



CITY OF SURPRISE
Planning & Zoning Commission
16000 N. Civic Center Plaza
Surprise, AZ 85374
Thursday, December 5, 2024 @ 6:00 PM
COUNCIL CHAMBERS

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Current Events and Reports
- E. Staff Reports
- F. Planning and Zoning Commission Agenda:

CALL TO THE PUBLIC:

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

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

CONSENT AGENDA:

- | | | | |
|----|----------|--|---|
| 1. | Internal | Consideration and action to approve or disapprove the November 21, 2024, Planning and Zoning Commission Regular Meeting Minutes. | Renee Puig-Hink
Community
Development |
|----|----------|--|---|

REGULAR AGENDA ITEM - PUBLIC HEARING:

- | | | | |
|----|----------|--|--|
| 2. | Citywide | Consideration and action pertaining to a proposed Zoning Text Amendment (ZTA) to update the Surprise Municipal Code in conformance with recent legislative updates. Case FS24-1421. | Lloyd Abrams
Community
Development |
| 3. | Citywide | Consideration and action pertaining to a Zoning Text Amendment (ZTA) to the Surprise Municipal Code and Land Development Ordinances for Administrative Plat Approvals. Case FS24-1407. | Community
Development |

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- G. Other Business and Future Agenda Items
- H. Executive Session

For information purposes: Upon a public majority vote of a quorum ("Commission"), the Commission may hold an executive session, which will not be open to the public, but for only the following purposes: discussion or consideration of records exempt by law from public inspection (A.R.S. §38-431.03(A)(2));

or discussion or consultation for legal advice with the attorney or attorneys of the public body (A.R.S. §38-431.03(A)(3)).

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 or by agreement of the Commission, or as otherwise ordered by a court of competent jurisdiction.

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

I. Adjournment

KRISTI PASSARELLI, CITY CLERK

POSTED: Wednesday, November 27th, 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
Planning & Zoning Commission

Council Meeting Date: December 5, 2024 Contact Person: Renee Puig-Hink
Submitting Department: Community Development District: Internal
Staff Recommendations:

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

Agenda Wording:

Consideration and action to approve or disapprove the November 21, 2024, Planning and Zoning Commission Regular Meeting Minutes.

Motion:

I move to approve the November 21, 2024, Planning and Zoning Commission Regular Meeting Minutes as presented.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 11-21-2024 MINS
-

**CITY OF SURPRISE
PLANNING AND ZONING COMMISSION**

MEETING MINUTES

November 21, 2024 / 6:00 PM

**COUNCIL CHAMBERS
16000 North Civic Center Plaza
Surprise, AZ 85374**

CALL TO ORDER.

Vice Chair Chapman called the Planning and Zoning Commission Meeting to order at 6:00 p.m. at Surprise City Hall, 16000 North Civic Center Plaza, Surprise, Arizona 85374, on November 21, 2024.

A. ROLL CALL

In attendance were, Commissioner Kevin Perry, Commissioner Anthony Spata, Commissioner Jay Leonard, Vice Chair Ken Chapman, Commissioner Matthew Keating, and Commissioner Dennis Bash. Chair Jared Holland had an excused absence.

STAFF PRESENT:

Hobie Wingard, Senior Assistant City Attorney; Lloyd Abrams, Director of Community Development; Trever Fleetham, Planning Manager; Renee Puig-Hink, Administrative Specialist, Sr.

COUNCIL MEMBERS PRESENT:

- None

B. PLEDGE OF ALLEGIANCE

C. CURRENT EVENTS REPORT

- None

D. STAFF REPORT

- None

CALL TO THE PUBLIC:

Vice Chair Chapman opened the call to the public to discuss any items not listed on the agenda.

- None

Vice Chair Chapman closed the call to the public.

CONSENT AGENDA:

Item 1 – Consideration and action to approve or disapprove the 2025 Planning and Zoning Commission Meeting Calendar.

Commissioner Keating made a motion to approve 2025 Planning and Zoning Commission Meeting Calendar. Commissioner Bash seconded the motion. Motion passed with 5 votes in favor. Commissioner Leonard abstained.

Item 2 – Consideration and action to approve or disapprove the November 7, 2024, Planning and Zoning Commission Regular Meeting Minutes.

Commissioner Bash made a motion to approve the November 7, 2024, Planning and Zoning Commission Regular Meeting Minutes as presented. Commissioner Keating seconded the motion. Motion passed with 5 votes in favor. Commissioner Leonard abstained.

