



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

**Tuesday, November 19, 2024 @ 4:30 PM
COUNCIL CHAMBERS**

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Proclamation and Community Acknowledgements
- E. City Manager Report

The City Manager may present a brief summary of current events, including recognition of community members, employees, and programs, pursuant to A.R.S. § 38-431.02(K). The City Council will not discuss or take action on any matter within the City Manager Report.

- F. City Clerk Report
- G. Regular City Council Work Session Agenda

CONSENT AGENDA:

REGULAR AGENDA ITEM - PUBLIC HEARING:

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- 1. Citywide Presentation and Discussion pertaining to a Zoning Text Amendment for Administrative Plat Approvals and Infrastructure Acceptances, Case FS24-1407. Tiffany Copp
Community Development
- 2. Citywide Presentation and discussion pertaining to a proposed Zoning Text Amendment (ZTA) to update the Surprise Municipal Code and Land Development Ordinance in conformance with recent legislative updates. Case FS24-1421. Tiffany Copp
Community Development
- H. Other Business and Future Agenda Items
- I. City Council Reports
- J. 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).

K. Adjournment

KRISTI PASSARELLI, CITY CLERK

POSTED: Thursday, November 14th, 2024 @ 10:00 AM

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
City Council Work Session

Council Meeting Date: November 19, 2024
Submitting Department:
Staff Recommendations:

Contact Person:
District: Citywide

Consent: No	Regular: No	Public Hearing: No	Report/Discussion: No
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Agenda Wording:
City Manager sub-text

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE City Council Work Session

Council Meeting Date: November 19, 2024 Contact Person: Tiffany Copp, Assistant Director
Submitting Department: Community Development District: Citywide
Staff Recommendations: None

Consent: No Regular: No Public Hearing: No Report/Discussion: Yes

Agenda Wording:

Presentation and Discussion pertaining to a Zoning Text Amendment for Administrative Plat Approvals and Infrastructure Acceptances, Case FS24-1407.

Motion:

None.

Background:

On March 3, 2023, Senate Bill 1103 (SB1103) passed amending Titles 9 and 11 of the Arizona Revised Statutes to allow, as an option, the administrative review and approval of various planning cases, to include preliminary and final plats and plat amendments, without a public hearing. Staff were asked to evaluate the impact of adopting changes to the City's current plat processes in conformance with SB1103. During this evaluation, it was recognized additional efficiencies may be realized by also amending the infrastructure acceptance processes within code to also allow for administrative approvals. The proposed text amendment, case FS24-1407, aims to address those areas of the code that could be amended in conformance with SB1103.

Objective Analysis:

The proposed Zoning Text Amendment will streamline staff and applicant development processes to allow for administrative approvals while clarifying readability and removing conflicts with other sections of the municipal codes in an effort to conform with the changes permitted pursuant to SB1103.

Policy Compliant:

The proposed Zoning Text Amendment is consistent with and supports both the strategic goals of the Mayor and Council as well as the Surprise General Plan 2040.

Financial Impact:

The financial impact associated with the adoption of this ordinance will be the cost to convert the ordinance to MuniCode online for inclusion with the other Surprise Municipal Codes. The actual cost for conversion will be determined once the final document length is known.

Budget Impact:

The budget impact associated with the adoption of this ordinance will be the cost to convert the ordinance to MuniCode online for inclusion with the other Surprise Municipal Codes. The actual cost for conversion will be determined once the final document length is known and will be absorbed in the current budget.

FTE Impact:

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

ATTACHMENTS:

1. FS24-1407 Administrative Plat Approvals
-



Zoning Text Amendment- Administrative Plat Processing Discussion

Kristin Tytler, Public Works Director

Lloyd Abrams, Community Development Director

Tiffany Copp, CD Assistant Director



BACKGROUND

March 3, 2023: Senate Bill 1103 passed amending sections of Titles 9 and 11 of the Arizona Revised Statutes to allow as an *option*, the administrative review and approval of various cases including preliminary plats, final plats and plat amendments without a public hearing.

