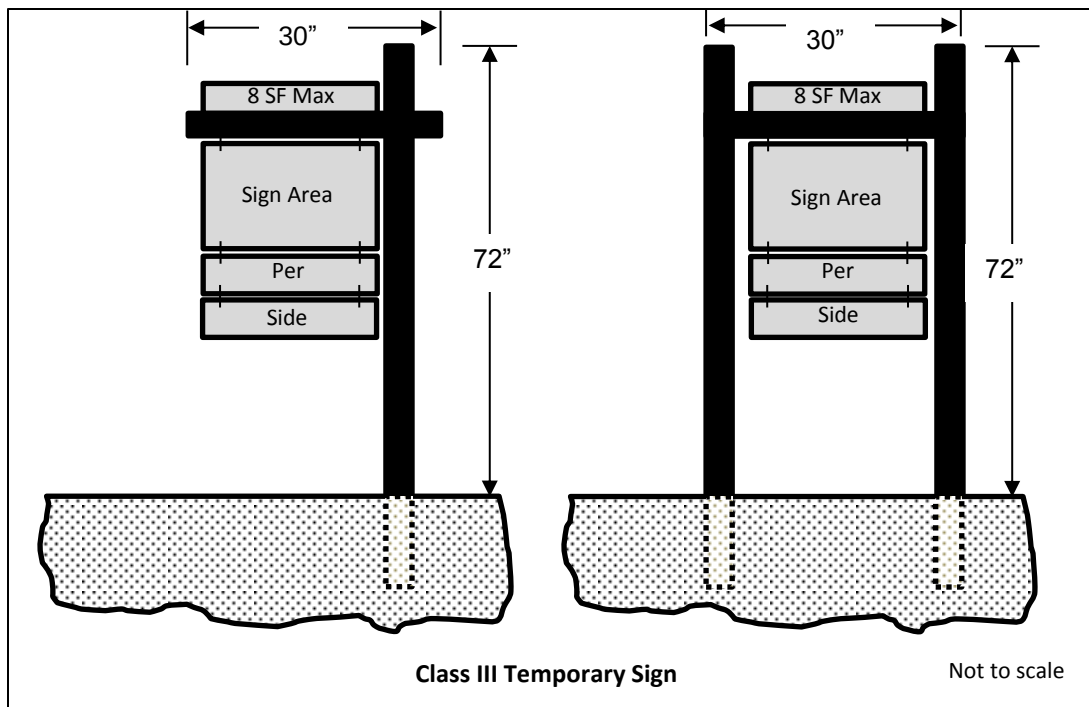


Shingle Sign

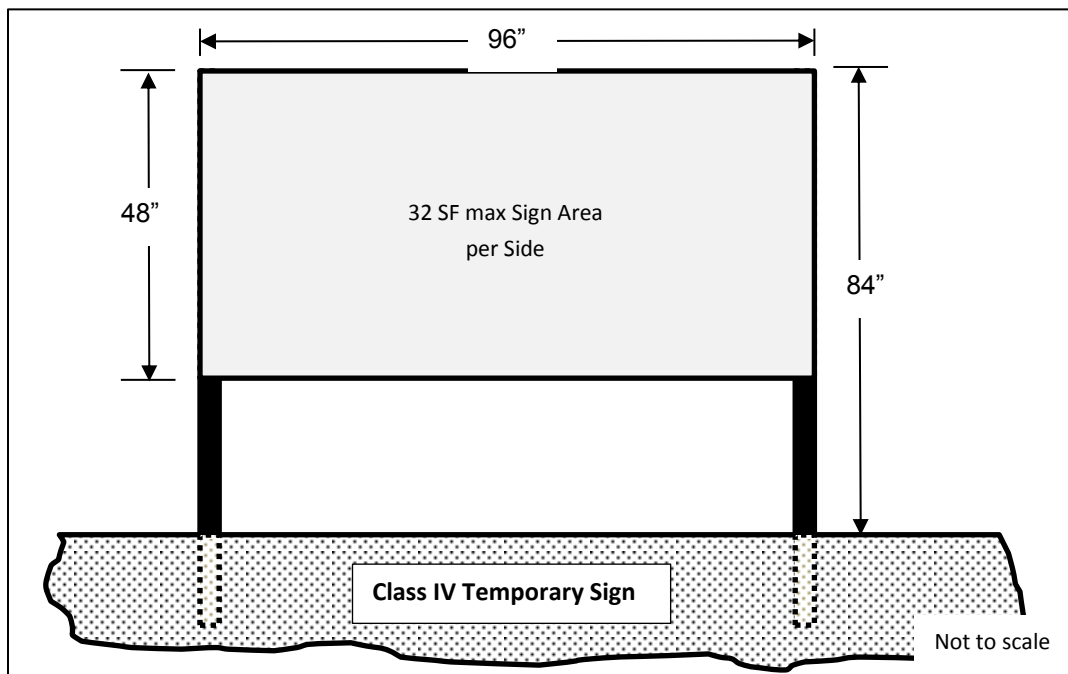
Sign, Teardrop Banner: An on-premises sign consisting of a narrow strip of fabric material which is attached to a flexible or partially flexible pole in a vertical manner.



Sign, Temporary, Class III (Small Post Sign): An on-premises 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: An *on-premises* 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 Walker: A ~~live~~ person carrying a *portable sign* intended to convey a message to motorists and passersby.



Section 113-07 – Permitted and Prohibited Signs

Sub-sections 113-07.A through H revised as follows:

- A. **Permitted Signs by Zoning District** – Only those *sign* types and classes that are specifically listed in Table 113-07.A for each zoning district may be allowed, subject to the provisions outlined elsewhere in this Chapter.

TABLE 113-07.A – PERMITTED SIGNS (P=Permitted, shaded cell = Not Permitted, C = Conditional Use Permit)											
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											
113-09.A.2	Class I Temporary Signs (Small A-Frame Signs)	P	P	P	P	P	P	P	P	P	P
113-09.A.3	Class II Temporary Signs (Large A-Frame Signs)			P	P	P	P	P	P	P	P
113-09.A.4	Class III Temporary Signs (Small Post Signs)			P	P	P	P	P	P		P
113-09.A.5	Class IV Temporary Signs (Large Post Signs)			P	P	P	P	P	P		P
113-09.A.6	Banner Signs and Festoons			P	P	P	P	P	P		P
113-09.A.7	Light Pole Banner Signs	P	P		P	P	P	P	P		P
113-09.A.8	Teardrop Banner Signs			P	P	P	P	P	P	P	P
113-09.A.9	Sign Walkers	P	P	P	P	P	P	P	P	P	P
113-09.A.10	Model Home Complex Signs			P				P			
113-09.A.11	Residential Subdivision Signs			P				P			
BUILDING MOUNTED SIGNS											
113-09.B.1	Building Wall Signs			P	P	P	P		P		P
113-09.B.2	Blade Signs			P	P	P	P		P		P
113-09.B.3	Canopy Signs				P	P	P		P		P
113-09.B.4	Marquee Signs						P				P
113-09.B.5	Awning Signs						P		P		P
113-09.B.6	Hanging Signs					P	P	P	P		P
113-09.B.7	Window Signs and Screens			P	P	P	P	P	P		P

FREESTANDING GROUND SIGNS											
113-09.C.1	Class I Monument Signs (Menu Signs)						P		P		
113-09.C.1	Class II Monument Signs (Preview Signs)						P		P		
113-09.C.2	Class III Monument Signs (Directional Signs)	P	P	P	P	P	P	P	P	P	P
113-09.C.3	Class IV Monument Signs (Directory Signs)				P	P	P		P		
113-09.C.4	Class V Monument Signs (Minor Monument Signs)			P	P	P	P		P		P
113-09.C.5	Class VI Monument Signs (Major Monument Signs)				P	P	P		P		P
113-09.C.6	Roadway Arch Signs	P	P				P		P		
113-09.C.7	Subdivision Perimeter Wall Signs			P	P	P	P				P
113-09.C.8	Freeway Monument Signs						C				
113-09.D	Billboard Signs						C				
OTHER SIGNAGE											
113-11	Level 1 Electronic Messaging			P	P	P	P	P	P		P
113-11	Level 2 Electronic Messaging				P	P	P		P		P
113-12	Reader Panels			P	P	P	P	P	P		P
113-13	Address Identification			P	P	P	P	P	P	P	P
113-14	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, ~~except for those signs erected by, or on behalf of the City of Surprise, or as otherwise expressly permitted in this Chapter, 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 113-09.A.2 and 113-09.A.3 below.~~
- C. **Signs in the Private Street Right-of-way:** Signs are not permitted within private street rights-of-way, ~~except when associated with an approved Planned Area Development (PAD) or Comprehensive Sign Program (CSP), as required by the City of Surprise, or as otherwise permitted in this Chapter, 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, ~~except as otherwise permitted in this Chapter or where, 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, Pole Signs of a permanent nature, Snipe Signs, and Median 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;

- 411 5. Merchandise, equipment, products or other items which are not available for
412 purchase, but are intended to attract attention, or for identification or advertising
413 purposes;
414
415 6. *Signs* located on trees, utility poles, public benches, or any other form of public
416 property, or within any public right-of-way, unless explicitly permitted by these
417 regulations;
418
419 7. *Signs* containing vulgar or profane messages, hate speech, or language intended
420 to incite violence.
421
422 8. *Signs* greater than thirty (30) inches in height and which are located within any
423 sight visibility triangle of any street or driveway intersection as required by the
424 Surprise Engineering Design Standards.
425
426 9. *Signs* not expressly permitted as being allowed by right under this Chapter, or by
427 specific requirements in another portion of this Chapter, or otherwise expressly
428 allowed by the City of Surprise Board of Adjustment.
429
430 10. *Signs* placed in locations that are deemed by the City of Surprise to present a
431 hazard to public safety, obstruct clear vision in the area, or interferes with the
432 requirements of the Americans with Disabilities Act (42 United States Code
433 sections 12101 through 12213 and 47 United States Code sections 225 and
434 611).
435

436 11. *Billboard Signs*
437

- 438 G. **Signs Exempt from these Regulations** – The following *signs* are exempt from
439 regulation under this Chapter:
440
441 1. ~~*Governmental Signs. Any public purpose or public safety sign, or any other notice*~~
442 ~~*or warning required by a valid and applicable federal, state or local law,*~~
443 ~~*regulation, or resolution, and posted by or on behalf of a governmental agency;*~~
444
445 2. Any *sign* that is not visible from another property to the naked eye, provided said
446 *sign* otherwise meets applicable Building Code requirements and the
447 requirements of Sections 113-10, 113-11 and 113-12 herein.
448
449 H. **Violation** – Any *sign* that is not in compliance with this Section is in violation of this
450 ~~e~~Ordinance.
451

452 **Section 113-08 – General Provisions**
453

454 Paragraph 113-08.A.3 under Permitting Requirements revised as follows:
455

- 456 3. **Exceptions from the Permitting Requirement:** The following *sign* types are
457 exempt from the permitting requirement:
458
459 a) *Temporary Signs*
460
461 b) *Sign Walkers*
462
463 c) *Window Signs*, provided the *sign* is not electrically connected to the *building*
464

- 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*~~

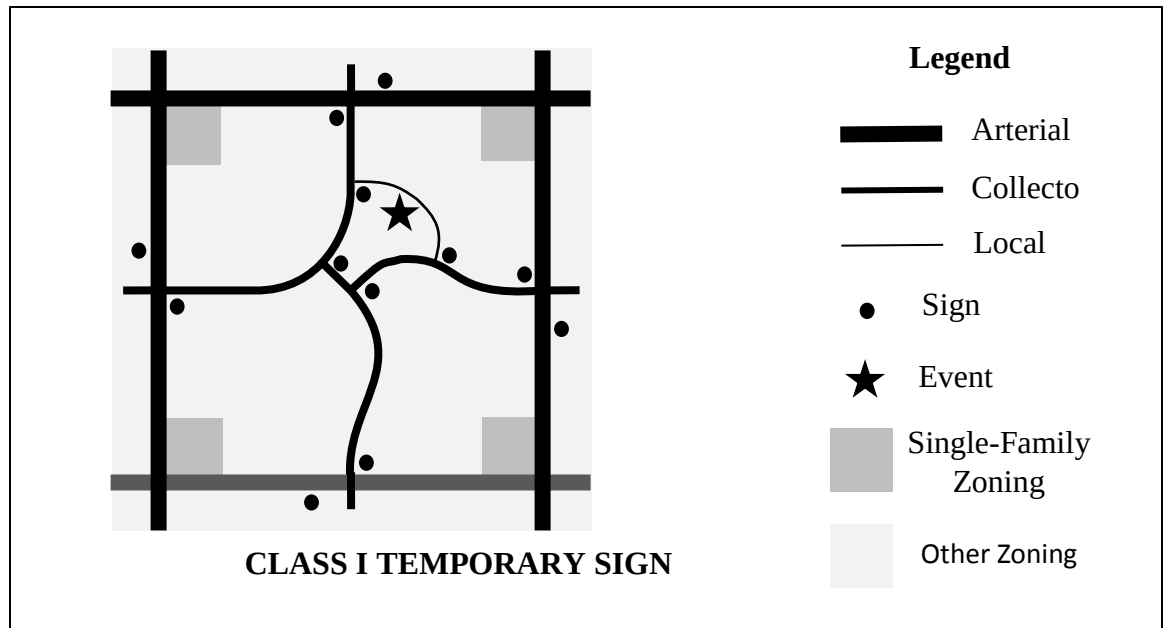
Paragraph 113-08.B.4 under Sign Quality, Construction, and Aesthetics revised as follows:

- 4. Unless specifically approved by the ~~Planning and Zoning Commission~~ City Council through a Comprehensive Sign Program or Conditional Use Permit for other than Freeway Monument Sign, as applicable, supporting elements for all *signs* shall appear to be free of any angle iron, bracing, guy wires or similar features.

Section 113-09 – Sign Classifications and Types

Sub-sections 113-09.A.2 and A.3 regarding Class I and Class II Temporary Signs revised as follows:

- 2. ***Class I Temporary Signs (Small A-Frame Signs):*** *Class I Temporary Signs*, as defined herein, are allowed subject to the General Requirements as stated above plus the following:
 - a) *Class I Temporary Signs* are only allowed in conjunction with a *Lawful Temporary Event* being held on land zoned for single-family residential uses.
 - b) *Class I Temporary Signs* may be placed in the following locations when in association with a *Lawful Temporary Event* occurring on land zoned for single-family residential uses:
 - i) One (1) *Class I Temporary Sign* at the site of the *Lawful Temporary Event*,
 - ii) One (1) *Class I Temporary Sign* at each local or collector street intersection leading from the site of the *Lawful Temporary Event* to the adjacent arterial street grid,
 - iii) Two (2) *Class I Temporary Sign* at the point where the local or collector street intersects with the arterial street. One (1) *sign may be located at the corner of the intersection on the side of the arterial street closest to the Lawful Temporary Event. A second sign may be located on the opposite side of the arterial street from where the Lawful Temporary Event is occurring,* provided said *sign* is no further than 500 feet from the intersection.



- c) When allowed, *Class I Temporary Signs* may be located within the street right-of-way, but not within any median, vehicle or bicycle travel lane, or sidewalk, nor within any sight visibility triangle as outlined in Standard Details 4-01 and 4-02 of the Surprise Engineering Development Standards.
- d) 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.
- e) The *sign* may be weighted or ballasted; however, no such *sign* may be affixed to the ground or to any permanent *structure*.
- f) *Class I Temporary Signs* may be placed one (1) hour before the start of ~~the~~ Lawful Temporary Event and shall be removed not more than one (1) hour after the end of ~~the~~ Lawful Temporary Event that occurs between the hours of 9:00 AM and 6:00 PM on Mondays, Tuesdays, Wednesdays, and Thursdays. In addition, Class I Temporary Signs may be placed for any length of time between the hours of 4:00 PM Friday and 11:00 PM Sunday.
- g) If the *Lawful Temporary Event* being served by the *Class I Temporary Sign* requires a Temporary Use Permit, the locations of the *Class I Temporary Signs* shall be included with the application materials.

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

Class II Temporary Signs, as defined herein, are allowed subject to the General Requirements as stated above plus the following:

- a) *Class II Temporary Signs* are only allowed in conjunction with a lawful commercial use including *Cottage Industries*, but not *Home Occupations*, ~~or in conjunction with a Lawful Temporary Event being held on land zoned for single-family residential uses.~~

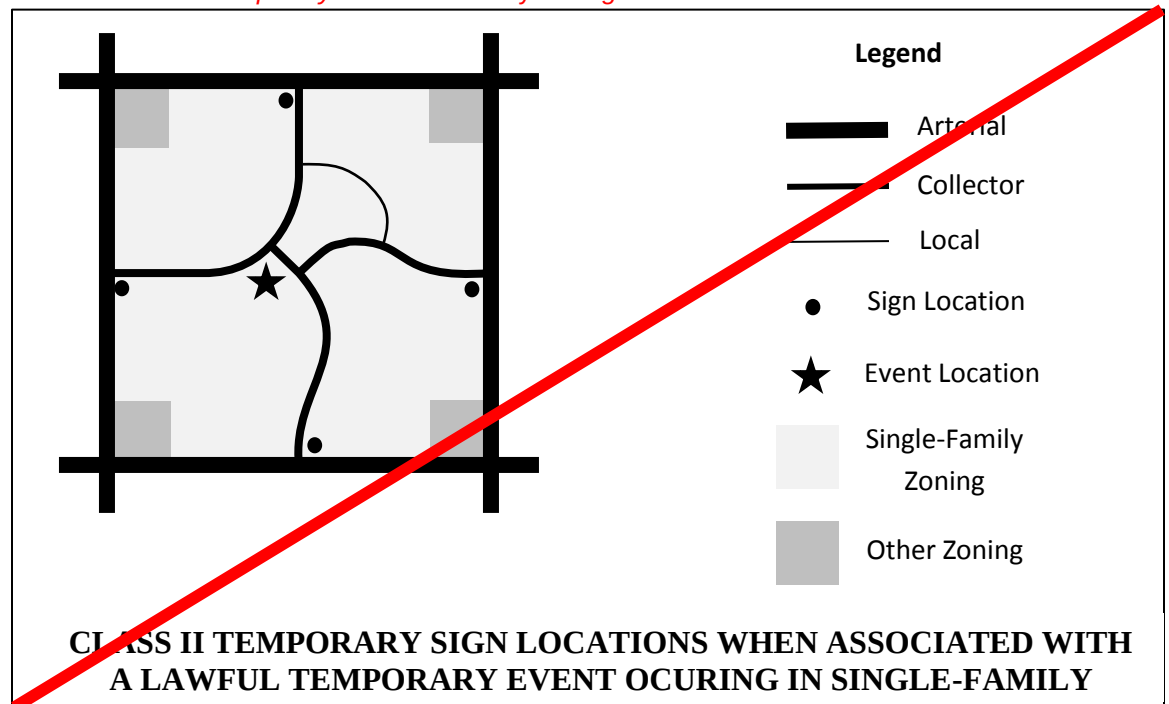
b) When a *Class II Temporary Sign* is being utilized in conjunction with a lawful commercial use, one (1) such *sign* may be located within 15' of the doorway of the customer entrance to the *building* in which the lawful commercial use is ~~occurring~~ located.

~~c) When a *Class II Temporary Sign* is being utilized in conjunction with a *Lawful Temporary Event* located on land zoned for single-family residential uses, the following locational requirements apply:~~

~~i) One (1) *Class II Temporary Sign* may be placed at the site of the *Lawful Temporary Event*,~~

~~ii) One (1) *Class II Temporary Sign* may be placed at the point where the local street or collector street intersects with the arterial street grid.~~

~~iii) In no circumstance shall a street other than a local street or collector street be located between a *Class II Temporary Sign* and the *Lawful Temporary Event* served by the sign.~~



~~d)~~ e) When allowed, *Class II Temporary Signs* may be located within the street right-of-way, but not within any median, vehicle or bicycle travel lane, or sidewalk, nor within any sight visibility triangle as outlined in Standard Details 4-01 and 4-02 of the Surprise Engineering Development Standards.

~~e)~~ f) 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.

~~f)~~ g) The *sign* may be weighted or ballasted; however, no such *sign* may be affixed to the ground or to any permanent *structure*.

~~g) *Class II Temporary Signs* associated with a *Lawful Temporary Event* located on land zoned for single-family residential uses may be placed between the hours of 4:00 PM Friday to 11:00 PM Sunday. Otherwise, *Class II Temporary Signs*~~

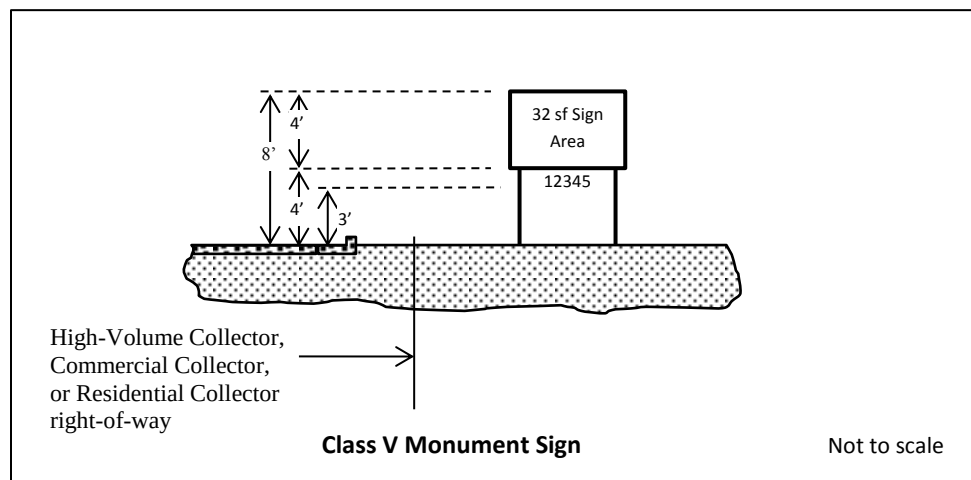
utilized in conjunction with a lawful commercial use may be displayed during the business hours of the business served by the *Class II Temporary Sign*.

~~h) If the Lawful Temporary Event being served by the Class II Temporary Sign requires a Temporary Use Permit, the locations of the Class II Temporary Signs shall be included with the application materials.~~

Sub-sections 113-09.C.4 through C.5 regarding Class V Monument Signs, Class IV Monument Signs and Roadway Arch Signs revised as follows:

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) One (1) *Class V Monument Sign* meeting the requirements outlined below is permitted for every 150 feet of collector or arterial street frontage or portion thereof, regardless of the presence or location of driveway, provided sight distance requirements are met. The minimum spacing between individual *Class V Monument Signs*, or between a *Class V Monument Sign* and a *Class VI Monument Signs*, located on the same property shall be not less than 150 feet measured radially.
- c) When allowed, 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 maximum *sign area* exceed 32 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*. The height of the sign structure may extend an additional two (2) feet above the face if the sign provided said extension is limited to non-illuminated architectural embellishments and contains no sign copy.



- 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 113-13.

- 616 e) *A Class V Monument Sign* shall be located within a landscape area not less than
617 80 square feet.
- 618
- 619 f) *Class V Monument Signs* shall be setback not less than two (2) feet from the
620 right-of-way line except that in the event a Public Utility Easement is present, in
621 which case the *sign* shall be setback not less than two (2) feet from the
622 easement.
- 623
- 624 g) *Class V Monument Signs* may be *internally illuminated, back-lit or externally*
625 *illuminated* in accordance with the requirements set forth in Section 113.10.
- 626
- 627 h) *Level 1 Electronic Messaging* and *Level 2 Electronic Messaging* are permitted on
628 a *Monument Sign*, subject to the provisions outlined in Section 113-11.
- 629
- 630 5. ***Class VI Monument Signs (Major Monument Signs)***
- 631
- 632 a) *Class VI Monument Signs* are permitted in conjunction with non-residential uses
633 in a non-residential zone or that portion of a Planned Area Development where
634 the land use plan of the PAD specifically calls out non-residential uses.
- 635
- 636 b) *Class VI Monument Signs* shall only be located adjacent to a Parkway, Major
637 Arterial street, Minor Arterial street, or along Grand Avenue. When allowed, one
638 (1) *Class VI Monument Sign* meeting the requirements outlined below is
639 permitted for every ~~150300~~ feet of said roadway or portion thereof, regardless of
640 the presence or location of driveway, provided sight distance requirements are
641 met. The minimum spacing between individual *Class VI Monument Signs* located
642 on the same property shall be not less than ~~150300~~ feet measured radially. The
643 minimum spacing between *Class V Monument Signs* and *Class VI Monument*
644 *Signs* located on the same property shall not be less than 150 feet measured
645 radially. Properties with less than ~~150300~~ feet of Parkway, Major Arterial street,
646 Minor Arterial street, or Grand Avenue frontage shall not be permitted any *Class*
647 *VI Monument Sign*.
- 648
- 649 c) ~~No if a~~ *Class VI Monument Sign* ~~is~~ may be located within 80 feet of a property
650 having single-family residential zoning. The height of a *Class VI Monument Sign*
651 located 80 feet or more from a property having single-family zoning, the height of
652 the *Class VI Monument Sign* shall not exceed eight (8) feet at 80- feet distant;
653 however, the height of a *Class VI Monument Sign* may increase one and one-half
654 (1.5) foot for every additional ten (10) feet of horizontal distance the *sign* is
655 located away from a property having single-family residential zoning up to a
656 maximum height of seventeen (17) feet, provided however that any height in
657 excess of fifteen (15) feet shall be limited to architectural embellishments.
- 658

Sub-sections 113-09.C.8 regarding Freeway Monument Signs revised as follows:

8. **Freeway Monument Signs:** *Freeway Monument Signs* may be permitted as outlined in this Section:

a) **State Route 303 Corridor:** *Freeway monument signs* may be located within the following portions of the **State Route 303 Corridor**, subject to prior approval of a Conditional Use Permit to be processed as a Type IV Application in accordance with Section 122-~~154~~155 of the Surprise Unified Development Code:

i. **State Route 303 and U.S. 60:** An area of land generally located at the intersection of State Route 303 and U.S. 60, being situated in the south half of Section 18 and the north half of Section 19, Township 4 North, Range 2 West and the south half of Section 36, Township 4 North Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at a point located at Longitude 112°24'13" West by Latitude 33°40'49" North, thence southwesterly along a line bearing N43°00'58"E a distance of 1,320 feet to the beginning of a non-tangent curve the center of which is said Longitude and Latitude; thence clockwise along the arc of said curve a distance of approximately 2,070 feet, thence departing said arc southeasterly along a line bearing N46°13'20"W a distance of 1,320 feet to the to the POINT OF BEGINNING.

ii. **State Route 303 and Bell Road:** An area of land generally located at the intersection of State Route 303 and Bell Road, being situated in the north half of Section 1, Township 3 North, Range 2 West and the south half of Section 36, Township 4 North Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the North Quarter Corner of said Section 1, thence easterly along the north line of the northeast quarter of said Section 01 a distance of 850 feet to the beginning of a non-tangent curve the center of which is said North Quarter Corner; thence clockwise along the arc of said curve a distance of approximately 4,000 feet to a point on the east line of the southwest quarter of said Section 36, thence departing said curve, southerly along said east line a distance of 850 feet to the POINT OF BEGINNING.

iii. **State Route 303 and Greenway Road:** An area of land generally located at the intersection of State Route 303 and Greenway Road, being situated in the southeast quarter of Section 1 Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the South Quarter Corner of said Section 01, thence northerly along the west line of said southeast quarter a distance of 450 feet to the beginning of a non-tangent curve the center of which is said South Quarter Corner; thence clockwise along the arc of said curve a distance of approximately 700 feet to a point on the south line of said southeast quarter; thence departing said curve, westerly along said south line a distance of 450 feet to the POINT OF BEGINNING.

- iv. **State Route 303 and Cactus Road:** An area of land generally located at the intersection of State Route 303 and Cactus Road, being situated in the northeast quarter of Section 24 Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:
- BEGINNING at the North Quarter Corner of said Section 24; thence easterly along the north line of said northeast quarter a distance of 850 feet to the beginning of a non-tangent curve the center of which is said North Quarter Corner; thence clockwise along the arc of said curve approximately 1340 feet to a point on the west line of said northeast quarter; thence departing said curve, northerly along said west line a distance of 850 feet to the POINT OF BEGINNING.
- v. All *freeway monument signs* located within the aforementioned locations are subject to the provisions in Paragraph 113-09.C.9.b through e.
- b) **Additional Locational Requirements:** The following additional locational requirements apply for all *freeway monument signs* regardless of where in the corridor it is located:
- i. *Freeway monument signs* may only be approved on lands zoned for Commercial or Industrial uses.
- ii. No *freeway monument sign* shall be located within 300 feet of a property zoned for Residential uses, or any open space tract that is associated with a residential development.
- iii. *Freeway monument signs* shall not be located closer than twenty (20) feet from the adjacent right-of-way.
- ~~iv. No freeway monument sign shall be approved within 660 feet of any billboard sign approved or existing at the time of Conditional Use Permit application for the freeway monument sign in question.~~
- iv. Spacing between *freeway monument signs* shall be not less than 750 feet, unless separated by a freeway or arterial-right of-way.
- vi. *Freeway monument signs* shall not be allowed within a natural or manmade watercourse;
- c) **Dimensional Requirements:** The following dimensional requirements apply for all *freeway monument signs* regardless of the corridor in which it is located:
- i. The overall height of a *freeway monument sign* shall not exceed sixty-five (65) feet as measured from the finished grade of the site where the *freeway monument sign* is located to the highest point of the *sign structure*.
- ii. *Freeway monument signs* shall be allowed an extra three (3) feet in height for architectural embellishments.
- iii. The *sign area* of a *freeway monument sign* shall not exceed 650 square feet.

- 807
- 808 d) **Design Requirements:** The following design requirements apply for all *freeway*
- 809 *monument signs* regardless of the corridor in which it is located:
- 810
- 811 i. *Freeway monument signs* may incorporate *Level 2 Electronic Messaging*
- 812 *Centers* as outlined Section 113-11 herein, except that *Electronic*
- 813 *Messaging Centers* used in *freeway monument sign* applications may
- 814 occupy up to 50% of the allowable *sign area* of the *sign*, exclusive of
- 815 architectural embellishments as required herein, and provided such
- 816 *Electronic Messaging Centers* are turned off between 11:00 PM and
- 817 dawn.
- 818
- 819 ii. *Freeway monument signs* shall incorporate architectural features of the
- 820 commercial development on which the sign is located; however, such
- 821 embellishments shall not include any sign copy.
- 822
- 823 iii. *Freeway monument signs* shall require a landscaped area equal to four
- 824 square feet of landscaping for each square foot of sign area and shall be
- 825 located around the base of the sign; Freeway monument signs may be
- 826 illuminated by externally-illuminated indirect or internal lighting;
- 827
- 828 e. Any Conditional Use Permit approval is hereby conditioned upon the applicant
- 829 obtaining a valid construction permit for the *freeway monument sign* approved
- 830 under said Conditional Use Permit. The applicant shall obtain Certificate of
- 831 Completion from the City of Surprise within six (6) months of approval of the
- 832 Conditional Use Permit by the ~~Planning and Zoning Commission~~ City Council.
- 833 Failure to obtain a Certificate of Completion within the designated time allotment
- 834 shall render the Conditional Use Permit null and void; however, the City Manager
- 835 or designee may grant a one-time extension for a period not to exceed six (6)
- 836 months when in the opinion of the City Manager or designee the circumstances
- 837 warrant such.
- 838

839 Section 113-09.D regarding Billboard Signs was stricken in its entirety:

840

841 ~~D. **Billboard Signs:** *Billboard Signs* may be permitted as outlined in this Section:~~

842

843 ~~1. **U.S. 60 Corridor:** *Billboard Signs* may be located within that portion of the **U.S.**~~

844 ~~**60 Corridor** between the eastern line of Section 03, Township 03 North, Range~~

845 ~~01 West (Dysart Road) and the north/south mid-section line of Section 03,~~

846 ~~Township 04 North, Range 02 West, subject to prior approval of a Conditional~~

847 ~~Use Permit in accordance with Section 122-154 of the Surprise Unified~~

848 ~~Development Code. All *billboard signs* located within the aforementioned~~

849 ~~corridor are subject to the provisions in Paragraph 113-09.D.3 through 5 and the~~

850 ~~following:~~

851

- 852 ~~a. No *billboard sign* shall be located within 2,640 feet of the intersection of U.S. 60~~
- 853 ~~and State Route 303, specifically defined as a point located at Longitude~~
- 854 ~~112°24'13"W by Latitude 33°40'49"N.~~
- 855
- 856 ~~b. No *billboard sign* shall be located within 1,320 feet of the intersection of U.S. 60~~
- 857 ~~and Bell Road, specifically defined as a point located at Longitude 112°21'02"W~~
- 858 ~~by Latitude 33°38'19"N.~~
- 859

- c. ~~The overall height of a billboard sign within the U.S. 60 Corridor shall not exceed thirty (30) feet as measured from the adjacent roadway to the top of the sign structure, exclusive of architectural embellishments as permitted in this Section.~~
- d. ~~The overall dimensions of the sign panel associated with a billboard sign within the U.S. 60 Corridor shall not exceed thirty-six (36) feet in width and 10.6 feet in height for a total sign area not to exceed 381.6 square feet, exclusive of architectural embellishments as permitted in this Section.~~
2. ~~**State Route 303 Corridor:** Billboard Signs may be located within that portion of the State Route 303 Corridor between a specific point located at Longitude 112°21'35"W by Latitude 33°41'48"N and the East line of Section 16, Township 04 North, Range 01 West, subject to prior approval of a Conditional Use Permit in accordance with Section 122-154 of the Surprise Unified Development Code. All billboard signs located within the aforementioned corridor are subject to the provisions in Paragraph 113-09.D.3 through 5 and the following:~~
- a. ~~No billboard sign shall be located within 2,640 feet of the intersection of U.S. 60 and State Route 303, specifically defined as a point located at Longitude 112°24'13"W by Latitude 33°40'49"N.~~
- b. ~~Billboard signs located within the State Route 303 corridor as defined above shall serve eastbound and/or westbound traffic, but shall only be located north of the freeway right-of-way. Further, where a billboard sign is located within the State Route 303 Corridor, at least one (1) sign face shall consist of an Electronic Messaging Center.~~
- c. ~~The overall height of a billboard sign within the State Route 303 Corridor shall not exceed forty-five (45) feet as measured from the adjacent roadway to the top of the sign structure, exclusive of architectural embellishments as permitted in this Section.~~
- d. ~~The overall dimensions of the sign panel associated with a billboard sign within the State Route 303 Corridor shall not exceed forty-eight (48) feet in width and fourteen (14) feet in height for a total sign area not to exceed 672 square feet, exclusive of architectural embellishments as permitted in this Section.~~
3. ~~**Additional Locational Requirements:** The following additional locational requirements apply for all billboard signs regardless of the corridor in which it is located:~~
- a. ~~Billboard signs may only be approved in the CN, CC, CR, BP, IP, PF or ILM zoning districts, or if located within a Planned Area Development (PAD), that portion of the PAD in which the approved land use plan specifically calls out commercial, industrial or employment uses.~~
- b. ~~Notwithstanding the Union Pacific Railroad right-of-way, no billboard sign shall be located within 300 feet of a property zoned for Residential uses, or any open space tract that is associated with a residential development.~~
- c. ~~Billboard signs shall not be located closer than twenty (20) feet from the U.S. 60 or State Route 303 right-of-way line and not further than 200 feet from said right-of-way line.~~

d. ~~No billboard sign shall be approved within 660 feet of any Freeway Monument Sign existing at the time of Conditional Use Permit application for the billboard sign in question.~~

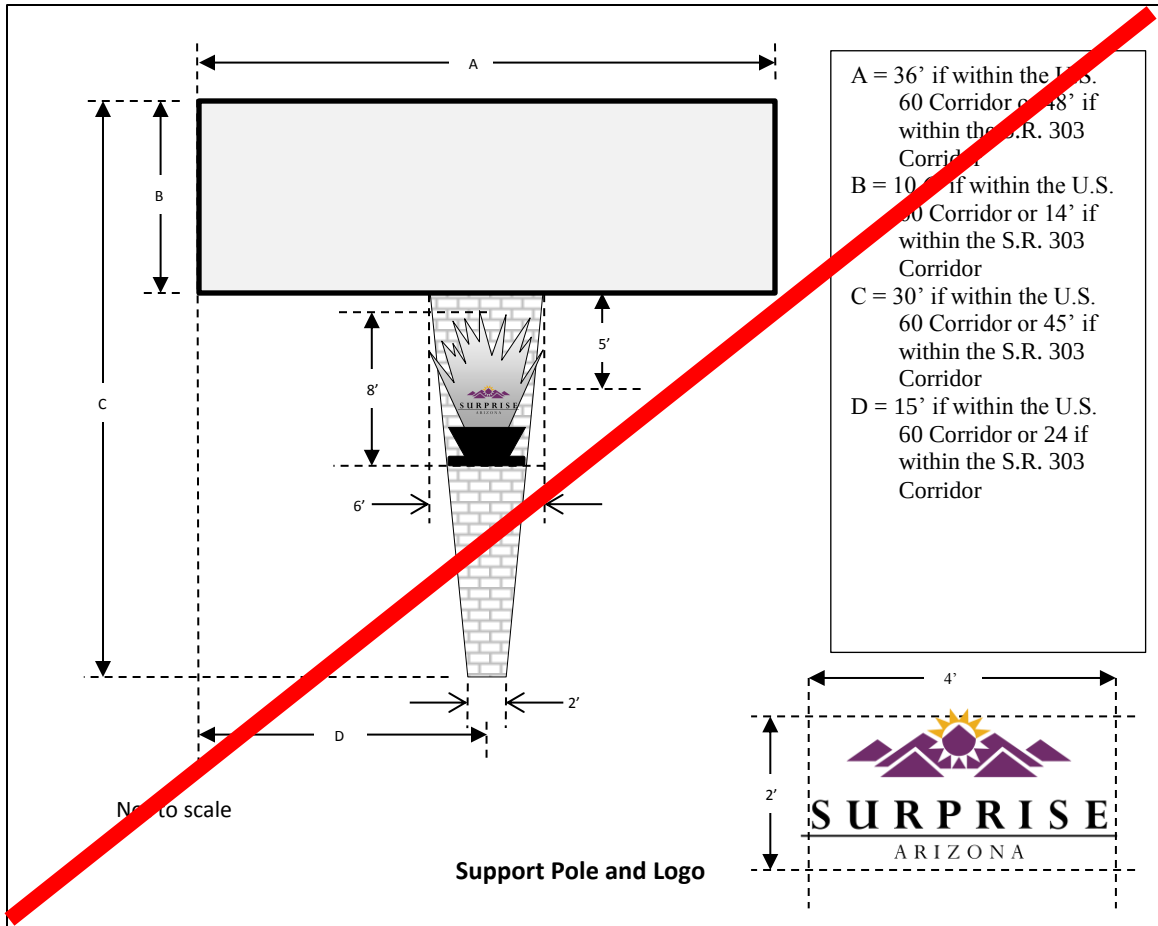
e. ~~No billboard sign shall be approved within 2,640 of any billboard sign approved or existing at the time of Conditional Use Permit application for the billboard sign in question.~~

4. ~~**Design Requirements:** The following design requirements apply for all billboard signs regardless of the corridor in which it is located:~~

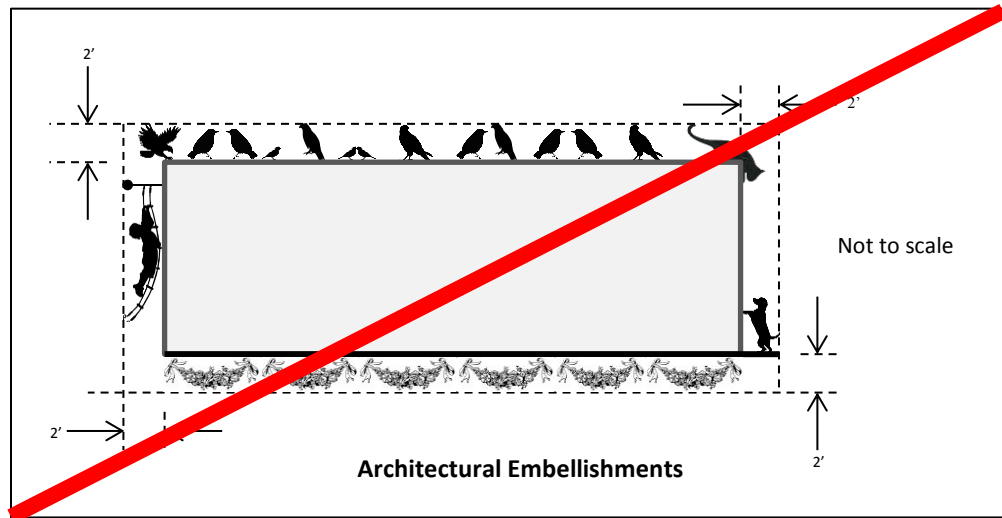
a. ~~Billboard Signs may incorporate Level 2 Electronic Messaging Centers as outlined Section 113-11 herein, except that Electronic Messaging Centers used in billboard applications may occupy up to 100% of the allowable sign area of the billboard, exclusive of architectural embellishments as may be permitted or required herein, and provided such Electronic Messaging Centers are turned off between 11:00 PM and dawn.~~

b. ~~Billboard Signs shall be supported by a single pole or column, which shall be dimensionally centered beneath the sign panel and shall incorporate a pole cover comprised of stone, brick or other architecturally compatible material that conceals the structural component of the pole or column. Unless an alternative design is approved by the Planning and Zoning Commission, the pole cover shall be of a trapezoidal shape, with a base width equal to one third (1/3) the width of the top of the pole cover.~~

c. ~~Unless an alternative design is approved by the Planning and Zoning Commission, the supporting pole or column shall also include additional architectural embellishments that incorporate the official Primary City of Surprise Logo superimposed onto a stylized agave image. The logo shall be approximately two (2) feet tall by four (4) feet wide. The stylized agave image shall be eight (8) feet high by six (6) feet wide. The vertical center of the arrangement shall be five (5) feet below the lower edge of the sign panel.~~



d. ~~Artistic or architectural embellishments up to thirty (30) square feet may be attached to the perimeter of the sign panel, provided said embellishments do not extend more than two (2) feet in any direction beyond the face of the sign and do not otherwise obstruct the architectural embellishments as may be required under Paragraph 113-09.D.4.c above.~~



5. ~~Any Conditional Use Permit approval is hereby conditioned upon the applicant obtaining a valid construction permit for the billboard sign approved under said Conditional Use Permit. The applicant shall obtain Certificate of Completion from the City of Surprise within six (6) months of approval of the Conditional Use Permit by the Planning and Zoning Commission. Failure to obtain a Certificate of Completion within the designated time allotment shall render the Conditional Use Permit null and void; however, the City Manager or designee may grant a one-time extension for a period not to exceed six (6) months when in the opinion of the City Manager or designee the circumstances warrant such.~~

Section 113-11 – Electronic Messaging Centers (EMCs)

Paragraph 113-11.C.4 revised as follows:

4. **EMCs as a Portion of Sign Area:** When allowed, *Electronic Messaging Centers* may comprise not more than ~~thirty (30)~~ fifty (50) percent of the allowable sign area of a particular sign except that:
- a) ~~When Electronic Messaging Centers are utilized in conjunction with a Billboard Sign, the sign area of the Electronic Messaging Center may encompass 100% of the allowable sign area as outlined in Paragraph 113-09.D.1.d and 113-09.D.2.d.~~
- b) ~~When Electronic Messaging Centers are utilized in conjunction with a Freeway Monument Sign, the sign area of the Electronic Messaging Center may encompass 50% of the allowable sign area as outlined in Paragraph 113-09.8.c)iii.~~

FINDINGS:

- The proposed changes represent an improvement to the Surprise Municipal Code
- The proposed changes are consistent with state statute
- The proposed changes are compliant with applicable case law regarding signs and 1st Amendment

COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended **approval** of the proposed Sign Code as presented at the February 6, 2018 Regular Council Meeting; however, as noted in the staff report, staff has made limited revisions to that document based on Council's direction at said Meeting. In Council's discretion, it may adopt the revised proposed Sign Code, which is Entitled, "February 20, 2018 Post P&Z Revisions...(Alternative Revisions Prohibiting Billboards, Adding Clarifying Language, and Correcting Scrivener's Errors)" and attached to Ordinance # 2018-04 as Exhibit A.

1001 (Note: Should the Council approve Ordinance No. 2018-04 on this date, the new sign code
1002 would become effective 30 days thereafter or on April 5, 2018 per state law. Staff will bring a
1003 separate action item at a later date to repeal effective April 5, 2018 the Temporary Sign Policy
1004 that was approved by Resolution No. 2017-98 to allow temporary signs pending adoption of the
1005 new sign code.)

1006

1007 **ATTACHMENTS:**

1008

1009 01 – Proposed Sign Code Language as Recommended by the Planning and Zoning Commission

1010 02 – February 20, 2018 Post-P&Z Revisions

1011 03 – Sign Code Written Comments as of July 12, 2017

1012 04 – Sign Code Written Comments July 13, 2017 through September 19, 2017

1013 05 – Sign Code Written Comments September 20, 2017 through January 22, 2018



CITY OF SURPRISE
Regular City Council Meeting

March 6, 2018 @ 6:00:00 PM

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

Council Meeting Date:	March 6, 2018	Contact Person:	Robert Kuhfuss - Community Development
Submitting Department:	CD	District:	3
Staff Recommendations:	Approve		

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

Agenda Wording:

Consideration and action pertaining to approval of the Preliminary Plat entitled, "Heritage Farm" dated December 20, 2017, an approximately 33 acre subdivision general located at the southeast corner of 175th Avenue and Waddell Road.