REGULAR AGENDA ITEM –PUBLIC HEARING:

Item 3 – Consideration and action pertaining to a rezone of approximately 3.4 acres from Rural Residential (RR) to Community Commercial (C-2), generally located south of the southeast corner of 163rd Avenue and Pinnacle Peak Road. Case FS24-0829.

Trever Fleetham, Planning Manager, presented item 3 and item 4 to the Commission.

Vice Chair Chapman opened the public hearing.

- None

Hearing no further requests, Vice Chair Chapman closed the public hearing.

The Commission discussed the following:

- Dedication of right-of-way allows for the expansion of 163rd to alleviate traffic
- Rezoning will align with the surrounding commercial designated parcels

Commissioner Leonard made a motion to recommend approval of the Morgan Property Rezone, case FS24-0829, to the City Council subject to stipulations 'a' and 'b' as outlined in the staff report. Commissioner Perry seconded the motion. Motion passed with 6 votes in favor.

Item 4 – Consideration and action pertaining to a rezone of approximately 7.4 acres from Rural Residential (RR) to Community Commercial (C-2) with Planned Unit Development (PUD) Overlay, generally located at the southeast corner of 163rd Avenue and Pinnacle Peak Road. Case FS24-1326.

Trever Fleetham, Planning Manager, presented item 4 in conjunction with item 3 to the Commission.

Vice Chair Chapman opened the public hearing.

- None

Hearing no further requests, Vice Chair Chapman closed the public hearing.

The Commission discussed the following:

- None

Commissioner Perry made a motion to recommend approval of the Wong Property Rezone, case FS24-1326, to the City Council subject to stipulations ‘a’ and ‘b’ as outlined in the staff report. Commissioner Leonard seconded the motion. Motion passed with 6 votes in favor.

REGULAR AGENDA ITEM – NON-PUBLIC HEARING:

- None

OTHER BUSINESS AND FUTURE AGENDA ITEMS:

- None

ADJOURNMENT:

Hearing no further business, Vice Chair Chapman called for a motion to adjourn. Commissioner Leonard made a motion to adjourn; Commissioner Perry seconded the motion. All voted in favor.

Meeting adjourned at 6:13 pm.

Ken Chapman
Planning and Zoning Commission Vice Chair

The foregoing instrument is a full, true, and correct copy of the original document on file in the office of the City Clerk, City of Surprise, Arizona.

ATTEST BY: _____
Renee Puig-Hink, Secretary

DATE: _____



CITY OF SURPRISE Planning & Zoning Commission

Council Meeting Date: December 5, 2024

Contact Person: Lloyd Abrams, Director -
Community Development

Submitting Department: Community Development District: Citywide

Staff Recommendations:

Consent: No

Regular: No

Public Hearing: Yes

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to a proposed Zoning Text Amendment (ZTA) to update the Surprise Municipal Code in conformance with recent legislative updates. Case FS24-1421.

Motion:

I move to a recommend approval of Zoning Text Amendment for Legislative Updates, Case # FS24-1421.

I move to recommend denial of Zoning Text Amendment for Legislative Updates, Case # FS24-1421 because insert reason.

Background:

In 2024 the Arizona State Legislature passed a series 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 many of the conflicting codes on or before January 01, 2025.

Objective Analysis:

Policy Compliant:

Financial 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.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

1. 00-FS24-1421 ZTA for Legislative Updates - PZ Staff Report
 2. 01 - FS24-1421 ZTA for Legislative Updates - CLEAN DRAFT
 3. 02- FS24-1421 Citizen Participation Report
 4. FS24-1421 Legislative Updates PZ
-

ZONING TEXT AMENDMENT

REPORT TO THE PLANNING AND ZONING COMMISSION

Case: FS24-1421

Project Name: Zoning Text Amendment for 2024 Legislative Updates

Council District: Citywide

Meeting Date: December 05, 2024

Planner: Tiffany Copp, Assistant Director

Applicant: City of Surprise

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

General Plan Conformance: The proposal is consistent with the Surprise General Plan 2040.

Support/Opposition: None known

Staff Recommendation: Staff recommends the Commission recommend **approval** of the proposed Zoning Text Amendment (ZTA) to conform with recent legislative updates, case FS24-1421, to the Mayor and City Council.