- Staff were asked to evaluate the impact of adopting changes in support of SB1103
- Evaluation resulted in the realization that the plat *and* infrastructure acceptance processes could be done administratively



BACKGROUND

Preliminary Plat:

The map or plat preliminarily detailing how a piece of land will be divided into lots, tracts or parcels for development.

Final Plat:

The map or plat detailing how a piece of land will be divided into lots, tracts or parcels for development after being accurately surveyed and marked.

Infrastructure Acceptance:

The process for ensuring public infrastructure was installed to the city's specifications and is ready for the city to take over maintenance and ownership.



CURRENT PROCESS

Preliminary Plat:

- Agendized (regular item) for review and approval, conditional approval or denial by the Planning and Zoning (P&Z) Commission
 - Appealed to City Council

Final Plat:

- Agendized (consent) for review and approval, conditional approval or denial by City Council

Infrastructure Acceptance:

- Agendized (consent) for review and approval, conditional approval or denial by City Council



ANALYSIS

Impact of Adopting an Administrative Process Changes:

Preliminary (Pre) Plats:

- Removes from P&Z Commission regular agenda for approval/denial
- Expedites approval process for applicants (30-60 business days)
- Eliminates staff time to agendize and prepare meeting documents
- City Council continues to be the appellate body
- P&Z retains review of the following case types:
 - Major General Plan Amendments
 - Rezoning Cases
 - Conditional Use Permits
 - Recommendations for adoption of General Plans and updates to regulatory matters and design and construction guidelines.



ANALYSIS

Impact of Adopting an Administrative Process Changes:

Final Plats and Infrastructure Acceptances:

- Removes from the City Council consent agenda for approval/denial
 - Approval authority sits with the Community Development Director and/or City Engineer, respectively
- Expedites approval process for applicants (30-60 business days)
- Eliminates staff time to agendize and prepare public meeting documents
- City Council continues to be the appellate body



ANALYSIS

Other Jurisdictions:

- **City of Phoenix:** February 2024, the City of Phoenix codified changes to their plat approval processes in conformance with the new provisions of SB1103 to allow administrative approvals.
- **Maricopa County:** October 23, 2024, Maricopa County Board of Supervisors voted to approve changes to their plat approval processes to conform to the new provisions of SB1103 to allow administrative approvals (case TA2024002).
- **City of Goodyear:** Actively updating their plat process to be administrative.



ANALYSIS

Other Jurisdictions Continued:

- **City of Peoria:**
 - Pre-plat is currently administrative
 - Final plats are agendized for City Council but looking to make process changes
- **City of Glendale:** PENDING

Nearly every city in the valley completes infrastructure acceptance administratively.



OPTIONS SUMMARY

Addressing SB1103 – Plat Approvals and Infrastructure Acceptances:

- Make infrastructure acceptance fully administrative
- Make pre and final plats fully administrative
- Make only pre-plats administrative
 - Keep final plats with Council for approval
- Make only final plats administrative
 - Keep pre plats with P&Z for approval
- Make no changes



NEXT STEPS

Staff will initiate the appropriate text amendment to the impacted provisions of the existing Municipal Code, codifying changes to the pre and final plat approval process in conformance with the new provisions of SB1103, as discussed and directed.



SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You





CITY OF SURPRISE City Council Work Session

Council Meeting Date: November 19, 2024 Contact Person: Tiffany Copp, Assistant Director
Submitting Department: Community Development District: Citywide
Staff Recommendations: None

Consent: No Regular: No Public Hearing: No Report/Discussion: Yes

Agenda Wording:

Presentation and discussion pertaining to a proposed Zoning Text Amendment (ZTA) to update the Surprise Municipal Code and Land Development Ordinance in conformance with recent legislative updates. Case FS24-1421.

Motion:

None.

Background:

In 2024 the Arizona State Legislature passed a series of bills aimed at reducing municipal review timeframes for development and reducing housing costs by modifying various zoning and development requirements for municipalities. As a result, impacted municipalities are required to take action and modify conflicting codes and ordinances on or before January 01, 2025.