Motion:

I move to approve the Preliminary Plat entitled, "Heritage Farm" dated December 20, 2017 subject to stipulations "a" through "e" as listed in the Staff Report.

Background:

Mark Reddie of LVA Urban Design Studio, on behalf of Turman MC, LLC seeks approval of a Preliminary Plat in the RM-6 PUD and RM-9 PUD zoning districts. The proposed Preliminary Plat will provide 93 single-family lots in the RM-9 PUD zoning district as well as 44 single-family residential lots in the RM-6 PUD zoning district. The project anticipates the development standards being amended through a related Zone Change being discussed under separate cover. A related Zone Change is discussed under separate cover.

Objective Analysis:

The Council is considering a related Zone Change request for the subject property. If approved, the zoning of the property will be RM-9 PUD and RM-6 PUD. The subject Preliminary Plat meets the requirements of those zoning districts, in addition to other requirements as set forth in the SUDC.

Policy Compliant:

The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac or more, provided appropriate transitions are made between the various Neighborhood types included within the character area. The subject proposal contemplates up to 145 dwelling units, which equates to approximately 4.4 DU/Ac overall. As such the proposed zoning most closely aligns with the Suburban Neighborhood type and is consistent with the General Plan.

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 - FS17-530 Heritage Farm Preliminary Plat - Staff Report](#)
 - ☐ [01 - FS17-530 Heritage Farm Preliminary Plat - Vicinity Map](#)
 - ☐ [02 - FS17-530 Heritage Farm Preliminary Plat - Case Map](#)
 - ☐ [03 - FS17-530 Heritage Farm Preliminary Plat](#)
 - ☐ [04 - FS17-530 Heritage Farm Preliminary Plat - LS Plan](#)
 - ☐ [05 - FS17-530 Heritage Farm Preliminary Plat - Luke AFB Comments](#)
 - ☐ [06 - FS17-530 Heritage Farm Preliminary Plat - ADOT Comments](#)
 - ☐ [07 - FS17-530 Heritage Farm Preliminary Plat - MWD Comments](#)
 - ☐ [08 - FS17-530 Heritage Farm Preliminary Plat - Presentation](#)
-

PRELIMINARY PLAT

REPORT TO THE CITY COUNCIL

Case: **FS17-530**

Project Name: Heritage Farm Preliminary Plat

Council District: 3

Meeting Date: **March 6, 2018**

Planner: Robert H. Kuhfuss, AICP

Owner: Truman MC, LLC

Applicant: Mark Reddie of LVA Urban Design Studio on behalf of Truman MC, LLC

Request: Preliminary Plat in the RM-6 PUD and RM-9 PUD zoning districts

Site Location: Generally located at the southeast corner of 175th Avenue and Waddell Road

Site Size: 22 acres (RM-9 PUD)
11 acres (RM-6 PUD)
33 acres total

Density: 4.3 DU/Ac (RM-9 PUD)
4.5 DU/Ac (RM-6 PUD)
4.4 DU/Ac (overall)

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

Support/Opposition: None known

Staff Recommendation: **Approve**, subject to stipulations 'a' through 'e'

41 **Introduction:**

42
43 Initially, the applicant sought approval of five (5) separate requests in what was then a county island
44 located in the western portion of Surprise, near Sarah Ann Ranch. Those five requests are listed
45 below:

46
47 Case FS16-391 – 175th & Sweetwater

- 48 • Zone Change from RR to RM-9 PUD
- 49 • Preliminary Plat

50 Case FS16-392 – Magnolia

- 51 • Rezone from RR to RM-6 PUD; from RR to RM-9 PUD; from RH PUD to RM-9 PUD; from RR
52 to RH PUD with Flex Zone; from RR to CR PUD with Flex Zone and from RR to CR PUD.
- 53 • Preliminary Plat

54 Case FS16-427 – Annexation

55
56 The two Zone Change requests and their related Preliminary Plats were presented to the Planning
57 and Zoning Commission, who made a favorable recommendation to the City Council. The City
58 Council approved the annexation on January 17, 2017, but continued the two Zone Change
59 requests and two Preliminary Plats to a date-certain of February 7, 2017 at the applicant's request.
60 During the February 7, 2017 City Council meeting, the applicant informed the Council that due to
61 contractual issues, the collective of projects could not move forward at that time. The Council then
62 remanded two Zone Change requests and two Preliminary Plats back to the Planning and Zoning
63 Commission until such time as the development plans could be revised. Since that time, the various
64 owners of the previous land assemblage have been working to bring forth revised submittals
65 independently. The subject case is the second of those revised submittals. A related Zone Change,
66 also submitted under this case number, is discussed under separate cover.
67

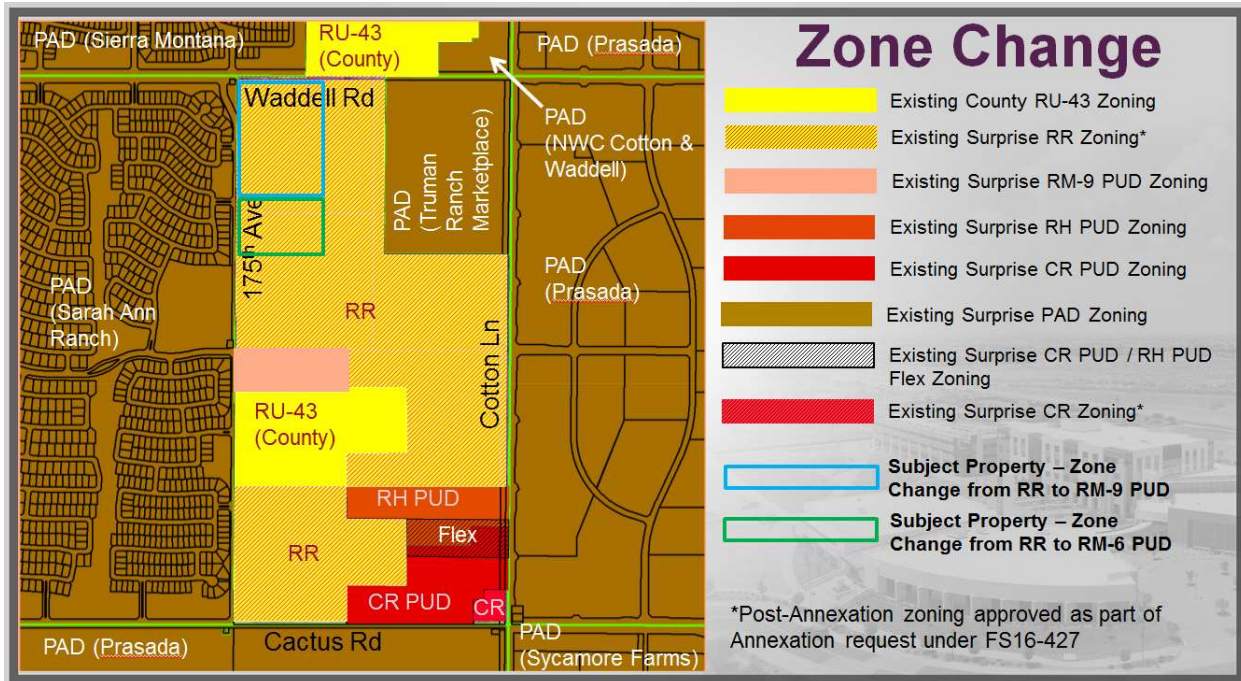
68 **Project Description:**

69
70 The subject request involves a 137-lot Preliminary Plat on approximately 33 acres located at the
71 southeast corner of 175th Avenue and Waddell Road. The proposed Preliminary Plat will provide 93
72 single-family lots in the RM-9 PUD zoning district as well as 44 single-family residential lots in the
73 RM-6 PUD zoning district.
74

75 Concurrent with this request is a Zone Change from RR to RM-9 and RM-6, each with a PUD Overlay
76 to allow modifications from the base development standards, which is discussed in detail under
77 separate cover; however, to summarize, the RM-6 development standards remain as currently
78 stated in the SUDC, but through the PUD Overlay, the density is capped to 4.3 DU/Ac as opposed to
79 6 DU/Ac. Similarly, the RM-9 development standards increase the lot area and lot width, and will
80 cap the density at 4.5 DU/Ac. The PUD Overlay also deletes the Community Pool requirement,
81 adjusts the roadway landscape buffers, adjusts the size of the turf areas, and adjusts the area and
82 width of driveways. The subject Preliminary Plat is consistent with these changes.
83
84

Existing Zoning:

The following map and associated chart depict the existing zoning of the subject site and its surrounds. Note that the subject request anticipates the prior rezoning of the subject property.



PAD (Sierra Montana)	PAD (Sierra Montana) and Rural-43 (County)	Residential Ranch (RR)
PAD (Sarah Ann Ranch)	Residential Ranch (RR)	Residential Ranch (RR)
PAD (Sarah Ann Ranch)	Residential Ranch (RR)	Residential Ranch (RR)

Background:

April 21, 2016: Staff discussed a proposal involving the subject property during a regularly scheduled Concept Review meeting under CR16-171.

July 28, 2016: Staff met with the applicant to discuss the project during a regularly scheduled Concept Review meeting under CR16-305.

August 8, 2016: Staff met with the applicant to discuss annexation logistics.

August 23, 2016: Staff met with the applicant to discuss product design.

September 12, 2016: The applicant filed a request for a Zone Change and Preliminary Plat under case FS16-391. The applicant filed a second request for a companion Zone Change and Preliminary Plat under case FS16-392. The latter also included an annexation request.

September 28, 2016: On behalf of the applicant, staff opened case FS16-427 relating to the annexation of the subject property.

October 19, 2016: The applicant held a neighborhood outreach meeting to discuss the larger Magnolia project.

October 31, 2016: Staff met with the applicant to discuss review comments relating to the Magnolia project.

November 15, 2016: The City Council approved the blank annexation petition relating to the annexation of the subject property as well as other proximal properties under case FS16-427.

December 15, 2016: The Commission continued FS16-391 to a date-certain of January 5, 2017 due to an advertising error.

January 5, 2017: The Planning and Zoning Commission recommended approval of the requested zone change under FS16-391 subject to staff-recommended stipulation "a" through "c".

January 17, 2017: The City Council approved the annexation of the subject property under case FS16-427.

January 17, 2017: The City Council continued FS16-391 and FS16-392, a companion case, to a date-certain of February 7, 2017 at the applicant's request.

February 7, 2017: The City Council remanded FS16-391 and FS16-392, to the Planning and Zoning Commission at the request of the applicant.

September 11, 2017: The applicant submitted a request for a Zone Change and Preliminary Plat under case FS17-530, the subject case.

October 3, 2017: The City Council approved a Zone Change for 175th and Sweetwater under case FS16-391.

October 4, 2017: The applicant held a neighborhood outreach meeting to discuss the subject request.

December 19, 2017: The City Council approved a Preliminary Plat for 175th and Sweetwater under case FS17-403.

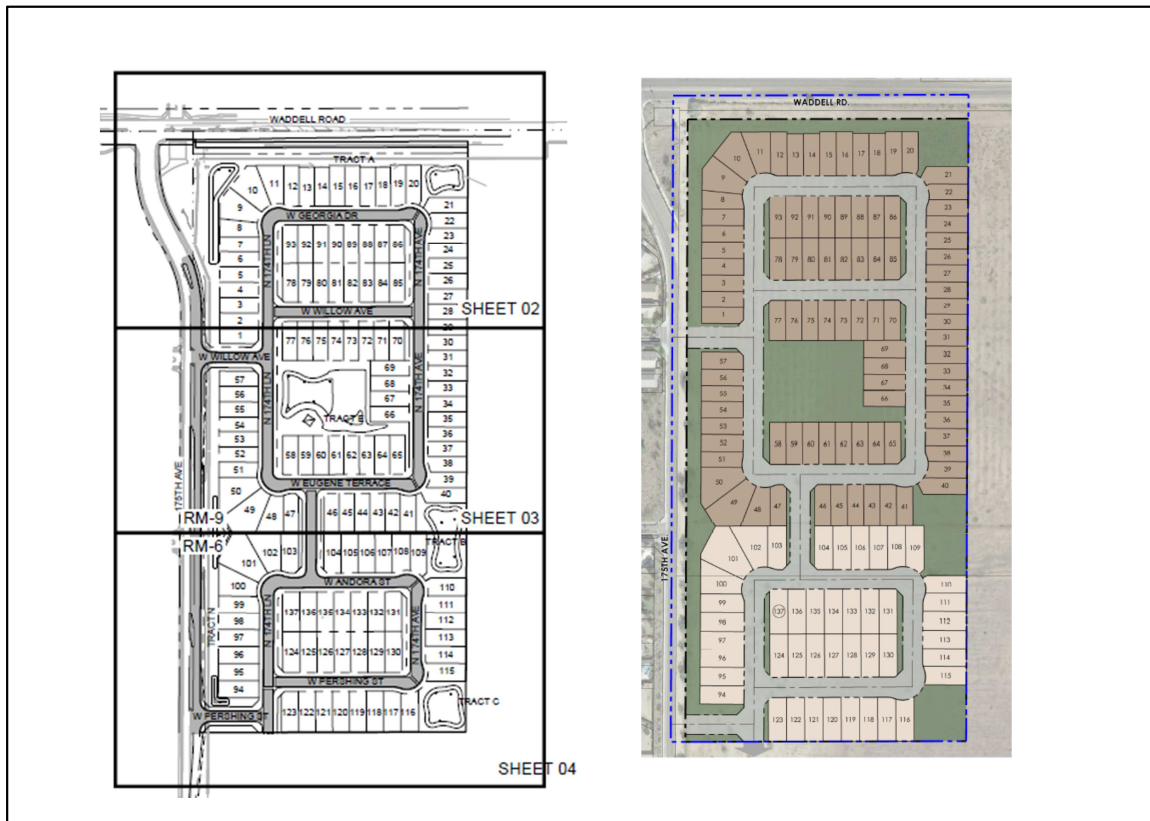
February 1, 2018: The Commission recommended approval of the subject request to the City Council.

Citizen Outreach:

While outreach is not required for Preliminary Plats, the site was posted in accordance with the SUDC and state statute as part of the associated zone change. The City of Surprise also sent notices via First Class mail in accordance with the SUDC and state statute. The applicant held a citizen outreach meeting on October 19, 2016, which was well attended. The applicant held a second outreach meeting on October 4, 2017, which was also well attended. The applicant received one (1) written comment relating to the need for street improvements in the area. No revisions to the proposed development plan were necessitated as a result of any feedback received.

Analysis and Discussion:

As noted previously, a related Zone Change is discussed under separate cover. The following image, taken from Figure 2 of the proposed zoning narrative depicts the anticipated lotting for the project. This lotting configuration is expressed in the subject Preliminary Plat which follows.



[Continued following page.]

The following table as taken from the approved zoning narrative, and reflected in the proposed Preliminary Plat, expresses the approved development standards applicable to the site. Those items expressed in red font deviate from the base standard.

Table 1: RM-6 PUD and RM-9 PUD Development Standards

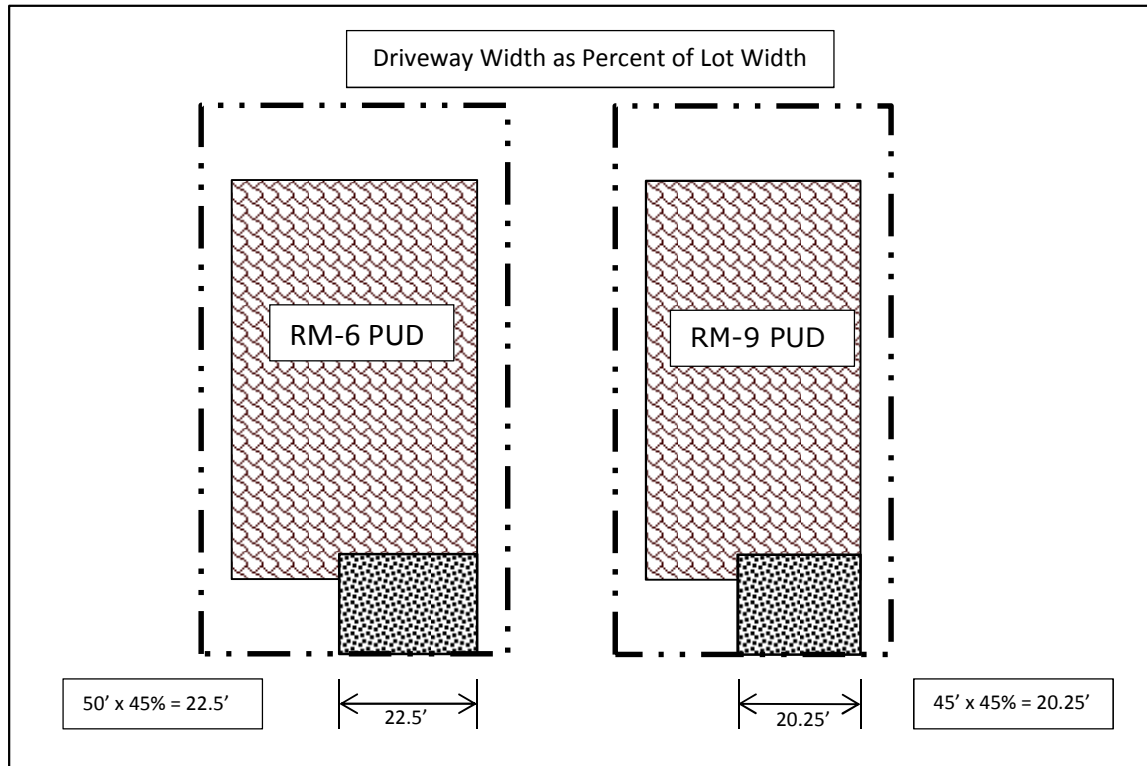
Development Standard	RM-6 City Base Standard	Proposed RM-6 PUD Standard	RM-9 City Base Standard	Proposed RM-9 PUD Standard
Maximum Density	6.0	4.3 (decrease in density)	9.0	4.5 (decrease in density)
Minimum Lot Area (sf) (1)	6,000	6,000	4,500	5,000 (increase in lot size)
Minimum Lot Width (ft)	50	50	40	45 (increase in lot width)
Minimum Lot Depth (ft)	100	100	100	100
Minimum Front Yard Setback (ft) (livable area/front-facing garage)	12/20	12/20	12/20	12/20
Minimum Side Yard Setback (ft)	TBD	5	TBD	5
Minimum Rear Yard Setback (ft)	20	20	20	20
Maximum Building Height (ft)	35	35	35	35

As noted in the narrative, Section 122-137(r) of the SUDC requires a community swimming pool for Medium Density Residential projects of 60 or more units. The applicant proposes the deletion of this requirement through the associated PUD Overlay. The rationale being that as a single-family development with 20' rear setbacks, ample space will be available on each lot to accommodate a private pool should that homeowner chose to do so.

The applicant also proposes altering the perimeter open space configuration from that required by the SUDC. Section 122-137(e)(1)a requires an open space tract of not less than 60' in width adjacent to arterials and parkways. The applicant proposes an average width of 60', which is borne out in the associated Preliminary Plat. The applicant further proposes the deletion of the requirement to orient perimeter houses along a single-loaded street.

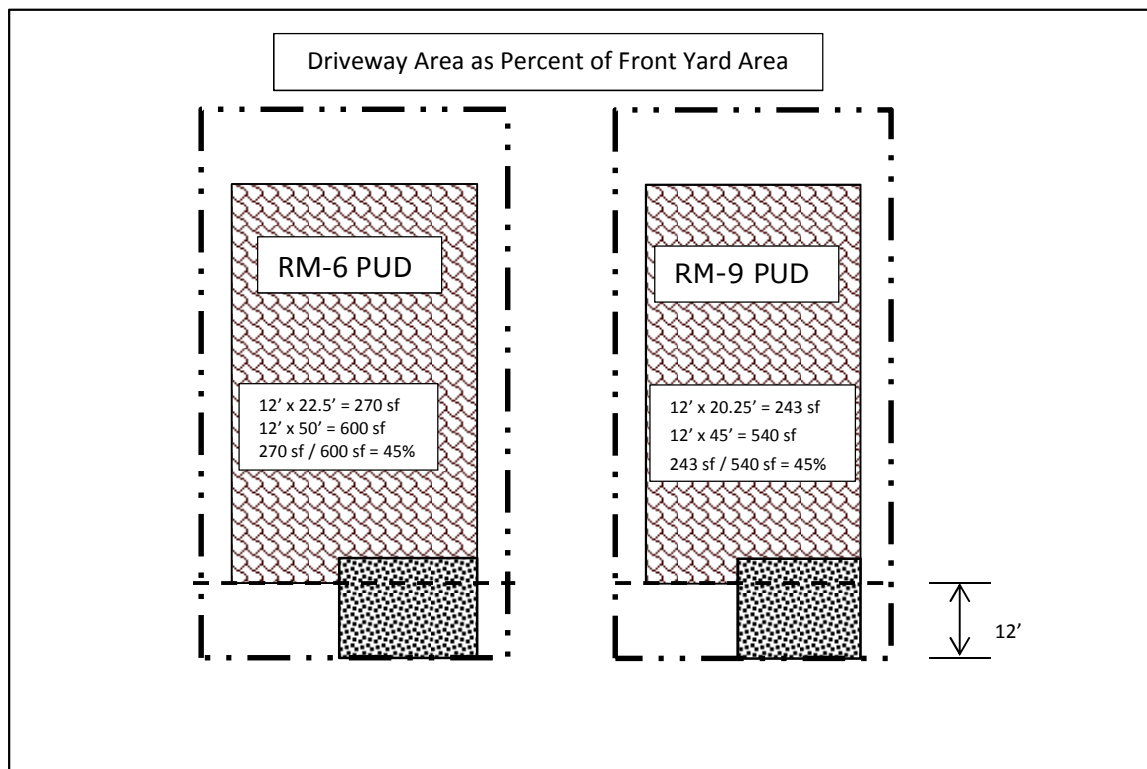
Section 122-137(p)(1) requires one (1) turf recreational field per 700 residential units, each field to have a minimum turf area of not less than 3.5 acres. The applicant proposes the remove of the 3.5 acre minimum size requirement, based on the proportional size of the field relative to the proposed development.

Also, there is a provision in the current SUDC which limits the width of a residential driveway to 30% of the lot's width. The proposed minimum lot width is 50' for the RM-6 portion and 45' for the RM-9 portion. If limited to 30%, the driveways would only be 15' and 13.6' wide, respectively. Since a typical garage is 20' wide, increasing the allowable driveway width from 30% to some higher number make sense. The applicant proposes 45%, which would allow for a 22.5' wide driveway in the RM-6 portion, and 20.25' in the RM-9 portion.



There is also a provision in the current SUDC which limits the area of a residential driveway to 30% of the required front yard area, which is that area located between the front setback line and the front lot line. Again, the proposed minimum lot widths are 50' and 45', while the proposed minimum front setback is 12'. 30% of the resulting area will not accommodate a driveway; however, increasing to 45% will accommodate the proposed driveway widths.

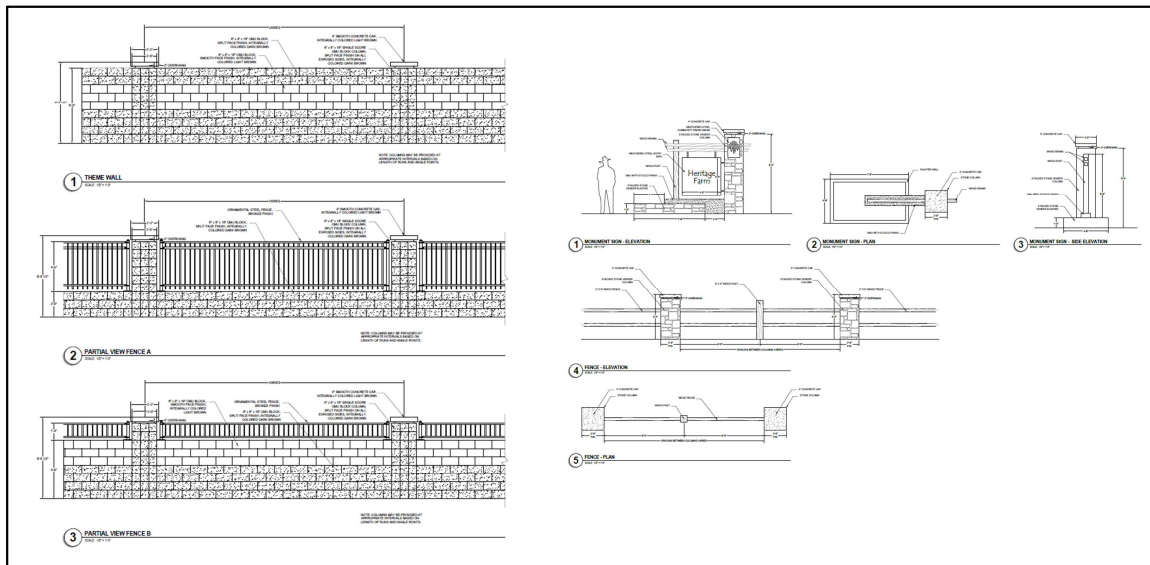
[Continued following page.]



The SUDC requires that not less than 20% of the “net residential acreage” be set aside as open space. The net residential acreage is essentially the total amount of land taken up by the individual lots combined with the total open space. The applicant proposes an increase to 24% of the net residential area as open space overall, which exceeds the 20% requirement set forth in the SUDC. Within that open space will be a pocket park with tot-lot, ramada, picnic area, turf play area, and landscaping.

The project will be well landscaped using a palette of drought-tolerant plant species. A decorative Theme Wall will surround the site, while two (2) view wall configurations will be used adjacent to open space areas. The applicant also proposes an Entry Monument relating to the rural heritage of the site.

[Continued following page.]



Utility and Services Table:

Electric:	Arizona Public Service
Water:	EPCOR
Wastewater:	City of Surprise
Refuse:	City of Surprise
Natural Gas:	Southwest Gas
Irrigation:	Maricopa Water District
Schools:	Dysart USD

Conformance with Adopted Plans:

Surprise General Plan 2035: The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac or more, provided appropriate transitions are made between the various Neighborhood types included within the character area. The subject proposal contemplates up to 145 dwelling units, which equates to 4.5 DU/Ac overall. As such the proposed zoning most closely aligns with the Suburban Neighborhood type and is consistent with the General Plan.

Reviewing Agencies:

Luke Air Force Base (LAFB): In a letter dated September 14, 2017 (attached), LAFB indicated the subject development would not interfere with flight operations, but requested a robust notification program.

Arizona Department of Transportation (ADOT): In an email dated September 12, 2017 (attached), ADOT indicated no concerns.

Maricopa Water District (MWD): In an email dated September 19, 2016 (attached), MWD indicated the proposed development would impact their facilities. Stipulations to address these concerns are included in the associated Preliminary Plat approval, discussed under separate cover.

Summary:

The Council is considering a related Zone Change request for the subject property. If approved, the zoning of the property will be RM-9 PUD and RM-6 PUD. The subject Preliminary Plat meets the requirements of those zoning districts, in addition to other requirements as set forth in the SUDC.

Findings:

- The proposed Preliminary Plat is consistent with the Surprise General Plan 2035.
- The proposed Preliminary Plat is consistent with the RM-9 PUD and RM-6 PUD Zoning Districts as proposed by case FS17-530.
- There are no objections to the request.
- The Planning and Zoning Commission is supportive of the request.

Commission

Recommendation:

Based on the findings noted above, the Commission recommended **approval** of the subject Preliminary Plat request to the City Council, subject to stipulations 'a' through 'e' as outlined below:

- a. Development and use of the site shall be consistent with the Preliminary Plat entitled "Preliminary Plat for Heritage Farm Subdivision" consisting of four (4) sheets prepared by Kimley-Horn, dated December 20, 2017 and stamped received December 27, 2017.
- b. Landscaping of the development shall be consistent with the Preliminary Landscape Plans entitled "Preliminary Landscape for Heritage Farm Subdivision", consisting of seven (7) sheets prepared by Kimley-Horn, dated December 22, 2017 and stamped received December 27, 2017.
- c. The following Transportation stipulations apply:
 1. The Waddell roadway improvements shall include the landscaped median. If the median cannot be constructed by this project due to lack of right-of-way, the developer is responsible for in-lieu payment covering the costs of the required median improvements and landscaping.

2. The applicant shall construct full roadway improvements adjacent to their property including curb, gutter, sidewalk and raised landscape medians. This requires off-site transition tapers from the existing roadway to the newly widened 175th Avenue. Since there is no right-of-way adjacent to the Truman Parcel, between Sweetwater Avenue and Pershing Street, the applicant is required to pay all costs associated with obtaining the necessary right-of-way for the 175th Avenue off-site tapers via dedication, condemnation, or construction easements.

d. Prior to Final Plat approval, the developer shall provide written evidence of an executed Development Agreement between the developer and the Maricopa Water District relating to the subject property and shall obtain approval from the Maricopa Water District with respect to the development's effect on MWD facilities.

e. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.

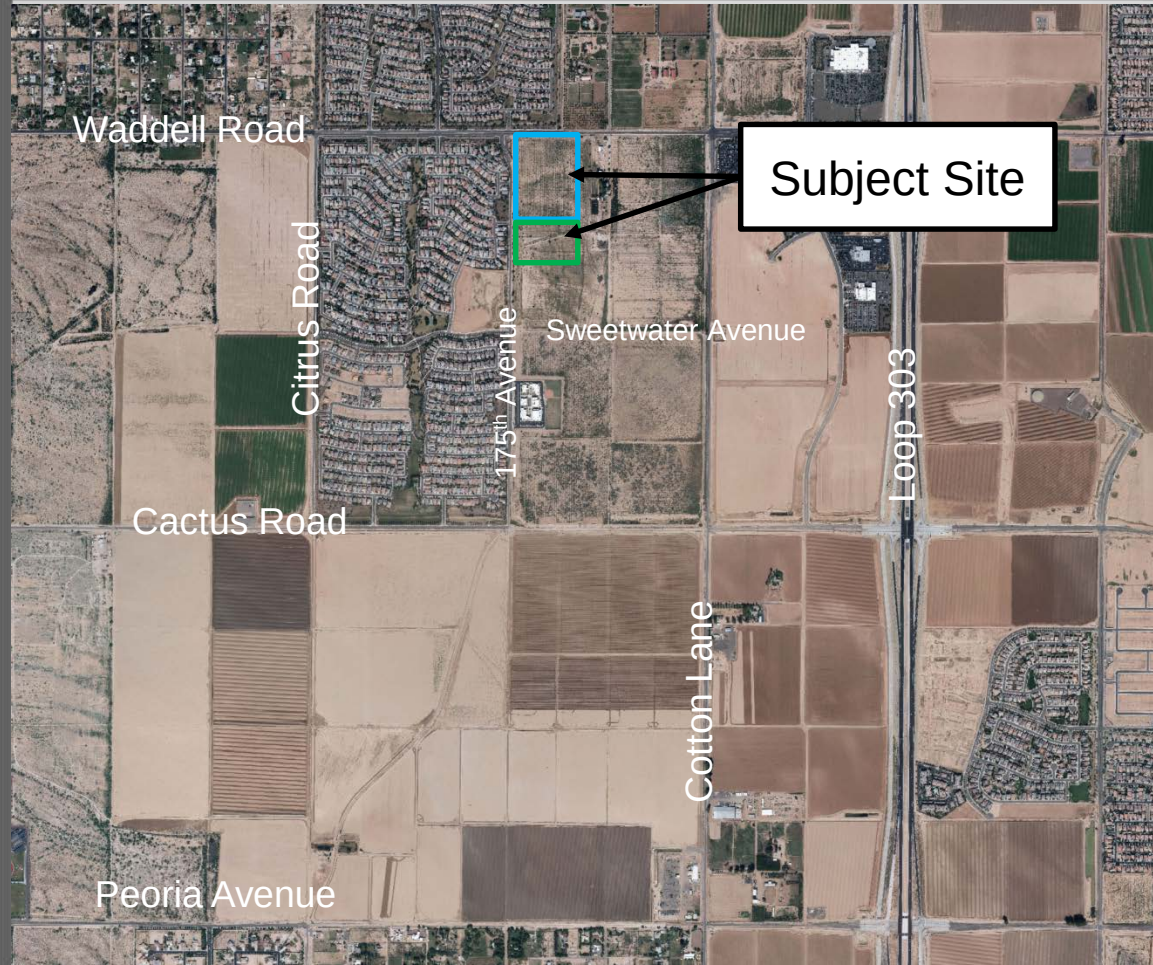
However, should the Council wish to deny the request, the Council should make its own findings and base its decision on those alternative findings.

Attachments:

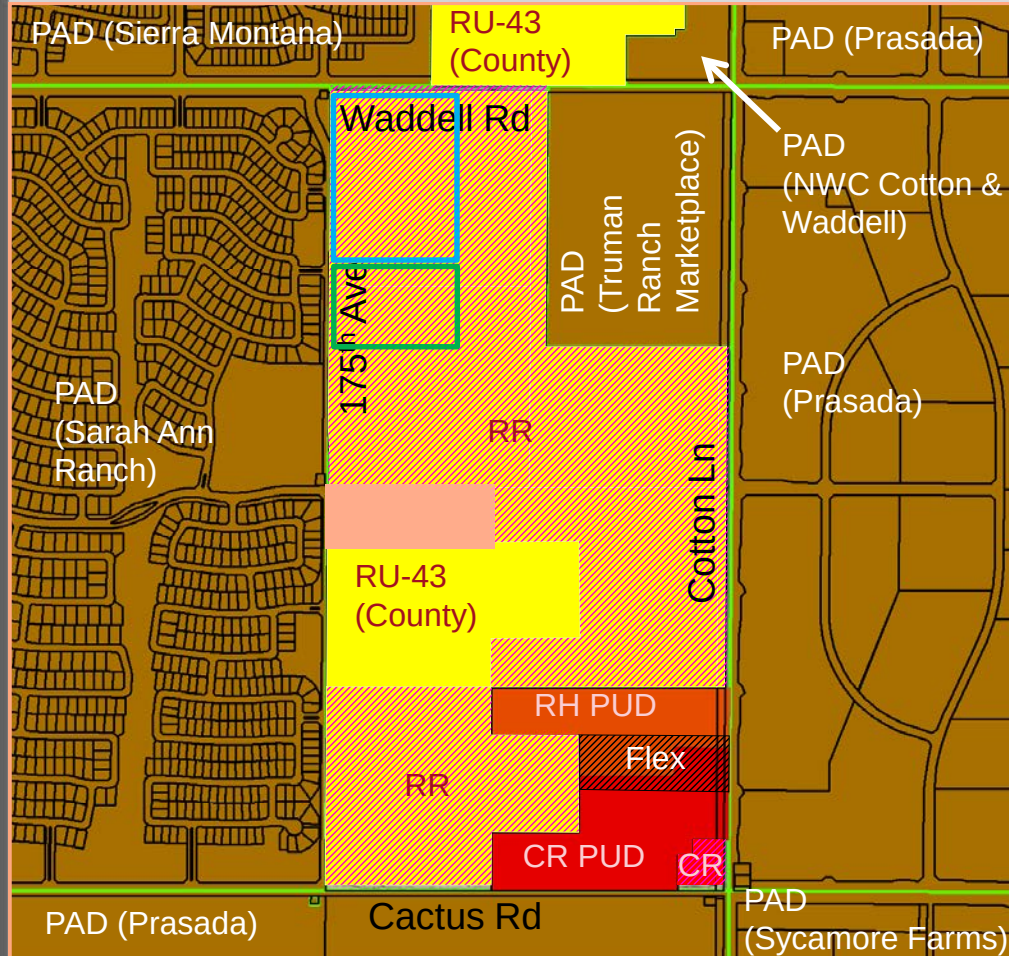
- 01 Vicinity Map
- 02 Case Map
- 03 Preliminary Plat
- 04 Preliminary Landscape Plans
- 05 Luke AFB comments
- 06 ADOT comments
- 07 MWD comments

Heritage Farm

Vicinity Map



Heritage Farm



- Existing County RU-43 Zoning
- Existing Surprise RR Zoning*
- Existing Surprise RM-9 PUD Zoning
- Existing Surprise RH PUD Zoning
- Existing Surprise CR PUD Zoning
- Existing Surprise PAD Zoning
- Existing Surprise CR PUD / RH PUD Flex Zoning
- Existing Surprise CR Zoning*

- Subject Property – Zone Change from RR to RM-9 PUD**
- Subject Property – Zone Change from RR to RM-6 PUD**

*Post-Annexation zoning approved as part of Annexation request under FS16-427

\\P\civ\civil\10150027_P - Turnkey\3000\Pre Plat\3000205.dwg Dec 20, 2017 kyle.combell
XREFS: 10150027_P - 5000205.dwg 10150027_P - 5000205.dwg 10150027_P - 5000205.dwg
THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE
OF ANY PART OF THIS DOCUMENT FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

ZONING RM-9 PUD

LOT AREA TABLE		
LOT #	AREA (S.F.)	AREA (ACRES)
LOT 1	5,125	0.12
LOT 2	5,175	0.12
LOT 3	5,175	0.12
LOT 4	5,175	0.12
LOT 5	5,175	0.12
LOT 6	5,175	0.12
LOT 7	5,175	0.12
LOT 8	5,424	0.12
LOT 9	7,942	0.18
LOT 10	8,814	0.20
LOT 11	6,825	0.16
LOT 12	5,342	0.12
LOT 13	5,175	0.12
LOT 14	5,175	0.12
LOT 15	5,400	0.12
LOT 16	5,400	0.12
LOT 17	5,175	0.12
LOT 18	5,175	0.12
LOT 19	5,318	0.12
LOT 20	5,089	0.12
LOT 21	5,570	0.13
LOT 22	5,017	0.12
LOT 23	5,084	0.12
LOT 24	5,175	0.12
LOT 25	5,175	0.12
LOT 26	5,175	0.12
LOT 27	5,175	0.12
LOT 28	5,175	0.12
LOT 29	5,175	0.12
LOT 30	5,175	0.12
LOT 31	5,175	0.12
LOT 32	5,175	0.12
LOT 33	5,175	0.12
LOT 34	5,175	0.12
LOT 35	5,175	0.12
LOT 36	5,175	0.12
LOT 37	5,175	0.12
LOT 38	5,063	0.12
LOT 39	5,083	0.12
LOT 40	5,737	0.13
LOT 41	5,124	0.12
LOT 42	5,165	0.12
LOT 43	5,175	0.12
LOT 44	5,175	0.12
LOT 45	5,175	0.12
LOT 46	5,080	0.12
LOT 47	5,085	0.12
LOT 48	6,513	0.15
LOT 49	10,337	0.24
LOT 50	9,264	0.21
LOT 51	5,112	0.12
LOT 52	5,175	0.12
LOT 53	5,175	0.12
LOT 54	5,175	0.12
LOT 55	5,175	0.12
LOT 56	5,175	0.12
LOT 57	5,125	0.12
LOT 58	5,173	0.12
LOT 59	5,175	0.12
LOT 60	5,175	0.12
LOT 61	5,175	0.12
LOT 62	5,175	0.12
LOT 63	5,175	0.12
LOT 64	5,175	0.12
LOT 65	5,141	0.12
LOT 66	5,187	0.12
LOT 67	5,187	0.12
LOT 68	5,187	0.12
LOT 69	5,230	0.12
LOT 70	5,184	0.12
LOT 71	5,174	0.12
LOT 72	5,175	0.12
LOT 73	5,175	0.12
LOT 74	5,175	0.12
LOT 75	5,175	0.12

ZONING RM-9 PUD CONTINUED

LOT #	AREA (S.F.)	AREA (ACRES)
LOT 76	5,175	0.12
LOT 77	5,161	0.12
LOT 78	5,166	0.12
LOT 79	5,175	0.12
LOT 80	5,175	0.12
LOT 81	5,175	0.12
LOT 82	5,175	0.12
LOT 83	5,175	0.12
LOT 84	5,175	0.12
LOT 85	5,159	0.12
LOT 86	5,166	0.12
LOT 87	5,175	0.12
LOT 88	5,175	0.12
LOT 89	5,175	0.12
LOT 90	5,175	0.12
LOT 91	5,175	0.12
LOT 92	5,175	0.12
LOT 93	5,159	0.12

ZONING RM-6 PUD

LOT AREA TABLE		
LOT #	AREA (S.F.)	AREA (ACRES)
LOT 94	6,000	0.14
LOT 95	6,000	0.14
LOT 96	6,000	0.14
LOT 97	6,000	0.14
LOT 98	6,000	0.14
LOT 99	6,001	0.14
LOT 101	11,878	0.27
LOT 102	8,443	0.19
LOT 103	6,114	0.14
LOT 104	6,055	0.14
LOT 105	6,000	0.14
LOT 106	6,000	0.14
LOT 107	6,000	0.14
LOT 108	6,161	0.14
LOT 109	6,001	0.14
LOT 110	6,030	0.14
LOT 111	6,040	0.14
LOT 112	6,000	0.14
LOT 113	6,000	0.14
LOT 114	6,021	0.14
LOT 115	6,008	0.14
LOT 116	6,076	0.14
LOT 117	6,073	0.14
LOT 118	6,000	0.14
LOT 119	6,000	0.14
LOT 120	6,000	0.14
LOT 121	6,000	0.14
LOT 122	6,000	0.14
LOT 123	6,077	0.14
LOT 124	6,108	0.14
LOT 125	6,000	0.14
LOT 126	6,000	0.14
LOT 127	6,000	0.14
LOT 128	6,000	0.14
LOT 129	6,000	0.14
LOT 130	6,097	0.14
LOT 131	6,106	0.14
LOT 132	6,000	0.14
LOT 133	6,000	0.14
LOT 134	6,000	0.14
LOT 135	6,000	0.14
LOT 136	6,000	0.14
LOT 137	6,097	0.14

ZONING INFORMATION

EXISTING ZONING:
RESIDENTIAL RANCH (RR)

PROPOSED ZONING
SOUTHERN PORTION:
RM-6 PUD
10.49 ACRES

NORTHERN PORTION:
RM-9 PUD
20.17 ACRES

ADJACENT ZONING:
WEST: SARAH ANN RANCH, PUD
EAST: RESIDENTIAL, SURPRISE RESIDENTIAL RANCH
SOUTH: VACANT, RR
NORTH: VACANT, RR
SIERRA MONTANA, PAD

SITE DATA

NUMBER OF LOTS: 137
RM-9 PUD NUMBER OF LOTS: 93
RM-6 PUD NUMBER OF LOTS: 44

GROSS ACREAGE(TO CL OF WADDELL AND 175TH AVE):
33.01 AC (1,438,021 SF)
RM-9 PUD GROSS ACREAGE: 22.04 AC (960,097 SF)
RM-6 PUD GROSS ACREAGE: 10.97 AC (477,924 SF)

GROSS DENSITY(TO CL OF WADDELL AND 175TH AVE):
4.15 DU/AC
RM-9 PUD GROSS DENSITY: 4.22 DU/AC
RM-6 PUD GROSS DENSITY: 4.01 DU/AC

NET ACREAGE (EXCLUDES EXTERNAL R/W):
30.67 AC (1,336,001 SF)
NET DENSITY (EXCLUDES EXTERNAL R/W): 4.46 DU/AC

NET ACREAGE (EXCLUDES ALL R/W): 24.16 AC (1,052,491 SF)

ACREAGE IN EXTERNAL R/W: 2.34 AC
ACREAGE IN INTERNAL R/W: 6.51 AC
TOTAL R/W: 8.85 AC
OPEN SPACE AREA: 6.34 AC
REQUIRED OPEN SPACE (24% OF NET AREA) = 5.8 AC

BASIS OF BEARINGS

THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 14, BEING
SOUTH 00° 23' 09" WEST AS TAKEN FROM TAKEN FROM RESULTS OF
SURVEY/MINOR LAND DIVISION PER BOOK 921 OF MAPS, PAGE 42

BENCHMARK

FOUND 3" ALUMINUM ADOT CAP SET FLUSH IN ROUND CONCRETE BASE
RAISED 0.4' ABOVE THE IRRIGATION DITCH BANK, APPROXIMATELY 20'
SOUTH OF EDGE OF CACTUS ROAD ON THE SOUTH SIDE OF IRRIGATION
DITCH, AND APPROXIMATELY 2800' WEST OF COTTON LANE.
PID-DV2253

COORDINATES: N. 33°35'42.6" W. 112°26'10.5"
ELEVATION: 1242.94 FT (NAVD 88)

SITE DESCRIPTION

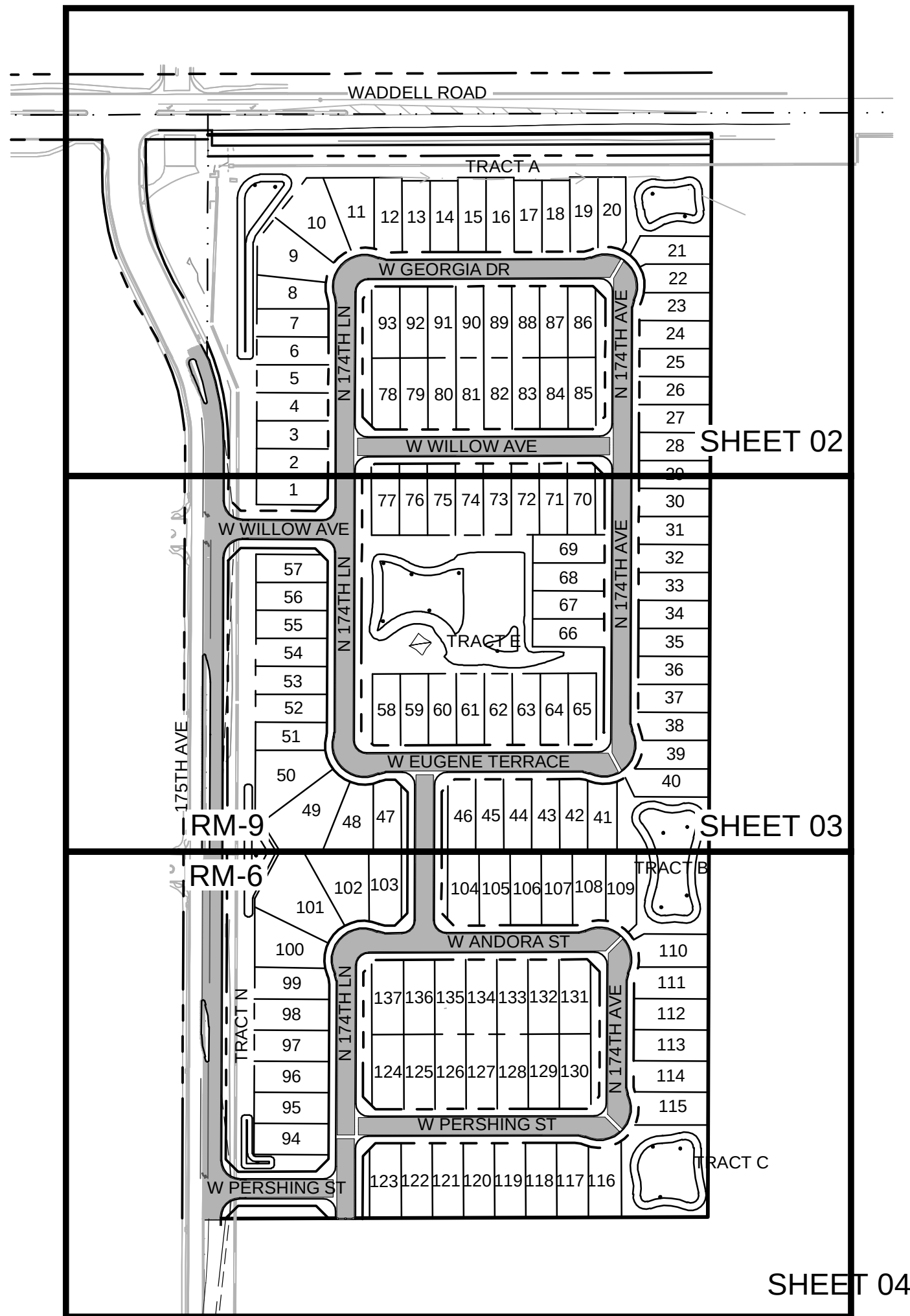
THE PROJECT CONSIST OF A 137 LOT SUBDIVISION, THE SOUTHERN 11
ACRES OF WHICH IS ZONED RM-6 PUD AND NORTHERN 22 ACRES
ZONED RM-9 PUD. THIS PROJECT IS AN IN-FILL PROJECT WITH
EXISTING DEVELOPMENT LOCATED TO THE WEST AND NORTH OF THE
SITE. TO THE EAST AND SOUTH THERE EXISTS UNDEVELOPED LAND
ZONED RESIDENTIAL RANCH. THE PROPOSED LOTS VARY IN WIDTH PER
THE MODIFIED CASE ZONING STIPULATIONS. INTERNAL LOCAL STREETS
AND WET UTILITIES WILL BE LOCATED WITHIN DEDICATED PUBLIC STREET
RIGHT-OF-WAY. OPEN SPACE TRACTS WITH AMENITIES AND
LANDSCAPING ARE DEDICATED TO THE BENEFIT OF THE HOA IN
VARIOUS LOCATIONS THROUGHOUT THE SITE.