BACKGROUND:

In 2024 the Arizona State Legislature passed a series 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 to conform with many of these bills on or before January 01, 2025. A summary of the bills passed are as follows:

HB2210 modifies the duties of the Arizona Commerce Authority (ACA), establishes the Municipality Time Frames Advisory Committee (MTFAC) and requires jurisdictions report on various development related activity to the MTFAC and requires that the MTFAC report its findings and recommendations back to the ACA.

44 HB2297 requires a municipality modify or adopt standards related to the adaptive reuse
45 of obsolete commercial buildings as multifamily and outlines subsequent standards and
46 limitations

47
48 HB2325 requires the city comply with new allowances for the keeping of fowl in single
49 family residential zones.

50
51 HB2720 requires a municipality modify or adopt standards related to the allowance of
52 accessory dwelling units (ADU's) in single family residential zones and outlines
53 subsequent standards and limitations.

54
55 SB1162 requires a municipality modify or adopt standards to comply with residential
56 zoning approvals and related timeframes and outlines subsequent standards and
57 limitations. This bill further requires municipalities develop, publish and subsequently
58 update, every five (5) years, a housing needs assessment and report out annually on
59 specific activity and information to be captured in the assessment to the Arizona
60 Department of Housing (ADOH).

61
62 **ANALYSIS AND DISCUSSION:**

63
64 The proposed Zoning Text Amendment includes several additions, deletions and
65 modifications throughout Chapters 10, 106, 107, 102 and 111, of the Surprise Municipal
66 Code, in an effort to bring the city's codes into conformance with the recently adopted
67 legislative bills by the January 1, 2025 deadline. Detailed changes are outlined in the
68 attached Zoning Text Amendment draft.

69
70 **CONFORMANCE WITH ADOPTED PLANS:**

71
72 **Surprise General Plan 2040:** The subject request is consistent with, and will help
73 implement, the Surprise General Plan 2040.

74
75 **CITIZEN PARTICIPATION:**

76
77 An outreach meeting was held at Surprise Regional Library on Wednesday November 13,
78 2024 at 6:00PM. There were no members of the public in attendance. City staff has not
79 received any opposition.

80
81 **SUMMARY:**

82
83 This Zoning Text Amendment will bring the city's codes into conformance with the recently
84 passed legislative bills by the January 1, 2025 deadline, while removing conflicts with
85 other sections of the municipal code and making minor edits to improve clarity and
86 readability.

87
88 **RECOMMENDATION:**

Based on the findings noted above, staff recommends the Commission recommend **approval** of the subject Zoning Text Amendment to the Mayor and City Council.

However, should the Commission wish to **recommend denial of** the request, the Commission should make its own findings and base its decision on those alternative findings.

Recommended Motions:

I move to a recommend approval of Zoning Text Amendment to conform with Legislative Updates, Case # FS24-1407.

I move to recommend denial of Zoning Text Amendment to conform with Legislative Updates, Case # FS24-1421 because insert reason.

Attachments:

01 ZTA Draft Legislative Edit
02 Citizen Participation Report
PowerPoint

HB2297 – Commercial Adaptive Reuse

Chapter 111 INFILL INCENTIVE DISTRICTS

ARTICLE I. IN GENERAL

Sec. 111-1.1. Definitions

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

A

Adaptive reuse has the definition found in A.R.S. § 9-462.10(H)(1), as it may be amended.

~~means the conversion of historic or obsolescent building(s) from their original or most recent use to a new use representing compatible and appropriate change.~~ an existing building from the use for which it was constructed to a new use by maintaining some or all of the elements of the building.

B

Building code has the definition found in A.R.S. § 9-462.10(H)(2), as it may be amended.

E

Economically or functionally obsolete has the definition found in A.R.S. § 9-462.10(H)(3), as it may be amended.

L

Low-income housing has the definition found in A.R.S. § 9-462.10(H)(4), as it may be amended.

M

Moderate-income housing has the definition found in A.R.S. § 9-462.10(H)(5), as it may be amended.

Multifamily Residential Development has the definition found in A.R.S. § 9-462.10(H)(6), as it may be amended.

N

Nonconforming has the definition found in A.R.S. § 9-462.10(H)(7), as it may be amended.

Q

Qualified obsolete commercial building is a building which is:

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are **highlighted**).