Objective Analysis:

The proposed Zoning Text Amendments will bring the City's existing codes into timely conformance with the recently approved legislative actions.

Policy Compliant:

The proposed Zoning Text Amendments are consistent with and support both the strategic goals of the Mayor and Council as well as the Surprise General Plan 2040.

Financial Impact:

The financial impact associated with the adoption of this ordinance will be the cost to convert the ordinance to MuniCode online for inclusion with the other Surprise Municipal Codes. The actual cost for conversion will be determined once the final document length is known.

Budget Impact:

The budget impact associated with the adoption of this ordinance will be the cost to convert the ordinance to MuniCode online for inclusion with the other Surprise Municipal Codes. The actual cost for conversion will be determined once the final document length is known and will be absorbed in the current budget.

FTE Impact:

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

ATTACHMENTS:

1. FS24-1421 Legislative Updates
-



Zoning Text Amendment- Legislative Updates Discussion

Lloyd Abrams, Community Development Director

Tiffany Copp, CD Assistant Director

Mindy Davis, CD Assistant Director



BACKGROUND

2024 – 56th Arizona State Legislature: Passed a series bills revising Title 9 of the Arizona Revised Statute with the intent to reduce municipal review timeframes for development and modify various zoning and development requirements. Many of these bills require impacted municipalities to modify conflicting codes and ordinances on or before January 1, 2025.

- HB2210 Budget & Mandatory Reporting
- HB2297 Adaptive Reuse (Commercial)
- HB2325 Fowl
- HB2720 Accessory Dwelling Units
- HB2721 Middle Housing (Jan 2026)
- SB1162 Residential Zoning Hearings



REPORTING

HB2210 – Passed with the Budget

Established the Municipality Time Frames Advisory Committee (MTFAC) comprised of the Senate President, Speaker of the House of Representatives and one member each who represents the following groups or industries:

- Economist
- Homebuilding industry in Arizona
- Tax research organization in Arizona
- Statewide association of business in Arizona
- National association in Arizona that represents private, independently-owned and operated businesses in Arizona

Members serve five (5) year terms and submit recommendations to the Arizona Commerce Authority (ACA) related to municipal and county support for economic development projects.



REPORTING

HB2210 – Passed with the Budget

Further required that, by September 30 of each year, **beginning in 2024**, every city, town and county in Arizona submit to the ACA the jurisdiction's statistics for the preceding fiscal year to include:

- Average time from submission of an initial building permit application to a certificate of occupancy;
- Average time from submission of a zoning application to zoning approval;
- Average time from submission of a final plat to the recordation of the final plat; and
- Any other statistics as determined by the ACA or the MTFAC relating to municipality support for economic development projects.

REPORTING

HB2210 – Budget and Reporting

Reporting compliance achieved prior to September 30th!



Challenges:

- Manual tabulation took several staff many hours to compile and verify for reporting
- City has a *future* budget for software to assist with this reporting, but we remain a few years out from having that capability

ADAPTIVE REUSE

HB2297 – Adaptive Reuse, In General

Requires that, by January 1, 2025, municipalities with populations of 150,000 or greater establish standards to allow for the adaptive reuse of qualified obsolete commercial, office or mixed-use buildings into multifamily without requiring a conditional use permit, PUD or other public hearing.

- Adaptive reuse may not occur on more than 10% of the total existing obsolete commercial, office or mixed-use buildings
 - City may modify the available percentage every 10 years
- City may designate commercial or employment hubs where this requirement is excluded, not to exceed 10% of the existing available commercial, office or mixed-use buildings within the city
 - City may modify which hubs are excluded every 10 years