TRACT TABLE

Tract	Area (S.F.)	Area (AC)	Use	ZONING
INTERNAL ROW-RM-6	106,085	2.44	LOCAL ROW	RM-6 PUD
INTERNAL ROW RM-9	177,426	4.07	LOCAL ROW	RM-9 PUD
TRACT A	82,799	1.90	OPENSOURCE, DRAINAGE	RM-9 PUD
TRACT B-RM-6	15,890	0.36	OPENSOURCE, DRAINAGE	RM-6 PUD
TRACT B-RM-9	13,329	0.31	OPENSOURCE, DRAINAGE	RM-9 PUD
TRACT C	20,294	0.47	DRAINAGE, OPENSOURCE	RM-6 PUD
TRACT D	2,991	0.07	OPENSOURCE	RM-6 PUD
TRACT E	70,754	1.62	OPENSOURCE, DRAINAGE	RM-9 PUD
TRACT F	1,536	0.04	OPENSOURCE	RM-6 PUD
TRACT G	3,075	0.07	OPENSOURCE	RM-9 PUD
TRACT H	3,075	0.07	OPENSOURCE	RM-9 PUD
TRACT I-RM-6	1,028	0.02	OPENSOURCE	RM-6 PUD
TRACT I-RM-9	979	0.02	OPENSOURCE	RM-9 PUD
TRACT J-RM-6	995	0.02	OPENSOURCE	RM-6 PUD
TRACT J-RM-9	1,020	0.02	OPENSOURCE	RM-9 PUD
TRACT K	2,991	0.07	OPENSOURCE	RM-6 PUD
TRACT L	1,169	0.03	OPENSOURCE	RM-6 PUD
TRACT M	2,901	0.07	OPENSOURCE	RM-6 PUD
TRACT N-RM-6	27,609	0.63	OPENSOURCE, DRAINAGE	RM-6 PUD
TRACT N-RM-9	24,058	0.55	OPENSOURCE, DRAINAGE	RM-9 PUD

PRELIMINARY PLAT FOR HERITAGE FARM SUBDIVISION

A PORTION OF SECTION 14, TOWNSHIP 3 NORTH,
RANGE 2 WEST
SURPRISE, ARIZONA



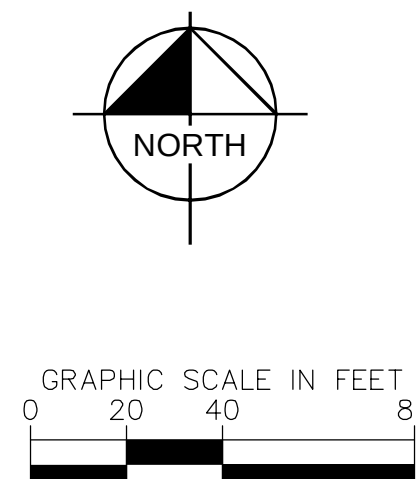
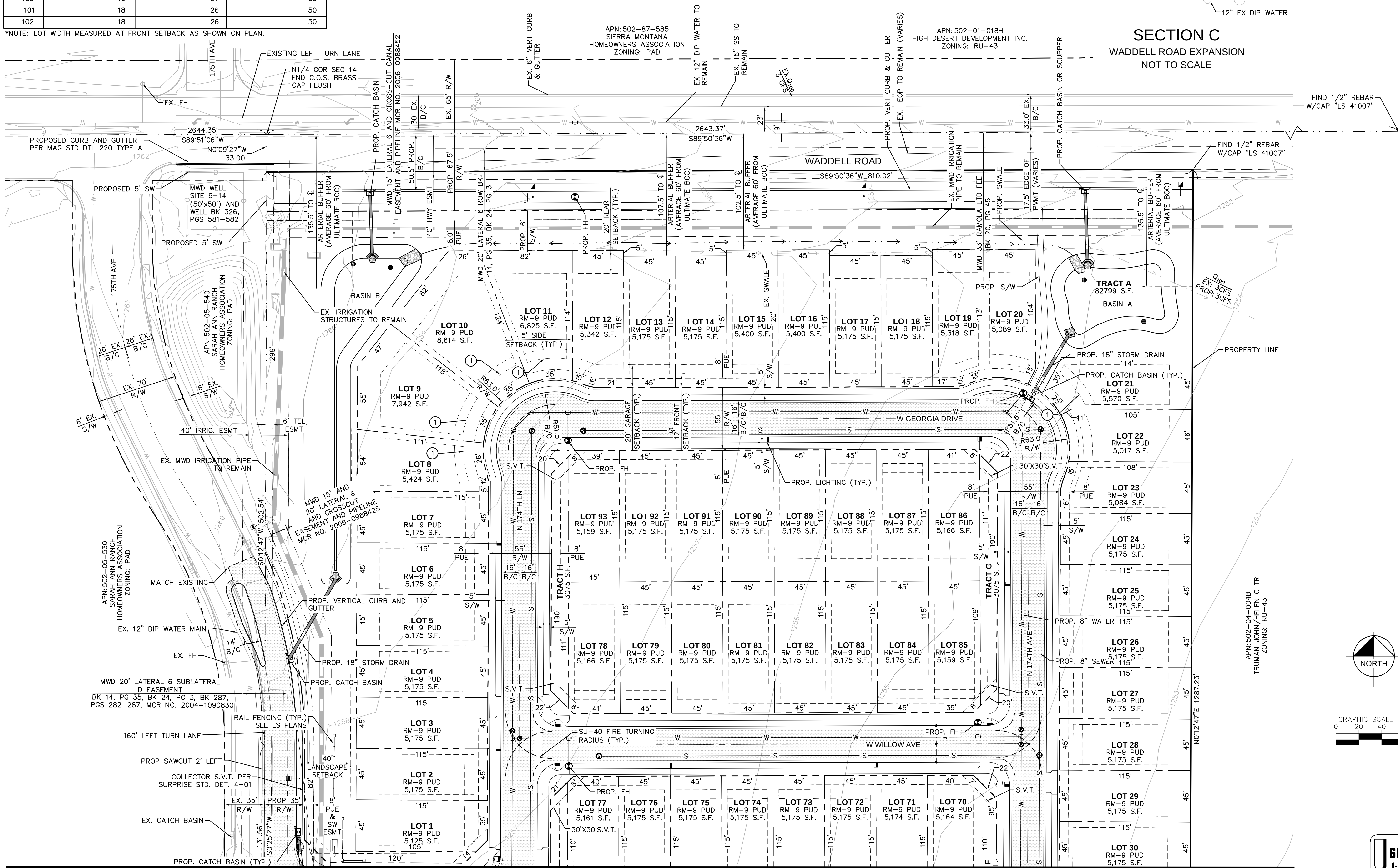
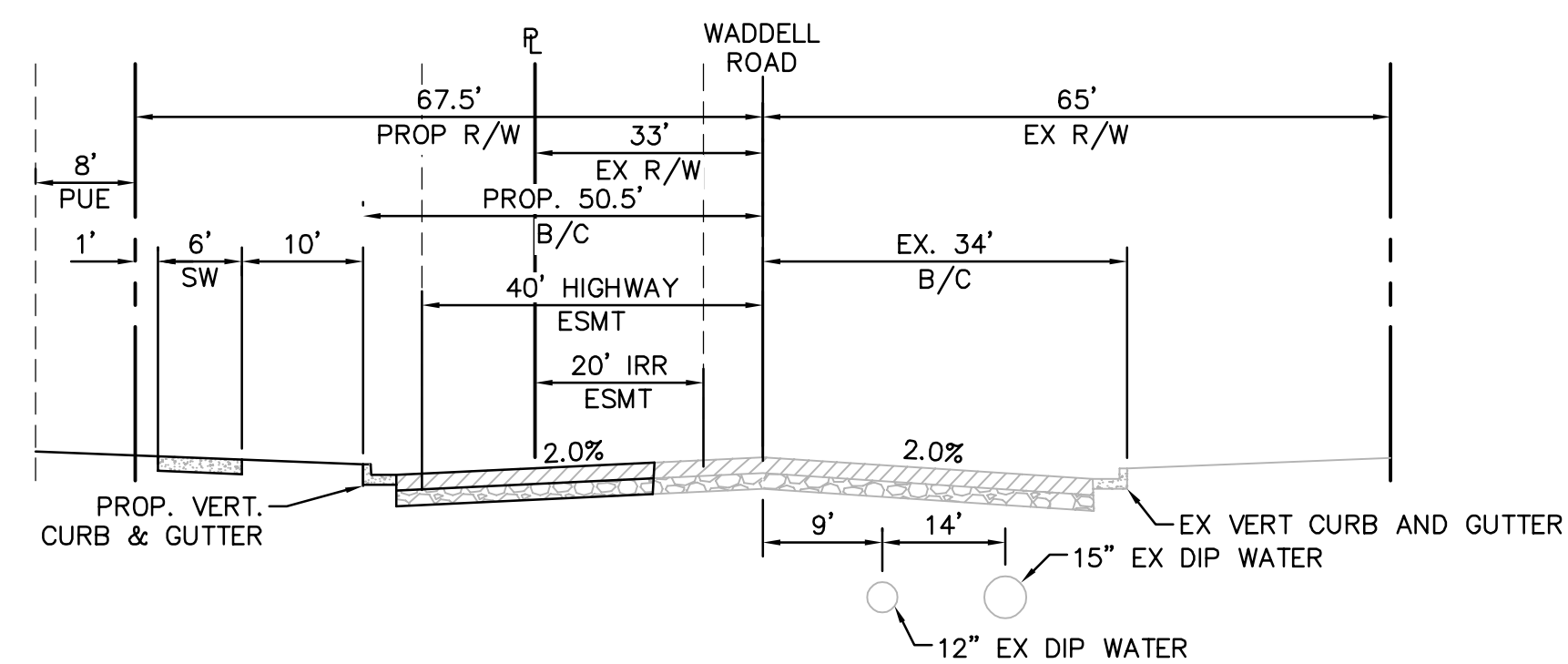
LOT SETBACK TABLE			
LOT	FRONT SETBACK (FT)	GARAGE SETBACK (FT)	LOT WIDTH AT MORE FRONT SETBACK* (FT)
8	17	25	45
9	19	27	45
10	19	27	45
11	18	26	45
21	23	31	45
40	19	27	45
48	18	26	45
49	19	27	45
50	19	27	45
100	19	27	50
101	18	26	50
102	18	26	50

*NOTE: LOT WIDTH MEASURED AT FRONT SETBACK AS SHOWN ON PLAN.

NOTES

- ① FOR FRONT SETBACK AND GARAGE SETBACK REFER TO TABLE ON SHEET 2. SETBACKS NOT INDIVIDUALLY SHOWN SHALL BE PER TYPICAL MINIMUM SETBACKS.

NOTE: WADDELL ROAD STRIPING ALONG FRONTAGE OF PROJECT SHALL REMAIN IN CURRENT CONFIGURATION. MWD WELL SITE CONSTRAINT TO THE WEST, IRRIGATION DITCH ALONG SOUTHERN SIDE OF WADDELL ROAD, AND R/W CONSTRAINT TO THE EAST DO NOT ACCOMMODATE ADDITIONAL LANES BEYOND CURRENT CONFIGURATION. DUE TO THIS, MEDIAN CONSTRUCTION IS NOT FEASIBLE WITH THIS PROJECT. SOUTHERN CURB LINE WILL BE CONSTRUCTED TO ULTIMATE LOCATION.



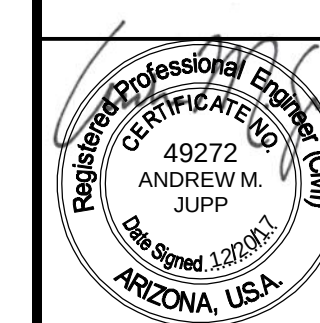
SEE SHEET 03

Kimley»Horn

© 2017 KIMLEY-HORN AND ASSOCIATES, INC.
7740 North 16th Street, Suite 300
Phoenix, Arizona 85020 (602) 944-5500

SCALE (H): 1"=40'
SCALE (V): NONE
DESIGNED BY: KAC
DRAWN BY: KAC
CHECKED BY: AMJ
DATE: 12/20/2017

HERITAGE FARM
PRELIMINARY PLAT
SURPRISE, ARIZONA

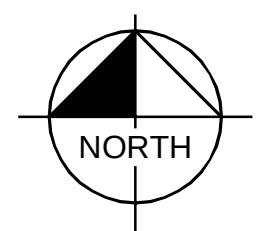
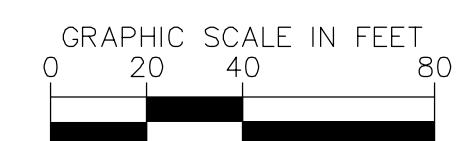


Exp. Date 03/31/18
PROJECT NO. 29101502
DRAWING NAME 5002PP

02 OF 04

① FOR FRONT SETBACK AND GARAGE SETBACK
REFER TO TABLE ON SHEET 2. SETBACKS NOT
INDIVIDUALLY SHOWN SHALL BE PER TYPICAL
MINIMUM SETBACKS.

SEE SHEET 04



Exp. Date 03/31/18

PROJECT NO.
29101502

DRAWING NAME
5002PP

03 OF 04

Kimley»Horn
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7740 North 16th Street, Suite 300
Phoenix, Arizona 85020 (602) 944-5500

SCALE (H): 1"=40'
SCALE (V): NONE
DESIGNED BY: KAC
DRAWN BY: KAC
CHECKED BY: AMJ
DATE: 12/20/2017

FS 17-530

SCALE (H): 1"=40'	 Kimley-Horn © 2017 KIMLEY-HORN AND ASSOCIATES, INC. 7740 North 16th Street, Suite 300 Phoenix, Arizona 85020 (602) 944-5500
SCALE (V): NONE	
DESIGNED BY: KAC	
CHECKED BY: AMJ	
DATE: 12/20/2017	



Exp. Date	03/31/18
PROJECT NO.	29101502
DRAWING NAME	5002PP
04 OF 04	





S 17-530



SEE SHEET 02

SEE SHEET 04

PLANTING KEY

TREES	
BOTANICAL NAME / COMMON NAME	
Bauhinia lunarioides / Anacacho Orchid	
Fraxinus udhei / Shamel Ash	
Olea europaea 'Swan Hill' / Swan Hill Olive	
Pistacia x / Red Push Pistache	
Quercus virginiana / Southern Live Oak	
Sophora secundiflora / Texas Mountain Laurel	
Ulmus parvifolia / Lacebark Elm	
Vitex angust-castus 'Montrose Purple' / Monk's Pepper Tree	
SHRUBS	
BOTANICAL NAME / COMMON NAME	
Caesalpinia pulcherrima / Red Bird of Paradise	
Callistemon citrinus 'Little John' / Dwarf Bottlebrush	
Dodonea viscosa / Hop Bush	
Eremophila hygrophyna / Blue Bells	
Leucophyllum frutescens 'Green Cloud' / Green Cloud Sage	
Leucophyllum lanmaniae / Rio Bravo Sage	
Plumbago auriculata / Cape plumbago	
Raphiolepis x / Georgia Petite Indian Hawthorne	
Rosa x 'Radrazz' / Knock Out Rose	
Rosmarinus officinalis / Upright Rosemary	
Simmondsia chinensis 'Vista' / Compact Jojoba	
Tecoma stans 'Gold Star' / Yellow Bells	

ACCENTS & GRASSES	
BOTANICAL NAME / COMMON NAME	
Bouteloua gracilis / Blonde Ambition Grass	
Dasylirotr quadrangulatum / Toothless Spoon	
Guara lindeheimeri / Pink Guara	
Hesperaloe parviflora / Red Yucca	
Hesperaloe parviflora 'Yellow' / Yellow Yucca	
Muhlenbergia capilaris 'Regal Mist' / Gulf Muhly	
Muhlenbergia rigida 'Nashville' / Purple Muhly	

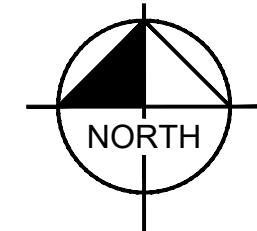
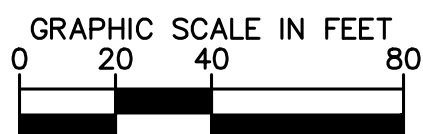
GROUNDCOVERS	
BOTANICAL NAME / COMMON NAME	
Glandularia gooddingii / Gooding Verbena	
Lantana camara 'New Gold' / New Gold Lantana	
Lantana montevidensis / Purple Trailing Lantana	
Lantana montevidensis 'Monma' / White Trailing Lantana	
Melampodium leucanthum / Blackfoot Daisy	
Penstemon parryi / Parry's Penstemon	
Teucrium chamaedry's 'Prostratum' / Prostrate Germander	

MATERIALS	
DESCRIPTION	
Decomposed Granite (All Planting Areas)	
¾" Screened, Express Brown, 2" Depth Min.	
Turf: Hybrid Bermuda	
Bermuda Tifway 419 'Sod'	

- NOTES
- ALL OAK AND ELM TREES INSTALLED WITHIN THE PUBLIC RIGHT-OF-WAY SHALL HAVE THEIR MAIN LEADERS INTACT.
 - ALL TREES PLACED WITHIN THREE (3) FEET OF ANY SIDEWALK, CURB, PAVEMENT, OR WALL WILL HAVE A ROOT BARRIER PER CITY OF SURPRISE ENGINEERING DEVELOPMENT STANDARD (EDS) DETAIL E-14.
 - TREES WITHIN SIGHT VISIBILITY TRIANGLES OR WITHIN SIGHT DISTANCE AREAS SHALL BE MAINTAINED CLEAR UP TO 84 INCHES.
 - NO SHRUBS, ACCENTS, OR GROUNDCOVER WITHIN SIGHT DISTANCE TRIANGLES AND SIGHT DISTANCE AREAS SHALL EXCEED 30 INCHES IN HEIGHT.

AMENITIES

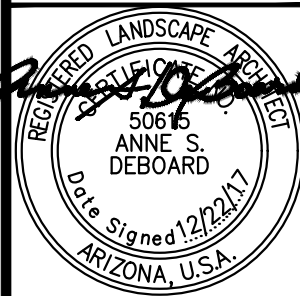
- TOT LOT:
 - SHADE COVERED PLAY STRUCTURE
 - SWING SET
 - THREE BENCHES
 - ONE DRINKING FOUNTAIN
- RAMADA (EACH WITH):
 - PICNIC TABLE
 - BQ GRILL
 - TRASH RECEPTACLE
- RECREATIONAL FIELD
- BASKETBALL COURT



Kimley»Horn

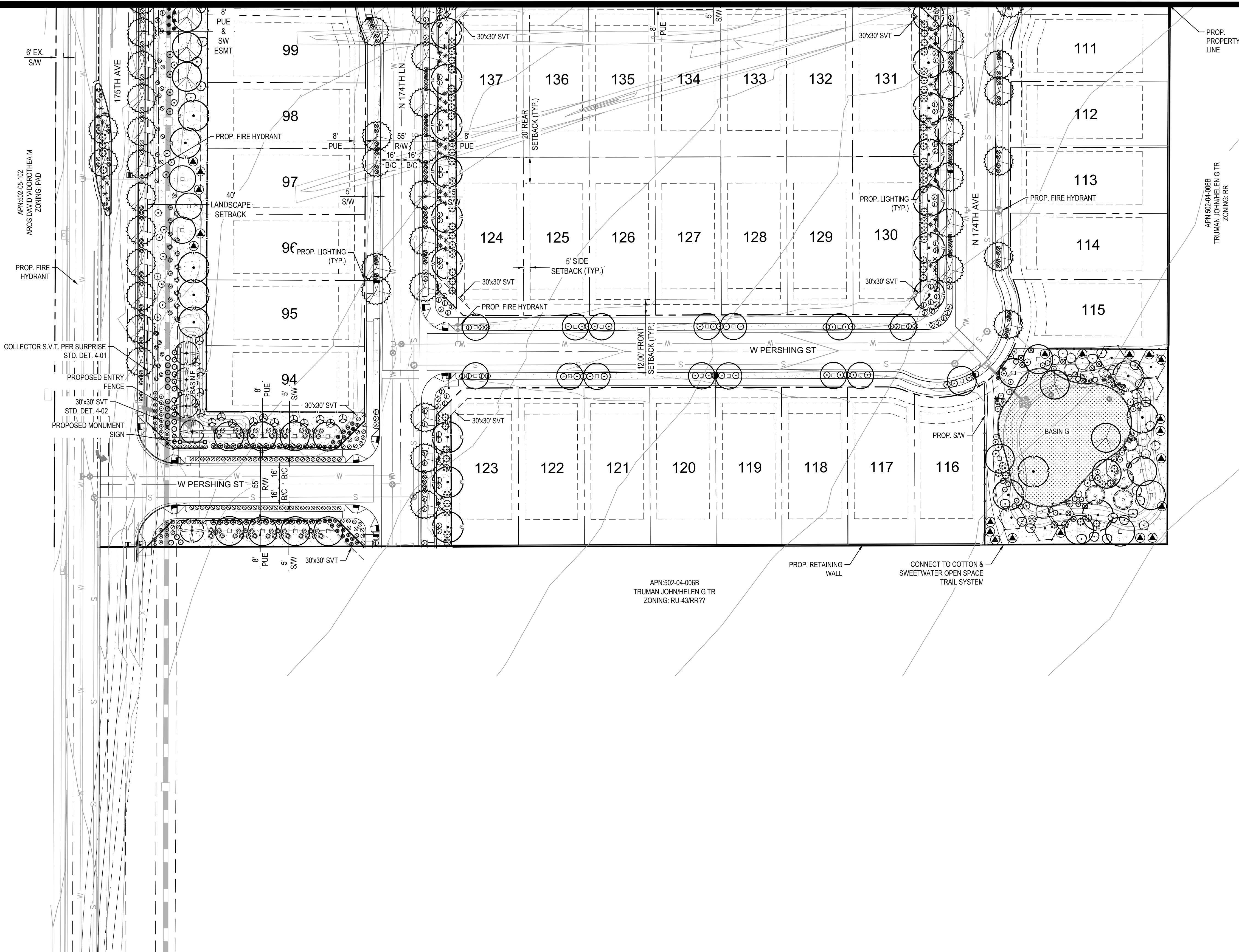
SCALE (H): 1"=40'
SCALE (V): NONE
DESIGNED BY: RAS
DRAWN BY: RAS
CHECKED BY: ASD
DATE: 12/22/2017

HERITAGE FARM
PRELIMINARY LANDSCAPE PLAN
SURPRISE, ARIZONA



Expires 03/31/2019
PROJECT NO.
29101502
DRAWING NAME
5002LS
03 OF 07

APN:502-04-006B
TRUMAN JOHN/HELEN G TR
ZONING: RU-43/RR??



TREES	
	<u>BOTANICAL NAME / COMMON NAME</u>
	Bauhinia lunarioides / Anacacho Orchid
	Fraxinus uhdei / Shamel Ash
	Olea europaea 'Swan Hill' / Swan Hill Olive
	Pistacia x / Red Push Pistache
	Quercus virginiana / Southern Live Oak
	Sophora secundiflora / Texas Mountain Laurel
	Ulmus parvifolia / Lacebark Elm
	Vitex angustifolia 'Montrose Purple' / Monk's Pepper Tree

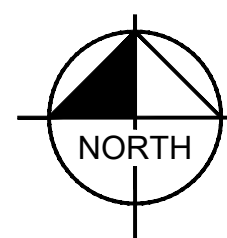
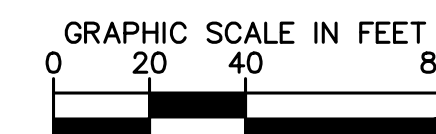
SHRUBS	BOTANICAL NAME / COMMON NAME
	Caesalpinia pulcherima / Red Bird of Paradise
	Callistemon citrinus 'Little John' / Dwarf Bottlebrush
	Dodonea viscosa / Hop Bush
	Eremophila hygrophyna / Blue Bells
	Leucophyllum frutescens 'Green Cloud' / Green Cloud Sage
	Leucophyllum lanmaniae / Rio Bravo Sage
	Plumbago auriculata / Cape plumbago
	Raphiolepis x / Georgia Petite Indian Hawthorne
	Rosa x "Radrazz" / Knock Out Rose
	Rosmarinus officinalis / Upright Rosemary
	Simmondsia chinensis 'Vista' / Compact Jojoba
	Tecoma stans 'Gold Star' / Yellow Bells

ACCENTS & GRASSES	
	BOTANICAL NAME / COMMON NAME
✱	Bouteloua gracilis / Blonde Ambition Grass
☒	Dasyliion quadrangulatum / Toothless Spoon
✱	Guara lindeheimeri / Pink Guara
✱	Hesperaloe parviflora / Red Yucca
✱	Hesperaloe parviflora 'Yellow' / Yellow Yucca
☼	Muhlenbergia capilaris 'Regal Mist' / Gulf Muhly
☉	Muhlenbergia rigida 'Nashville' / Purple Muhly

GROUNDCOVERS	
	BOTANICAL NAME / COMMON NAME
☉	Glandularia goodingii / Gooding Verbena
☉	Lantana camara 'New Gold' / New Gold Lantana
☉	Lantana montevidensis / Purple Trailing Lantana
☉	Lantana montevidensis 'Monma' / White Trailing Lantana
☉	Melampodium leucanthum / Blackfoot Daisy
☉	Penstemon parryi / Parry's Penstemon
☉	Teucrium chamaedry's 'Prostratum' / Prostrate Germander

MATERIALS	
	DESCRIPTION
	Decomposed Granite (All Planting Areas) ¾" Screened, Express Brown, 2" Depth Min.
	Turf: Hybrid Bermuda Bermuda Tifway 419 'Sod'

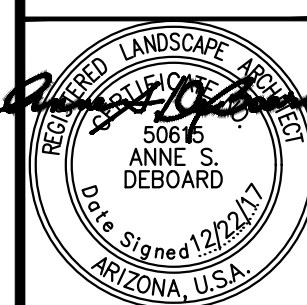
NOTES	
1.	ALL OAK AND ELM TREES INSTALLED WITHIN THE PUBLIC RIGHT-OF-WAY SHALL HAVE THEIR MAIN LEADERS INTACT.
2.	ALL TREES PLACED WITHIN THREE (3) FEET OF ANY SIDEWALK, CURB, PAVEMENT, OR WALL WILL HAVE A ROOT BARRIER PER CITY OF SURPRISE ENGINEERING DEVELOPMENT STANDARD (EDS) DETAIL E-14.
3.	TREES WITHIN SIGHT VISIBILITY TRIANGLES OR WITHIN SIGHT DISTANCE AREAS SHALL BE MAINTAINED CLEAR UP TO 84 INCHES.
4.	NO SHRUBS, ACCENTS, OR GROUND COVER WITHIN SIGHT DISTANCE TRIANGLES AND SIGHT DISTANCE AREAS SHALL EXCEED 30 INCHES IN HEIGHT.



HERITAGE FARM

PRELIMINARY LANDSCAPE PLAN

SURPRISE, ARIZONA



Expires 03/31/2019

PROJECT NO. _____

29101502

DRAWING NAME

04 OF 07

CS 17-530

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

VARIES

6" x 8" x 16" CMU BLOCK, SPLIT FACE FINISH, INTEGRALLY COLORED DARK BROWN

6" x 8" x 16" CMU BLOCK, SMOOTH FACE FINISH, INTEGRALLY COLORED LIGHT BROWN

4" SMOOTH CONCRETE CAP, INTEGRALLY COLORED LIGHT BROWN

8" x 8" x 16" SINGLE SCORE CMU BLOCK COLUMN, SPLIT FACE FINISH ON ALL EXPOSED SIDES, INTEGRALLY COLORED DARK BROWN

2'-2"

2'-0"

3" OVERHANG

6'-5 1/2"

6'-0"

NOTE: COLUMNS MAY BE PROVIDED AT APPROPRIATE INTERVALS BASED ON LENGTH OF RUNS AND ANGLE POINTS.

VARIES

ORNAMENTAL STEEL FENCE, BRONZE FINISH

4" SMOOTH CONCRETE CAP, INTEGRALLY COLORED LIGHT BROWN

6" x 8" x 16" CMU BLOCK, SPLIT FACE FINISH, INTEGRALLY COLORED DARK BROWN

8" x 8" x 16" SINGLE SCORE CMU BLOCK COLUMN, SPLIT FACE FINISH ON ALL EXPOSED SIDES, INTEGRALLY COLORED DARK BROWN

3" OVERHANG

2'-2"

2'-0"

4'-0"

6'-5 1/2"

2'-0"

NOTE: COLUMNS MAY BE PROVIDED AT APPROPRIATE INTERVALS BASED ON LENGTH OF RUNS AND ANGLE POINTS.

VARIES

2'-2"

2'-0"

3" OVERHANG

6" x 8" x 16" CMU BLOCK, SMOOTH FACE FINISH, INTEGRALLY COLORED LIGHT BROWN

ORNAMENTAL STEEL FENCE, BRONZE FINISH

6" x 8" x 16" CMU BLOCK, SPLIT FACE FINISH, INTEGRALLY COLORED DARK BROWN

4" SMOOTH CONCRETE CAP, INTEGRALLY COLORED LIGHT BROWN

8" x 8" x 16" SINGLE SCORE CMU BLOCK COLUMN, SPLIT FACE FINISH ON ALL EXPOSED SIDES, INTEGRALLY COLORED DARK BROWN

1'-4"

6'-5 1/2"

4'-8"

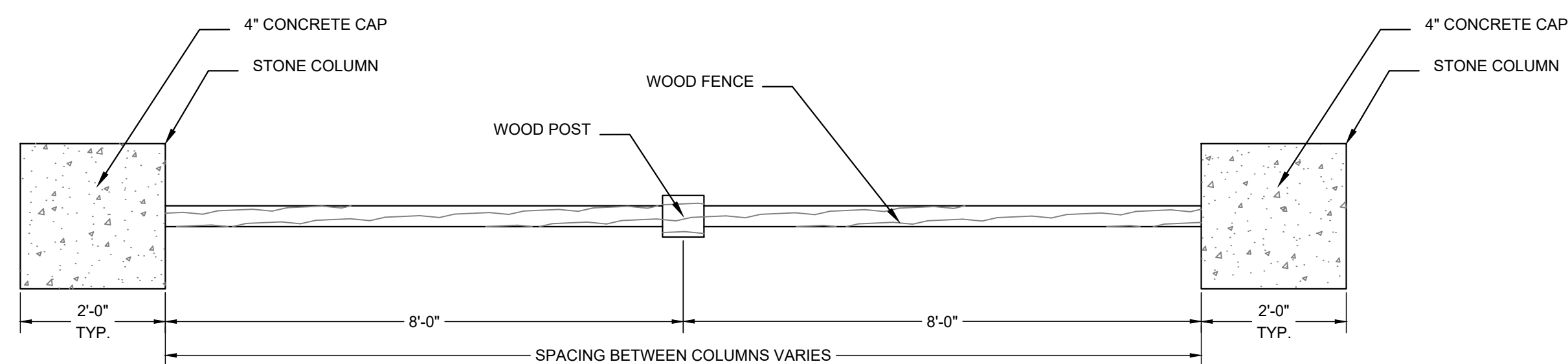
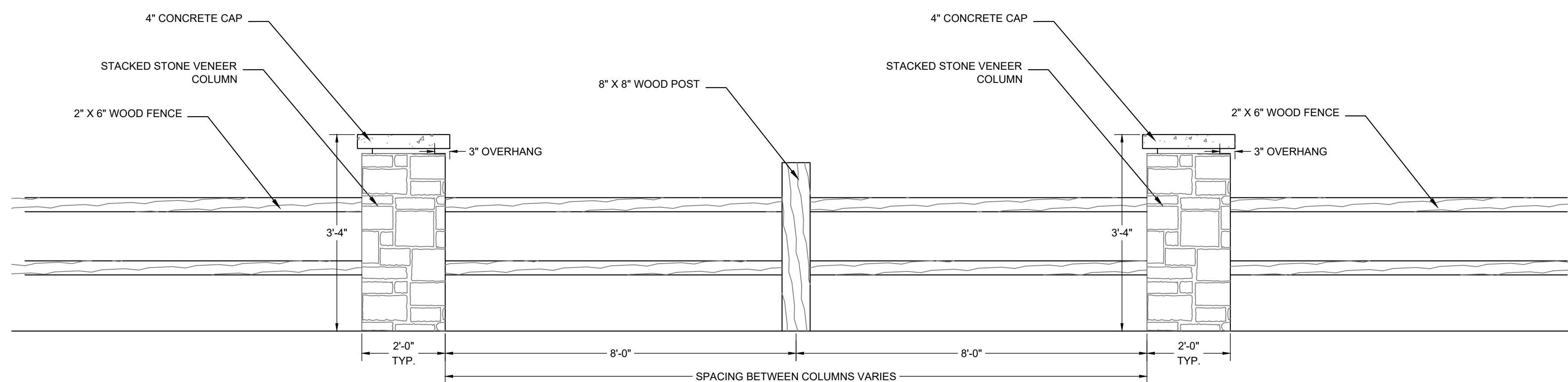
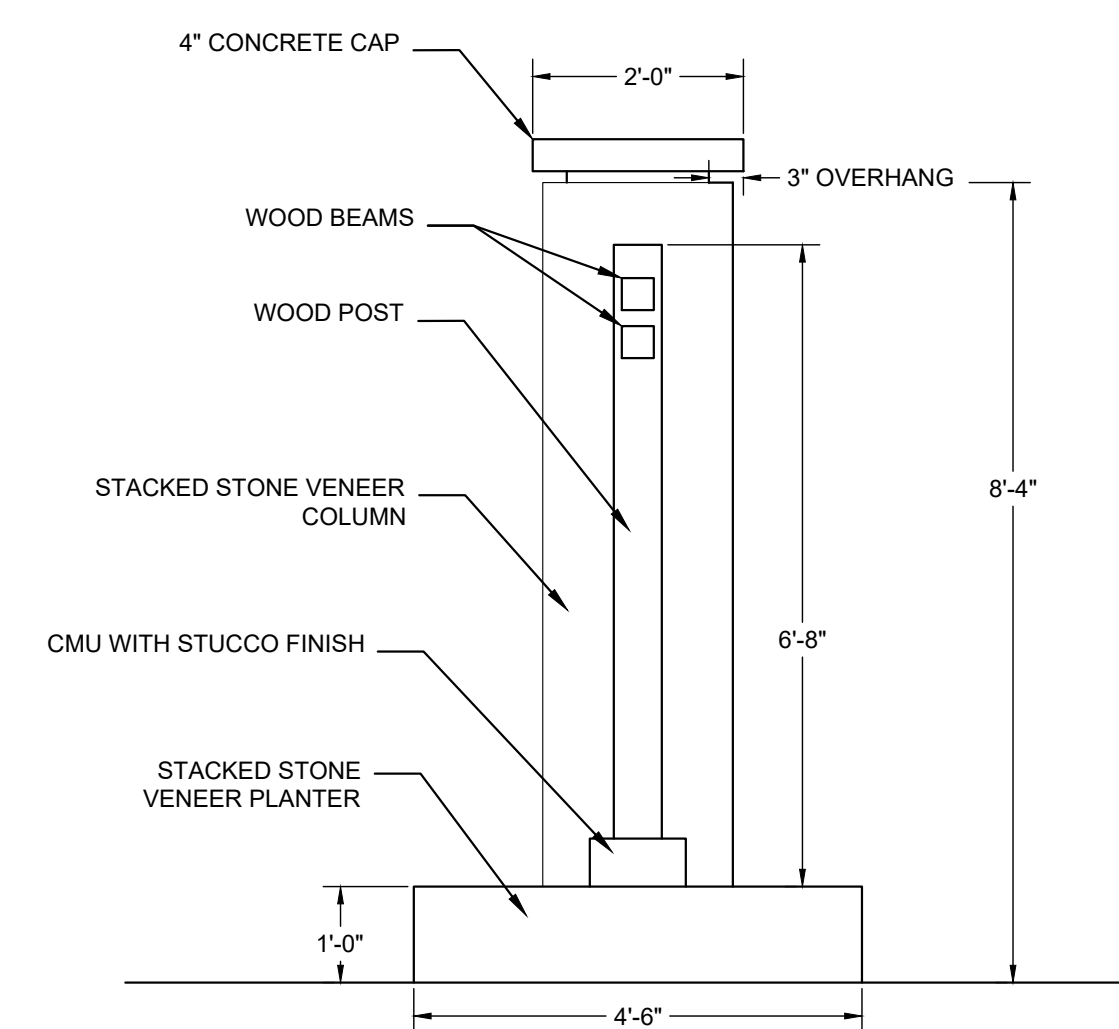
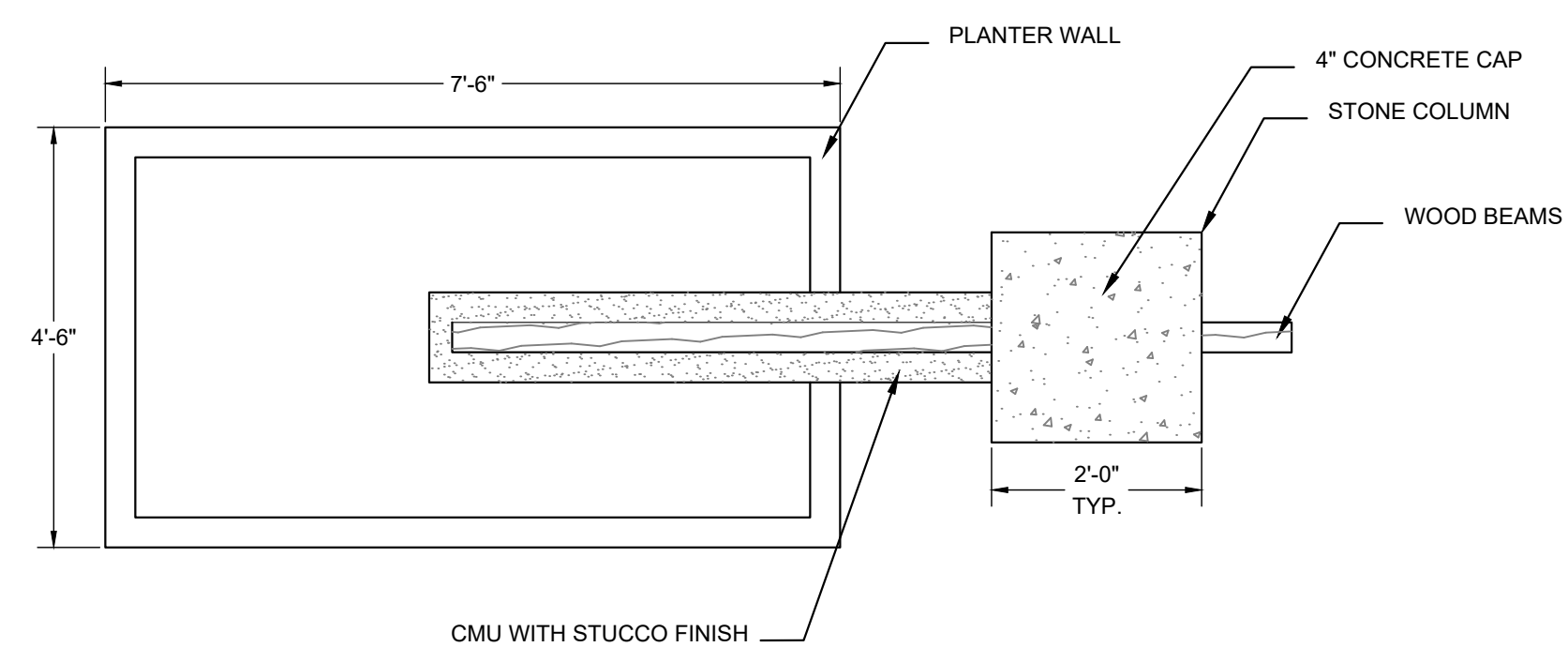
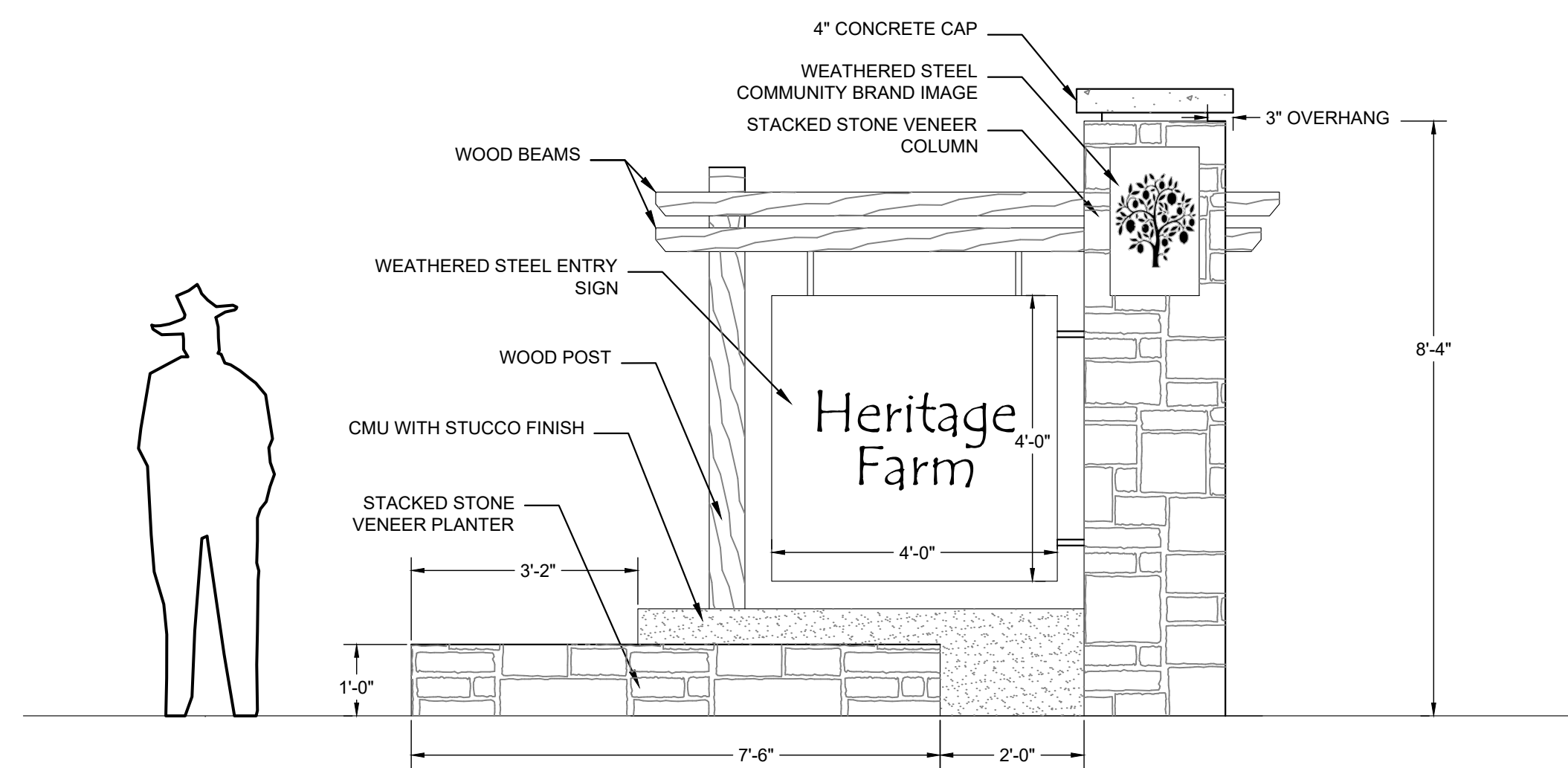
NOTE: COLUMNS MAY BE PROVIDED AT APPROPRIATE INTERVALS BASED ON LENGTH OF RUNS AND ANGLE POINTS.