1. Currently zoned for and/or permitted to be used for commercial, office, or mixed uses; and
2. Economically or functionally obsolete; and
3. Located on a parcel or parcels of at least one acre but not more than twenty acres; and
4. Not located in any of the following areas:
 - a. An area designated as a district of historical significance pursuant to A.R.S. § 9-462.10(a)(10);
 - b. An area designated as historic by a local government;
 - c. An area designated as historic on the national register of historic places;
 - d. Land in the territory in the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461;
 - e. Land in the territory in the vicinity of a federal aviation administration commercially licensed airport or a general aviation or public airport as defined in A.R.S. § 28-8486; or
 - f. On tribal land.

R

Rooftop Appurtenances has the definition found in A.R.S. § 9-462.10(H)(8), as it may be amended.

Chapter 111 INFILL INCENTIVE DISTRICTS

ARTICLE II. OPTIONAL REDEVELOPMENT OF QUALIFIED OBSOLETE

COMMERCIAL BUILDINGS

Sec 111-2.1 Purpose. This Article describes application requirements, review procedures, and approval criteria utilized by City staff when reviewing an application for multifamily residential development or adaptive reuse of qualified obsolete commercial buildings pursuant to A.R.S. § 9-462.10. The regulations in this Article are in addition to other codes and requirements of the City.

Sec 111-2.2 Obsolete Commercial Building Redevelopment.

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(Strikethrough indicates deletions; edits or additions are highlighted).

A. Application. An owner seeking multifamily residential development or adaptive reuse of qualified obsolete commercial building shall submit an application that includes all of the following:

1. A site plan in conformance with section 102-4.2.
2. Evidence of site plan review and approval by any utility provider impacted by the proposed development.
3. Evidence of adequate existing public sewer and water service for the entire proposed development.
4. Compliance with all applicable building and fire codes.
5. Evidence satisfactory to the City Attorney that the existing building that is the subject of the application is economically or functionally obsolete.
6. Evidence that the existing building that is the subject of the application is located on a parcel or parcels of at least one acre but not more than twenty acres.
7. Documentation satisfactory to the City Community Development Department and the City Attorney that the redevelopment will include a set aside of at least 10% of the total dwelling units for either moderate-income housing or low-income housing or any combination of the two for at least twenty years after the initial occupation of the proposed development.

B. Development standards and requirements. Multifamily residential development or adaptive reuse of a qualified obsolete commercial building shall comply with the following standards and requirements:

1. Parking.

a. General. The development shall comply with parking space requirements applicable to multifamily residential buildings or adaptive reuse buildings under Chapter 107 Article IV, Parking and Loading Regulations.

C. Mixed-use development. If the development is a mixed-use development, parking consisting of the sum of the required parking for each individual proposed use shall be provided, determined in accordance with Chapter 107 Article IV, Parking and Loading Regulations.

1. Demolition permit. A permit shall be obtained for the demolition of any existing building or portion of a building.

2. Setbacks. Setback requirements for the redevelopment shall be the lesser of the existing setbacks for multifamily residential buildings Chapter 106 Article II, Residential zoning

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(Strikethrough indicates deletions; edits or additions are highlighted).

Districts or the setback requirement that applied to the existing commercial, office, or mixed-use building.

3. Height and density. Multifamily residential height and density shall not exceed:

a. Two stories in the areas of a site within one hundred feet of single-family residential zones.

b. In all other areas, the lesser of:

i. Five stories; or

ii. The highest allowable multifamily height and density for a multifamily zoning district in the City of Surprise located within one mile of the building to be redeveloped; or

iii. If there is no multifamily zoning district in the City of Surprise within one mile of the building to be redeveloped, the height and density of the multifamily zoning district located in the City of Surprise located closest to the building to be redeveloped.

4. Height exemption. If the maximum allowable height applicable to the existing commercial, office, or mixed-use building exceeds the maximum allowable height for the proposed use, the existing height may remain and shall be considered nonconforming for height purposes and the existing building may be expanded to the maximum allowable density for the proposed use. Any rooftop appurtenances shall be included within the height exemption.

Sec 111-2.3 Multifamily Residential Development or Adaptive Reuse Cap, Tracking, and Area Exclusion.

A. Cap. Not more than 10% of the total actual or estimated number of existing commercial, office, or mixed-use buildings, without requiring a conditional use permit, a planned unit development, or rezoning application, or any other application that would require a public hearing, may be redeveloped for multifamily residential development or adaptive reuse under this Article.