ADAPTIVE REUSE

HB2297- Adaptive Reuse, Standards

- Follow the site plan approval process
- Parcel must be greater than 1 acre but less than 20
- Demonstrate adequate public water and sewer to accommodate the reuse
- Comply with all building and fire codes
- Demonstrate the building is functionally or economically obsolete
- Meet current parking and setback requirements for multifamily projects
 - If the setbacks for the building are less than multifamily would allow, the existing building shall be considered nonconforming for setback purposes unless there are easements prohibiting this
- Set aside 10% of total dwelling units for moderate or low-income housing for a period of 20-years after initial occupation



ADAPTIVE REUSE

HB2297- Adaptive Reuse, Standards

- City must allow a demolition permit for some or all of the building
- Max height and density shall be equal to the requirements of the highest multifamily building within one mile of the reuse building
 - If the height of the existing building exceeds this max height, the existing height shall remain and be considered nonconforming and the building may be expanded to conform to the max allowable density
 - Except that municipalities can cap the building height between 2-5 stories if within one hundred feet of single-family residential



ADAPTIVE REUSE

HB2297- Adaptive Reuse, Exclusions

This provision does not apply in the following situations:

- Land in an area of designated district of historical significance
- Land in the vicinity of a military airport or ancillary military facility
- Land in in the vicinity of a FAA commercially licensed or public airport
- Tribal land



FOWL

HB2325 – Fowl

Requires that a municipality may not adopt any regulation prohibiting a resident of a single family detached residence on a lot that is one-half acre or less from keeping up to six fowl (including roosters) in the backyard of the property.

- CC&R limitations may still apply
- Fowl must be kept as follows:
 - Enclosure in the rear or side yard of the property, at least 20 feet from the neighboring property
 - Enclosures may not exceed 200 sq. ft. and 8 ft. in height
 - Enclosures in a residential community on a lot less than one acre shall not exceed the fence height at the property line



FOWL

HB2325 – Fowl

- Enclosure shall be maintained and manure disposed of/composed at least twice a week
- Composted manure must be kept in a way to prevent insects
- Water is required
- Feed must be stored in an insect-proof container
- Fowl may not run at large

Failure to adopt an ordinance on or before January 1st will result in any enclosures erected being excluded from these provisions.



ADU'S

HB2720 – Accessory Dwelling Units, In General

Requires that municipalities with a population exceeding seventy-five thousand adopt regulations allowing all of the following:

- Construction of an ADU on a lot or parcel where the zoning allows for single family dwelling.
- One additional detached ADU is permitted on lots or parcels of one-acre or more if at least one ADU is a restricted-affordable dwelling unit
- An ADU that is 75% of the gross floor area of the single family dwelling on the same lot or parcel, or one thousand square feet- whichever is less



ADU'S

HB2720 – Accessory Dwelling Units, Limitations

A municipality may not do any of the following:

- Prohibit either the SFR or the ADU as a long-term rental or require the parties living in either to be related
- Require additional parking
- Require street improvements
- Create any restrictions more restrictive than those required for the SFR to include setback requirements in excess of 5 ft. from the property line
- CC&R's may prohibit ADU's, but the city cannot require any restrictive covenant concerning an ADU
- May not build on a PUE without consent from the utility
- Building and fire code and public health and safety regulations remain applicable