**CALL TWO WORKING DAYS
BEFORE YOU DIG**

602-263-1100

1-800-STAKE-IT

(OUTSIDE MARICOPA COUNTY)



S 17-530



**DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

14 September 2017

Mr. James R. Mitchell
Director, Community Initiatives Team
56th Fighter Wing
14185 West Falcon St.
Luke AFB AZ 85309-1629

Ms. Jamie Sullivan
Planning Project Coordinator
City of Surprise Planning Department
16000 N. Civic Center Plaza
Surprise AZ 85374

Re: FS17-530; Heritage Farm

Dear Ms. Sullivan

Thank you for the opportunity to provide comments on the Rezone with Planned Area of Development and Preliminary Plat Application for Heritage Farm. The site is on 33 plus acres located at the southeast corner of 175th Avenue and Waddell Road in Surprise AZ. The applicant is proposing a rezoning from RU-43 (Rural 43), one dwelling unit per acre to RM-9 (Residential Medium Density). The development will include up to 145 residential units for a density of 4.39. The site is approximately three miles outside the 1988 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is inside the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

This request, as stated in the application, will not negatively impact the flying operations at Luke AFB. Since Heritage Farms will be located inside the "territory in the vicinity of a military airport," it will be subjected to approximately 165 over flights a day, with some as low as 1,500 feet above ground level. We recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant is essential to inform potential residents about Luke AFB operations.

If there are any questions, please contact my Community Planner, Ms. Barbara Plante, at (623) 856-9981.

Sincerely

A handwritten signature in black ink, appearing to read "J. Mitchell", is written over a horizontal line.

JAMES R. MITCHELL

cc:

Colonel Michael S. Richardson, Vice Commander, 56th Fighter Wing
Ms. Cindy L. Calderon, GS-13, General and Environmental Law Attorney, 56th Fighter Wing

Robert Kuhfuss

From: Michael Wilson <MWilson@azdot.gov>
Sent: Tuesday, September 12, 2017 2:01 PM
To: Jamie Sullivan
Cc: Vanessa Nunez; Michael Wilson
Subject: FS17-530 Heritage Farm
Attachments: 20170912131431529.pdf

Jamie.....I've reviewed the proposal for SFR rezoning, preliminary platting, and conceptual layout, for Heritage Farm at SEC of Waddell and 175th AVE. Primary ingress-egress to the development looks to be 175th AVE, which will connect to Waddell Road approximately 1 mile from ADOT's nearest facility, which is the 303. This proposal as submitted causes no concerns to ADOT. Officially ADOT's position is one of neutrality, neither supporting or opposing the project. Thank you for the opportunity to review and comment. Mike

Michael (Mike) Wilson, SR/WA
ADOT ROW Project Coordinator
LPA (Local Public Agency) R/W Coord.
205 S. 17th Ave. MD: 612E
Phoenix, AZ 85007
602-712-7175
WWW.AZDOT.GOV

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.

Robert Kuhfuss

From: Debbie Trasancos <DebbieT@mwdaz.com>
Sent: Tuesday, September 19, 2017 7:40 AM
To: Jamie Sullivan
Cc: Chris Cain; Leslie Jarrell
Subject: RE: FS17-530 Heritage Farms Electronic Submittal
Attachments: MWD Drawing Requirements.pdf; MWD Fees & Payment Schedule 2017.pdf

Jamie,

Thank you for providing the electronic submittal for Heritage Farms (FS17-530). MWD has reviewed this submittal and determined that the proposed development project will impact MWD. As a result, this development will require a development agreement between MWD and the developer to address the impacts to MWD's facilities and/or property interests. MWD is currently working with the developer in preparing a development agreement. Additionally, the developer will need to provide copies of any subdivision plats and utility and improvement plans to MWD for review and approval pursuant to the attached *MWD Drawing Requirements*, along with payment of the applicable plan review fees pursuant to the attached *MWD Fees & Payment Schedule*. Upon our review of the plat and/or plans once they are provided by the developer, MWD will copy the City on our approval and/or comments.

Thanks again,

Debbie Trasancos
Property & Contracts Specialist
Maricopa Water District
14825 W. Grand Ave.
Surprise, AZ 85374
623/546-8266
fax 623/584-2536
debbiet@mwdaz.com

From: Jamie Sullivan [<mailto:Jamie.Sullivan@surpriseaz.gov>]
Sent: Tuesday, September 12, 2017 11:20 AM
To: Barbara Plante - Luke <barbara.plante@us.af.mil>; Brad Finke - EPCOR <bfinke@epcor.com>; Chris Cain <ChrisC@mwdaz.com>; Christina Betz <Christina.Betz@surpriseaz.gov>; Debbie Trasancos <DebbieT@mwdaz.com>; Denise Lacey <deniselacey@mail.maricopa.gov>; Donna Miller <Donna.Miller@surpriseaz.gov>; Jack Eaton <jack.eaton@dysart.org>; Kevin Shipman <kevin.shipman@dysart.org>; Leslie Jarrell <LeslieJ@mwdaz.com>; Lynndsay O'Neill <lynndsayoneill@mail.maricopa.gov>; Mark Frago <fragom@mail.maricopa.gov>; Paul Jackson <paul.j.jackson@usps.gov>; Project Coordinator <redletter@azdot.gov>; Theresa Tysiak - USPS <theresa.a.tysiak@usps.gov>; Timothy Klarkowski <Timothy.Klarkowski@surpriseaz.gov>; Vern Wolfley - MAG <vwolfley@azmag.gov>
Cc: Heather Donaldson <Heather.Donaldson@surpriseaz.gov>
Subject: FS17-530 Heritage Farms Electronic Submittal

Please click the following link to download your files:

https://FTP.SURPRISEAZ.GOV:443/AHT/AHT_UI/public/index.html#/password?package=g7YL5iTGMJ2WNZCdI6jNFv2rYvVmizVuqogM6LZSftdIQRmQGbvIvU1yeOue08x9EuWlKY1v0EiRi274wMK4MP3yxwEPHWqUPFVTN%2fTEBE%3d

Attached you will find the submittal documents for the above referenced project.

I will be sending you the password shortly.

If you have any questions or need clarification, please feel free to contact me.

Thank you and I hope you have a great day!

Jamie Sullivan
Planning Project Coordinator
16000 N Civic Center Plaza
Surprise, AZ 85374
623.222.3099
[*jamie.sullivan@surpriseaz.gov*](mailto:jamie.sullivan@surpriseaz.gov)

City Hall offices open at 8 a.m. and close at 5 p.m. Monday through Friday. More info at www.surpriseaz.gov.

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0.1

12 Sep 2017 18:19:43 -0000



S U R P R I S E

A R I Z O N A

City Council

March 6, 2018

Heritage Farm

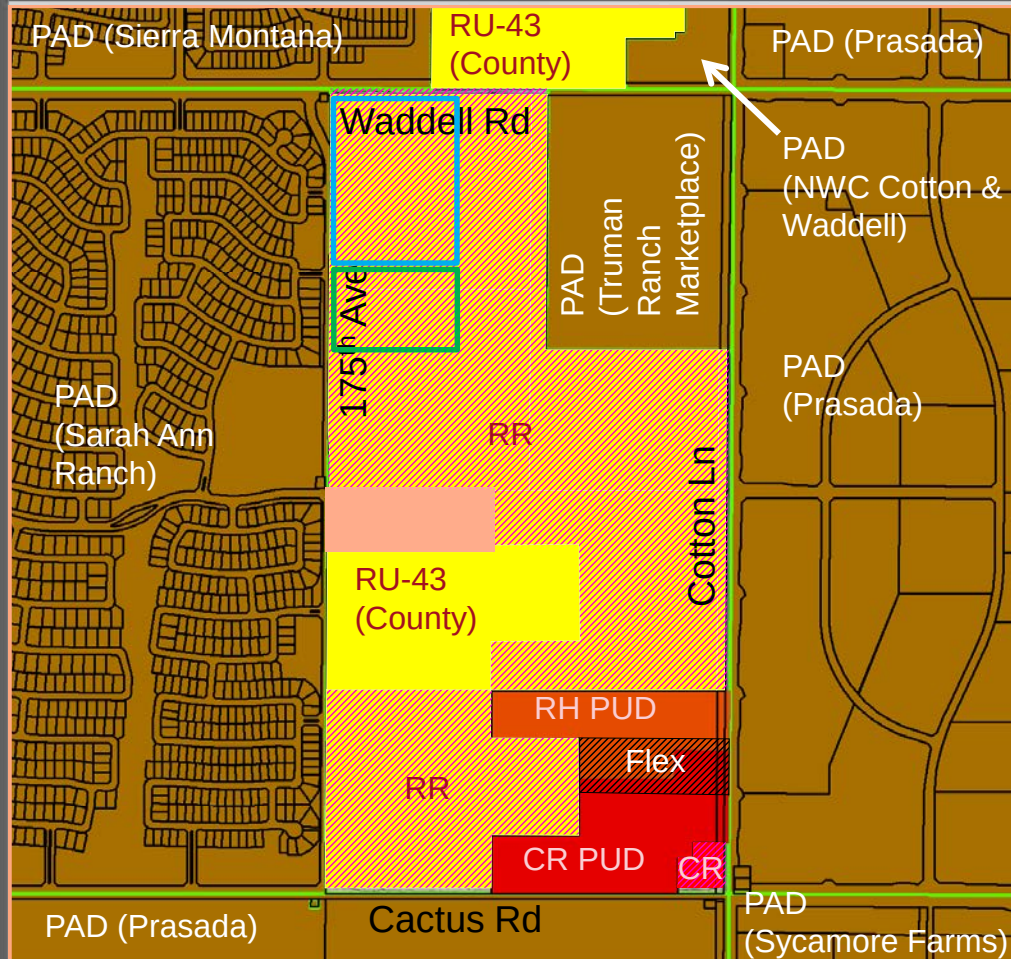
Zone Change and Preliminary Plat

FS17-530



Previously associated with the Magnolia Project





Zone Change

- Existing County RU-43 Zoning
- Existing Surprise RR Zoning*
- Existing Surprise RM-9 PUD Zoning
- Existing Surprise RH PUD Zoning
- Existing Surprise CR PUD Zoning
- Existing Surprise PAD Zoning
- Existing Surprise CR PUD / RH PUD Flex Zoning
- Existing Surprise CR Zoning*

- Subject Property – Zone Change from RR to RM-9 PUD**
- Subject Property – Zone Change from RR to RM-6 PUD**

*Post-Annexation zoning approved as part of Annexation request under FS16-427

Original Configuration and Relationship



Zone Change

PUD OVERLAY

Zone Change

➤ Removes Community Pool requirement

“Medium density residential projects containing 60 residential units or greater shall be provided a swimming pool amenity, unless there is a community pool included as part of the overall development.” SUDC 122-137(r)

Rationale – With 20’ rear setbacks, individual yards will be large enough to accommodate private swimming pools if desired

PUD OVERLAY

➤ Adjusts Roadway Landscape Buffers

SUDC 122-137(e)(1)a requires an open space tract of not less than 60' in width adjacent to arterials and parkways. The PUD Overlay makes this 60' average width.

Rationale: The applicant proposes an average width of 60.

SUDC 122-137(e)(1)a.1 requires single-loaded streets with that houses face the 60' open space.

Rationale – There are no proposed single-loaded streets as they are not typical for the area.

Zone Change

PUD OVERLAY



Zone Change

PUD OVERLAY

Zone Change

- **Adjusts size of turf area associated with recreation field**

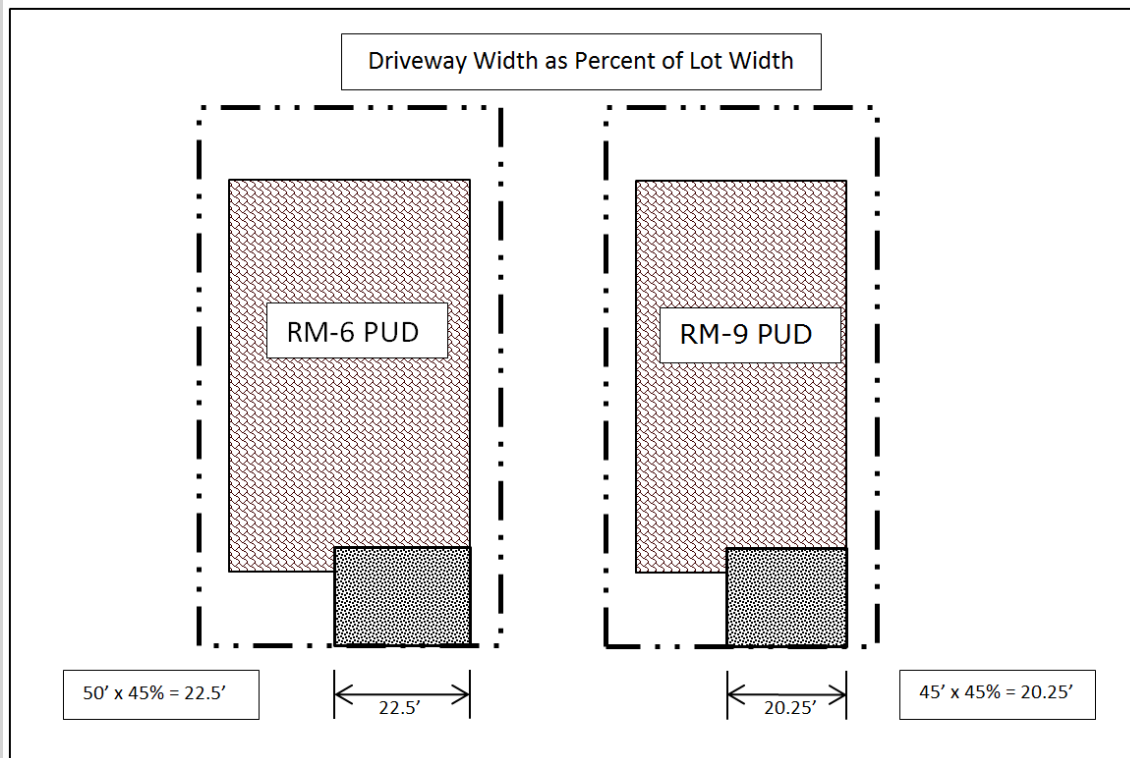
SUDC 122-137(p)(1) requires a turf recreational area of not less than 3.5 acres per 700 dwelling units.

Rationale:

- **At 137 dwelling units, this requirement is out of proportion to the community.**
- **The applicant is providing an amenitized 1.6 acre pocket park located in the center of the neighborhood that is to scale with the project.**
- **Project increases overall open space from 20% to 24%**

PUD OVERLAY

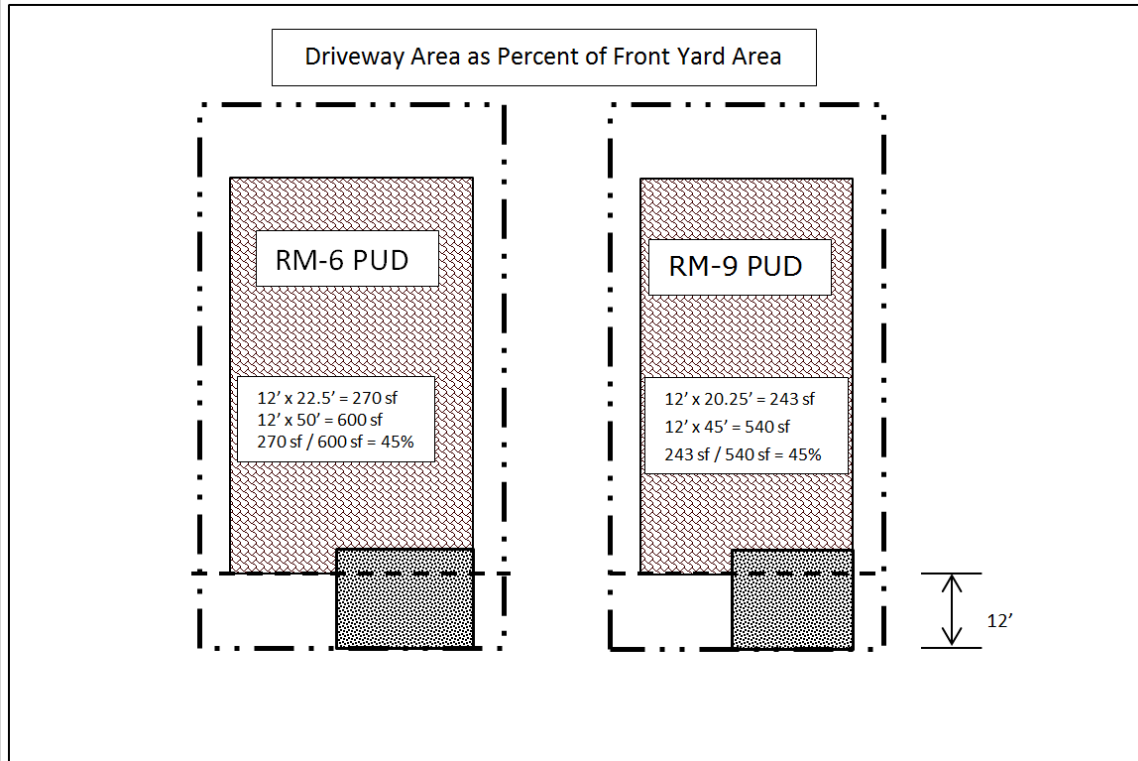
- Adjusts driveway width and area



Zone Change

PUD OVERLAY

- Adjusts driveway width and area



Zone Change

PUD OVERLAY

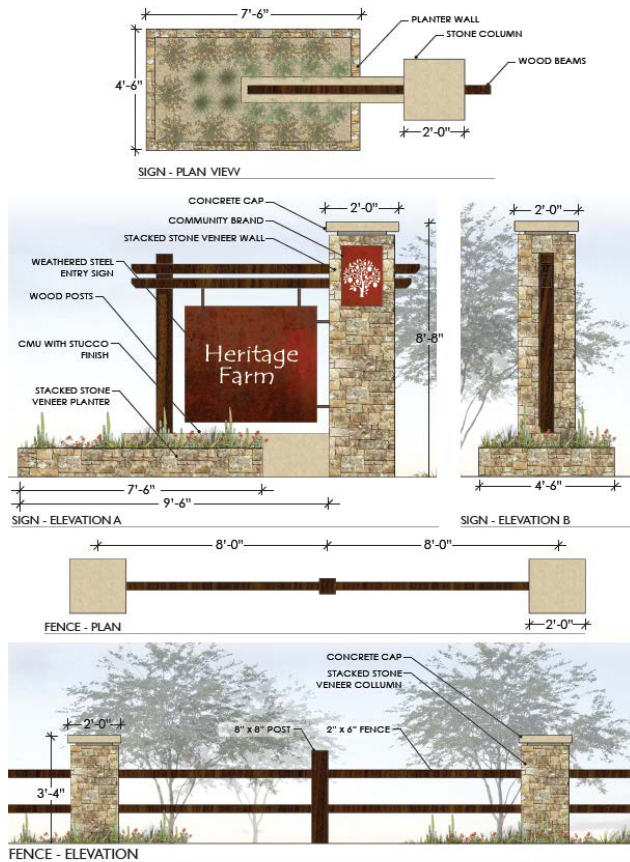
➤ Amends development standards

Table 1: RM-6 PUD and RM-9 PUD Development Standards

Development Standard	RM-6 City Base Standard	Proposed RM-6 PUD Standard	RM-9 City Base Standard	Proposed RM-9 PUD Standard
Maximum Density	6.0	4.3 (decrease in density)	9.0	4.5 (decrease in density)
Minimum Lot Area (sf) (1)	6,000	6,000	4,500	5,000 (increase in lot size)
Minimum Lot Width (ft)	50	50	40	45 (increase in lot width)
Minimum Lot Depth (ft)	100	100	100	100
Minimum Front Yard Setback (ft) (livable area/front-facing garage)	12/20	12/20	12/20	12/20
Minimum Side Yard Setback (ft)	TBD	5	TBD	5
Minimum Rear Yard Setback (ft)	20	20	20	20
Maximum Building Height (ft)	35	35	35	35

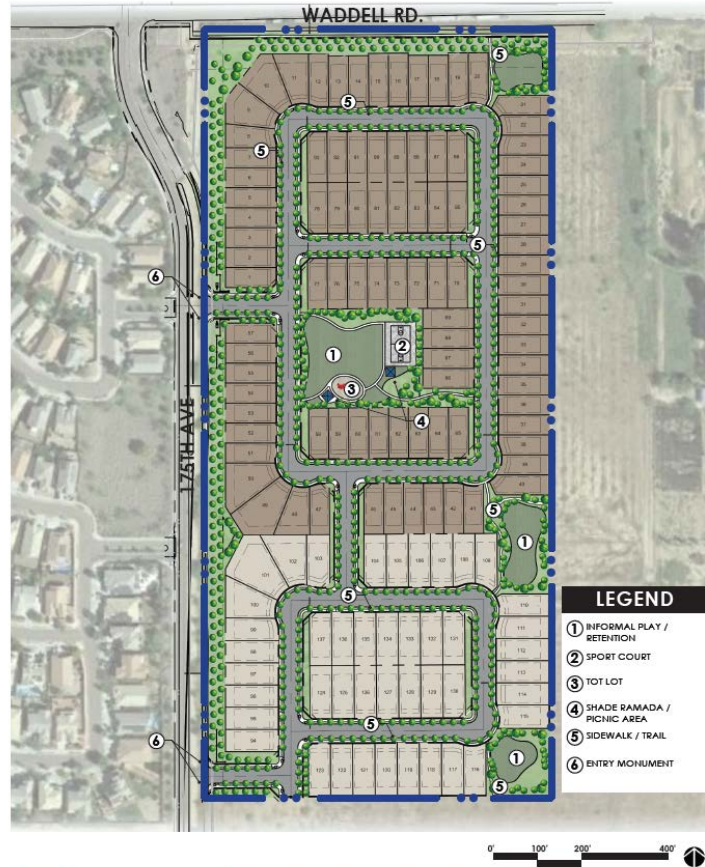
Zone Change

Zone Change



HERITAGE FARM
SURPRISE, AZ

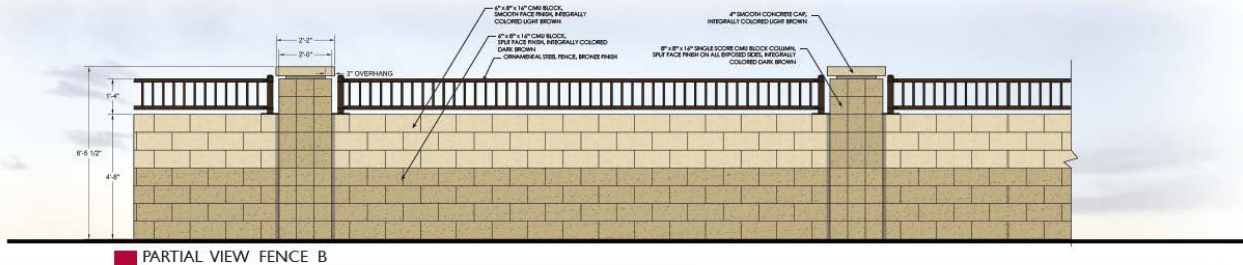
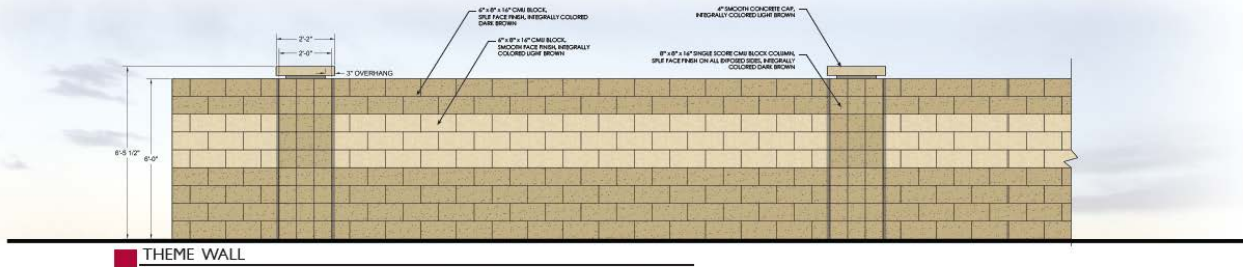
FIGURE 5-MONUMENT SIGN AND FENCE DETAILS Kimley + Horn
08.30.2017



HERITAGE FARM
SURPRISE, AZ

FIGURE 4-OPEN SPACE, TRAILS, & AMENITIES PLAN Kimley + Horn
11.30.2017

Zone Change



Preliminary Plat

LOT	FRONT SETBACK (FT)	GARAGE SETBACK (FT)	LOT WIDTH AT WORK FRONT SETBACK (FT)
8	17	25	43
9	19	27	45
10	19	27	45
11	18	26	43
21	23	31	48
42	18	27	45
43	18	26	43
44	18	27	45
50	18	27	45
100	19	27	45
101	18	26	43
102	18	26	43

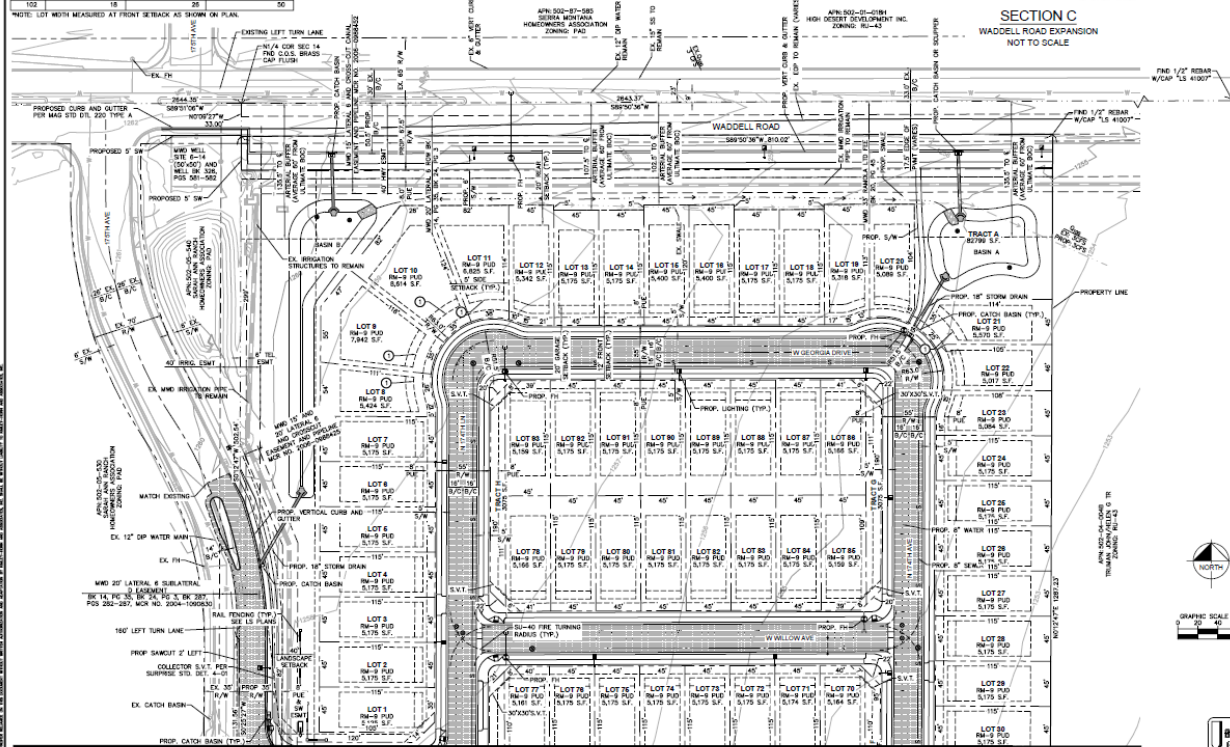
NOTE: LOT WIDTH MEASURED AT FRONT SETBACK AS SHOWN ON PLAN.

NOTES

- FOR FRONT SETBACK AND GARAGE SETBACK REFER TO TABLE ON SHEET 2. SETBACKS NOT INDICATED SHALL BE PER TYPICAL MINIMUM SETBACKS.

NOTE: WADDELL ROAD STRIPPING ALONG PORTION OF PROJECT SHALL REMAIN IN CURRENT CONFIGURATION. WHOI WILL SITE CONSTRUCTION TO THE WEST IRRIGATION CATCH BASIN SOUTHERN SIDE OF WADDELL ROAD AND R/W CONSTRUCTION TO THE EAST DO NOT ACCOMMODATE. ADDITIONAL LANDS BEYOND CURRENT CONSTRUCTION ARE NOT BEING CONSIDERED. CONSTRUCTION IS NOT FEASIBLE WITH THIS PROJECT. SOUTHERN CURB LINE WILL BE CONSTRUCTED TO ULTIMATE LOCATION. CURB LINE WILL BE

SECTION C WADDELL ROAD EXPANSION NOT TO SCALE



Kimley-Horn
HERITAGE FARM
PRELIMINARY PLAT
SURPRISE, ARIZONA

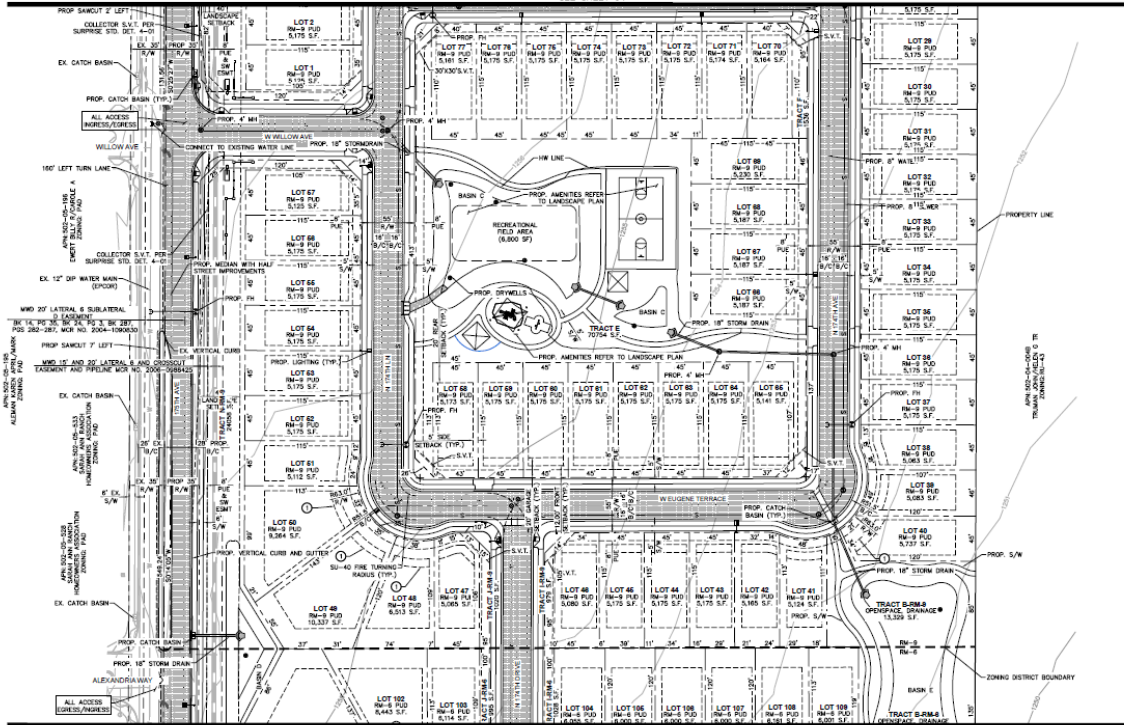
SCALE: 1/4" = 10' (PLAN)
1/8" = 10' (SECTION)
DESIGNED BY: KHA
CHECKED BY: KHA
DATE: 12/02/2017

PROJECT NO.: 29102
DRAWING NAME: SDCSP
02 OF 04

NOTES

- FOR TRUNK SETBACK AND GARAGE SETBACK
REFER TO TABLE ON SHEET 8. SETBACKS NOT
INDIVIDUALLY SHOWN SHALL BE PER TYPICAL
MINIMUM TABLES.

SEE SHEET 04



SEE SHEET 04



PROJECT NO.
2010150
DRAWING NAME
5000P
03 OF 04

HERITAGE FARM
PRELIMINARY PLAT
SURPRISE, ARIZONA

Kimley-Horn
© 2017 KIMLEY-HORN & ASSOCIATES, INC.
P.O. Box 1000, Surprise, AZ 85379
Phone: 623.466.1000 Fax: 623.466.1000
DATE: 12/20/2017

DATE	12/20/2017
BY	101
CHECKED	101
APPROVED	101
DATE	12/20/2017
BY	101
CHECKED	101
APPROVED	101

Preliminary Plat



Preliminary Plat



	Date: 03/31/2019 PROJECT NO. 29101502 DRAWING NAME 5002LS 01 of 07
---	---

Preliminary Landscape

PLANTING KEY

TREES

- BOTANICAL NAME / COMMON NAME
Baccharis lanifolia / Anacacho Orchid
- Fraxinus utah / Shamel Ash
- Olea europaea 'Satan Hill' / Satan Hill Olive
- Pistacia / Red Push Pistache
- Quercus virginiana / Southern Live Oak
- Sophora secundiflora / Texas Mountain Laurel
- Ulmus parvifolia / Lacebark Elm
- Vitex angusticaulis 'Montrose Purple' / Montrose Purple Tree

SHRUBS

- BOTANICAL NAME / COMMON NAME
Ceanothus pulcherrimus / Red Bird of Paradise
- Callistemon citrinus 'Little John' / Dwarf Bottlebrush
- Dodonaea viscosa / Hop Bush
- Eremophila biophratica / Blue Bell
- Leucophyllum frutescens 'Green Cloud' / Green Cloud Sage
- Leucophyllum laurifolium / Rio Bravo Sage
- Plumbago auriculata / Cape Plumbago
- Rhus glabra / Georgia Petiole Indian Hawthorne
- Rhus 'Redland' / French Oak Rose
- Rosmarinus officinalis / Upright Rosemary
- Simmondsia chinensis 'Violet' / Compact Japoda
- Tecoma 'Giant Gold Star' / Yellow Bell

SCALED PLANTS

- BOTANICAL NAME / COMMON NAME
Bouteloua gracilis / Blonde Ambition Grass
- Dasylirion quadrangulum / Toothless Spoon
- Guara lindheimeri / Pink Guara
- Hesperaloe parviflora / Red Yucca
- Hesperaloe parviflora 'Yellow' / Yellow Yucca
- Muhlenbergia capillaris 'Regal Mist' / Gulf Muhly
- Muhlenbergia rigida 'Nashville' / Purple Muhly

GROUNDCOVERS

- BOTANICAL NAME / COMMON NAME
Glandularia goodenifolia / Goodenifolia
- Lantana camara 'New Gold' / New Gold Lantana
- Lantana montevidensis / Purple Trailing Lantana
- Lantana montevidensis 'Munro' / White Trailing Lantana
- Melampyrum nemorosum / Blackfoot Daisy
- Penstemon parryi / Parry's Penstemon
- Teucrium chamaedry 'Prostratum' / Prostrate Germander

MATERIALS

DESCRIPTION

- Decomposed Granite (DG) Planting Area
- 1/2" Screened, Express Brown, 2" Depth Min.
- Turf Hybrid Bermuda
- Bermuda Thatch 4.0" Thick

NOTES

- ALL OAK AND ELM TREES INSTALLED WITHIN THE PUBLIC RIGHT OF WAY SHALL HAVE THEIR MAIN LEADING INTACT.
- ALL TREES PLACED WITHIN THREE (3) FEET OF ANY SIDEWALK, CURB, PAVEMENT OR WALL SHALL HAVE A ROOT BARRIER PER CITY OF SURPRISE ENGINEERING DEVELOPMENT STANDARD (EDS) DETAIL 4.14.
- TREES WITHIN SIGHT TRIANGLE OR WITHIN SIGHT DISTANCE AREAS SHALL BE MAINTAINED CLEAR UP TO 36 INCHES.
- NO SHRUBS, ACCENTS, OR GROUNDCOVER WITHIN SIGHT DISTANCE TRIANGLES AND SIGHT DISTANCE AREAS SHALL EXCEED 30 INCHES IN HEIGHT.

GRAPHIC SCALE IN FEET



PROJECT NO.
2017-001
DATE
02-14-2017
DRAWN BY
R. H. HORN
CHECKED BY
R. H. HORN
SCALE
AS SHOWN

Kimley»Horn

HERITAGE FARM
PRELIMINARY LANDSCAPE PLAN
SURPRISE, ARIZONA



02 OF 07

SEE SHEET 03

Preliminary Landscape

PLANTING KEY

TREES

- BOTANICAL NAME / COMMON NAME**
- *Baccharis laurifolia* / Anacacho Orchid
 - *Fraxinus velutina* / Shamel Ash
 - *Olea europaea* 'Swan Hill' / Swan Hill Olive
 - *Pinus jeffreyi* / Red Pinus
 - *Quercus virginiana* / Southern Live Oak
 - *Sophora secundiflora* / Texas Mountain Laurel
 - *Ulmus parvifolia* / Lacebark Elm
 - *Vitis aestivalis* 'Munroe Purple' / Munroe's Pepper Tree

SHRUBS

- BOTANICAL NAME / COMMON NAME**
- *Callistemon palmeri* / Red Bird of Paradise
 - *Callistemon citrinus* 'Little John' / Dwarf Bottlebrush
 - *Dodonaea viscosa* / Hop Bush
 - *Fremontia speciosa* / Blue Bell
 - *Leucosiphum frutescens* 'Green Cloud' / Green Cloud Sage
 - *Leucosiphum lanterniae* / Rio Bravo Sage
 - *Plumbago auriculata* / Cape Plumbago
 - *Raphanistrum* / Georgia Petal Indian Hawthorne
 - *Rosa* "Madame" / French Rose
 - *Rosa carolina* / Carolina Rose
 - *Simmondsia chinensis* 'Violet' / Compact Japoda
 - *Tecoma stans* 'Gold Star' / Yellow Bell

ACCENT PLANTS

- BOTANICAL NAME / COMMON NAME**
- *Buddleia gracilis* / Blonde Arabian Grass
 - *Daylily* / Daylily
 - *Guiera senegalensis* / Pink Guiera
 - *Hesperaloe parviflora* / Red Yucca
 - *Hesperaloe parviflora* 'Yellow' / Yellow Yucca
 - *Muhlenbergia capillaris* 'Regal Mist' / Gulf Muhly
 - *Muhlenbergia rigida* 'Nashville' / Purple Muhly

GROUNDCOVERS

- BOTANICAL NAME / COMMON NAME**
- *Gladiolus* / Gladiolus
 - *Lantana camara* 'New Gold' / New Gold Lantana
 - *Lantana montevidensis* / Purple Trailing Lantana
 - *Lantana montevidensis* 'Monroe' / White Trailing Lantana
 - *Melampyrum nemorosum* / Blackfoot Daisy
 - *Pennisetum purpureum* / Pampas Grass
 - *Tecoma chandleri* 'Prostrata' / Prostrate Germander

MATERIALS

- DESCRIPTION**
- Decomposed Granite (All Planting Areas)
 - 1/2" Screened, Express Brown, 2" Depth Mts.
 - Turf Hybrid Bermuda
 - Bermuda Turf 415 'Soft'

NOTES

- ALL OAK AND OLM TREES INSTALLED WITHIN THE PUBLIC RIGHT-OF-WAY SHALL HAVE THEIR MAIN LEADERS NOTICED.
- ALL TREES PLACED WITHIN THREE (3) FEET OF ANY SIDEWALK, CURB, PAVEMENT OR WALL WILL HAVE A ROOT BARRIER PER CITY OF SURPRISE ENGINEERING DEVELOPMENT STANDARD (EDS) DETAIL 1.1A.
- TREES WITHIN SIGHT VISIBILITY TRIANGLES OR WITHIN SIGHT DISTANCE AREAS SHALL BE MAINTAINED CLEAR UP TO 34 INCHES.
- NO SHRUBS, ACCENTS, OR GROUNDCOVERS WITHIN SIGHT DISTANCE TRIANGLES AND SIGHT DISTANCE AREAS SHALL EXCEED 30 INCHES IN HEIGHT.

AMENITIES

- TOPIC
- SHADE COVERS PLAY STRUCTURE
- BENCH
- TRASH RECEPTACLE
- ONE DRINKING FOUNTAIN
- BASKETBALL COURT



Kimley-Horn & Associates, Inc.