B. Tracking. The City Community Development Department shall keep track of the number of buildings redeveloped under this Article, and shall stop accepting applications when the total number of the following equals the cap established in paragraph A above:

1. The number of buildings redeveloped for multifamily residential development or adaptive reuse under this Article; plus

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(~~Strikethrough~~ indicates deletions; edits or additions are highlighted).

- i. The number of buildings with approved building permits for redevelopment under this Article but not yet completed; plus
- ii. The number of buildings with pending applications for redevelopment under this Article but not yet permitted.

C. Area exclusion. The following commercial or employment hubs and essential commercial or employment use areas are not eligible for multifamily residential development or adaptive reuse under this Article:

1. Those commercial and employment hubs and essential commercial or employment use areas that currently fall within the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461.

HB2325 – Fowl

CHAPTER 10 - ANIMALS

ARTICLE III. LIVESTOCK, FOWL, RODENTS AND REPTILES

Sec. 10-113. Livestock, ~~fowl and rodents.~~

- A. Livestock shall be allowed provided not less than one-half acre of lot area is provided for each animal. ~~Fowl and rodents shall be allowed provided not less than one-half acre of lot area is provided for 25 rodents, or 25 fowl, or a combination of 25 rodents and fowl.~~

(Code 2007, § 6.08.040; Ord. No. 08-01, § 1, 1-24-08; Ord. No. 2015-05, § 1(Att. A, § 1), 11-3-15)

Sec. 10-114. ~~Enclosures—Specifications.~~ Fowl and Rodents

~~All enclosures referred to in this article shall be so constructed as to prevent any animal, fowl or rodent enclosed therein from escaping and wandering upon property not within the enclosure. All fowl and rodents shall be kept in an enclosure at least 80 feet or more from any residence, school, hotel, restaurant or building containing sleeping or dining accommodations.~~

- A. ~~Livestock shall be allowed provided not less than one-half acre of lot area is provided for each animal. Fowl and rodents shall be allowed provided not less than one-half acre of lot area is provided for 25 rodents, or 25 fowl, or a combination of 25 rodents and fowl.~~
- B. For the purposes of this section, *fowl* means a cock or hen of the domestic chicken.

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted).

- C. Residents of a single-family detached residence on a lot more than one-half acre of lot area may keep 25 *fowl*, or 25 *rodents*, or a combination of 25 *rodents* and *fowl*.
- D. Residents of a single-family detached residence on a lot more than one-half acre in size may not keep male *fowl*, including roosters.
- E. Residents of a single-family detached residence on a lot that is one-half acre or less in size may keep up to six fowl in the backyard of the property, provided that the following conditions are met:
 - 1. All *fowl* and *rodents* shall be kept in an enclosure located in the rear or side yard of the property at least twenty feet from a neighboring property. The size of the enclosure shall be a maximum of two hundred square feet with a maximum height of eight feet, provided that any enclosure located in a residential community on a lot less than one acre in size be shorter than the fence line of the property;
 - 2. All water sources for *fowl* or *rodents* shall have adequate overflow drainage;
 - 3. All feed for *fowl* or *rodents* shall be stored in insect-proof and rodent-proof containers;
 - 4. The enclosure shall be maintained and manure picked up and disposed of or composted at least twice weekly;
 - 5. The composted manure shall be kept in a way that prevents migration of insects; and
 - 6. The enclosure shall be constructed and maintained so as to prevent *fowl* and *rodents* from running at large.

(Code 2007, § 6.08.050; Ord. No. 08-01, § 1, 1-24-08; Ord. No. 2015-05, § 1(Att. A, § 1), 11-3-15)

HB2720 – Accessory Dwelling Units

Chapter 106 – Zoning and Use Standards

Article X – Specific Use Standards

Sec. 106-10.2. Accessory dwelling units (ADU).

A. ~~Single family residential uses will be limited to only one (1) accessory dwelling unit (ADU) per lot of record in the RR, R-1 and R-2, SHD-RO, and TND-R zoning districts.~~

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are **highlighted**).