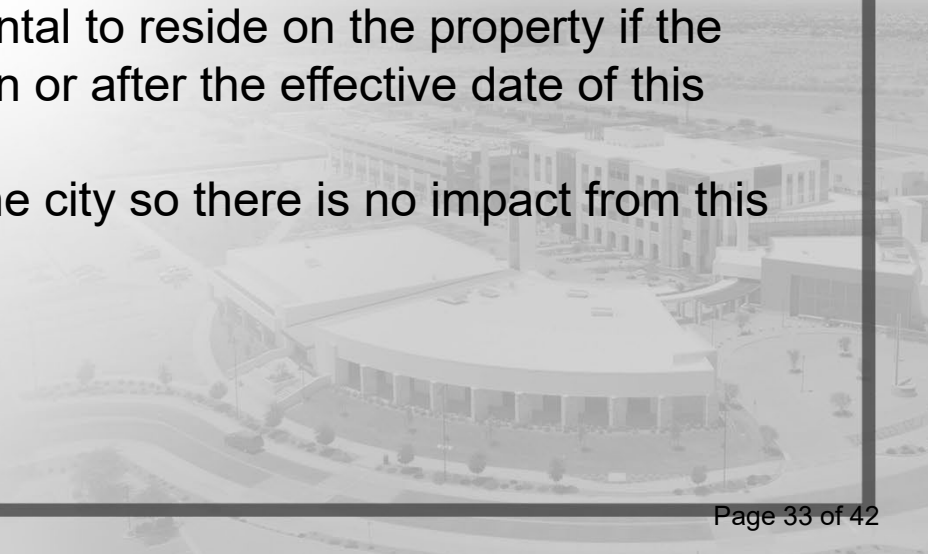
ADU'S

HB2720 – Accessory Dwelling Units, Misc.

Failure to adopt an ordinance on or before January 1st will result in ADU's being permitted without limits

The bill further amended A.R.S. § 9-500 to state that cities cannot require the owner of any vacation or Short-Term Rental to reside on the property if the property contains an ADU constructed on or after the effective date of this amendment.

- This is not a current requirement of the city so there is no impact from this change





MIDDLE HOUSING

HB2721 – Middle Housing

Requires that by January 1, **2026**, municipalities with a population exceeding seventy-five thousand adopt zoning regulations and controls regarding the development of duplexes, triplexes, fourplexes and townhomes as permitted uses on all lots zoned SFR within one mile of the municipality's central business district and at least 20% of any new development of more than ten contiguous acres.

- Staff are working on this update with the development and homebuilder community
- Item will come back before the required adoption date for consideration



RESIDENTIAL ZONING

SB1162 – Residential Zoning Hearings

Requires that by January 1, 2025 municipalities adopt an amendment to their zoning ordinance requiring the municipality determine whether a residential zoning application is administratively complete within 30 days after receipt and approve the application within 180 days.

- Resubmittals must be reviewed for administrative completeness within 15 days





RESIDENTIAL ZONING

SB1162 – Residential Zoning Hearings

Timeframes may be extended beyond the 180 days by the municipality or upon request of the applicant in the following situations:

- A one-time extension of not more than 30 days for extenuating circumstances (not defined)
- At the request of the applicant in 30-day increments

This section does not apply to land designated as a district of historical significance.



RESIDENTIAL ZONING

SB1162 – Residential Zoning Hearings

This bill further requires that, beginning January 1, 2025 and every five years thereafter, a municipality shall publish a housing needs assessment that includes projections for:

- Population growth
- Job growth
- Total zoned single and multi-family land
- Need for additional housing units for rent and sale
 - Deficiencies in housing the existing population
 - Deficiencies in housing the existing workforce
 - Housing needs across various income levels



RESIDENTIAL ZONING

SB1162 – Residential Zoning Hearings

Beginning January 1, 2025 and every three years thereafter, a municipality shall submit an annual report to the Arizona Department of Housing accounting for the total number of:

- Proposed residential housing units submitted to the municipality
- Net new residential housing units submitted to the municipality
- New residential housing units entitled, platted, or which have been issued a permit or certificate of occupancy
- Housing development applications received the previous year
- Lots and multifamily units included in all development applications in the prior year; including the number approved and disapproved



RESIDENTIAL ZONING

SB1162 – Residential Zoning Hearings

- % of multifamily and single-family zoned land needed to meet population demand in the municipality
 - Status and progress of meeting this requirement
 - A plan that demonstrates how a municipality is working toward meeting this requirement
 - This does not require the municipality to fulfill the projections of the housing needs assessment, but to demonstrate working toward them



NEXT STEPS

Staff are preparing a text amendment to the impacted provisions of the existing Municipal Code, codifying changes in conformance with the new provisions of these new bills, as discussed.

11/13/2024: Public Outreach Meeting

11/19/2024: Council Work Session



12/5/2024: Planning & Zoning Commission

12/17/2024: Regular Council Meeting



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QUESTIONS OR COMMENTS?

Thank You