HERITAGE FARM

PRELIMINARY LANDSCAPE PLAN

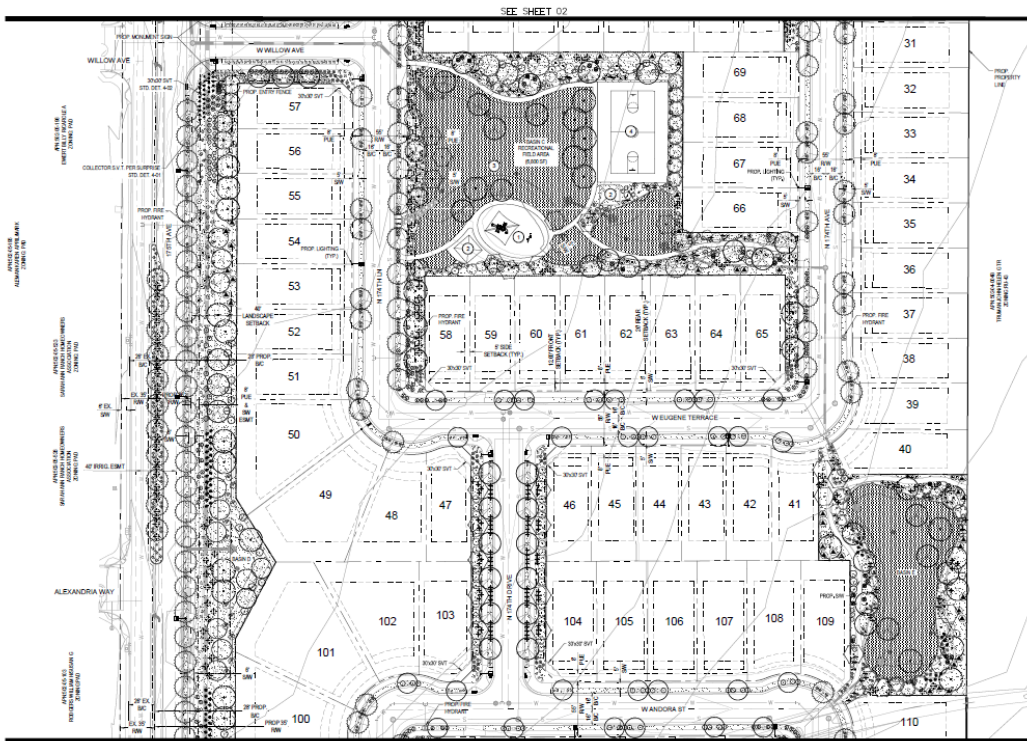
SURPRISE, ARIZONA

DATE: 08/02/2017

PROJECT NO: 17010001

DATE: 08/02/2017

03 OF 07



SEE SHEET 02

SEE SHEET 04

HERITAGE FARM

PRELIMINARY | LANDSCAPE PLAN

SURPRISE, ARIZONA



EXPRESS 03/31/2019
PROJECT NO. 29101502
DRAWING NAME 500LS
04 OF 07



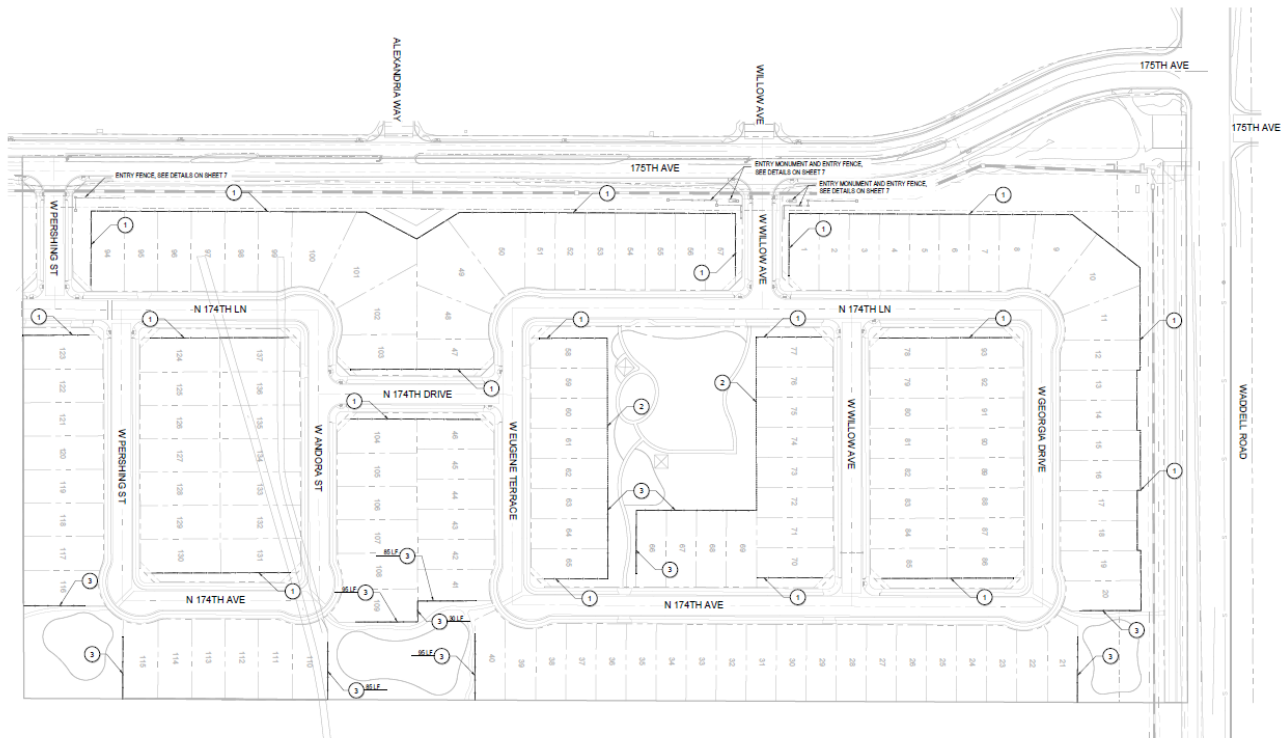
Preliminary Landscape

Kimley»Horn

HERITAGE FARM
WALL PLAN
SURPRISE, ARIZONA



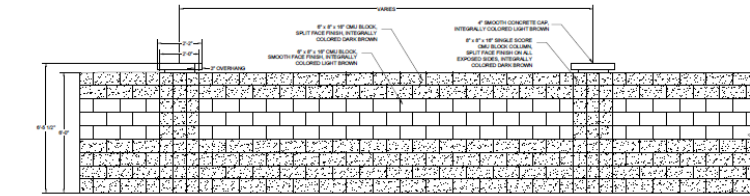
DATE: 06/02/2016
PROJECT NO.: 20101001
DRAWING NAME: 000101
05 OF 07



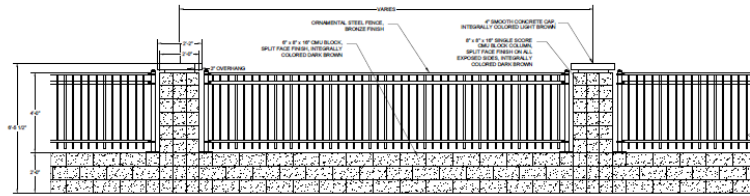
WALL KEY

WALL	WALL DESCRIPTION
1	THIRME WALL - SEE DETAIL 1, SHEET 06
2	PARTIAL VIEW FENCE A - SEE DETAIL 2, SHEET 06
3	PARTIAL VIEW FENCE B - SEE DETAIL 3, SHEET 06

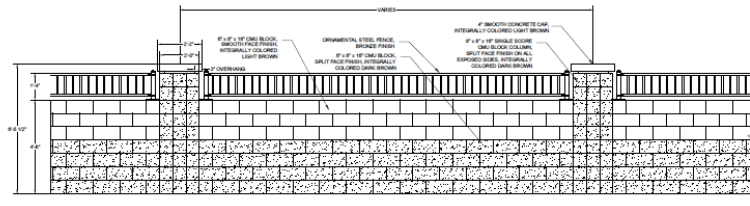
Preliminary Landscape



1 THEME WALL
SCALE: 12" = 1'-0"



2 PARTIAL VIEW FENCE A
SCALE: 12" = 1'-0"



3 PARTIAL VIEW FENCE B
SCALE: 12" = 1'-0"

NOTE: COLUMNS MAY BE PROVIDED AT
INTERVALS TO INTERNALS BASED ON
LENGTH OF PLANS AND ANGLE POINTS.

NOTE: COLUMNS MAY BE PROVIDED AT
INTERVALS TO INTERNALS BASED ON
LENGTH OF PLANS AND ANGLE POINTS.

NOTE: COLUMNS MAY BE PROVIDED AT
INTERVALS TO INTERNALS BASED ON
LENGTH OF PLANS AND ANGLE POINTS.

Kimley»Horn

DATE: 12/22/2021
DRAWN BY: JMM
CHECKED BY: JMM
SCALE: 1/8" = 1'-0"

HERITAGE FARM
WALL DETAILS
SURPRISE, ARIZONA



PROJECT NO.: 2101002
DRAWN BY: JMM
DATE: 12/22/2021
06 OF 07



Citizen Outreach:

October 4, 2017



Commission Recommendations:

Zone Change: **Approve** subject to stipulations “a” and “b”

Preliminary Plat: **Approve** subject to stipulations “a” thru “e”



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE
Regular City Council Meeting

March 6, 2018 @ 6:00:00 PM

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

Council Meeting Date:	March 6, 2018	Contact Person:	Robert Kuhfuss - Community Development
Submitting Department:	CD	District:	3
Staff Recommendations:	Approve		

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

Agenda Wording:

Consideration and action pertaining to approval of a Zone Change from Residential Ranch (RR) to Medium Density Residential 4.3 Dwelling Units per Acre with a PUD Overlay (RM-6 PUD) and Medium Density Residential 4.5 Dwelling Units per Acre with a PUD Overlay (RM-9 PUD) for approximately 33 total acres generally located at the southeast corner of 175th Avenue and Waddell Road; Ordinance # 2018-02.

Motion:

Motion to approve Ordinance # 2018-02 subject to stipulations “a” and “b” as stated in the Staff Report.

Background:

Mark Reddie of LVA Urban Design Studio, on behalf of Truman MC, LLC requests approval of a rezone of approximately 22 acres of recently incorporated land from Residential Ranch (RR) to RM-9 PUD, and approximately 11 acres of recently incorporated land from Residential Ranch (RR) to RM-6 PUD. Both districts include a PUD Overlay to allow modifications from the base development. These modifications relate to minimum lot width and minimum lot area, deletion of the community pool requirement, the configuration of perimeter landscaping, the reduction of turf area associated with a recreational field, as well as the area and width of residential driveways. The respective PUD Overlays will also cap the RM-9 portion to 4.5 Dwelling Units per Acre as opposed to 9 Dwelling Units per Acre, and 4.3 Dwelling Units per Acre for the RM-6 portion as opposed to 6 Dwelling Units per Acre. A related Preliminary Plat is discussed under separate cover.

Objective Analysis:

The subject zone change request contemplates a change from RR to RM-6 PUD and RM-9 PUD. Unlike typical “PAD” zoning, the subject request falls under the current SUDC. As such, the uses associated with each of the proposed zoning districts are per Section 122-43 of the SUDC. The proposed PUD Overlay, however, will allow certain deviations from the development standards as specified in the SUDC. The Heritage Farm project is well designed and is consistent with the General Plan and SUDC. The proposed development standards requested under the PUD Overlay will allow the applicant to develop the site in a creative manner in keeping with the intent of the SUDC. The proposed zone change

is consistent with the Surprise General Plan 2035 and the proposed development standards will allow the property to be reasonably developed in a manner.

Policy Compliant:

The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac or more, provided appropriate transitions are made between the various Neighborhood types included within the character area. The subject proposal contemplates up to 145 dwelling units, which equates to approximately 4.4 DU/Ac overall. As such the proposed zoning most closely aligns with the Suburban Neighborhood type and is consistent with the General Plan.

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 - FS17-530 Heritage Farm Zone Change, Staff Report](#)
 - ☐ [01 - FS17-530 Heritage Farm Zone Change, Vicinity Map](#)
 - ☐ [02 - FS17-530 Heritage Farm Zone Change, Case Map](#)
 - ☐ [03 - FS17-530 Heritage Farm Zone Change, Narrative](#)
 - ☐ [04 - FS17-530 Heritage Farm Zone Change, Luke AFB Comments](#)
 - ☐ [05 - FS17-530 Heritage Farm Zone Change, ADOT Comments](#)
 - ☐ [06 - FS17-530 Heritage Farm Zone Change, Public Engagement Form lfor Heritage Farm](#)
 - ☐ [07 - FS17-530 Heritage Farm Zone Change, Presentation](#)
 - ☐ [Ordinance 2018-02](#)
-

ZONE CHANGE

REPORT TO THE CITY COUNCIL

Case: FS17-530

Project Name: Heritage Farm Rezone

Council District: 3

Meeting Date: March 6, 2018

Planner: Robert H. Kuhfuss, AICP

Owner: Truman MC, LLC

Applicant: Mark Reddie of LVA Urban Design Studio on behalf of Truman MC, LLC

Request: Zone Change from Residential Ranch (RR) to Medium Density Residential 4.3 Dwelling Units per Acre with a PUD Overlay (RM-6 PUD) and Medium Density Residential 4.5 Dwelling Units per Acre with a PUD Overlay (RM-9 PUD)

Site Location: Generally located at the southeast corner of 175th Avenue and Waddell Road

Site Size: 22 acres (RM-9 PUD)
11 acres (RM-6 PUD)
33 acres total

Density: 4.3 DU/Ac (RM-9 PUD)
4.5 DU/Ac (RM-6 PUD)
4.4 DU/Ac (overall)

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

Support/Opposition: None known

Commission

Recommendation: **Approve**, subject to stipulations 'a' and 'b'

41 **Introduction:**

42
43 Initially, the applicant sought approval of five (5) separate requests in what was then a county island
44 located in the western portion of Surprise, near Sarah Ann Ranch. Those five requests are listed
45 below:

46
47 Case FS16-391 – 175th & Sweetwater

- 48 • Zone Change from RR to RM-9 PUD
- 49 • Preliminary Plat

50 Case FS16-392 – Magnolia

- 51 • Rezone from RR to RM-6 PUD; from RR to RM-9 PUD; from RH PUD to RM-9 PUD; from RR
- 52 to RH PUD with Flex Zone; from RR to CR PUD with Flex Zone and from RR to CR PUD.
- 53 • Preliminary Plat

54 Case FS16-427 – Annexation

55
56 The two Zone Change requests and their related Preliminary Plats were presented to the Planning
57 and Zoning Commission, who made a favorable recommendation to the City Council. The City
58 Council approved the annexation on January 17, 2017, but continued the two Zone Change
59 requests and two Preliminary Plats to a date-certain of February 7, 2017 at the applicant's request.
60 During the February 7, 2017 City Council meeting, the applicant informed the Council that due to
61 contractual issues, the collective of projects could not move forward at that time. The Council then
62 remanded two Zone Change requests and two Preliminary Plats back to the Planning and Zoning
63 Commission until such time as the development plans could be revised. Since that time, the various
64 owners of the previous land assemblage have been working to bring forth revised submittals
65 independently. The subject case is the second of those revised submittals. A related Preliminary
66 Plat, also submitted under this case number, is discussed under separate cover.

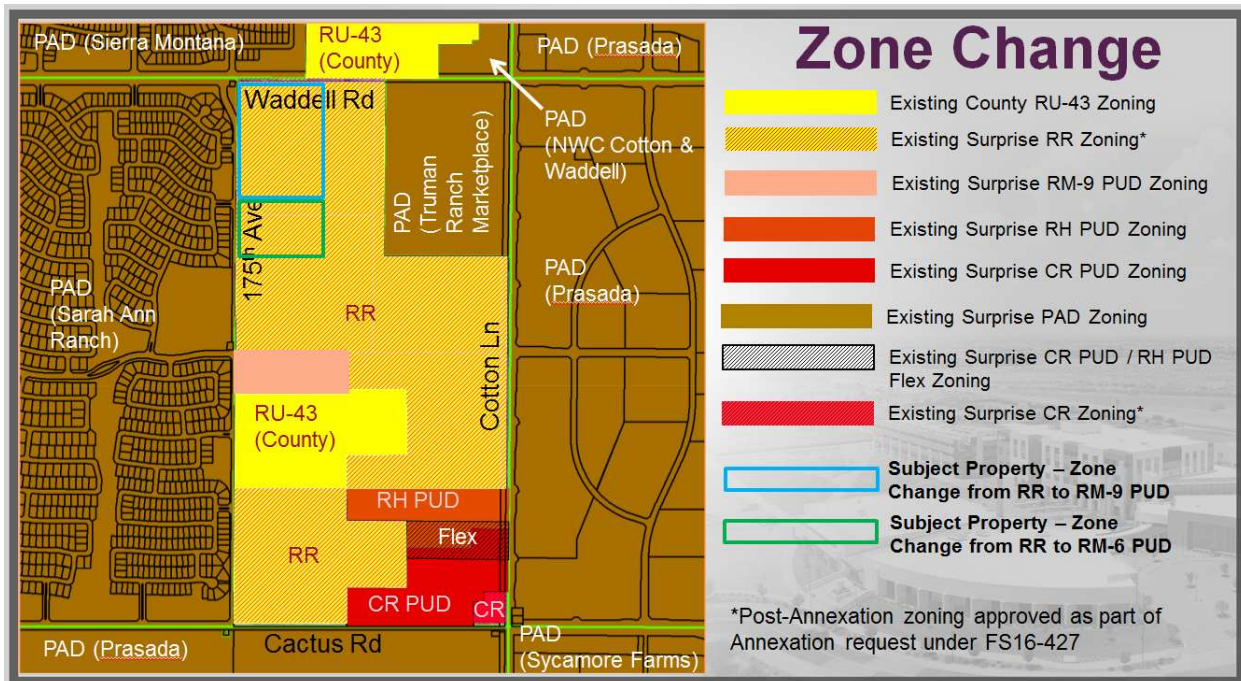
67
68 **Project Description:**

69
70 The subject request involves the rezoning of approximately 22 acres of recently incorporated land
71 from Residential Ranch (RR) to RM-9 PUD, and approximately 11 acres of recently incorporated
72 land from Residential Ranch (RR) to RM-6 PUD. Both districts include a PUD Overlay to allow
73 modifications from the base development. These modifications relate to minimum lot width and
74 minimum lot area, deletion of the community pool requirement, the configuration of perimeter
75 landscaping, the reduction of turf area associated with a recreational field, as well as the area and
76 width of residential driveways. The respective PUD Overlays will also cap the RM-9 portion to 4.5
77 Dwelling Units per Acre as opposed to 9 Dwelling Units per Acre, and 4.3 Dwelling Units per Acre for
78 the RM-6 portion as opposed to 6 Dwelling Units per Acre.

79
80
81 [Continued following page.]

Existing Zoning:

The following map and associated chart depict the existing zoning of the subject site and its surrounds.



PAD (Sierra Montana)	PAD (Sierra Montana) and Rural-43 (County)	Residential Ranch (RR)
PAD (Sarah Ann Ranch)	Residential Ranch (RR)	Residential Ranch (RR)
PAD (Sarah Ann Ranch)	Residential Ranch (RR)	Residential Ranch (RR)

Background:

April 21, 2016: Staff discussed a proposal involving the subject property during a regularly scheduled Concept Review meeting under CR16-171.

July 28, 2016: Staff met with the applicant to discuss the project during a regularly scheduled Concept Review meeting under CR16-305.

August 8, 2016: Staff met with the applicant to discuss annexation logistics.

August 23, 2016: Staff met with the applicant to discuss product design.

September 12, 2016: The applicant filed a request for a Zone Change and Preliminary Plat under case FS16-391. The applicant filed a second request for a companion Zone Change and Preliminary Plat under case FS16-392. The latter also included an annexation request.

September 28, 2016: On behalf of the applicant, staff opened case FS16-427 relating to the annexation of the subject property.

October 19, 2016: The applicant held a neighborhood outreach meeting to discuss the larger Magnolia project.

October 31, 2016: Staff met with the applicant to discuss review comments relating to the Magnolia project.

November 15, 2016: The City Council approved the blank annexation petition relating to the annexation of the subject property as well as other proximal properties under case FS16-427.

December 15, 2016: The Commission continued FS16-391 to a date-certain of January 5, 2017 due to an advertising error.

January 5, 2017: The Planning and Zoning Commission recommended approval of the requested zone change under FS16-391 subject to staff-recommended stipulation “a” through “c”.

January 17, 2017: The City Council approved the annexation of the subject property under case FS16-427.

January 17, 2017: The City Council continued FS16-391 and FS16-392, a companion case, to a date-certain of February 7, 2017 at the applicant’s request.

February 7, 2017: The City Council remanded FS16-391 and FS16-392, to the Planning and Zoning Commission at the request of the applicant.

September 11, 2017: The applicant submitted a request for a Zone Change and Preliminary Plat under case FS17-530, the subject case.

October 3, 2017: The City Council approved a Zone Change for 175th and Sweetwater under case FS16-391.

October 4, 2017: The applicant held a neighborhood outreach meeting to discuss the subject request.

December 19, 2017: The City Council approved a Preliminary Plat for 175th and Sweetwater under case FS17-403.

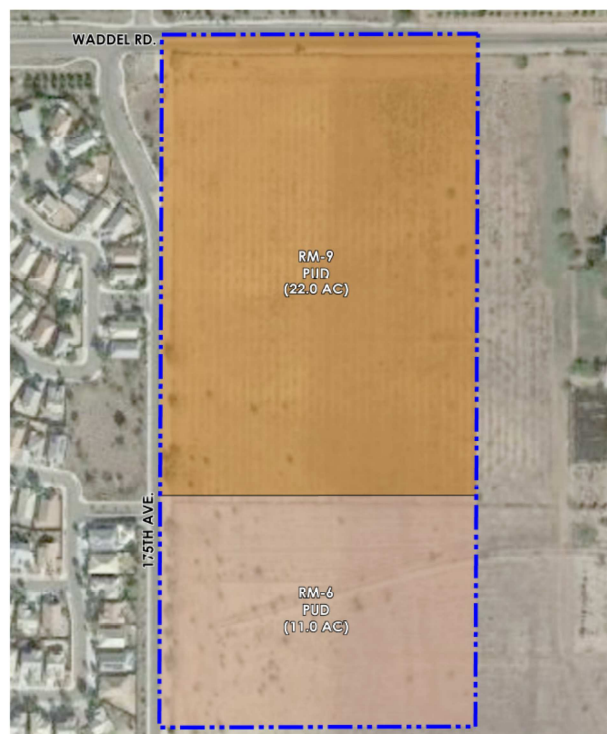
February 1, 2018: The Commission recommended approval of the subject request to the City Council.

Citizen Outreach:

The site was posted in accordance with the SUDC and state statute. The City of Surprise also sent notices via First Class mail in accordance with the SUDC and state statute. The applicant held a citizen outreach meeting on October 19, 2016, which was well attended. The applicant held a second outreach meeting on October 4, 2017, which was also well attended. The applicant received one (1) written comment relating to the need for street improvements in the area. No revisions to the proposed development plan were necessitated as a result of any feedback received.

Analysis and Discussion:

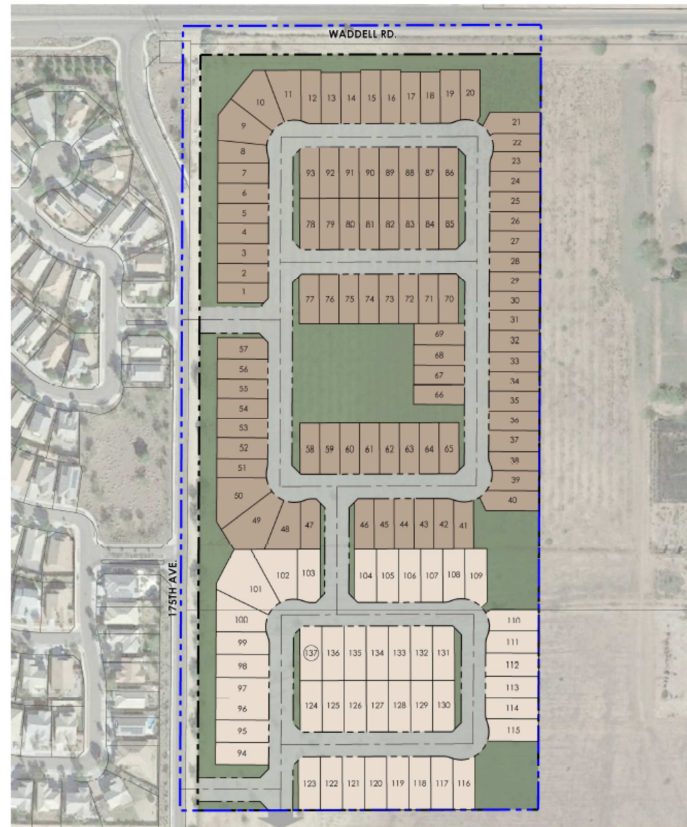
The subject zone change request contemplates a change from RR to two (2) separate zoning districts, RM-6 and RM-9, each with a PUD Overlay. The following image, taken from Figure 2 of the zoning narrative, shows the proposed zoning district boundaries:



The base zoning of the northern 22 acres will be RM-9, which would allow up to 9 Dwelling Units per Acre (DU/Ac); however, through the PUD Overlay, the developer proposes not more than 95 DU/Ac for a gross density of approximately 4.3 DU/Ac. Similarly, the base zoning of the southern 11 acres will be RM-6, which would allow up to 6 dwelling units per acre DU/Ac.

[Continued following page.]

The following image, taken from Figure 3 of the zoning narrative depicts the anticipated lotting for the project. This lotting configuration is expressed in the related Preliminary Plat which is discussed under separate cover; however, staff notes that Figure 3 is intended to be a conceptual design and could change as long as such changes are implemented through the platting process.



Unlike typical “PAD” zoning, the subject request falls under the current SUDC. As such, the uses associated with the proposed zoning district are per Section 122-43 of the SUDC. The proposed PUD Overlays, however, will allow certain modifications to the development standards as specified in the SUDC. The following table as taken from the zoning narrative expresses the proposed residential development standards applicable to the site. Those items expressed in red font deviate from the base standard.

[Continued following page.]

Table 1: RM-6 PUD and RM-9 PUD Development Standards

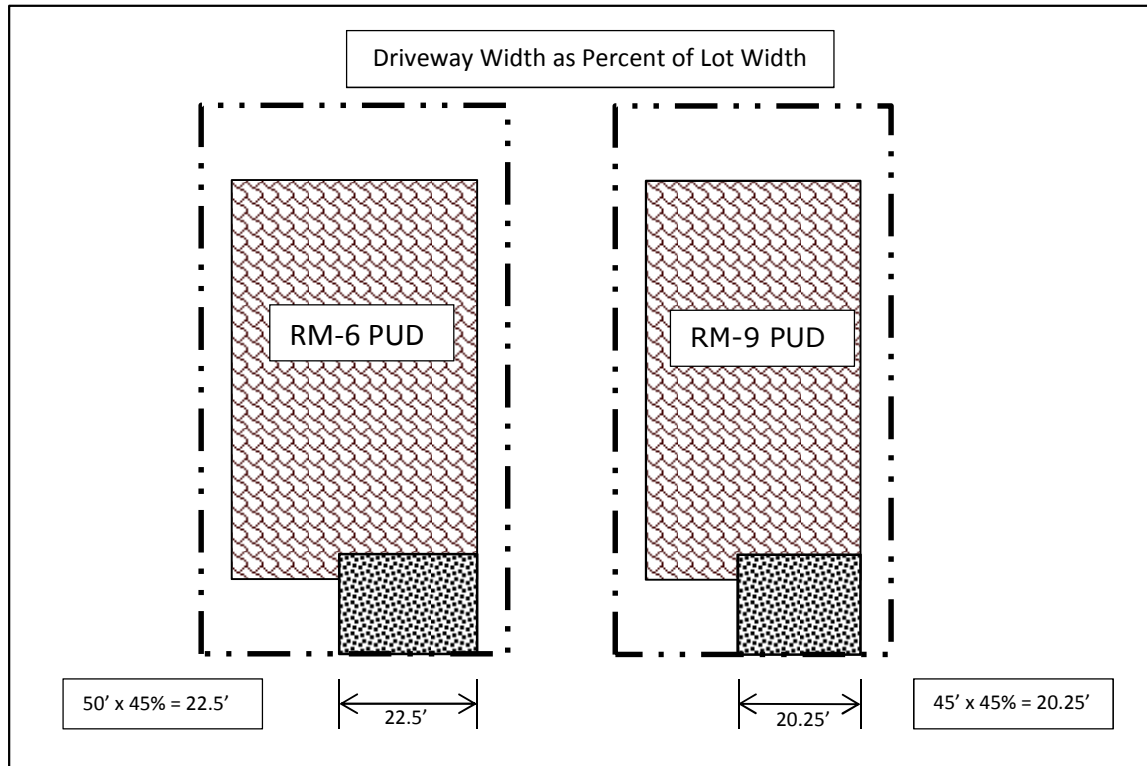
Development Standard	RM-6 City Base Standard	Proposed RM-6 PUD Standard	RM-9 City Base Standard	Proposed RM-9 PUD Standard
Maximum Density	6.0	4.3 (decrease in density)	9.0	4.5 (decrease in density)
Minimum Lot Area (sf) (1)	6,000	6,000	4,500	5,000 (increase in lot size)
Minimum Lot Width (ft)	50	50	40	45 (increase in lot width)
Minimum Lot Depth (ft)	100	100	100	100
Minimum Front Yard Setback (ft) (livable area/front-facing garage)	12/20	12/20	12/20	12/20
Minimum Side Yard Setback (ft)	TBD	5	TBD	5
Minimum Rear Yard Setback (ft)	20	20	20	20
Maximum Building Height (ft)	35	35	35	35

As noted in the narrative, Section 122-137(r) of the SUDC requires a community swimming pool for Medium Density Residential projects of 60 or more units. The applicant proposes the deletion of this requirement through the PUD Overlay. The rationale being that as a single-family development with 20' rear setbacks, ample space will be available on each lot to accommodate a private pool should that homeowner chose to do so. Staff does not object to the deletion of the pool requirement.

The applicant also proposes altering the perimeter open space configuration from that required by the SUDC. Section 122-137(e)(1)a requires an open space tract of not less than 60' in width adjacent to arterials and parkways. The applicant proposes an average width of 60', which is borne out in the associated Preliminary Plat. The applicant further proposes the deletion of the requirement to orient perimeter houses along a single-loaded street. Staff does not object to either of these provisions.

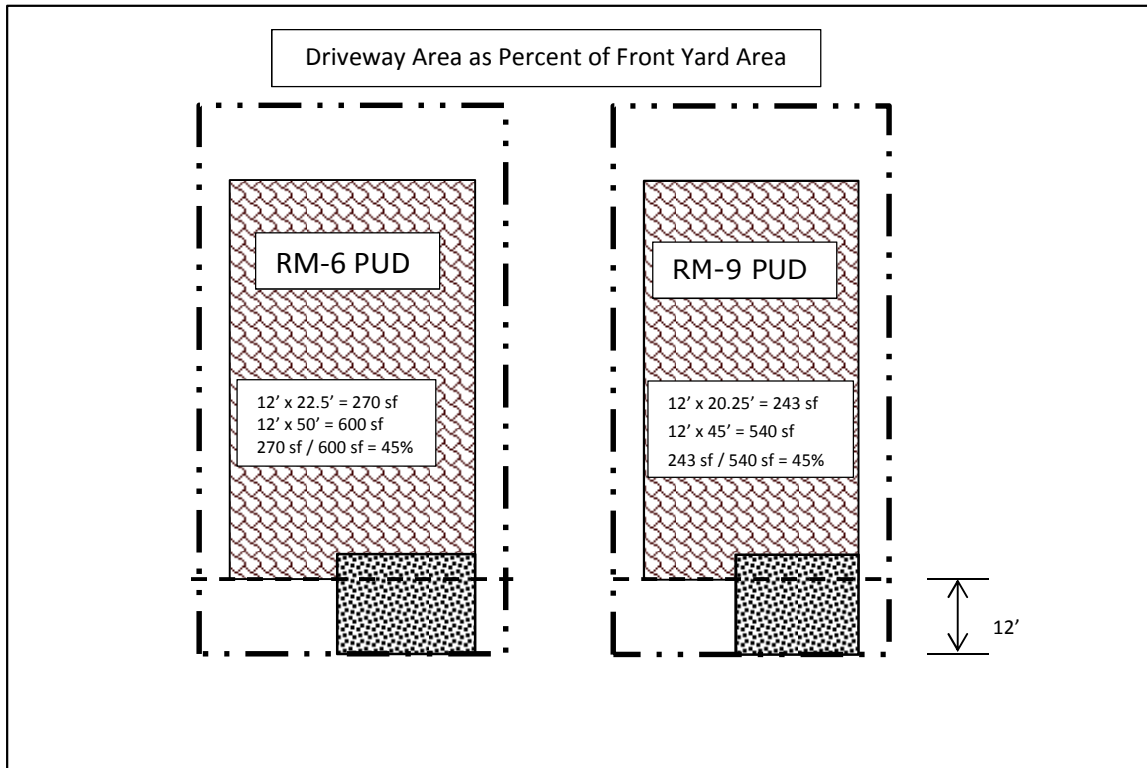
Section 122-137(p)(1) requires one (1) turf recreational field per 700 residential units, each field to have a minimum turf area of not less than 3.5 acres. The applicant proposes the remove of the 3.5 acre minimum size requirement, based on the proportional size of the field relative to the proposed development. Staff does not object to the removal of the 3.5 acre requirement.

Also, there is a provision in the current SUDC which limits the width of a residential driveway to 30% of the lot's width. The proposed minimum lot width is 50' for the RM-6 portion and 45' for the RM-9 portion. If limited to 30%, the driveways would only be 15' and 13.6' wide, respectively. Since a typical garage is 20' wide, increasing the allowable driveway width from 30% to some higher number make sense. The applicant proposes 45%, which would allow for a 22.5' wide driveway in the RM-6 portion, and 20.25' in the RM-9 portion.



There is also a provision in the current SUDC which limits the area of a residential driveway to 30% of the required front yard area, which is that area located between the front setback line and the front lot line. Again, the proposed minimum lot widths are 50' and 45', while the proposed minimum front setback is 12'. 30% of the resulting area will not accommodate a driveway; however, increasing to 45% will accommodate the proposed driveway widths.

[Continued following page.]



The SUDC requires that not less than 20% of the “net residential acreage” be set aside as open space. The net residential acreage is essentially the total amount of land taken up by the individual lots combined with the total open space. The applicant proposes an increase to 24% of the net residential area as open space overall, which exceeds the 20% requirement set forth in the SUDC. Within that open space will be a pocket park with tot-lot, ramada, picnic area, turf play area, and landscaping.

Utility and Services Table:

Electric:	Arizona Public Service
Water:	EPCOR
Wastewater:	City of Surprise
Refuse:	City of Surprise
Natural Gas:	Southwest Gas
Irrigation:	Maricopa Water District
Schools:	Dysart USD

[Continued following page.]

272 **Conformance with Adopted Plans:**

273
274 **Surprise General Plan 2035:** The Surprise General Plan 2035 shows the subject property as lying
275 within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac
276 or more, provided appropriate transitions are made between the various Neighborhood types
277 included within the character area. The subject proposal contemplates up to 145 dwelling units,
278 which equates to 4.5 DU/Ac overall. As such the proposed zoning most closely aligns with the
279 Suburban Neighborhood type and is consistent with the General Plan.

280
281 **Reviewing Agencies:**

282
283 **Luke Air Force Base (LAFB):** In a letter dated September 14, 2017 (attached), LAFB indicated the
284 subject development would not interfere with flight operations, but requested a robust notification
285 program.

286
287 **Arizona Department of Transportation (ADOT):** In an email dated September 12, 2017 (attached),
288 ADOT indicated no concerns.

289
290 **Maricopa Water District (MWD):** In an email dated September 19, 2016 (attached), MWD
291 indicated the proposed development would impact their facilities. Stipulations to address these
292 concerns are included in the associated Preliminary Plat approval, discussed under separate cover.

293
294 **Summary:**

295
296 The applicant seeks a zone change over the subject property, and seeks relief from certain aspects
297 of the SUDC through the PUD Overlay. Said zone change is consistent with the Surprise General
298 Plan and the rationale for the granting of the PUD Overlay stems from the developer's commitment
299 to provide not less than 24% open space, which exceeds the minimum requirement of 20%. The
300 proposed development is compatible with the neighboring land uses and the amenities included
301 within the open space will provide recreational opportunities for the neighborhood residents.
302 While development of this property will increase traffic congestion in the region, the developer will
303 construct much needed infrastructure, and the likelihood of retailers entering the area is
304 dependent upon increased residential development.

305
306 **Findings:**

- 307
308
 - The proposed zone change is consistent with the Surprise General Plan 2035.
 - The proposed development standards will allow the property to be reasonably developed.
 - There are no objections to the request.
 - The Planning and Zoning Commission is supportive of the request.

312
313
314
315

Commission

Recommendation:

Based on the findings noted above, the Commission recommended **approval** of the subject rezone request to the City Council, subject to stipulations ‘a’ and ‘b’ as outlined below:

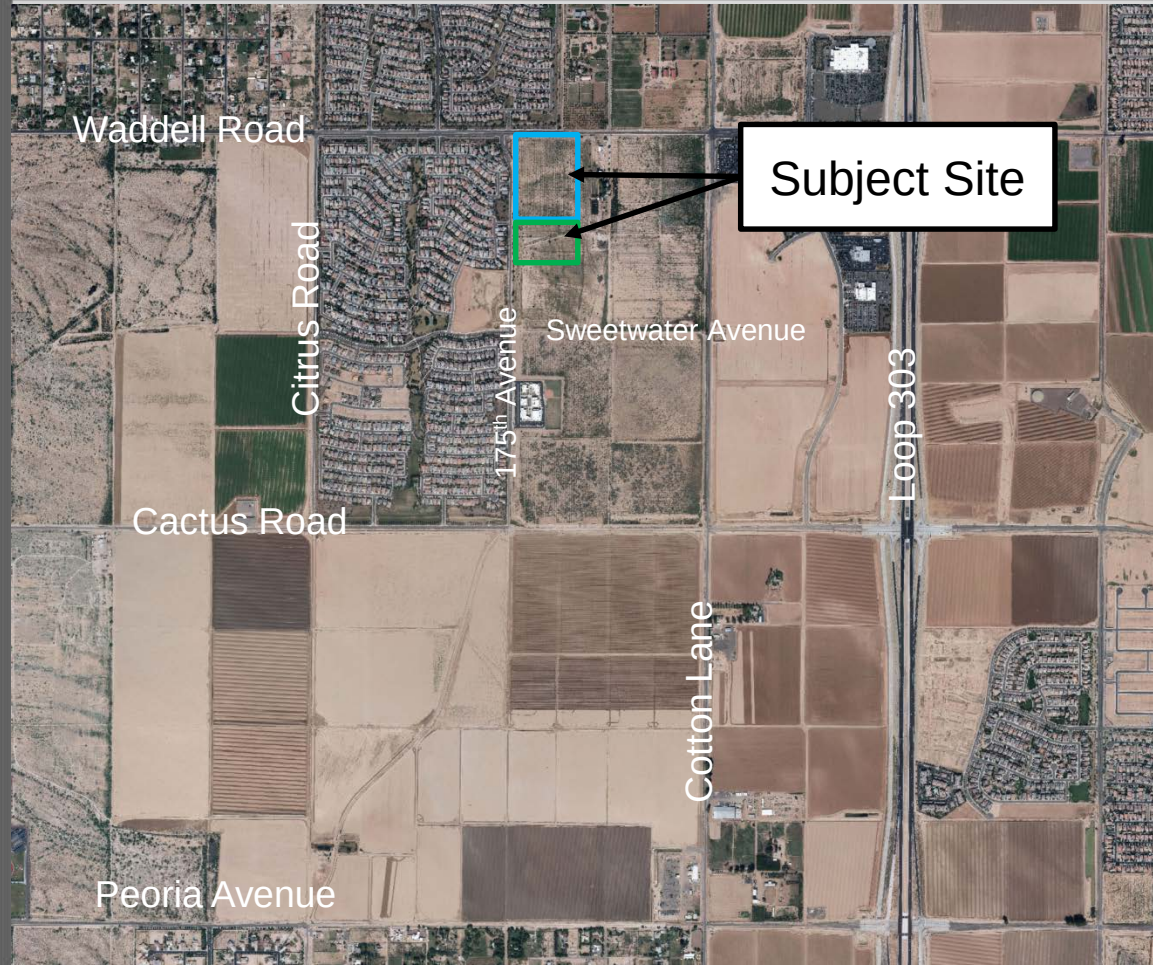
- a. Development and use of the site shall be in conformance with the project narrative entitled “Heritage Farm”, prepared by LVA Urban Design Studio, dated revised December, 2017 and stamped received January 8, 2018, except as modified by the following stipulations.
- b. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.

However, should the Council wish to deny the request, the Council should make its own findings and base its decision on those alternative findings.

Attachments:

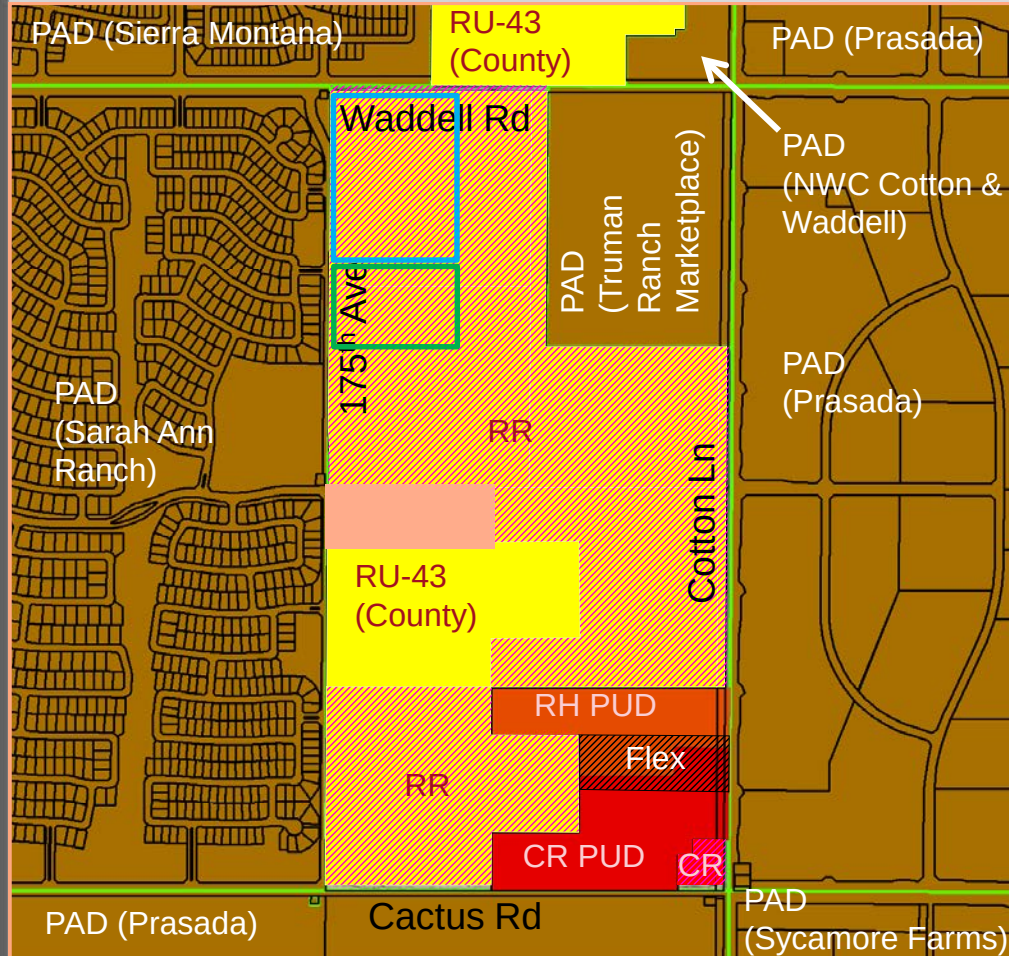
- 01 Vicinity Map
- 02 Case Map
- 03 Project Narrative
- 04 Luke AFB comments
- 05 ADOT comments

Heritage Farm



Vicinity Map

Heritage Farm



- Existing County RU-43 Zoning
- Existing Surprise RR Zoning*
- Existing Surprise RM-9 PUD Zoning
- Existing Surprise RH PUD Zoning
- Existing Surprise CR PUD Zoning
- Existing Surprise PAD Zoning
- Existing Surprise CR PUD / RH PUD Flex Zoning
- Existing Surprise CR Zoning*

- Subject Property – Zone Change from RR to RM-9 PUD**
- Subject Property – Zone Change from RR to RM-6 PUD**

*Post-Annexation zoning approved as part of Annexation request under FS16-427

Heritage Farm

**A RESIDENTIAL DEVELOPMENT
SURPRISE, ARIZONA**

**PUD ZONING APPLICATION
SEPTEMBER 2017**

REVISED: NOVEMBER 2017

REVISED: DECEMBER 2017

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- A. Legal Description and ALTA Survey
- B. Traffic Impact Analysis
- C. Master Drainage Report
- D. Master Water Report
- E. Master Wastewater Report

1.0 DESCRIPTION OF REQUEST

1.1 Introduction

On behalf of Pinnacle Land Development, LLC, LVA Urban Design Studio, LLC is requesting a zone change from Residential Ranch (RR) to 11 acres of RM-6 PUD and 22 acres RM-9 PUD for 33-acres of land located at the southeast corner of 175th Avenue and Waddell Road. The site, called Heritage Farm, is a 33-acre rectangular-shaped parcel located $\frac{3}{4}$ mile west of the Loop 303 freeway, and is bounded by vacant land to the south, large lot residential land to the east, Waddell Road to the north, and 175th Avenue to the west. See **Figure 1**, *Vicinity Map* for the property boundary and general location and **Appendix A**, *Legal Description and ALTA Survey* for the legal boundaries of the property. The applicant will also be submitting a preliminary plat for the property concurrent with the zone change request.

1.2 Project Overview and Zoning Request

Heritage Farm will be developed as a single-family residential development within an active growth area of the City of Surprise. The residential zoning proposed for the property is RM-6 PUD for the southern portion of the property and RM-9 PUD for the northern portion of the development, using the Conventional Character Pattern. See **Figure 2**, *Proposed Zoning Map* for the location of the zoning district boundaries.

The development will include up to 145 residential units which translates to a maximum gross density of 4.4 dwelling units per acre (including up to 95 lots and 4.3 du/ac for RM-9 PUD and up to 50 lots and 4.5 du/ac for RM-6 PUD). This is consistent with the 2-8 dwelling units per acre density range permitted within the Neighborhood General Plan Land Use designation. While lot sizes may vary with the final development plan, the concept plan includes proposed product of 45' x 115' and 50' x 120'.

1.3 Residential Zoning Designations and Development Standards

The residential zoning designation affiliated with the property will use the Conventional Character Pattern in accordance with **Section 122-33** of the Surprise Unified Development Code as may be subsequently amended. The PUD overlay designation shall be applied to the property to allow modification of certain development standards within the Surprise Zoning Code.

1.3.a, Community Pool: The first is the removal of the requirement for a community pool per **Section 122-137(r)** of the Surprise Unified Development Code (SUDC) which states:

“Medium density residential projects containing 60 residential units or greater shall be provided a swimming pool amenity, unless there is a community pool included as part of the overall development.”

The justification for removal of this requirement is that proposed lot sizes will be large enough to accommodate pools within individual lots. The community pool standard is intended for higher density medium density residential product with lot sizes that cannot accommodate private pools within individual yards. This development will provide lot sizes large enough to accommodate pools within individual lots based on the proposed lot sizes and associated development standards defined within Table 1. See additional mitigation for this and other modified standards later in this section.

1.3.b, Roadway Buffer: The second is a modification to the roadway buffer standards within **Section 122-137(e)(1).a** and **(e)(1).a.1** of the SUDC which states:

“(e) Roadway Landscape Buffers: (1) Arterials Road Buffers: a. All arterial roads and parkways shall have an adjoining landscape tract, having a minimum width of 60 feet, measured from the back of curb. 1. Residential units shall be situated to face the required 60-foot landscape tract upon a single-loaded local street. The minimum distance between the fronting residential lots and the arterial road right-of-way shall be 110 feet.”

The modified standard for subsection **(e)(1)a** shall read “*Waddell Road shall have an adjoining landscape tract, having an average width of 60 feet, measured from the back of curb.*” Additionally, subsection **(e)(1)a.1** shall be removed in its entirety. Heritage Farm has been designed to provide for a staggered wall to break up the wall plane along Waddell Road. Additionally, the plan will include much wider landscape tracts at the east and west sides of the subdivision, far exceeding the 60’ depth requirement, and providing additional open space at the corners of the development as a buffer transition to adjacent properties. The plan also includes a pedestrian connection at the northeast corner of the site within the wider landscape tract to provide additional non-vehicular access to the development. Regarding subsection **(1).a.1**, Waddell Road is a major arterial street which will have significant traffic, and none of the other subdivisions within the vicinity have lots facing the street. This standard does not create a cohesive neighborhood or community design, and is generally a flawed standard in a suburban setting to require homes to face a major arterial road in this context. A decorative perimeter fence will be provided along Waddell Road and will include a wall stagger every 3 lots to avoid a single wall plane along the Waddell Road frontage.

1.3.c, Recreational Field: The third modification is to the recreational fields standard within **Section 122-137(p)(1)** of the SUDC which states:

“There shall be a minimum of one turf recreational field provided by the developer for organized sporting activity in a low density or medium density residential project. In no case shall there be less than one turf recreational field per 700 units within a development. Any required recreational field shall have a minimum turf area of 3.5 acres.”

The modified standard for Section 122-137(p)(1) shall include removal of the last sentence that states: “*...Any required recreational field shall have a minimum turf area of 3.5 acres.*” Based on the size and scale of this development at only 33 gross acres, a 3.5 acre turf field (which is roughly the size of three full-size professional football fields side by side) is out of scale and inappropriate for this development. While the overall project will exceed the open space requirement, the recreational field provided will be scaled appropriate for this development as shown on **Figure 4, Landscape and Amenities Plan**. Additional mitigation regarding the overall open space plan is provided further below.

1.3.d, Driveway Width: The final modification is for driveway width standards within **Section 122-121(h)(3) c** and **d** of the SUDC which states:

“c. Driveways and other parking shall not comprise more than 30 percent of the front yard lot area of a detached single family home; nor 50 percent of

the front yard lot area of a two or more family residential unit. Circular driveways and similar circulation shall be permitted within the front yard so long as no long term resident parking occupies such circular drive, and the square footage for driveway, parking and other impervious surfaces combined does not exceed the allowable percentages shown herein.

d. Driveway entrances shall not comprise more than 30 percent of the front lot line of a single family, detached residential parcel, nor more than 50 percent of the front lot line of any multiple-family or non-residential parcel.”

The proposed development includes 45’ wide and 50’ wide lots, which is the market demand in this area. In order to accommodate a 2 car garage and a 20’ wide driveway, this standard will be modified to state “c. *Driveways and other parking shall not comprise more than 45 percent of the front yard lot area of a detached single family home.*” and “d. *Driveway entrances shall not comprise more than 45 percent of the front lot line of a single family, detached residential parcel.*” This revised standard will allow all homes within the subdivision to accommodate a two car garage and an appropriate width driveway.

Mitigation: As appropriate mitigation for the above modified development standards, the development will include reduced density limits, increased lot sizes within the RM-9 PUD district, and will provide additional common-area open space for the benefit of the development and surrounding community. Detailed regarding the proposed mitigation to these modified development standards are discussed further below. Unless specifically modified herein, the development of the property shall comply with **Chapter 122** of the Surprise Municipal Code. In the event of a conflict between a development standard, provision or regulation between the rezoning application and the Surprise Municipal Code, the standard within this rezoning application shall prevail.

The southern 11 acres of the property will be zoned RM-6 PUD, while the northern 22 acres of the property will be zoned RM-9 PUD. The purpose of the PUD overlay is to modify the development standards defined above. As mitigation and additional justification for the modified development standards, the maximum allowable density for the project will be reduced from 6.0 to 4.3 dwelling unit per acre for RM-6 PUD and from 9.0 to 4.5 dwelling units per acre for RM-9 PUD (average overall density is 4.4 du/ac). Additionally, within the RM-9 PUD district, the project proposes to increase the minimum lot size from 4,500 square feet to 5,000 square feet, and increase the minimum lot width from 40’ to 45’. These increased development standards will ensure a minimum lot size that is larger than the base district requirements for RM-9, and can accommodate backyard pools to mitigation the removal of the community pool requirement. It also requires an increased lot width to mitigate the wider driveway percentage while still providing for livable areas of each home to face the street. These increased bulk development standards are defined within **Table 1, RM-6 PUD and RM-9 PUD Development Standards** below. Note that only “red” text items shown on Table 1 are modified standards, and these are all more restrictive standards as mitigation for the modifications requested above.

As additional mitigation for the use of the PUD overlay, Heritage Farm will provide for an increase in the required open space from 20% net residential area to 24% net residential area, which represents a 20% increase in overall open space required. This includes a

large, central community open space area, a 40' wide landscape setback along 175th Avenue (15' is required), and a larger overall landscape tract along Waddell Road, including additional depth at the eastern and western edges of the development to create more openness and pedestrian connectivity along Waddell Road. Additional open space is also provided within open space tracts and along the eastern edge of the development to accommodate for needed retention within the development.

Table 1: RM-6 PUD and RM-9 PUD Development Standards

Development Standard	RM-6 City Base Standard	Proposed RM-6 PUD Standard	RM-9 City Base Standard	Proposed RM-9 PUD Standard
Maximum Density	6.0	4.3 (decrease in density)	9.0	4.5 (decrease in density)
Minimum Lot Area (sf) (1)	6,000	6,000	4,500	5,000 (increase in lot size)
Minimum Lot Width (ft)	50	50	40	45 (increase in lot width)
Minimum Lot Depth (ft)	100	100	100	100
Minimum Front Yard Setback (ft) (livable area/front-facing garage)	12/20	12/20	12/20	12/20
Minimum Side Yard Setback (ft)	TBD	5	TBD	5
Minimum Rear Yard Setback (ft)	20	20	20	20
Maximum Building Height (ft)	35	35	35	35

1.4 Residential Development Plan Concept

The development plan concept represented in **Figure 3** is non-regulatory and subject to change without triggering an amendment to the zoning, but has been provided to graphically illustrate how the property may be developed, including roadway access and connectivity, relationship between surrounding properties, general lot configuration, and general location and size of open spaces. The development plan concept represented in **Figure 3** identifies two lot sizes, including a 50' x 120' lot size for the southern portion of the development, and a 45' x 115' lot size for the northern portion of the development. A large, common open space amenity is provided within the central area of the development, providing excellent pedestrian and vehicle access and visibility from all lots within the development. Two points of access will be provided along 175th Avenue near the central and southern ends of the site, with the southern entry providing joint access connectivity to the future subdivision to the south. The central entry terminates at the primary open space amenity, providing for an attractive entry experience as drivers and pedestrians enter the community. The internal roadway system provides a looped circulation pattern with vehicular and pedestrian connectivity between the two lot sizes and the central open space amenity. Additional access for emergency services will be provided from the future subdivision to the southeast via Sweetwater Avenue. See **Figure 3, Development Plan Concept** for a visual representation of the conceptual development plan for the property.

1.5 Circulation Plan

Heritage Farm is bounded by 175th Avenue to the west and Waddell Road to the north. 175th Avenue is classified as Residential Collector streets with a 35' half street right-of-way. Waddell Road is classified as a Major Arterial with a 65' half street right-of-way.

Primary access to the property will be from 175th via Waddell Road. The Loop 303 freeway is located approximately $\frac{3}{4}$ mile from the property, with a full freeway interchange at Waddell Road. Future residents can also access the property along 175th Avenue from the south via Cactus Road, where an additional freeway interchange is located.

A Traffic Statement for the property has been prepared and is included with this rezoning application as an Appendix under separate cover.

Bicycle lanes will be provided on 175th Avenue in accordance with the City's standard detail for Residential Collector Streets to facilitate bicycle movements within and adjacent to the property. Pedestrian circulation will include setback sidewalks along public streets, and a connection to the central open space amenity.

1.6 Open Space, Trails and Amenities Plan

Heritage Farm will provide perimeter and internal open spaces, a central community amenity area and setback sidewalks that will encourage walking and pedestrian connectivity within the development and adjacent surrounding community. A 40' wide perimeter setback will be provided along 175th Avenue and will include landscaping and subdivision signage to identify the neighborhood. This 40' landscape setback exceeds the minimum setback requirement of 15' by more than double. Additionally, an average 60' wide landscape setback from back of curb will be provided on Waddell Road, providing an attractive buffer between the lots and the street. Additional open space is also provided at the northwest and northeast corners of the property, providing large landscape areas and pedestrian connectivity along Waddell Road.

A central neighborhood park will include active and passive recreational amenities such as a tot lot, sport court, shade ramada and picnic areas, informal play field, retention areas, sidewalks and landscaping to serve the residents within the development. Additional open space areas will be provided along the eastern portions of the development that will serve as retention basins and passive recreation for residents. Overall, the property will provide approximately 24% net residential acreage open space, a 20% increase in open space requirements per **Section 122-137(d)(2)**, Conventional Character Pattern of the City's Zoning Code. See **Figure 4, Open Space, Trails and Amenities Plan** for the conceptual design and location of all open spaces.

1.7 Landscape Theme and Community Character

The overall landscape theme will use elegant and traditional trees and shrubs that are found on the low-water use plant list. Primary trees may include Oak and Ash; with secondary trees including Evergreen Elm, Vitex, Bauhinia, and/or pollen free Swan-Hill Olive trees, among others. Plants may include Lantana, Indian Hawthorn, Boxwood, Lady Bank's Rose, Myrtle, Rosemary, Guara, and Verbena. A complete list of plant materials will be provided with the preliminary plat, and shall conform to Chapter 122 of the Surprise Municipal Code as may be subsequently amended.

The property's character and hardscape elements will include natural earth tones and elegant simplicity that are characteristic of the site's agrarian history and rural setting. Theme walls and signage may use simple forms of stucco, wood, weathered steel and stacked stone veneer. To provide a pleasing contrast with the many shades of color present in the plant materials, the hardscape color scheme will be designed to complement the landscape palette, and will be accented with bright bursts of color at focal points and in site furniture. See **Figure 5, Monument and Fence Details** for those design concepts proposed within the development.

1.8 Drainage Master Plan

Due to the developed condition of the upstream properties, the site is not impacted by offsite stormwater flows. No offsite drainage facilities are anticipated to be required for the development of this project.

The community will provide full stormwater storage for both the onsite and adjacent half-street drainage. The stormwater storage facilities will be provided as surface retention basins within the open space tracts and will be sized for the 100-year 2-hour storm. The basins will be bled down within the required 36-hour time frame with the use of dual chamber dry-wells. All lots will drain to the street frontage and drainage will be conveyed overland within the street section to the basins.

All finished floors will be located a minimum of 1 foot above adjacent high water elevations or ultimate outfall of the site.

1.9 Water & Sewer Master Plans

Water

The water service provider for this area is EPCOR Water. A 12" public waterline exists in 175th Avenue immediately adjacent to the site. The community will be served with 8" public waterline within an EPCOR easement located within the internal local street right-of-ways. The waterline will be looped with the two connections being out to 175th Ave at the subdivision entrances. All lots will be served with individual meters located at the lot frontage.

Sewer

The wastewater provider for this area is the City of Surprise. The nearest available sewer main is a 12" line located at the intersection of Sweetwater and 175th Avenue, approximately 1,000 feet south of the project. An offsite sewer extension of a 12" public sewer main up 175th Avenue to the site will be required.

The community will be served with an 8" public gravity sewer within the internal local street right-of-way. The 8" public sewer will generally drain to the southeast corner of the site where it will connect to the 12" public sewer extension in 175th Avenue. All lots will be served with gravity sewer services.

1.10 Future Home Owners Association Responsibility

The community will include a home owners association (HOA) that will own and maintain all common community amenities, including signage, parks, trails, open space tracts, and other common areas within the development. The HOA will include a formal governance structure to be established by the HOA bylaws and community Covenants, Conditions and Restrictions (CC&R's). In the early phases of the project, the HOA will be

managed by the master developer or homebuilder until such time as there are enough homeowners take over the management responsibilities. The purchasers of property within the community will automatically become members of the HOA and will be required to pay annual dues for the ongoing operation and maintenance of community facilities owned by the HOA.

2.0. EXISTING CONDITIONS ANALYSIS

2.1 Property Location and Description

Heritage Farm is located on the southeast corner of 175th Avenue and Waddell Road within the City of Surprise. More specifically, the property is a rectangular-shaped parcel generally bounded by 175th Avenue to the west, Waddell Road to the north, large lot residential to the east, and vacant land to the south. The subject site is defined in **Appendix 1, Legal Description and ALTA Survey**.

The following Assessor Parcel Numbers are included with this zoning application:

502-04-004A, Truman MC LLC
502-04-006C, Truman MC LLC

2.2 Existing Land Use, General Plan Designation and Zoning

The Heritage Farm site is currently vacant land that was once used for agricultural purposes. Properties surrounding the site include single family residential property to the north, residential and vacant (future single family residential) land to the east, vacant (future single family residential) property to the south, and single family residential property to the west. See **Table 2** below and **Figure 1, Vicinity Map** for the existing land uses on the site and surrounding area.

The site is currently designated as *Neighborhood Character Area* with the City of Surprise 2035 General Plan. The site is also partially within the *Residential (Citrus and Cactus) Growth Area* as defined within the Anticipated Growth map in the General Plan. The Neighborhood land use designation allows for densities up to 8+ dwelling units per acre and supports a wide variety of residential development opportunities. The proposed zoning is in conformance with the Neighborhood General Plan designation, and will utilize the *Suburban Development Type* (2-8 du/ac) throughout the community. See **Table 2** below and **Figure 6, Existing General Plan Land Use Map** for the general plan land use designation on the site and surrounding area.

Currently, the property is zoned Residential Ranch in the City of Surprise, permitting 1 dwelling unit per acre. The intent of this zoning district is to preserve aspects of the City's rural heritage through preservation of existing working farms, ranches and open space. See **Table 2** below and **Figure 7, Existing Zoning Map** for the existing zoning on the site and surrounding area.

Table 2: Existing Land Use, General Plan Designation and Zoning

	LAND USE	GENERAL PLAN DESIGNATION	ZONING DESIGNATION
SITE	Vacant	Neighborhood	Residential Ranch
NORTH	Single family residential	Neighborhood	Planned Area Development (PAD)
EAST	Residential and vacant land	Neighborhood	Residential Ranch
SOUTH	Vacant	Neighborhood	Residential Ranch
WEST	Single family residential	Neighborhood	Planned Area Development (PAD)

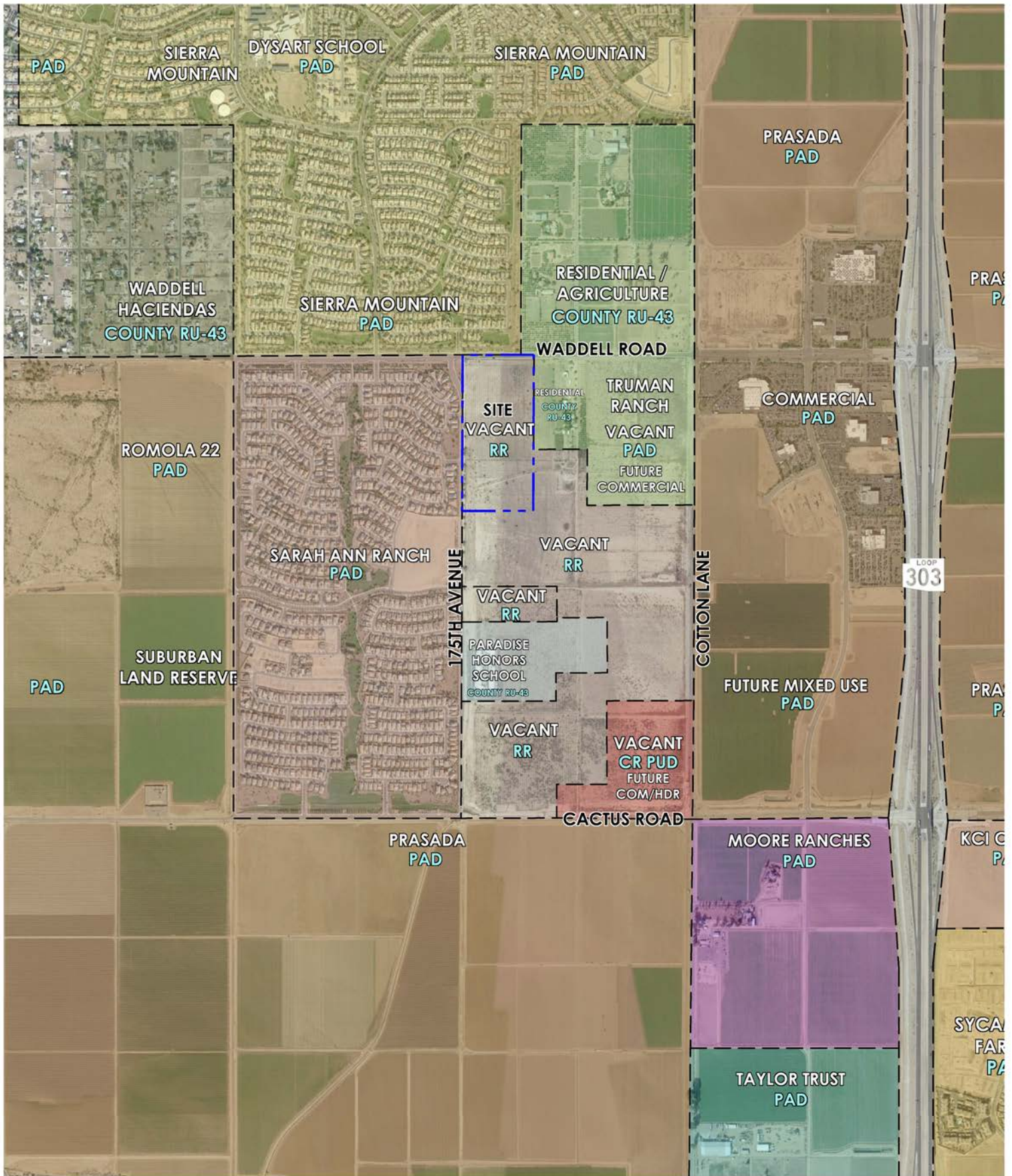
2.3 Regional Facilities and Services

The Heritage Farm property has recently been annexed into the City of Surprise, and as such is within the City of Surprise Municipal Planning Boundary. **Figure 1, Vicinity Map** shows the jurisdictional limits of the City of Surprise city limits in relation to lands within unincorporated Maricopa County.

The proposed property is approximately $\frac{3}{4}$ mile west of the Loop 303 Freeway, with direct access to both the Cactus Road and Waddell Road interchanges, providing excellent access to the site along the regional freeway system. The site is bounded by Waddell Road to the north and 175th Avenue to the west.

The subject property is within the Dysart Unified School District (SUSD). The property is within the boundary of the Sonoran Heights Elementary School, located at 11405 N. Greer Ranch Parkway, and the Shadow Ridge High School, located at 10909 N. Perryville Road. Paradise Honors School, a K-12 charter school, is also located $\frac{1}{4}$ mile south of the property at 12775 N. 175th Avenue.

Since the property has been annexed into the City of Surprise, fire & emergency services, law enforcement services, and refuse collection will all be provided by the City. The nearest fire station, Surprise Fire-Medical Station #307, is located 2 miles east of the site near Sarival Avenue and Cactus Road. The nearest Police Station is located in Surprise City Hall, approximately 6 miles northeast of the site.

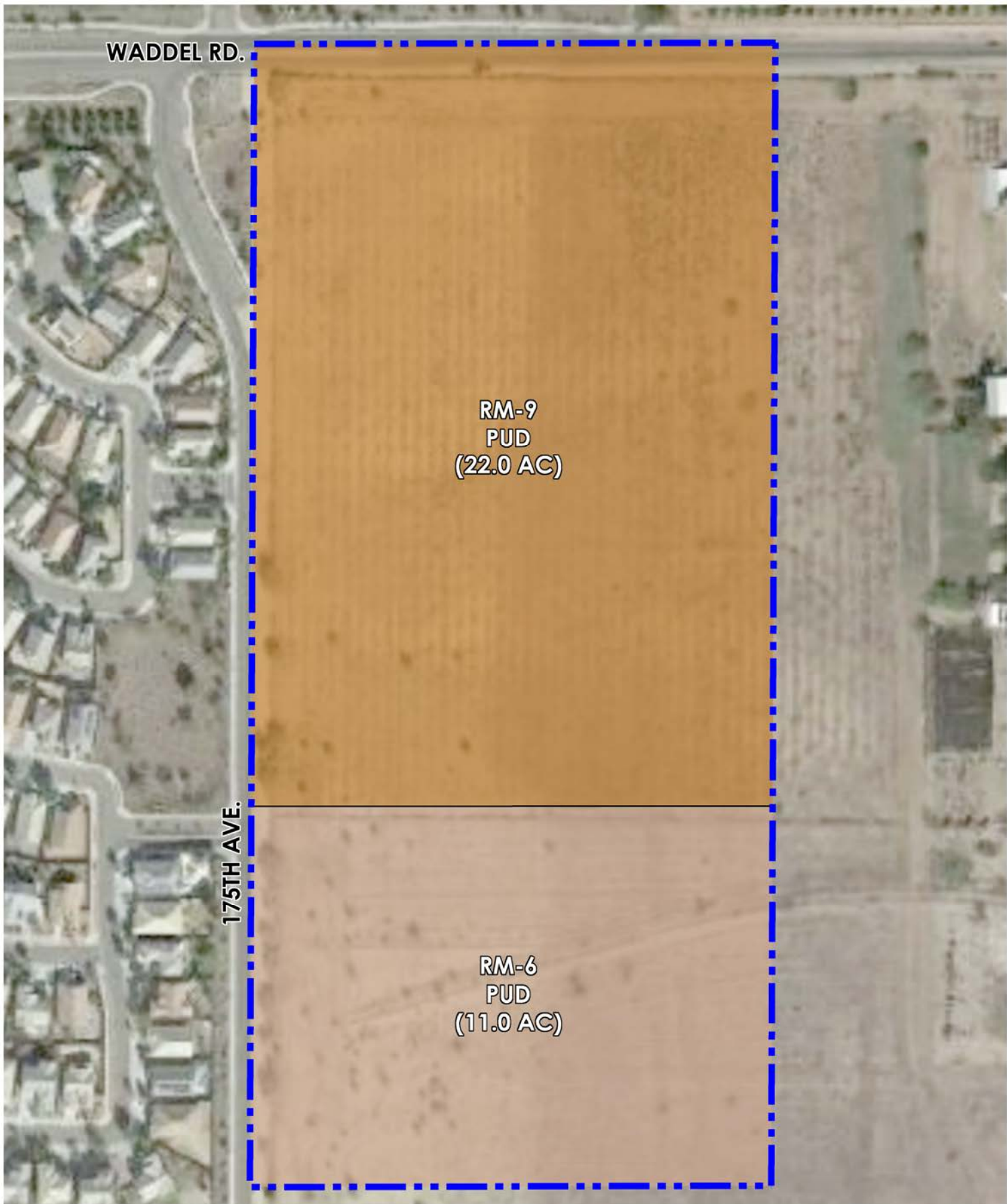


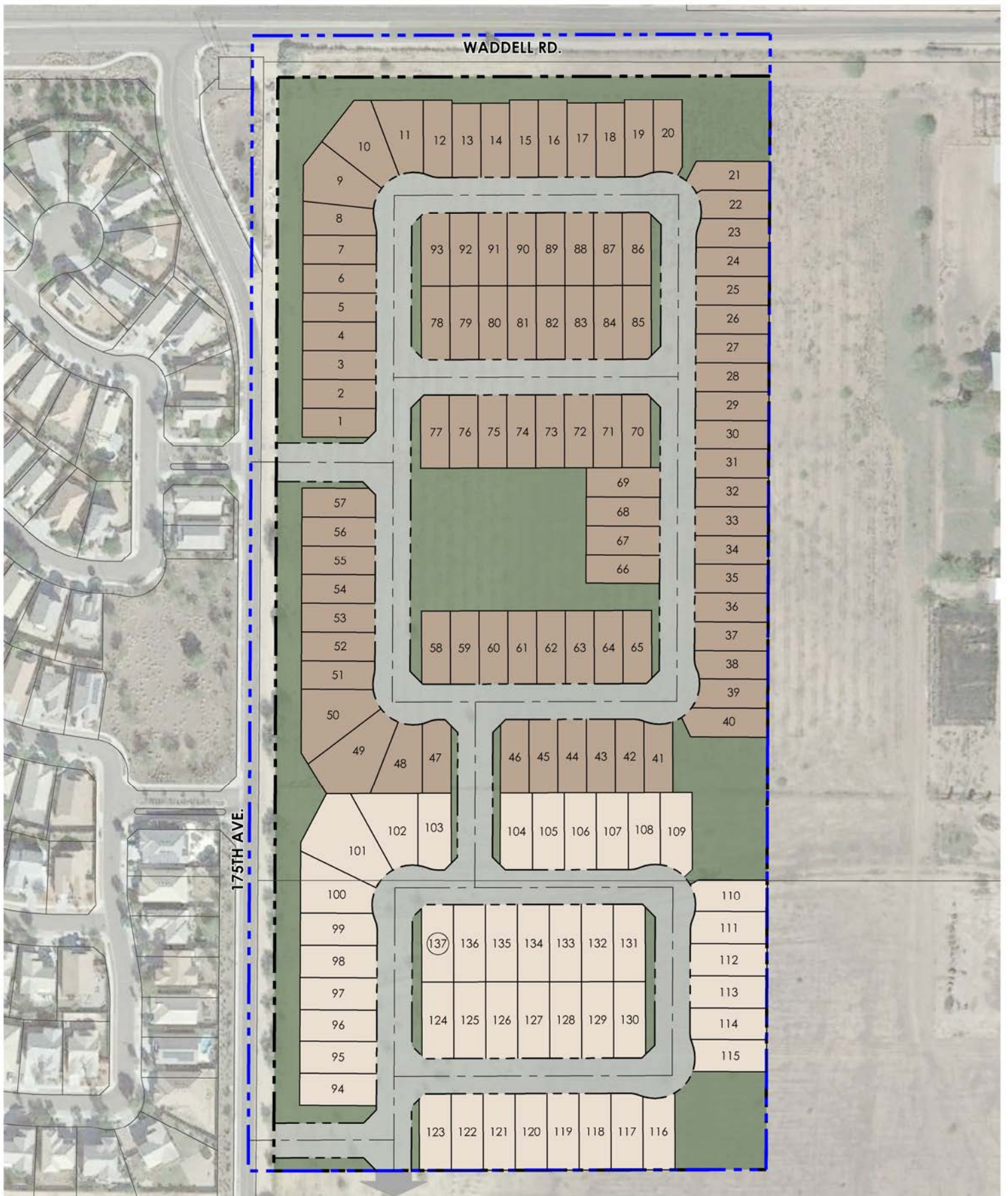
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HERITAGE FARM
SURPRISE, AZ

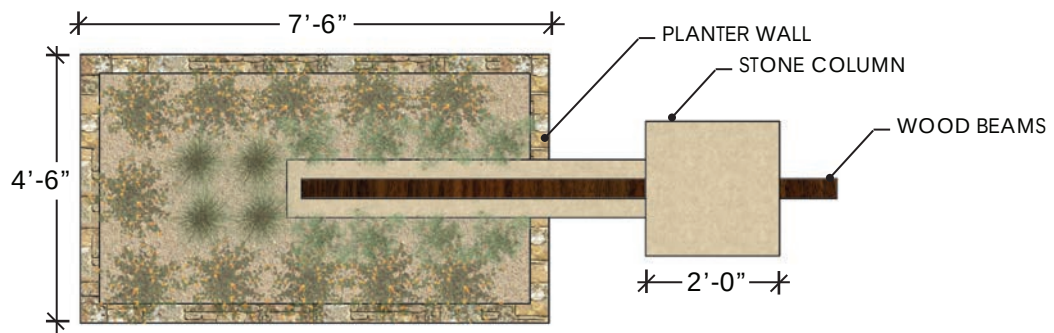
FIGURE I-VICINITY MAP
8/30/17

LVA

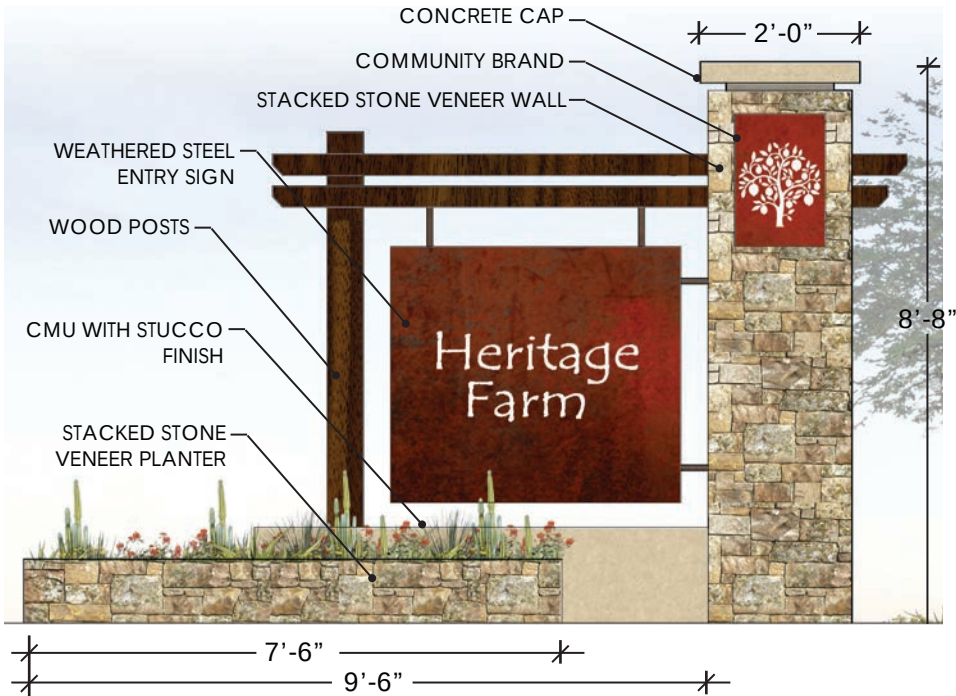








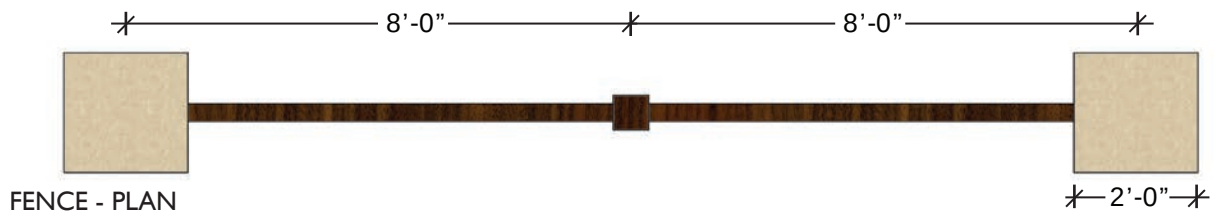
SIGN - PLAN VIEW



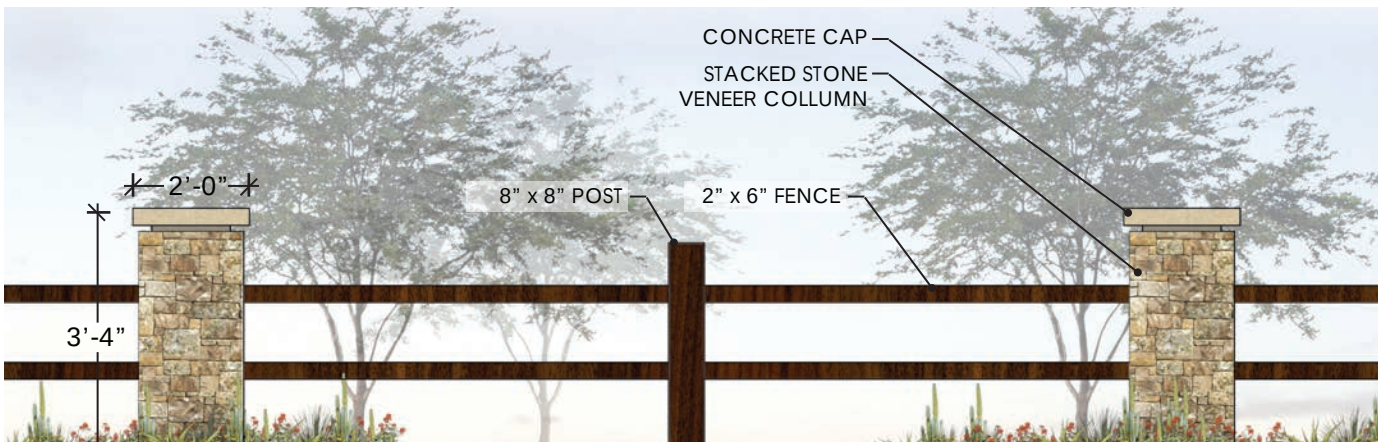
SIGN - ELEVATION A



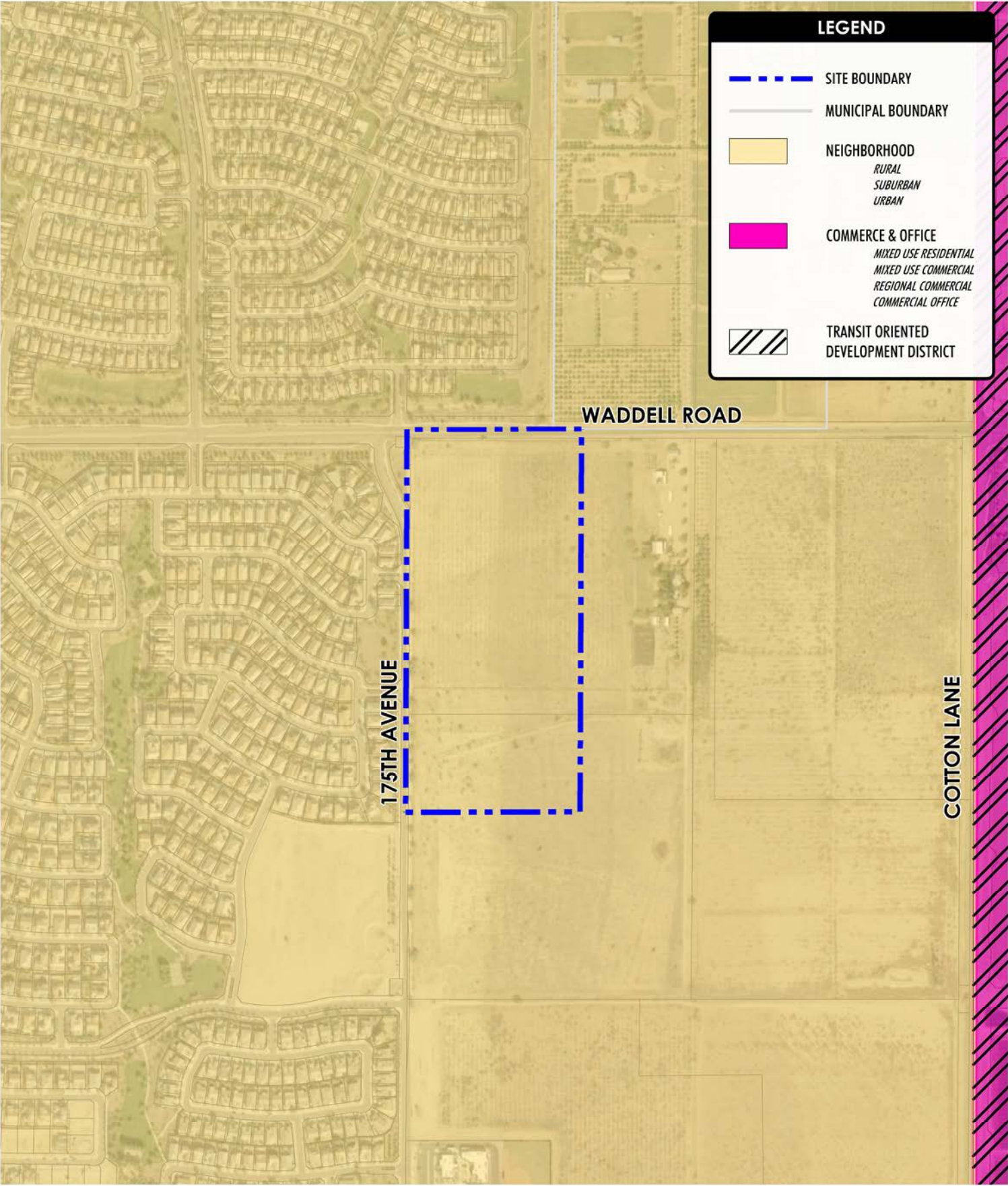
SIGN - ELEVATION B

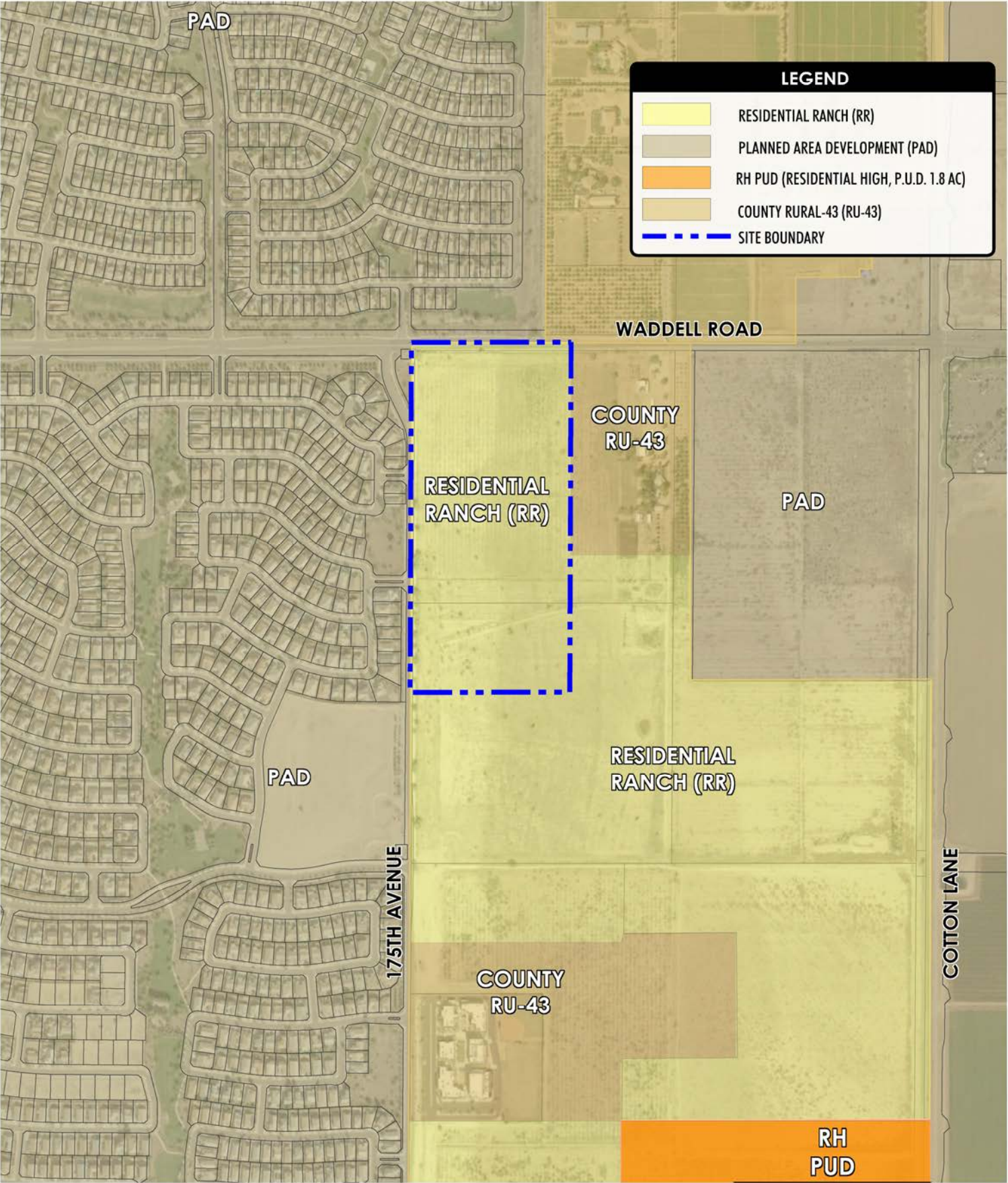


FENCE - PLAN



FENCE - ELEVATION





SCALE: NTS 



**DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

14 September 2017

Mr. James R. Mitchell
Director, Community Initiatives Team
56th Fighter Wing
14185 West Falcon St.
Luke AFB AZ 85309-1629

Ms. Jamie Sullivan
Planning Project Coordinator
City of Surprise Planning Department
16000 N. Civic Center Plaza
Surprise AZ 85374

Re: FS17-530; Heritage Farm

Dear Ms. Sullivan

Thank you for the opportunity to provide comments on the Rezone with Planned Area of Development and Preliminary Plat Application for Heritage Farm. The site is on 33 plus acres located at the southeast corner of 175th Avenue and Waddell Road in Surprise AZ. The applicant is proposing a rezoning from RU-43 (Rural 43), one dwelling unit per acre to RM-9 (Residential Medium Density). The development will include up to 145 residential units for a density of 4.39. The site is approximately three miles outside the 1988 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is inside the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

This request, as stated in the application, will not negatively impact the flying operations at Luke AFB. Since Heritage Farms will be located inside the "territory in the vicinity of a military airport," it will be subjected to approximately 165 over flights a day, with some as low as 1,500 feet above ground level. We recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant is essential to inform potential residents about Luke AFB operations.

If there are any questions, please contact my Community Planner, Ms. Barbara Plante, at (623) 856-9981.

Sincerely

A handwritten signature in black ink, appearing to read "J. Mitchell", is written over a horizontal line.

JAMES R. MITCHELL

cc:

Colonel Michael S. Richardson, Vice Commander, 56th Fighter Wing
Ms. Cindy L. Calderon, GS-13, General and Environmental Law Attorney, 56th Fighter Wing

Robert Kuhfuss

From: Michael Wilson <MWilson@azdot.gov>
Sent: Tuesday, September 12, 2017 2:01 PM
To: Jamie Sullivan
Cc: Vanessa Nunez; Michael Wilson
Subject: FS17-530 Heritage Farm
Attachments: 20170912131431529.pdf

Jamie.....I've reviewed the proposal for SFR rezoning, preliminary platting, and conceptual layout, for Heritage Farm at SEC of Waddell and 175th AVE. Primary ingress-egress to the development looks to be 175th AVE, which will connect to Waddell Road approximately 1 mile from ADOT's nearest facility, which is the 303. This proposal as submitted causes no concerns to ADOT. Officially ADOT's position is one of neutrality, neither supporting or opposing the project. Thank you for the opportunity to review and comment. Mike

Michael (Mike) Wilson, SR/WA
ADOT ROW Project Coordinator
LPA (Local Public Agency) R/W Coord.
205 S. 17th Ave. MD: 612E
Phoenix, AZ 85007
602-712-7175
WWW.AZDOT.GOV

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PUBLIC ENGAGEMENT FORM

PROJECT TITLE: Heritage Farm

OVERALL PUBLIC INVOLVEMENT LEVEL:

This activity will follow the citizen outreach and public hearing notification processes as outlined in state statute and the SUDC.

IDENTIFY STAKEHOLDERS:

Impacted residents; schools; churches; businesses; public at-large; property owners?

OBJECTIVES:

What is the purpose of the project/service/program and why is it needed? What are the impacts if the project/service/program is not achieved?

PUBLIC ENGAGEMENT STRATEGIES & TOOLS:

Public Engagement & Project timeline:

Public outreach time frame (when to when) 10/04/17

Future Council Work Session/Meetings target dates Planning and Zoning 9/7/17, City Council 10/3/17

Election dates (if applicable)

Project start/completion dates

Communication Tools and Technique options: (which do you plan to use?)

- ☐ Press releases
- ☐ Public meetings (video/photos, poster boards, fact sheet(s) *do you need Spanish version?)
- ☒ Presentations to boards and commissions, other interested community partners/stakeholders
- ☐ Third-party consultant/moderator (pending budget)
- ☐ Survey (online/paper/both?)
- ☐ Social media
- ☐ Surprise 11
- ☐ Notify Me email/ Council newsletters (opt-in audience)
- ☐ Paid advertising (pending budget)
- ☐ Surprise Progress (mailed quarterly and tied to print deadlines)
- ☐ Booth at city events
- ☐ Paid mailings (pending budget)
- ☐ Creation of a subcommittee/task force
- ☐ Youth/adult activities, registration, or orientation (HOA Academy)
- ☐ Website updates



S U R P R I S E
ARIZONA

City Council

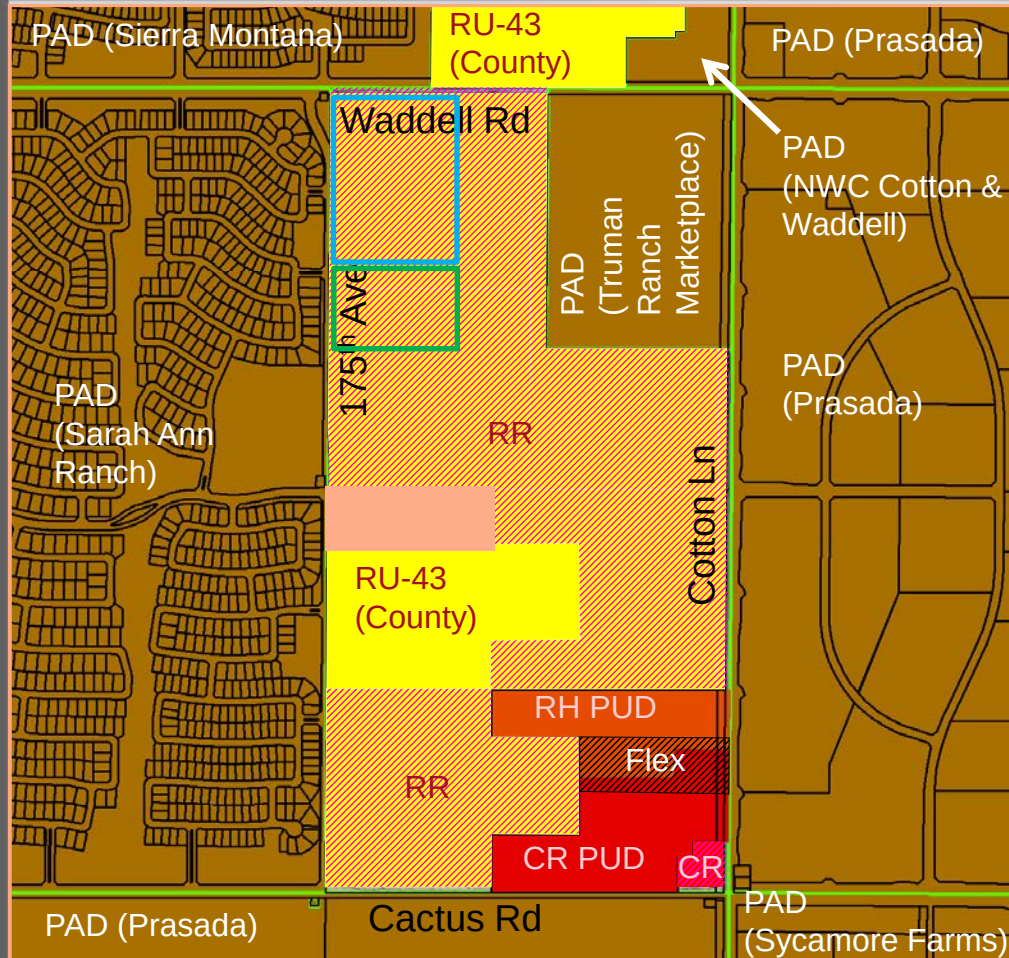
March 6, 2018

Heritage Farm
Zone Change and Preliminary Plat
FS17-530



Previously associated with the Magnolia Project





Zone Change

- Existing County RU-43 Zoning
- Existing Surprise RR Zoning*
- Existing Surprise RM-9 PUD Zoning
- Existing Surprise RH PUD Zoning
- Existing Surprise CR PUD Zoning
- Existing Surprise PAD Zoning
- Existing Surprise CR PUD / RH PUD Flex Zoning
- Existing Surprise CR Zoning*
- Subject Property – Zone Change from RR to RM-9 PUD**
- Subject Property – Zone Change from RR to RM-6 PUD**

*Post-Annexation zoning approved as part of Annexation request under FS16-427

Original Configuration and Relationship



Zone Change

PUD OVERLAY

Zone Change

➤ Removes Community Pool requirement

“Medium density residential projects containing 60 residential units or greater shall be provided a swimming pool amenity, unless there is a community pool included as part of the overall development.” SUDC 122-137(r)

Rationale – With 20’ rear setbacks, individual yards will be large enough to accommodate private swimming pools if desired

PUD OVERLAY

➤ Adjusts Roadway Landscape Buffers

SUDC 122-137(e)(1)a requires an open space tract of not less than 60' in width adjacent to arterials and parkways. The PUD Overlay makes this 60' average width.

Rationale: The applicant proposes an average width of 60.

SUDC 122-137(e)(1)a.1 requires single-loaded streets with that houses face the 60' open space.

Rationale – There are no proposed single-loaded streets as they are not typical for the area.

Zone Change

PUD OVERLAY



Zone Change

PUD OVERLAY

Zone Change

- **Adjusts size of turf area associated with recreation field**

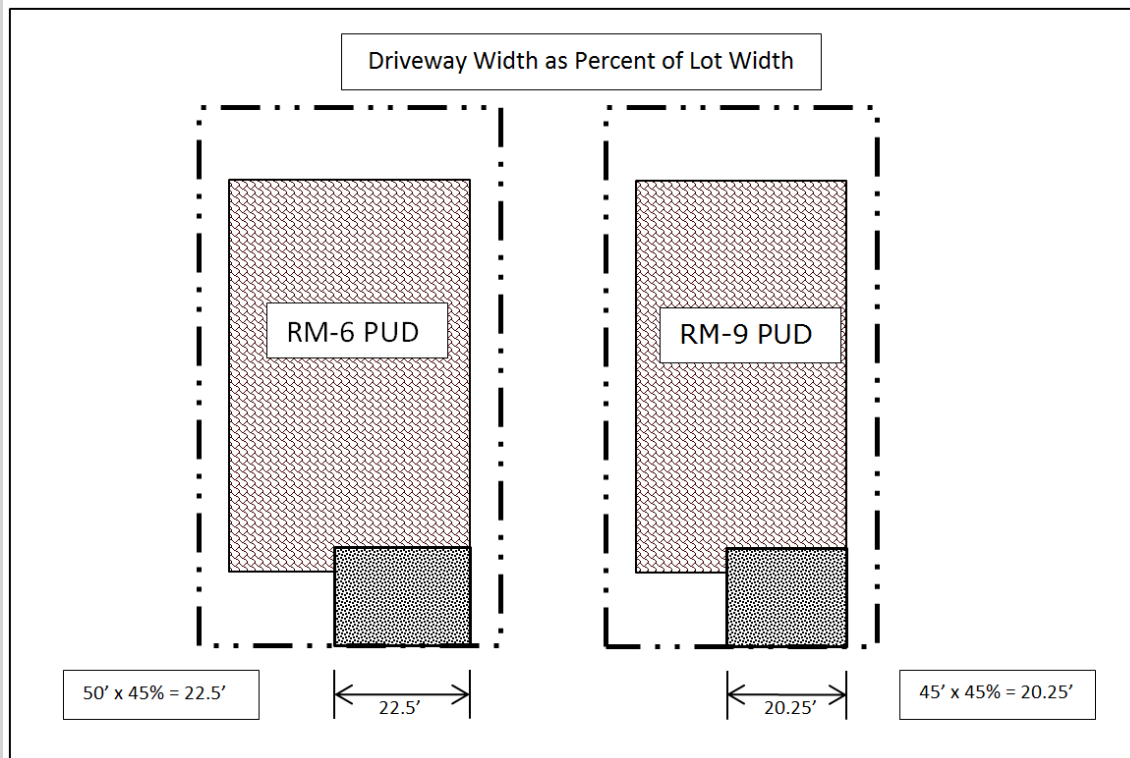
SUDC 122-137(p)(1) requires a turf recreational area of not less than 3.5 acres per 700 dwelling units.

Rationale:

- **At 137 dwelling units, this requirement is out of proportion to the community.**
- **The applicant is providing an amenitized 1.6 acre pocket park located in the center of the neighborhood that is to scale with the project.**
- **Project increases overall open space from 20% to 24%**

PUD OVERLAY

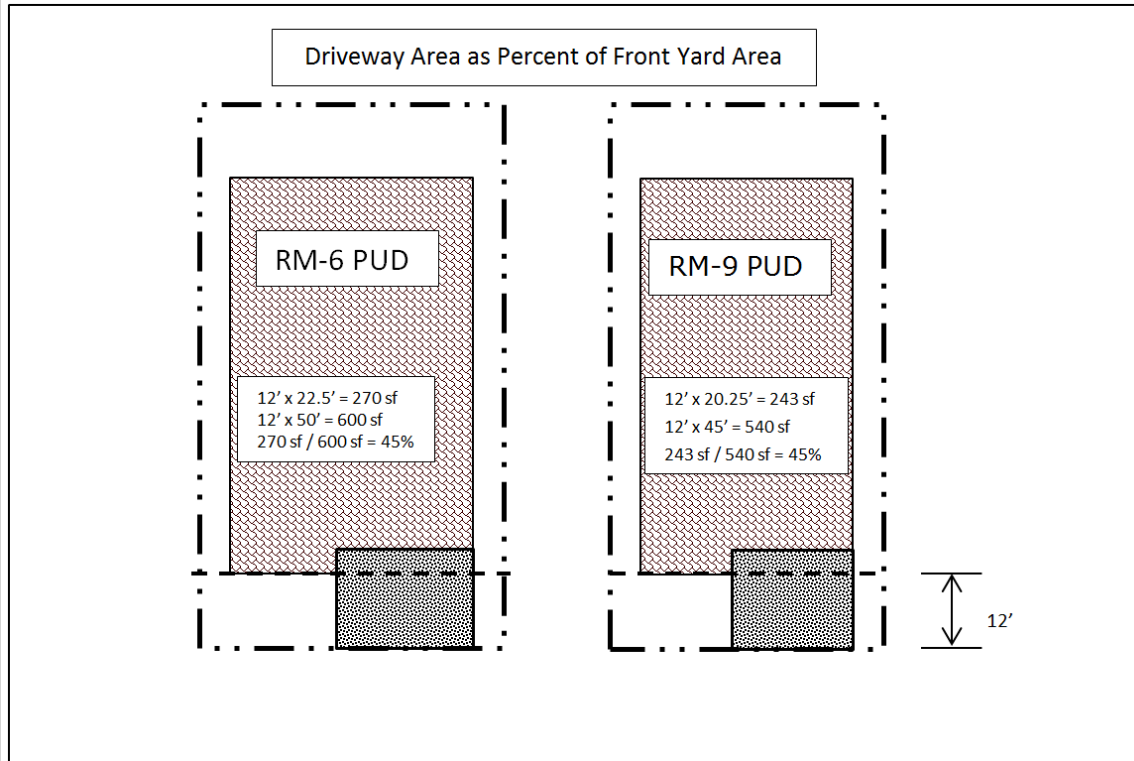
- Adjusts driveway width and area



Zone Change

PUD OVERLAY

- Adjusts driveway width and area



Zone Change

PUD OVERLAY

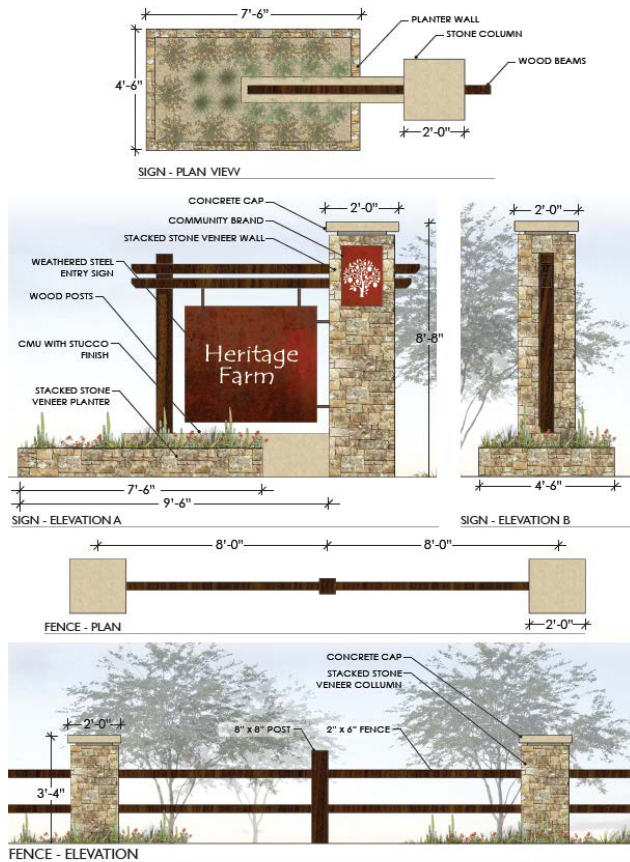
➤ Amends development standards

Table 1: RM-6 PUD and RM-9 PUD Development Standards

Development Standard	RM-6 City Base Standard	Proposed RM-6 PUD Standard	RM-9 City Base Standard	Proposed RM-9 PUD Standard
Maximum Density	6.0	4.3 (decrease in density)	9.0	4.5 (decrease in density)
Minimum Lot Area (sf) (1)	6,000	6,000	4,500	5,000 (increase in lot size)
Minimum Lot Width (ft)	50	50	40	45 (increase in lot width)
Minimum Lot Depth (ft)	100	100	100	100
Minimum Front Yard Setback (ft) (livable area/front-facing garage)	12/20	12/20	12/20	12/20
Minimum Side Yard Setback (ft)	TBD	5	TBD	5
Minimum Rear Yard Setback (ft)	20	20	20	20
Maximum Building Height (ft)	35	35	35	35

Zone Change

Zone Change



HERITAGE FARM
SURPRISE, AZ

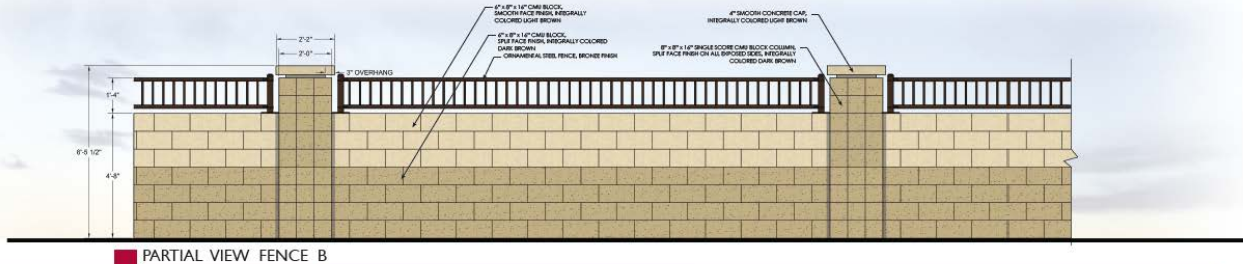
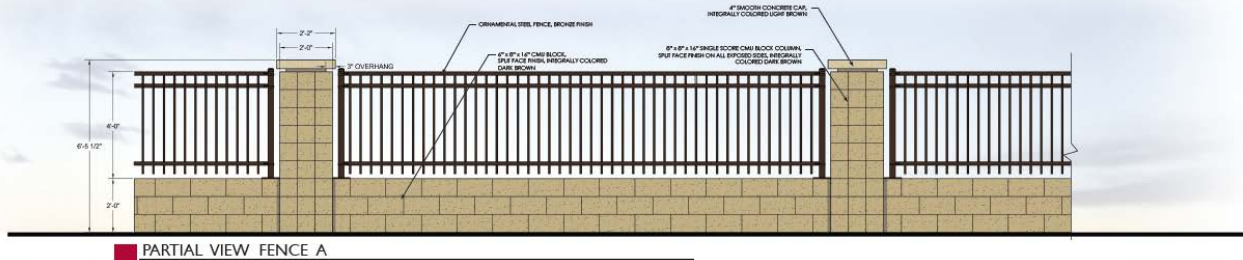
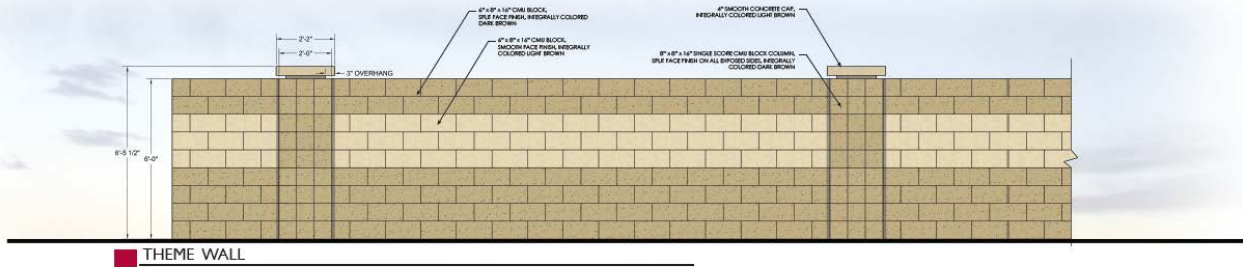
FIGURE 5-MONUMENT SIGN AND FENCE DETAILS Kimley + Horn
08.30.2017



HERITAGE FARM
SURPRISE, AZ

FIGURE 4-OPEN SPACE, TRAILS, & AMENITIES PLAN Kimley + Horn
11.30.2017

Zone Change



Preliminary Plat

LOT	FRONT SETBACK (FT)	GARAGE SETBACK (FT)	LOT WIDTH AT WORK FRONT SETBACK (FT)
8	17	25	43
9	19	27	45
10	19	27	45
11	18	26	43
21	23	31	48
42	18	27	45
43	18	26	43
44	18	27	45
50	18	27	45
100	19	27	45
101	18	26	43
102	18	26	43

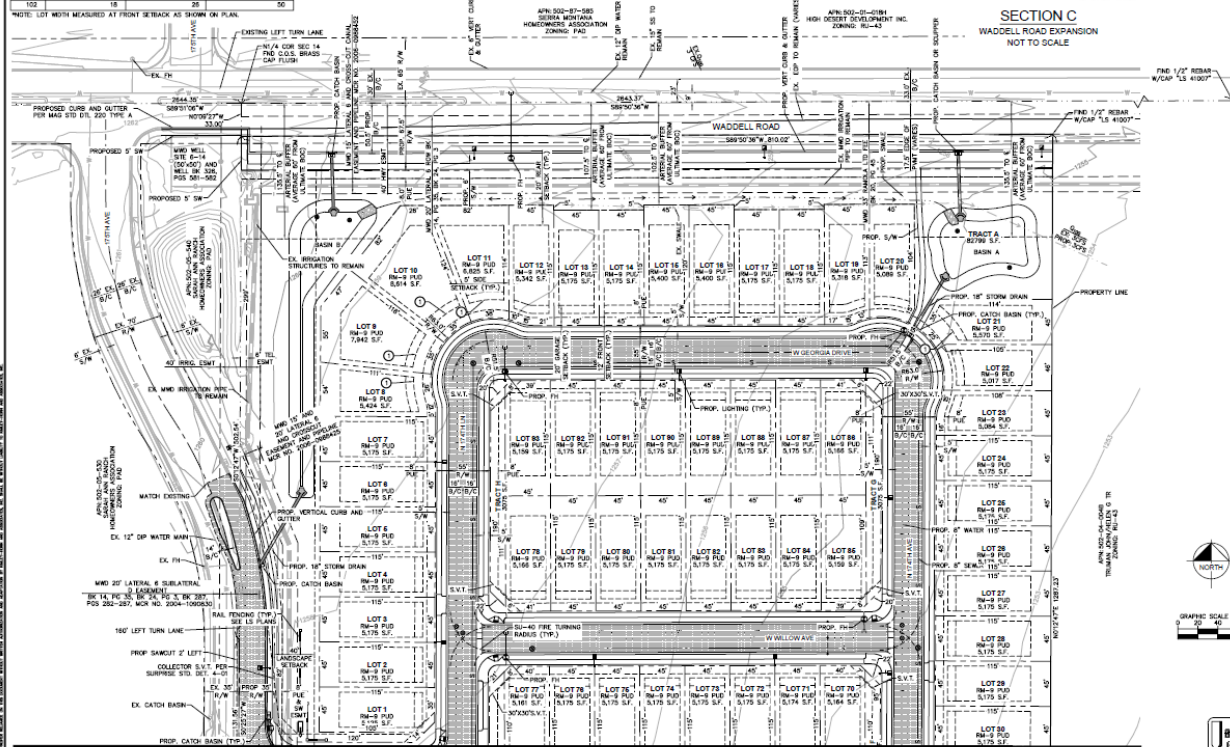
NOTE: LOT WIDTH MEASURED AT FRONT SETBACK AS SHOWN ON PLAN.

NOTES

- FOR FRONT SETBACK AND GARAGE SETBACK REFER TO TABLE ON SHEET 2. SETBACKS NOT INDICATED SHALL BE PER TYPICAL MINIMUM SETBACKS.

NOTE: WADDELL ROAD STRIPPING ALONG PORTION OF PROJECT SHALL REMAIN IN CURRENT CONFIGURATION. WHO WILL SITE CONSTRUCTION TO THE WEST IRRIGATION CATCH BASIN SOUTHERN SIDE OF WADDELL ROAD AND R/W CONSTRUCTION TO THE EAST DO NOT ACCOMMODATE. ADDITIONAL LANDS BEYOND CURRENT CONSTRUCTION ARE NOT BEING CONSIDERED. CONSTRUCTION IS NOT FEASIBLE WITH THIS PROJECT. SOUTHERN CURB LINE WILL BE CONSTRUCTED TO ULTIMATE LOCATION. CURB LINE WILL BE

SECTION C WADDELL ROAD EXPANSION NOT TO SCALE



Kimley-Horn
KIMLEY-HORN & ASSOCIATES, INC.
2001 KIMLEY-HORN DRIVE
PHOENIX, ARIZONA 85001-1000

SCALE: 1/4" = 10' (PLAN)
1/8" = 10' (SECTION)
DESIGNED BY: J. H. HORN
CHECKED BY: J. H. HORN
DATE: 12/02/2017

HERITAGE FARM
PRELIMINARY PLAT
SURPRISE, ARIZONA



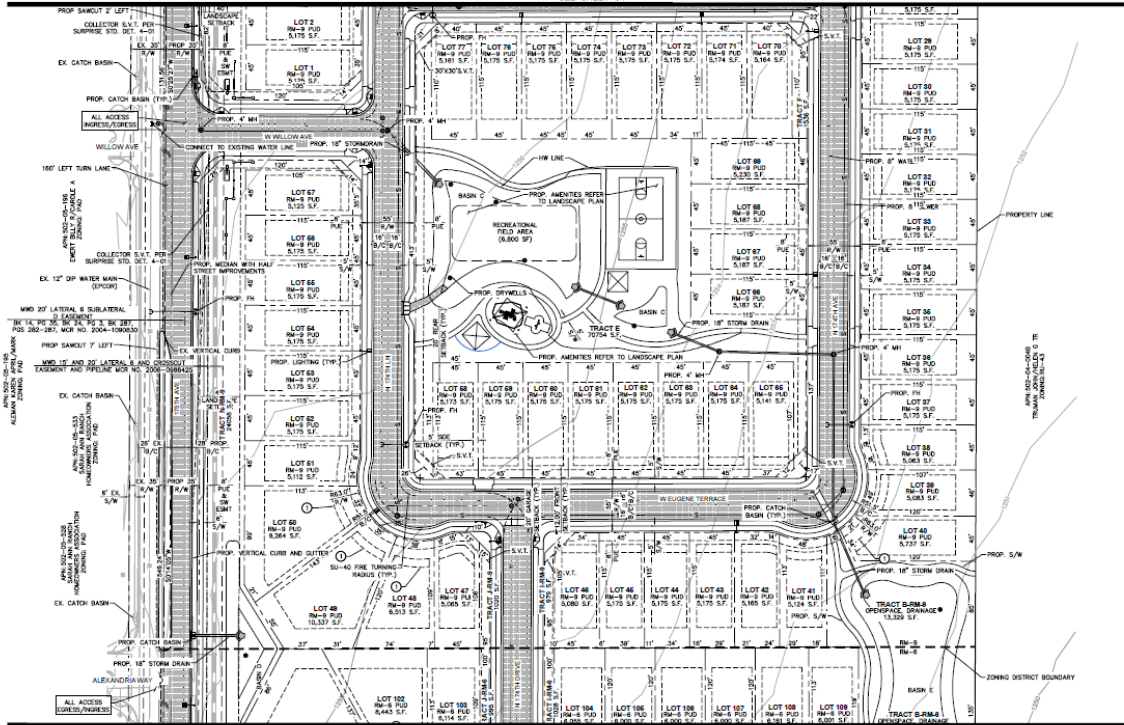
PROJECT NO.: 391022
DRAWING NAME: SDCSP

02 OF 04

NOTES

- FOR TRUNK SETBACK AND GARAGE SETBACK
REFER TO TABLE ON SHEET 8. SETBACKS NOT
INDIVIDUALLY SHOWN SHALL BE PER TYPICAL
MINIMUM TABLES.

SEE SHEET 04



SEE SHEET 04



PROJECT NO.
2010150
DRAWING NAME
5000P
03 OF 04

HERITAGE FARM
PRELIMINARY PLAT
SURPRISE, ARIZONA

Kimley-Horn
© 2017 KIMLEY-HORN & ASSOCIATES, INC.
1000 N. GILBERT AVENUE, SUITE 100
SURPRISE, ARIZONA 85084
DATE: 12/20/2017

DATE	12/20/2017
BY	101
CHECKED	101
APPROVED	101
DATE	12/20/2017
BY	101
CHECKED	101
APPROVED	101

Preliminary Plat



Preliminary Plat



GENERAL LANDSCAPE NOTES

1. ALL WORK SHALL BE CONFINED TO LIMITS OF CONSTRUCTION AS SHOWN ON PLANS.
2. SITE GRADING NECESSARY FOR THE WORK AS IT PROGRESSES AND NOT SPECIFICALLY CALLED OUT ON THE PLANS SHALL BE CONSIDERED INCIDENTAL WORK.
3. CONTRACTOR SHALL COORDINATE AND BE IN COMPLIANCE WITH ALL STATE AND LOCAL MUNICIPALITIES AS WARRANTED.
4. CONTRACTOR IS TO REVIEW PLANS, VERIFY SITE COORDINATES AND PLANT QUANTITIES PRIOR TO INSTALLATION. ANY DISCREPANCIES FOUND BETWEEN THE DRAWINGS AND SPECIFICATIONS AND EXISTING SITE CONDITIONS OR ANY INCONISTENCIES OR AMBIGUITIES IN DRAWINGS OR SPECIFICATIONS SHALL BE IMMEDIATELY REPORTED TO THE LANDSCAPE ARCHITECT. IN WRITING AND SHALL PROMPTLY ADDRESS SUCH INCONISTENCIES OR AMBIGUITIES. WORK DONE BY THE CONTRACTOR AFTER HIS DISCOVERY OF SUCH DISCREPANCIES, INCONISTENCIES OR AMBIGUITIES SHALL BE DONE AT THE CONTRACTOR'S RISK.
5. DEVIATION FROM THESE PLANS AND NOTES WITHOUT THE PRIOR CONSENT OF THE OWNER, OR THE LANDSCAPE ARCHITECT MAY BE CAUSE FOR THE WORK TO BE DESIGNATED UNACCEPTABLE.
6. THE CONTRACTOR ACKNOWLEDGES AND AGREES THAT THE WORK IS ENTIRELY AT HIS RISK UNTIL SITE IS ACCEPTED, AND HE WILL BE HELD RESPONSIBLE FOR ITS SAFETY BY THE OWNER.
7. THE CONTRACTOR WILL BE HELD RESPONSIBLE FOR THE DAMAGE OR LOSS OF ANY REFERENCE POINTS AND HUBS DURING THE CONSTRUCTION OF HIS WORK, AND SHALL BEAR THE COST OF REPLACING SAME.
8. THE CONTRACTOR IS RESPONSIBLE FOR HORIZONTALLY AND VERTICALLY LOCATING AND PROTECTING ALL PUBLIC AND PRIVATE UTILITIES WOULD UP TO 48" ADJACENT TO THE CONSTRUCTION SITE AT LEAST 48" HOURS PRIOR TO ANY DEMOLITION, GRADING, OR CONSTRUCTION ACTIVITY.
9. THE CONTRACTOR SHALL SALVAGE AND PROTECT ALL EXISTING POWER POLES, LINES, MANHOLES, TELEPHONE MERRAL, WATER VALVES, ETC. PRIOR TO ANY CONSTRUCTION WORK. PRIOR TO ANY CONSTRUCTION, THE CONTRACTOR SHALL REPAIR, AT HIS OWNERS RISK, ANY DAMAGE TO EXISTING UTILITIES OR STRUCTURES.
10. ANY FOREIGN FIRM PRIOR TO BEGINNING CONSTRUCTION IS THE PROPERTY OF THE OWNER. THIS INCLUDES, BUT IS NOT LIMITED TO, PREVIOUS METALLIC COINS, PAPER CURRENCY, ARTIFACTS AND ANTIQUITIES.
11. ALL SURPLUS EXCAVATION SHALL BE TAKEN TO A SITE DESIGNATED BY THE OWNER, OR TO AN ADDITIONAL COST TO THE OWNER, IF OWNER CHOOSES. THE CONTRACTOR MAY TAKE POSSESSION OF SURPLUS EXCAVATION MATERIAL.
12. CONTRACTOR IS RESPONSIBLE FOR VERIFYING AROUND OBTAINING ALL REQUIRED PERMITS AND APPROVALS PRIOR TO COMMENCING CONSTRUCTION.
13. CONTRACTOR IS TO MAINTAIN CONTINUOUS PERSESTRAIN AND ADA ACCESS THROUGH ALL AREAS OF THE SITE THROUGHOUT CONSTRUCTION PERIOD.
14. MAINTAIN THE SITE IN A NEAT AND ORDERLY CONDITION AT ALL TIMES DAILY, AND MORE OFTEN IF NECESSARY, INSPECT A AND PICK UP ALL SOILS, DEBRIS & UNWET MATERIAL.
15. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REMOVE ALL WILD, DEAD, ROCK MULCH AND OTHER MATERIALS TRACKED ONTO ANY PRIVATE OR PUBLIC STREETS OR SIDEWALKS. THE CONTRACTOR MUST CLEAN THESE DAILY, IF NECESSARY. THE CONTRACTOR MUST USE WATER OR OTHER ACCEPTABLE METHODS TO KEEP ADJACENT DUST TO A REQUIRED MINIMUM.
16. PROVIDE PROTECTION TO ALL FINISHED WORK, MAINTAIN SURFACES CLEAN, UNBARRIED, AND SUITABLY PROTECTED UNTIL ACCEPTANCE BY OWNER.
17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY DAMAGE RESULTING FROM CONSTRUCTION ACTIVITY TO EXISTING UTILITIES THAT ARE REMAIN.
18. EROSION CONTROL MEASURES (IF SUCH PROTECTING AND SEGMENT CONTROL) SHALL BE MAINTAINED BY THE CONTRACTOR PER CIVIL SPECIFICATIONS. ANY EROSION CONTROL, MEASURES DAMAGED BY THE CONTRACTOR SHALL BE REPLACED PER CIVIL SPECIFICATIONS.
19. PLANT QUANTITIES LISTED IN THE PLANT LEGEND ARE FOR THE CONVENIENCE OF THE CONTRACTOR. THE CONTRACTOR SHALL DO THEIR OWN TAKE-OFFS AND MAKE SURE ACCORDINGLY.
20. ALL PLANT MATERIAL SHALL BE HEALTHY, VIGOROUS, WELL-BRANCHED, AND GROWN IN FULLY DEVELOPED GROWTH AS IS TYPICAL FOR THE SPECIES. THEY SHALL HAVE HEALTHY, WELL-DEVELOPED STANDARDS, AND FREE OF ANY BARK, CRACKS OR OTHER DISCOLORATION. PLANT MATERIAL SHALL BE USED IN ACCORDANCE WITH THE AMERICAN ASSOCIATION OF NURSERY PROPAGATORS AND THE AMERICAN ASSOCIATION FOR NURSERY STOCK, LATEST EDITION, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
21. OWNERS REPRESENTATIVE RESERVES THE RIGHT TO REJECT ANY PLANT MATERIAL DEEMED UNACCEPTABLE.
22. LANDSCAPE CONTRACTOR TO TAG AND HOLD ALL PLANT MATERIAL A MINIMUM OF 30 DAYS PRIOR TO DATE OF INSTALLATION. ALL PLANT MATERIAL MUST BE PLACED WITHIN THE 30 DAYS PRIOR TO INSTALLATION TO BE THE NEXT CLOSEST TAGS TO NO ADDITIONAL COST TO THE CLIENT.
23. ALL TREE LOCATIONS TO BE STAKED AND APPROVED BY THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION.
24. INSTALL ALL CANOPY TREES WITH A MINIMUM OF 8 FT. SEPARATION FROM ALL UTILITIES, UNLESS A ROOT BARRIER IS UTILIZED.
25. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF EXISTING TREES, PLANTS, TREES, AND TREES. TREE ROOT BALLS WHICH SETTLE BELOW GRADE, APPLICATION OF SPRAY WHICH IS NECESSARY TO KEEP THE PLANTING TREE OR SHRUBS AND TREES, FERTILIZING, WEEDING, MOULING, SOILING AND/OR OTHER OPERATIONS REQUIRED FOR PROPER CARE AND UNLESS.
26. ROCK MULCH ALL AREAS LABELED ROCK MULCH ON THE PLANS ARE TO BE APPROVED BY OWNER. MINIMUM DEPTH THROUGHOUT ENTIRE PROJECT: FINISH GRADE IN ALL AREAS TO BE SMOOTH AND EVEN AND 1" BELOW TOP OF CURB OR SIDEWALK.
27. AREAS TO RECEIVE ROCK MULCH SHALL BE SPRAYED AT LEAST ONCE WITH A CONTRACTOR HEREBY PRIOR TO PLANTING OPERATIONS. MULCH SHALL BE PLACED TO THE PLACEMENT OF ROCK MULCH WITHIN 10' OF PLANTING PER MANUFACTURER RECOMMENDATIONS.
28. ROCK MULCH SHALL EXTEND UNDER TREES AND SHRUBS.
29. CONTRACTOR SHALL BE RESPONSIBLE TO MAINTAIN THE ENTIRE PROJECT FOR 90 DAYS AFTER ACCEPTANCE OF THE WORK BY THE OWNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF EXISTING TREES, PLANTS, TREES, AND TREES. TREE ROOT BALLS WHICH SETTLE BELOW GRADE, APPLICATION OF SPRAY WHICH IS NECESSARY TO KEEP THE PLANTING TREE OR SHRUBS AND TREES, FERTILIZING, WEEDING, MOULING, SOILING AND/OR OTHER OPERATIONS REQUIRED FOR PROPER CARE AND UNLESS.
30. PRIOR TO INITIATING THE 90-DAY MAINTENANCE PERIOD, COMPLETE ANY INITIAL PURCHASES ITEMS THEN OBTAIN APPROVAL FROM OWNERS REPRESENTATIVE OF SUCH PURCHASES. CONTRACTOR TO MAINTAIN LANDSCAPE WHICH MAY INCLUDE MAINTENANCE, WEEDING, PRUNING, AND REPLACEMENT OF ANY MATERIAL, THAT HAS DIED OR IS SHOWING EVIDENCE OF STRESS. SUBMIT WRITTEN REPORT FOR FINAL PURCHASED AND WEEDS PRIOR TO END OF MAINTENANCE PERIOD.
31. ALL GENERAL CONDITIONS, SUPPLEMENTARY GENERAL CONDITIONS AND TECHNICAL SPECIFICATIONS OF THE CONTRACT SHALL APPLY.

PRELIMINARY LANDSCAPE FOR HERITAGE FARM SUBDIVISION A PORTION OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 2 WEST SURPRISE, ARIZONA



SITE MAP

ZONING INFORMATION

EXISTING ZONING	RETAILER/RETAILER (R)
PROPOSED ZONING	30.0 AC - 1.800 SF
TOTAL DEVELOPMENT	15.0 AC - 1.800 SF
NET AREA (EXCLUDES EXTERNAL ROW)	15.0 AC - 1.800 SF
NET DENSITY (EXCLUDES EXTERNAL ROW)	15.0 AC - 1.800 SF
NET AREA (EXCLUDES EXTERNAL ROW)	15.0 AC - 1.800 SF
NET DENSITY (EXCLUDES EXTERNAL ROW)	15.0 AC - 1.800 SF
NET AREA (EXCLUDES EXTERNAL ROW)	15.0 AC - 1.800 SF
NET DENSITY (EXCLUDES EXTERNAL ROW)	15.0 AC - 1.800 SF
NET AREA (EXCLUDES EXTERNAL ROW)	15.0 AC - 1.800 SF
NET DENSITY (EXCLUDES EXTERNAL ROW)	15.0 AC - 1.800 SF

SHED DETAILS

SHED	SHED TYPE
1	PERMANENT LANDSCAPE COVER
2	PERMANENT LANDSCAPE COVER
3	PERMANENT LANDSCAPE COVER
4	PERMANENT LANDSCAPE COVER
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99	PERMANENT LANDSCAPE COVER
100	PERMANENT LANDSCAPE COVER

OWNER/DEVELOPER

HERITAGE FARM, LLC
10000 WADDELL ROAD, SUITE 100
SURPRISE, AZ 85078
TEL: 624-880-1000
WWW.HERITAGEFARM.COM

CIVIL ENGINEER

ARMSTRONG ENGINEERING AND ARCHITECTURE
10000 WADDELL ROAD, SUITE 100
SURPRISE, AZ 85078
TEL: 624-880-1000
WWW.AEANDARCHITECTURE.COM

LANDSCAPE ARCHITECT

ARMSTRONG ENGINEERING AND ARCHITECTURE
10000 WADDELL ROAD, SUITE 100
SURPRISE, AZ 85078
TEL: 624-880-1000
WWW.AEANDARCHITECTURE.COM

LAND PLANNER

ARMSTRONG ENGINEERING AND ARCHITECTURE
10000 WADDELL ROAD, SUITE 100
SURPRISE, AZ 85078
TEL: 624-880-1000
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LAND SURVEYOR

ARMSTRONG ENGINEERING AND ARCHITECTURE
10000 WADDELL ROAD, SUITE 100
SURPRISE, AZ 85078
TEL: 624-880-1000
WWW.AEANDARCHITECTURE.COM

PLANTING LEGEND

TREES	BOTANICAL NAME / COMMON NAME	SIZE	QTY
1	Baccharis linearifolia / Alacachachi Oakleaf	24" Box	45
2	Fraxinus velutina / Shamel Ash	36" Box	108
3	Olive europaea 'Swan Hill' / Swan Hill Olive	24" Box	40
4	Pistacia x Red Push Pistacia	36" Box	57
5	Quercus virginiana / Southern Live Oak	36" Box	162
6	Sophora secundiflora / Texas Mountain Laurel	24" Box	18
7	Ulmus parvifolia / Lombardy Elm	36" Box	168
8	Vitis vinifera 'Mourmelon' / Mourmelon Grape	24" Box	17

SHRUBS	BOTANICAL NAME / COMMON NAME	SIZE	QTY
9	Ceanothus 'Blueberry' / Red Bird of Paradise	5 Gal.	48
10	Callitriche obtusifolia / Dwarf Bottlebrush	1 Gal.	162
11	Dodonaea viscosa / Red Bush	5 Gal.	102
12	Eremophila hyphophaea / Blue Bell	5 Gal.	360
13	Leucophyllum frutescens 'Green Cloud' / Green Cloud Sage	5 Gal.	60
14	Leucophyllum leucantha / Rio Bravo Sage	5 Gal.	117
15	Plumbago auriculata / Cape Plumbago	5 Gal.	104
16	Rhipidolys x Georgia Petite Indian Hawthorne	5 Gal.	78
17	Rosa x 'Radrazz' / Knock Out Rose	5 Gal.	81
18	Rosa x 'Radrazz' / Knock Out Rose	5 Gal.	144
19	Gonolobus clematis 'Yellow' / Compact Lobelia	5 Gal.	166
20	Tecoma stans 'Old Star' / Yellow Bell	5 Gal.	80

ACCENTS & GRASSES	BOTANICAL NAME / COMMON NAME	SIZE	QTY
21	Bouteloua gracilis / Blonde Ambition Grass	5 Gal.	67
22	Desmodium illinoense / Prairie Spinn	5 Gal.	89
23	Guiera linifolia / Pink Guiera	5 Gal.	47
24	Hesperaloe parviflora / Red Yucca	5 Gal.	91
25	Hesperaloe parviflora 'Yellow' / Yellow Yucca	5 Gal.	201
26	Madia nuttalliana 'Pink' / Pink Madia	5 Gal.	168
27	Muhlenbergia capillaris 'Purple' / Purple Muhly	5 Gal.	132

GROUNDCOVERS	BOTANICAL NAME / COMMON NAME	SIZE	QTY
28	Glandularia goodii / Goodii Groundcover	1 Gal.	238
29	Lantana camara 'New Gold' / New Gold Lantana	1 Gal.	378
30	Lantana montevidensis 'Purple' / Purple Lantana	1 Gal.	366
31	Lantana montevidensis 'White' / White Lantana	1 Gal.	76
32	Melampyrum leucanthum / Blackfoot Daisy	1 Gal.	43
33	Penstemon parryi / Parry's Penstemon	1 Gal.	23
34	Tecoma chrysantha 'Peach' / Peach Germander	1 Gal.	85

MATERIALS	DESCRIPTION	QTY
35	Decomposed Granite (All Planting Areas)	262,435 SF
36	"1/2" Screened, Exposed Roots, 2" Depth Min.	56,420 SF
37	Topsoil (Bermuda)	56,420 SF
38	Bermuda 419 "50"	

1. ALL OAK AND ELM TREES INSTALLED WITHIN THE PUBLIC RIGHT-OF-WAY SHALL HAVE THEIR MAIN LEADERS INTACT.
2. ALL TREES PLACED WITHIN THREE (3) FEET OF ANY SIDEWALK, CURB, PAVEMENT, OR WALL WILL HAVE A ROOT BARRIER PER CITY OF SURPRISE ENGINEERING DEPARTMENT STANDARD (SEE DETAIL 11.4).
3. TREES WITHIN SIGHT VISIBILITY TRIANGLES OR WITHIN SIGHT DISTANCE AREAS SHALL BE MAINTAINED CLEAR UP TO 36 INCHES.
4. NO SHRUBS, ACCENTS, OR GROUNDCOVERS WITHIN SIGHT DISTANCE TRIANGLES AND SIGHT DISTANCE AREAS SHALL EXCEED 30 INCHES IN HEIGHT.

Kimley»Horn
PRELIMINARY LANDSCAPE COVER
SURPRISE, ARIZONA
DATE: 07/27/2017
PROJECT: 10000 WADDELL ROAD, SUITE 100, SURPRISE, AZ 85078
DRAWN BY: J. HORN
CHECKED BY: J. HORN
DATE: 07/27/2017
SCALE: 1" = 10' (SEE DETAIL 11.4)
SHEET: 01 OF 07

Preliminary Landscape

PLANTING KEY

TREES

- *Baccharis lanifolia* / Anacacho Orchid
- *Fraxinus utah* / Shamel Ash
- *Olea europaea* 'Savon Hill' / Savon Hill Olive
- *Prosopis juliflora* / Red Push Prosopis
- *Quercus virginiana* / Southern Live Oak
- *Sophora secundiflora* / Texas Mountain Laurel
- *Ulmus parvifolia* / Lacebark Elm
- *Vitex angustifolia* 'Montrose Purple' / Montrose Purple Tree

SHRUBS

- *Callistemon pulegioides* / Red Bird of Paradise
- *Callistemon citrinus* 'Little John' / Dwarf Bottlebrush
- *Dodonaea viscosa* / Hop Bush
- *Eremophila biopurpurea* / Blue Bell
- *Leucosiphium holosericeum* 'Green Cloud' / Green Cloud Sage
- *Leucosiphium lanianthes* / Rio Bravo Sage
- *Plumbago auriculata* / Cape Plumbago
- *Rhipidophora* / Georgia Petiole Indian Hawthorne
- *Rosa 'Madame'* / French Cut Rose
- *Rosa 'Mandarin'* / Mandarin Rose
- *Semecarpus chinensis* 'Violet' / Compact Japoda
- *Tecoma stans* 'Gold Star' / Yellow Bell

SCALED PLANTS

- *Bouteloua gracilis* / Blonde Ambition Grass
- *Dactyloctenium aegyptium* / Toothless Spoon
- *Guava* / Guava
- *Hesperaloe parviflora* / Red Yucca
- *Hesperaloe parviflora* 'Yellow' / Yellow Yucca
- *Muhlenbergia capillaris* 'Regal Mist' / Gulf Muhly
- *Muhlenbergia rigida* 'Nashville' / Purple Muhly

GROUNDCOVERS

- *Gladiolus gandavensis* / Gladiolus Gandavensis
- *Lantana camara* 'New Gold' / New Gold Lantana
- *Lantana montevidensis* / Purple Trailing Lantana
- *Lantana montevidensis* 'Munna' / White Trailing Lantana
- *Melampyrum nemorosum* / Blackfoot Daisy
- *Pennisetum purpureum* / Purple Pennisetum
- *Taxodium canadense* 'Prostratum' / Prostrate Taxodium

MATERIALS

- Decomposed Granite (DG) Planting Area
- 1/2" Screened, Express Brown, 2" Depth Min.
- Turf Hybrid Bermuda
- Bermuda Turf 419 Turf

NOTES

1. ALL OAK AND ELM TREES INSTALLED WITHIN THE PUBLIC RIGHT OF WAY SHALL HAVE THEIR MAIN LEADING INTACT.
2. ALL TREES PLACED WITHIN THREE (3) FEET OF ANY SIDEWALK, CURB, PAVEMENT OR WALL SHALL HAVE A ROOT BARRIER PER CITY OF SURPRISE ENGINEERING DEVELOPMENT STANDARD (EDS) DETAIL 4.14.
3. TREES WITHIN SIGHT TRIANGLE OR WITHIN SIGHT DISTANCE AREAS SHALL BE MAINTAINED CLEAR UP TO 36 INCHES.
4. NO SHRUBS, ACCENTS OR GROUNDCOVERS WITHIN SIGHT DISTANCE TRIANGLES AND SIGHT DISTANCE AREAS SHALL EXCEED 30 INCHES IN HEIGHT.

GRAPHIC SCALE IN FEET



PROJECT NO.
2017-0001
DATE: 01/11/2017
DRAWN: NAME
SCALE:
02 OF 07

Kimley-Horn

HERITAGE FARM
PRELIMINARY LANDSCAPE PLAN
SURPRISE, ARIZONA



PROJECT NO.
2017-0001
DATE: 01/11/2017
DRAWN: NAME
SCALE:
02 OF 07

SEE SHEET 03

Preliminary Landscape

PLANTING KEY

TREES

BOTANICAL NAME / COMMON NAME
Baccharis laurifolia / Anacacho Orchid
Fraxinus latifolia / Shamel Ash
Olea europaea 'Savon Hill' / Savon Hill Olive
Pinus jeffreyi / Red Pinus
Quercus agrifolia / Southern Live Oak
Sophora secundiflora / Texas Mountain Laurel
Ulmus parvifolia / Lacebark Elm
Vitis aestivalis 'Munroe Purple' / Munroe's Pepper Tree

SHRUBS

BOTANICAL NAME / COMMON NAME
Callistemon palmeri / Red Bird of Paradise
Callistemon citrinus 'Little John' / Dwarf Bottlebrush
Dodonaea viscosa / Hop Bush
Freemontia heterophylla / Blue Bell
Leucosiphum frutescens 'Green Cloud' / Green Cloud Sage
Leucosiphum laurifolia / Rio Bravo Sage
Plumbago auriculata / Cape Plumbago
Raphanistrum x / Georgia Petal Indian Rosehedge
Rosa 'Madame' / French Rose
Rosa multiflora 'Double Dawn' / Double Dawn Rose
Simmondsia chinensis 'Violet' / Compact Japoda
Tecoma stans 'Gold Star' / Yellow Bell

ACCENT PLANTS

BOTANICAL NAME / COMMON NAME
Buddleia gracilis / Blonde Arabian Grass
Daylily quadrangulum / Toothless Spoon
Gaura bicolor / Pink Gaura
Hesperaloe parviflora / Red Yucca
Hesperaloe parviflora 'Yellow' / Yellow Yucca
Muhlenbergia capillaris 'Regal Mist' / Gulf Mully
Muhlenbergia rigida 'Nashville' / Purple Mully

GROUNDCOVERS

BOTANICAL NAME / COMMON NAME
Gladiolus grandifolius / Gooding Vervain
Lantana camara 'New Gold' / New Gold Lantana
Lantana montevidensis / Purple Trailing Lantana
Lantana montevidensis 'Monroe' / White Trailing Lantana
Melampyrum nemorosum / Blackfoot Daisy
Pennisetum purpureum / Pampas Grass
Tecoma chandryi 'Prostrata' / Prostrate Germander

MATERIALS

DESCRIPTION
Decomposed Granite (All Planting Areas)
1/2" Screened, Express Brown, 2" Depth Mts.
Turf Hybrid Bermuda
Bermuda Tifway 413 Seed

NOTES

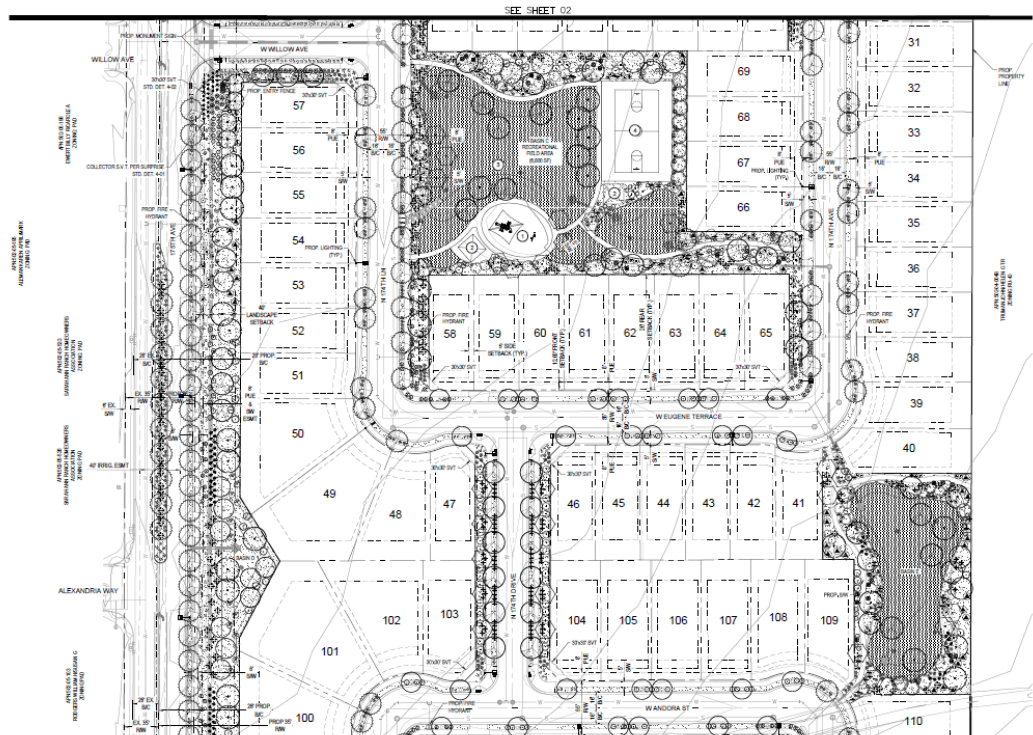
- ALL OAK AND OLM TREES INSTALLED WITHIN THE PUBLIC RIGHT-OF-WAY SHALL HAVE THEIR MAIN LEADERS NOTICED.
- ALL TREES PLACED WITHIN THREE (3) FEET OF ANY SIDEWALK, CURB, PAVEMENT OR WALL WILL HAVE A ROOT BARRIER PER CITY OF SURPRISE ENGINEERING DEVELOPMENT STANDARD (EDS) DETAIL 1.1A.
- TREES WITHIN SIGHT VISIBILITY TRIANGLES OR WITHIN SIGHT DISTANCE AREAS SHALL BE MAINTAINED CLEAR UP TO 34 INCHES.
- NO SHRUBS, ACCENTS, OR GROUNDCOVERS WITHIN SIGHT DISTANCE TRIANGLES AND SIGHT DISTANCE AREAS SHALL EXCEED 30 INCHES IN HEIGHT.

AMENITIES

- | | |
|--------------------------------|-----------------------|
| 1. TOPIC | 1. RAMADA (EACH WITH) |
| 2. SHADE COVERS PLAY STRUCTURE | 2. PICNIC TABLE |
| 3. BENCH | 3. BBQ GRILL |
| 4. TRASH RECEPTACLE | 4. TRASH RECEPTACLE |
| 5. ONE DRINKING FOUNTAIN | 5. BASKETBALL COURT |
| 6. RECREATIONAL FIELD | |



DATE: 03/02/2017
PROJECT NO.: 17010001
DRAWN BY: SHANE DOUGLAS
03 OF 07



SEE SHEET 02

SEE SHEET 04

HERITAGE FARM

PRELIMINARY | LANDSCAPE PLAN

SURPRISE, ARIZONA



EXPRESS 03/31/2019
PROJECT NO. 29101502
DRAWING NAME 500LS
04 OF 07



BOTANICAL NAME / COMMON NAME

- Bauhinia lunarioides / Anacacho Orchid
- Fraxinus uzbeki / Shamal Ash
- Olea europaea 'Swan Hill' / Swan Hill Olive
- Pistacia x / Red Pusch Pistache
- Quercus virginiana / Southern Live Oak
- Sophora secundiflora / Texas Mountain Laurel
- Ulmus parvifolia / Lacebark Elm
- Vitex angust-castus 'Montrose Purple' / Monk's Pepper Tree

SHRUBS

BOTANICAL NAME / COMMON NAME

- ☉ *Caesalpinia pulcherrima* / Red Bird of Paradise
- ☉ *Callistemon citrinus* 'Little John' / Dwarf Bottlebrush
- ☉ *Dodonaea viscosa* / Hop Bush
- ☉ *Eremophila hyphorhiza* / Blue Bells
- ☉ *Leucophyllum frutescens* 'Green Cloud' / Green Cloud Sage
- ☉ *Leucophyllum lanerianae* / Rio Bravo Sage
- ☉ *Plumbago auriculata* / Cape Plumbago
- ☉ *Rhaphidolepis x* / Georgia Petite Indian Hawthorne
- ☉ *Rosa x* 'Radrazz' / Knock Out Rose
- ☉ *Rosmarinus officinalis* / Upright Rosemary
- ☉ *Simmondsia chinensis* 'Vista' / Compact Jojoba
- ☉ *Tecoma stans* 'Gold Star' / Yellow Bells

ACCENT

BOTANICAL NAME / COMMON NAME

- ✿ *Bouteloua gracilis* / Blonde Ambition Grass
- ⊗ *Dasyliion quadrangulatum* / Toothless Spoon
- ✿ *Guara lindeheimeri* / Pink Guara
- ✦ *Hesperaloe parviflora* / Red Yucca
- ✿ *Hesperaloe parviflora* 'Yellow' / Yellow Yucca
- ⊗ *Muhlenbergia capillaris* 'Regal Mist' / Gulf Muhly
- ✿ *Muhlenbergia rigida* 'Nashville' / Purple Muhly

GROUNDCOVER:

BOTANICAL NAME / COMMON NAME

- ③ *Glandularia goodingii* / Gooding Verbena
- ③ *Lantana camara* 'New Gold' / New Gold Lantana
- ② *Lantana montevidensis* / Purple Trailing Lantana
- ② *Lantana montevidensis* 'Mornna' / White Trailing Lantana
- *Melampodium leucanthum* / Blackfoot Daisy
- *Penstemon parryi* / Parry's Penstemon
- *Teucrium chamaedry* 'Prostratum' / Prostrate Germander

NATURAL

- Decomposed Granite (All Planting Areas)
¾" Screened, Express Brown, 2" Depth Min.
Turf: Hybrid Bermuda
Bermuda Tifway 419 "Soft"

NOTES

1. ALL OAK AND ELM TREES INSTALLED WITHIN THE PUBLIC RIGHT-OF-WAY SHALL HAVE THEIR MAIN LEADERS INTACT.
2. ALL TREES PLACED WITHIN THREE (3) FEET OF ANY SIDEWALK, CURB, PAVEMENT, OR WALL WILL HAVE A ROOT BARRIER PER CITY OF SURPRISE ENGINEERING DEVELOPMENT STANDARD (EDS) DETAIL E-34.
3. TREES WITHIN SIGHT VISIBILITY TRIANGLES OR WITHIN SIGHT DISTANCE AREAS SHALL BE MAINTAINED CLEAR UP TO 84 INCHES.
4. NO SHRUBS, ACCENTS, OR GROUNDCOVER WITHIN SIGHT DISTANCE TRIANGLES AND SIGHT DISTANCE AREAS SHALL EXCEED 30 INCHES IN HEIGHT.



802-283-1100
1-800-STAYNE-1

04 (F 07



University Landscape

[illegible]

Kimley»Horn
© 2011 Kimley-Horn and Associates, Inc.
1100 14th St. SW, 3rd Floor
Seattle, WA 98101 (206) 461-5800

HERITAGE FARM
WALL PLAN
SURPRISE, ARIZONA

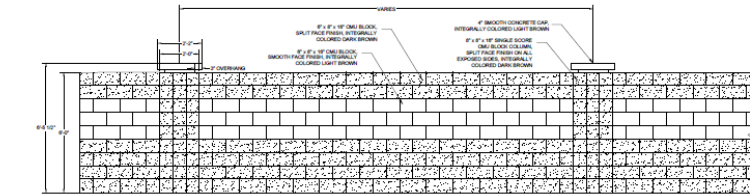


PROJECT NO.	29101502
DRAWING NAME	5002LS
05 OF 07	

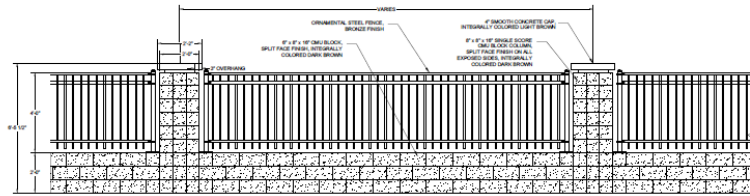
05 4F 07

SYM	ID	WALL DESCRIPTION
-----	1	THRM WALL - SEE DETAIL 1, SHEET 06
-----	2	PARTIAL VIEW FENCE A - SEE DETAIL 2, SHEET 06
-----	3	PARTIAL VIEW FENCE B - SEE DETAIL 3, SHEET 06

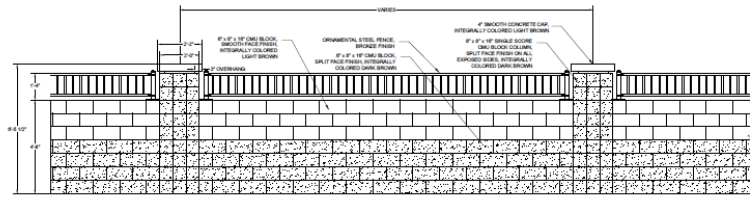
Preliminary Landscape



1 THEME WALL
SCALE: 12\"/>



2 PARTIAL VIEW FENCE A
SCALE: 12\"/>



3 PARTIAL VIEW FENCE B
SCALE: 12\"/>

Kimley»Horn
2020 HERITAGE FARM WALL DETAILS
11-14-2020 11-14-2020 11-14-2020

DATE: 11/14/2020
DRAWN BY: J. H. H.
CHECKED BY: J. H. H.
DATE: 11/14/2020

HERITAGE FARM
WALL DETAILS
SURPRISE, ARIZONA



PROJECT NO.: 20101002
DRAWN BY: J. H. H.
DATE: 11/14/2020
06-F 07



Citizen Outreach:

October 4, 2017



Commission Recommendations:

Zone Change: **Approve** subject to stipulations “a” and “b”

Preliminary Plat: **Approve** subject to stipulations “a” thru “e”



SURPRISE

ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You

ORDINANCE 2018-02

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A REZONE OF APPROXIMATELY 11 ACRES FROM RESIDENTIAL RANCH (RR) TO RESIDENTIAL MEDIUM DENSITY 4.3 DU/AC PLANNED UNIT DEVELOPMENT (RM-6 PUD), AND APPROXIMATELY 22 ACRES FROM RESIDENTIAL RANCH (RR) TO RESIDENTIAL MEDIUM DENSITY 4.5 DU/AC PLANNED UNIT DEVELOPMENT (RM-9 PUD) FOR THE PROJECT KNOWN AS "HERITAGE FARM", GENERALLY LOCATED AT THE SOUTH AND EAST OF 175TH AVENUE AND WADDELL ROAD.

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, the subject site is generally located at the southeast corner of 175th Avenue and Waddell Road;

WHEREAS, the subject site was annexed into the City of Surprise under Ordinance # 2017-01 and currently enjoys Residential Ranch (RR) zoning as a result of that annexation;

WHEREAS, the proposed use of the subject site requires modification of the applicable zoning regulations;

WHEREAS, the proposed Rezone to, Residential Medium Density, maximum 4.3 dwelling units per gross acre (RM-6 PUD), and Residential Medium Density, maximum 4.5 dwelling units per gross acre (RM-9 PUD)satisfies the requirements set forth in Chapter 122 of the Surprise Municipal Code;

WHEREAS, this Rezone is in harmony with the purposes and intent of the zoning ordinance and the Surprise General Plan; and,

WHEREAS, on February 1, 2018, the Planning and Zoning Commission recommended approval of the Heritage Farm development.

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

Section 1. Rezoning. The parcel legally described on Exhibit A and depicted on Exhibit B, known as "Heritage Farm", is rezoned from Residential Ranch (RR) to Residential Medium Density, maximum 4.3 dwelling units per gross acre (RM-6 PUD), and Residential Medium Density, maximum 4.5 dwelling units per gross acre (RM-9 PUD) in a manner consistent with the Zoning Map included in Exhibit B subject to the following stipulations:

- a. Development and use of the site shall be in conformance with the project narrative entitled "Heritage Farm", prepared by LVA Urban Design Studio, dated revised December, 2017 and stamped received January 8, 2018, except as modified by the following stipulations.
- b. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.

Section 2. *Amendment of Zoning Map.* The City of Surprise zoning map is herewith amended to reflect the change in districts referred to in Section 1 above.

Section 3. *Codification.* This Ordinance is not of a general nature and shall not be codified.

Section 4. *Repeal of Conflicting Ordinances.* All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed, upon the effective date of this Ordinance.

Section 5. *Severability.* If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 6. *Effective Date.* This ordinance shall become effective at the time and in the manner prescribed by law.

APPROVED AND ADOPTED this ____ day of _____ 2018.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT "A"

DESCRIPTION

HERITAGE FARM REZONE

Parcel No. 1

The West 810.00 feet of the North half of the West half of the Northeast quarter of Section 14, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Parcel No. 2

The West 810.00 feet of the North 1775.40 feet of the Northeast Quarter of Section 14, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Except the North half of the West half of the Northeast Quarter of said Section 14.

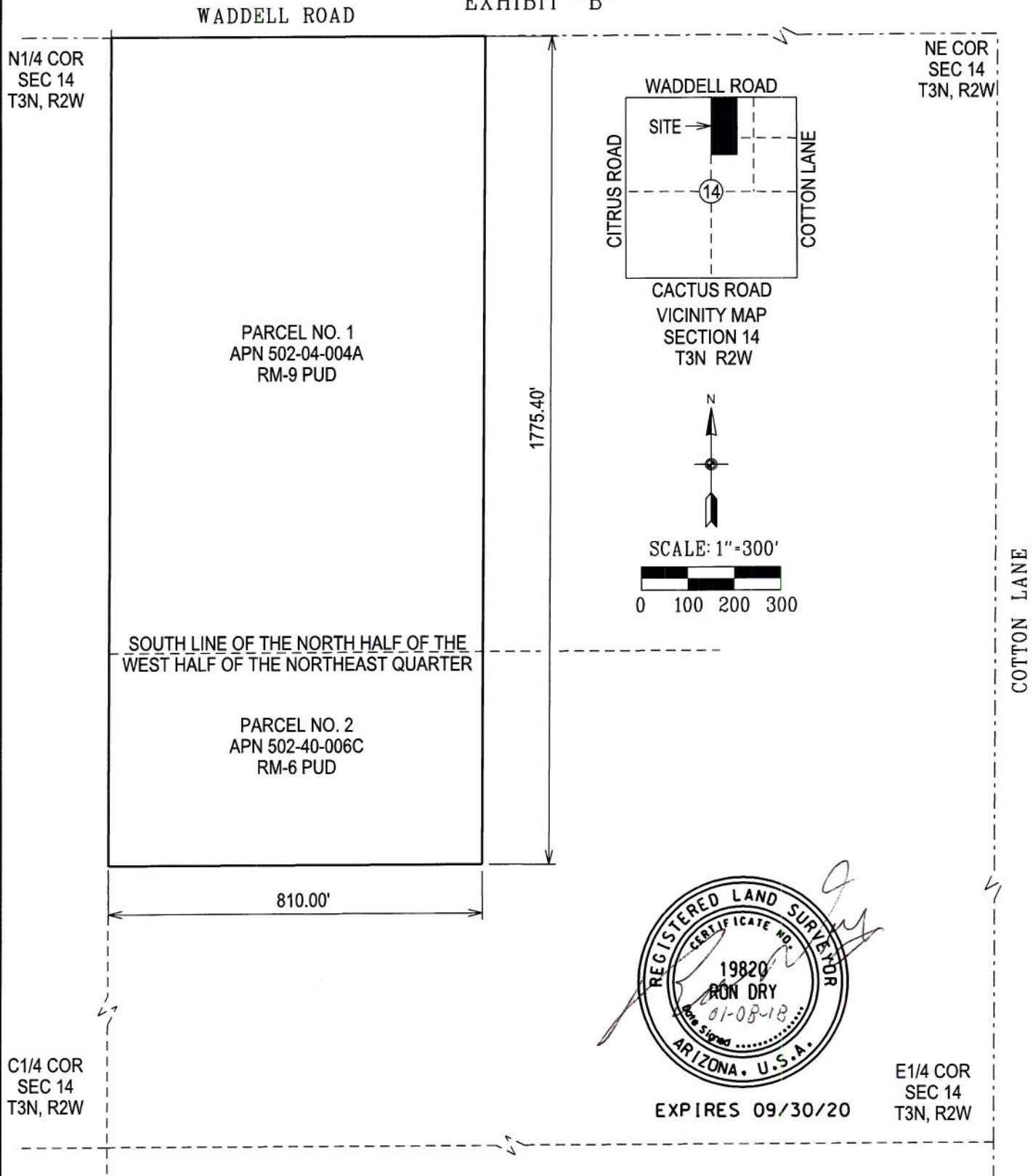
Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description



EXPIRES 09-30-2020

EXHIBIT "B"



HERITAGE FARMS REZONE



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT # 18001

DRAWN BY RCD

DATE 01-08-2018

SHEET 1 OF 1



CITY OF SURPRISE
Regular City Council Meeting

March 6, 2018 @ 6:00:00 PM

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Council Meeting Date:	March 6, 2018	Contact Person:	Chief Tom Abbott
Submitting Department:	Fire	District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to approval of an amendment to the FY2018 Budget by reallocating appropriations in the amount of \$162,500 within the ground ambulance service fund related to expansion of services with a Full Time Administrative Technician Position and Fire Station 301 Remodel; amending capital list of items over \$50,000; Resolution # 2018-33.

Motion:

I move to approve Resolution # 2018-33.

Background:

On November 19, 2014 Surprise Fire-Medical Department, with the consent and support of City Council, applied to the Arizona Department of Health Services for their certificate of Necessity (CON) to operate an ambulance service in the City of Surprise. On August 7, 2015, SFMD was granted CON No. 141 and on November 2, 2015, the City was operational with one ambulance responding to calls in FS305's first due area. On September 6, 2016, RES 2016-107 was approved allowing SFMD to expand the ground ambulance program by purchasing two new ambulances. One of those ambulances was used to expand SFMD's current service delivery model and the second ambulance replaced SFMD's M305; thus allowing the used ambulance to become a reserve unit for repairs and maintenance needs. On November 1, 2016, SFMD returned to Council to request additional personnel and was approved under RES 2016-130. SFMD is now coming before you to request a reallocation of corresponding funding from contingency into the Ground Ambulance Fund to move this important support position from a part-time to full-time position, as well as funding for the FS301 remodel.

Objective Analysis:

This position currently provides support for the additional paperwork and medical billing generated by the three ambulances that have been put in service as well as the 18 members serving that ambulance. This position is essential to keep emergency medical ground transport operations running 24 hours/day, seven days/week in the city. SFMD desires to proceed with the remodel of Fire Station 301 to expand the ambulance service and to maintain current response time initiatives.

Policy Compliant:

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

Financial Impact:

The total cost will be \$162,500 for FY18.

Budget Impact:

SFMD will need a budget amendment performed to grant the budget authority for the \$162,500. The allocation will come from the contingency within the Ground Ambulance Fund.

FTE Impact:

This action authorizes the addition of 0.5 FTE within the Ground Ambulance Fund.

ATTACHMENTS:

Click to download

☐ [RES 2018-33 Ambulance Staffing Enhancement FS Remodel](#)

RESOLUTION # 2018-33

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2018 BUDGET BY REALLOCATING APPROPRIATIONS OF \$162,500 WITHIN THE GROUND AMBULANCE FUND FROM CONTINGENCY TO MEDICAL SERVICES AND PERSONNEL TO SUPPORT THE EXPANSION OF THE GROUND AMBULANCE SERVICE TO INCLUDE A REMODEL OF FIRE STATION 301; THE TRANSITION OF A PART-TIME POSITION TO A FULL-TIME POSITION; AND AMENDING THE CAPITAL LIST OF ITEMS OVER \$50,000.

WHEREAS, the Fire-Medical Department desires to expand the budget for project P34100 to remodel FS301 in order to house an ambulance, additional funds are necessary in the amount of \$150,000;

WHEREAS, Mayor and Council approved Resolution 2017-128, which provided a permanent part-time position within the Fire-Medical Department within the Ground Ambulance Fund;

WHEREAS, the part-time position is currently filled, and more personnel capacity is necessary due to the addition of a third ambulance, this position will move from part-time to full-time and will require the addition of \$12,500;

WHEREAS, the total increase necessary is \$162,500, the Fire-Medical Department would like to move appropriations within the Ground Ambulance Fund from contingency to personnel and medical services;

WHEREAS, the FY2018 budget was adopted by Council Resolution #2017-64 on June 6, 2017;

WHEREAS, this action will necessitate a budget amendment;

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

WHEREAS, project P34100 was not included in the Capital List of Items Over \$50,000, and the City of Surprise Procurement Code §2-338 (d) requires the authority of the Mayor and Council when the cost to the city is greater than \$50,000;

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, 2017 through June 30, 2018.

Section 2. The Fire-Medical Department is hereby authorized to add an additional 0.5 equivalent within the Ground Ambulance Fund for the transition of one part-time Administrative Technician position to full-time.

Section 3. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, the Fiscal Year 2018 Capital and Operating List of Items Over \$50,000 of the City of Surprise, Arizona for the fiscal year July 1, 2017 through June 30, 2018.

APPROVED AND ADOPTED this ____ day of _____, 2018.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2018-33

Exhibit A

1. Appropriation - The allocation below represents a reallocation of appropriations in the amount of \$162,500 of contingency within the ground ambulance fund to allocate the budget authority for one (1) Full-Time Administrative Technician position and FS301 remodel in the Surprise Fire-Medical Department. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Ground Ambulance Service	Fire - Medical	Personnel Services	E	1,044,900	12,500	1,057,400
Ground Ambulance Service	Fire - Medical	#P34100 Ambulance #4-M301/FS301 Remodel	E	-	150,000	150,000
Ground Ambulance Service	General Operations	Contingency	E	397,400	(162,500)	234,900

2. Full-Time Equivalent (FTE) - The expansion of the ambulance service requires the addition of 0.5 new FTEs.

Fund	Department	Current FTEs	Increase/ (Decrease)	Amended FTEs
1150	34	19.5	0.5	20.0

3. List of Operating Items Over \$50,000 – For the purpose of amending project P34100 to include a remodel of fire station 301 which was not included on the Fiscal Year 2018 Capital and Operating List of Items Over \$50,000.

Reference #	Description	Current Amount	Increase/ (Decrease)	Amended Amount
TBA	FS301 Remodel – Construction	0	\$150,000	\$150,000



CITY OF SURPRISE
Regular City Council Meeting

March 6, 2018 @ 6:00:00 PM

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Council Meeting Date:	March 6, 2018	Contact Person:	Jeanine Jerkovic, Economic Development Director
Submitting Department:	Finance Dept	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to approval of an amendment to the FY2018 Budget by reallocating appropriations of \$21,000 from the Services and Operations Fund to the Personnel Fund to accommodate two Economic Development Department position changes; Resolution # 2018-38.

Motion:

I move to approve Resolution #2018-38.

Background:

From December 2017 to January 2018, the City Manager's Office made several strategic staff changes in order to meet operational needs, one change in particular that moved the Economic Development Manager in the City Manager's Office. There was a vacant position in the Economic Development Department when this move occurred, created when an existing staff member had previously promoted to the new Director of Sports and Tourism role. The decision to fill that position had been on-hold in order to assess department needs prior to notification of the Economic Development Manager move. Since January 2018, the Economic Development Department has been able to fully assess their existing workload and incoming projects and has identified the required structure for the Department to be able to meet all objectives at the current staff level. The Economic Development Department would like to reclassify two (2) positions in order to facilitate the structure and staffing level needed to meet workload demands.

Objective Analysis:

This action adjusts the Economic Development Department budget by reallocating \$21,000 in operations to personnel and allows the Economic Development Department to increase its staffing capacity of two positions and alleviate the impact of the Economic Development Manager role movement to the City Manager's Office without negatively impacting ongoing operations and service delivery.

Policy Compliant:

This item is policy compliant.

Financial Impact:

These position changes will impact the ongoing budget, moving \$21,000 from Services and Operations to Personnel.

Budget Impact:

The position changes would reallocate a total of \$21,000 total from the Economic Development services and operations budget to personnel on an ongoing basis. The reallocations would impact the following services and operations line items:

\$14,500 from Economic Development Administrative Professional Outside Services Line Items (Program/Object 4111-55095 and 41311-55095); \$6,500 from AZ TechCelerator Line Items, including Professional Service Agreements (Program/Object 41212-55024) and Building Maintenance (Program/Object 41212-55620).

FTE Impact:

This action will not change the number of FTEs, only increase the existing responsibilities of the existing two FTEs impacted.

ATTACHMENTS:

Click to download

- ☐ [ED Presentation - Budget Amendment and Position Changes](#)
 - ☐ [Res 2018-38 Budget Amendment for Position Changes](#)
-



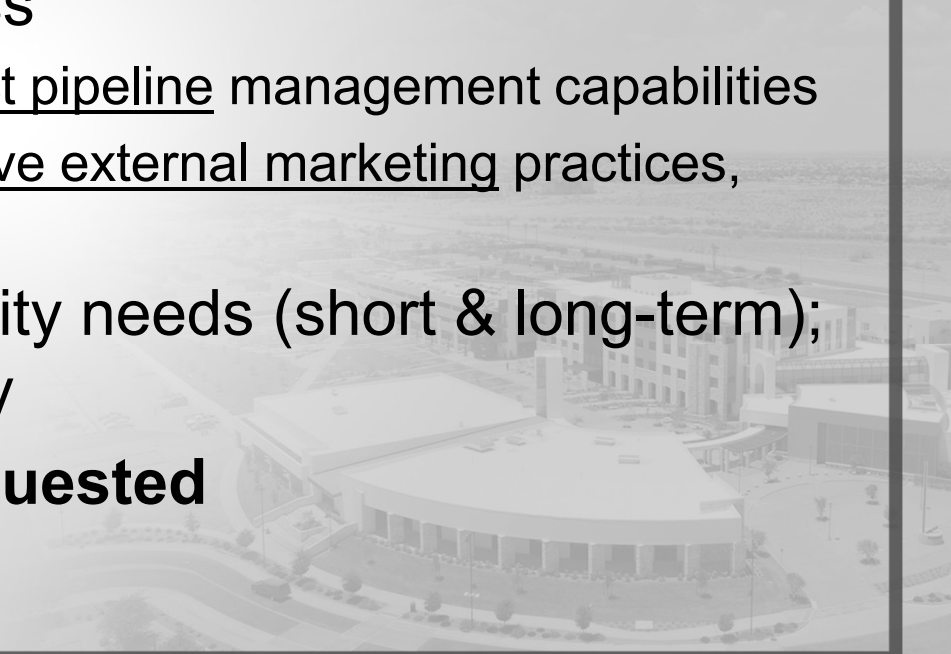
Economic Development

Budget Adjustment and Position Changes

March 6, 2018



ED Position Changes

- **Purpose:** Accommodate ED Department Position Changes & Competitiveness
 - Position #1 = Increase project pipeline management capabilities
 - Position #2 = Elevate proactive external marketing practices, social/digital media profile
 - **Addresses:** Staffing capacity needs (short & long-term); Increased economic activity
 - **No additional funding requested**
- 



ED Position Changes

**From: Services /
Operations Budget
To: Personnel Budget**

- \$14,500 Admin & Prof Outside Svcs
- \$6,500 from AZ TechCelerator Prof Svc Agreements & Bldg Maintenance
- Total: \$21,000

Personnel Proposal:

Positions Now	NEW Proposal	Associated Cost
ED Coordinator	ED Project Manager	\$12,000
ED Analyst	ED Marketing Coordinator	\$9,000
TOTAL		\$21,000



SURPRISE
ARIZONA

Thank you



RESOLUTION # 2018-38

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2018 BUDGET BY REALLOCATING APPROPRIATIONS OF \$21,000 FROM THE ECONOMIC DEVELOPMENT SERVICES AND OPERATIONS FUND TO THE ECONOMIC DEVELOPMENT PERSONNEL FUND TO COVER COSTS RELATED TO INCREASED STAFFING NEEDS.

WHEREAS, the FY2018 budget was adopted included funding for the Economic Development Services Department;

WHEREAS, a realignment of personnel from the Economic Development Department to the City Manager's Department and the Sports and Tourism Department has left vacancies in the workload and is requiring a restructuring of staff assignments;

WHEREAS, the Economic Development Department would like to reclassify two positions to facilitate the structure and staffing to meet the workload demands;

WHEREAS, the FY2018 budget was adopted by Council Resolution #2017-64 on June 6, 2017;

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, 2017 through June 30, 2018.

APPROVED AND ADOPTED this ____ day of _____, 2018.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2018-38
Exhibit A

The FY2018 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.

Fund	Current Appropriation	Increase (Decrease)	Amended Appropriation
General Fund, Economic Development, Economic Development Personnel Services	\$767,400	\$21,000	\$788,400
General Fund, Economic Development, Services	\$496,400	(\$21,000)	\$475,400
	\$1,263,800	\$0	\$1,263,800

The general Fund change is as follows:

The total amendment amount of \$21,000 reallocates appropriation of monies from the Economic Development Department Services and Operations Budgets to Economic Development Department Personnel.



CITY OF SURPRISE
Regular City Council Meeting

March 6, 2018 @ 6:00:00 PM

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Council Meeting Date:	March 6, 2018	Contact Person:	Eric Fitzer, Community Development Director
Submitting Department:	CD	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to approval an Intergovernmental Agreement (IGA) by and between Maricopa County, the City of Buckeye, and the City of Surprise expanding and defining their respective general plan areas, which will include certain areas outside their respective corporate boundaries, including the White Tank Mountain Regional Park: Resolution # 2018-37.

Motion:

I move to approve Resolution # 2018-37.

Background:

The purpose of this Agreement is to set forth the Parties' agreements related to the Park, annexation of the Park and the inclusion of the Park in the planning areas of Buckeye and Surprise in their respective general plans. Subject to the provisions of the IGA Maricopa County agrees that Buckeye and Surprise may include the White Tank Mountain Regional Park in their respective general plan planning areas and Surprise agrees it will not initiate an annexation of all or any portion of the Park without the prior written consent of the County, nor will it attempt to extend regulatory control over the Park without prior written consent of the County. In the future, the Parties may consider joint development of trails or similar amenities within the Park or outside the Park, in which case an amendment to this Agreement will be executed or a new Agreement will be executed.

Objective Analysis:

Positive impacts include the potential of joint development of trails or similar amenities within the White Tank Mountain Regional Park or outside the White Tank Mountain Regional Park.

Policy Compliant:

The action is compliant with 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

- ☐ [Resolution # 2018-37](#)
 - ☐ [Presentation](#)
-

RESOLUTION # 2018-37

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF SURPRISE, MARICOPA COUNTY, AND THE CITY OF BUCKEYE PERTAINING TO THEIR RESPECTIVE GENERAL PLANNING JURISDICTION, WHICH WILL INCLUDE CERTAIN AREAS OF THE WHITE TANK MOUNTAIN REGIONAL PARK.

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

WHEREAS, pursuant to Arizona Revised Statute § 9-461.11, *et seq.*, the Cities of Surprise and Buckeye have the authority to extend and define their planning area beyond their respective incorporated boundaries by mutual agreement;

WHEREAS, the parties desire to enter into an intergovernmental agreement in order to facilitate the updating of their respective general plans, which will include certain areas outside their respective corporate boundaries, including the White Tank Mountain Regional Park ("Park"); and

WHEREAS, the Parties would like to maintain a mutually beneficial relationship by which they may in the future work together to accomplish common objectives related to the Park.

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

Section 1. *The Intergovernmental Agreement among Maricopa County, the City of Buckeye, Arizona, and the City of Surprise, Arizona* attached as Exhibit A, is hereby approved.

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

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this 6th day of March, 2018.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT BETWEEN
MARICOPA COUNTY,
THE CITY OF SURPRISE AND THE CITY OF BUCKEYE



Maricopa County, City of Buckeye and City of Surprise IGA Resolution 2017-37

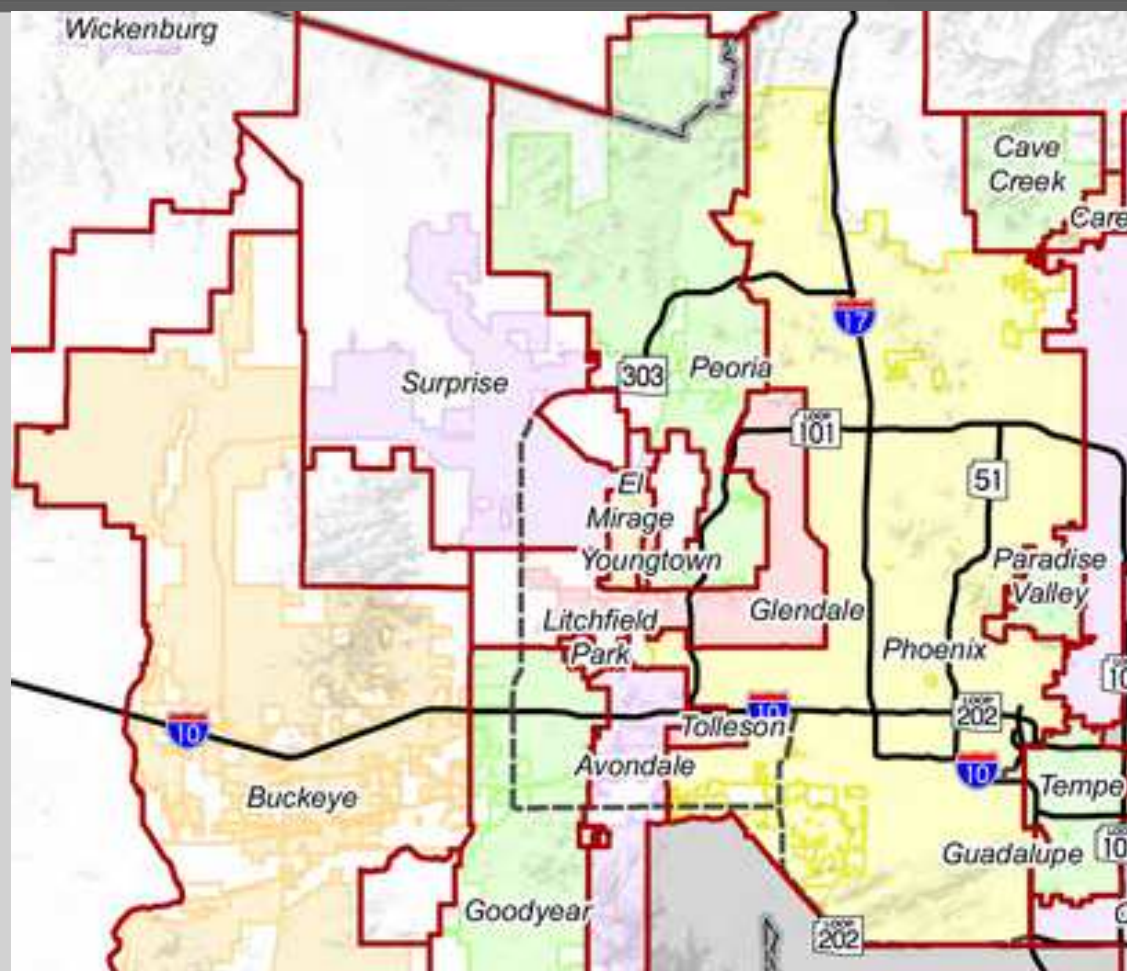
March 6, 2018

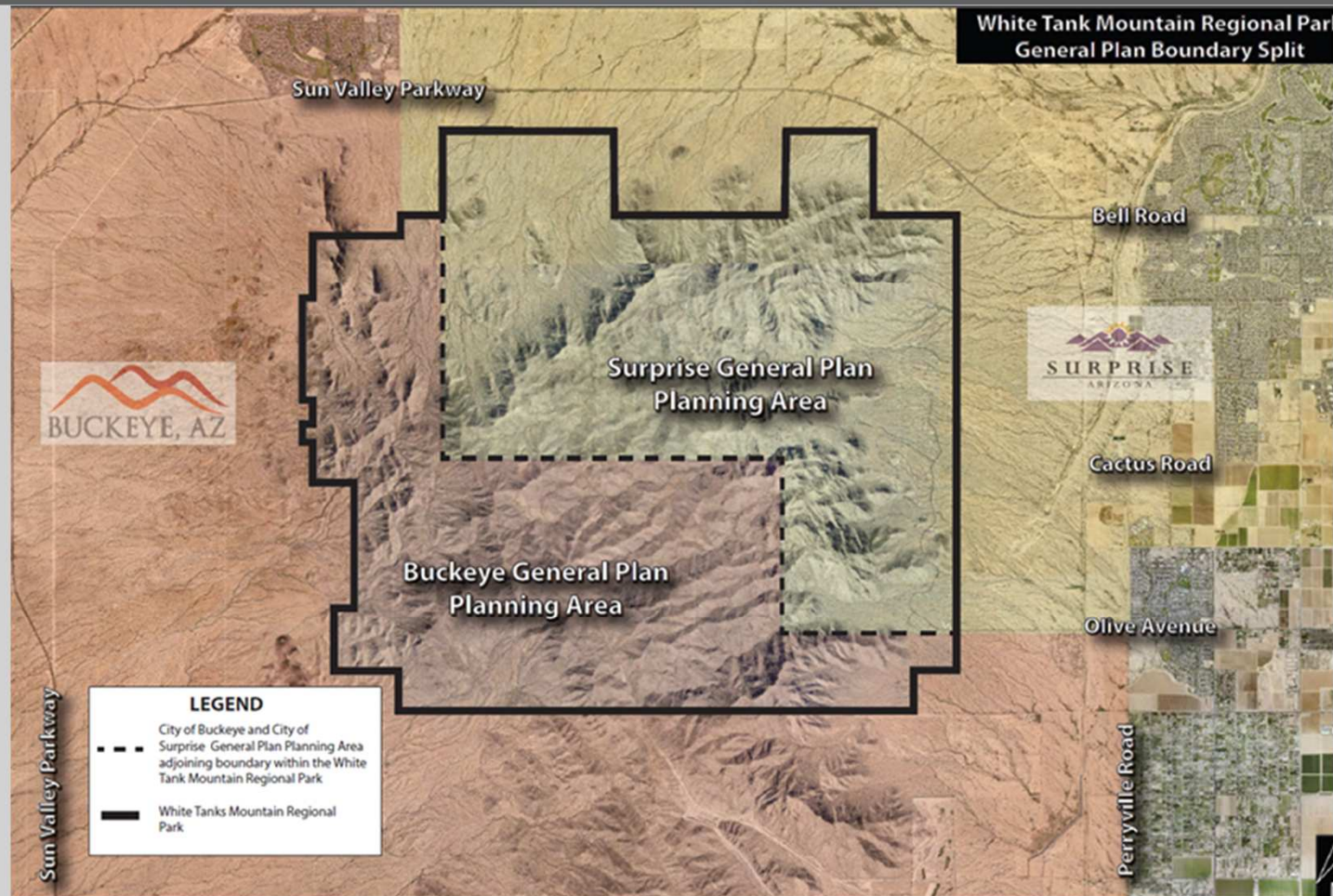
Background

- § The City of Buckeye is currently updating its General Plan
- § The majority of the White Tank Mountains Regional Park lies outside of the planning areas of the City of Surprise and the City of Buckeye
- § The City of Buckeye is looking to expand its planning area to include a portion of the White Tank Mountains Regional Park
- § The City of Surprise has a vested interest in including a portion of the White Tank Mountains within the City's planning area
- § The City working with the Maricopa County and the City of Buckeye has identified potential planning area boundary changes to both the City of Buckeye and the City of Surprise

Intergovernmental Agreement

- § County agrees that Buckeye and Surprise may include the Park in their respective general plan planning areas
- § Buckeye agrees it will not initiate an annexation of all or any portion of the Park without the prior written consent of the County, nor will it attempt to extend regulatory control over the Park without prior written consent of the County
- § Surprise agrees it will not initiate an annexation of all or any portion of the Park without the prior written consent of the County, nor will it attempt to extend regulatory control over the Park without prior written consent of the County
- § In the future, the Parties may consider joint development of trails or similar amenities within the Park or outside the Park, in which case an amendment to this Agreement will be executed or a new Agreement will be executed







SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You