1. ~~1. New accessory dwelling units may not be constructed within the 65 DNL pursuant to A.R.S. § 28-8481(E) after the adoption of this ordinance.~~

B. ~~The ADU shall be located on the same lot as the primary uses and may not be sold or conveyed as a separate dwelling unit nor calculated as a separate dwelling unit for the purposes of determining gross or net residential density.~~

C. ~~An attached ADU shall have independent access and no direct, internal access to the primary dwelling. Detached ADUs shall not be located in the front yard.~~

D. ~~The design of any ADU shall respect the general building scale and architectural character of the primary dwelling, and placed to allow sharing of common space on the lot, such as driveways and yards.~~

E. ~~The ADU has a maximum area not to exceed fifty (50) percent of the habitable space of the primary dwelling unit or eight hundred (800) square feet of habitable space, whichever is less.~~

F. ~~The ADU shall not have separate utility services unless the public utility determines that a separate meter is required for safety reasons.~~

G. ~~One (1) additional off-street parking space is required for the ADU. Existing required off-street parking for the primary dwelling shall be maintained or replaced onsite.~~

H. ~~Development standards. Table 106-10a below identifies the dimensional standards required for an ADU.~~

Table 106-10a—Accessory Dwelling Units (ADU)					
	Max ADU Size ¹	Building Separation ²	Setback (Front Yard) ³	Setback (Side and/or Rear Yard)	Height
Detached ADU	50% of primary dwelling	5'	Not permitted	5'	9' ^{4,6}
Attached ADU ⁵	50% of primary dwelling	n/a	Same as zoning min. setbacks	Same as zoning min. setbacks	Same as zoning allowed height
Notes: 1. Calculated by the floor area of the first floor of the principal building. Maximum area of ADU shall not exceed 800 square feet if the primary dwelling exceeds 1,600 square feet. 2. May be increased as required by the building and/or fire codes.					

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are **highlighted**).

3. The entrance to the ADU shall not be visible from the ~~street~~, except for entrances that do not have ~~access~~ from the ground level, such as entrances from balconies or decks. ~~Access shall not create the appearance of a two-family dwelling.~~
4. The ~~height~~ of an ADU ~~structure~~ shall not exceed nine (9) feet as measured at the five-foot ~~setback~~ line. The ~~height~~ of the ADU ~~structure~~ may increase at a ratio of one foot vertical for every one foot horizontal as measured relative to the property line to a maximum ~~height~~ equal to the ~~zoning district~~ (see **Figures 106-10a and 106-b**).
5. The ADU shall be connected to the primary ~~dwelling~~ by a common roof, covered passageway, or ~~common wall~~ without direct ~~access~~ to the primary ~~dwelling unit~~.
6. On ~~lots~~ thirty thousand (30,000) square feet or greater each ADU has a maximum ~~height~~ equal to the ~~zoning district~~ when constructed within the ~~building envelope~~.

(Ord. No. 2022-10, § 1(Exh. A), 4-19-22; Ord. No. 2024-03, § 1(Exh. A), 3-5-24)

Chapter 106 – ZONING AND USE STANDARDS

Article XI – ACCESSORY DWELLING UNITS

Sec. 106-11.1. - Purpose and applicability.

The purpose of this Article is to establish regulations that comply with state law regarding the construction of an accessory dwelling unit on a lot or parcel where the zoning allows a single-family dwelling. To the extent any provision in this Article conflicts with state law or A.R.S. § 9-461.18, the state law shall control.

Section 106-11.2. - Definitions.

For the purpose of this Article, the following definitions apply:

“Accessory dwelling unit” has the definition found in A.R.S. § 9-461-18(H)(1), as it may be amended.

“Deed Restriction” means the restriction document recorded against the restricted-affordable dwelling unit on the lot to apply the acknowledgment of affordable housing restriction and ensure compliance with this Article.

“Gross floor area” has the definition found in A.R.S. § 9-461.18(H)(2), as it may be amended.

“Long-term rental” has the definition found in A.R.S. § 9-461.18(H)(3), as it may be amended.

Legislative Edits

(Strikethrough indicates deletions; edits or additions are highlighted).

"Permitted use" has the definition found in A.R.S. § 9-461.18(H)(5), as it may be amended.

"Restricted-affordable dwelling unit" has the definition found in A.R.S. § 9-461.18(H)(6), as it may be amended.

Section 106-11.3 – Accessory Dwelling Unit as a Permitted Use; Eligibility; Appeals.

(a) Eligibility.

(1) If the City determines that adequate public utility services are provided and the application complies with this Article and the City's building codes, fire codes, and public health and safety regulations, the following is a permitted use on a single-family lot or parcel that contains a primary dwelling:

- i. No more than one attached accessory dwelling unit and one detached accessory dwelling unit if the single-family dwelling lot is less than one acre;
- ii. No more than one attached accessory dwelling unit and one detached accessory dwelling unit if the single-family dwelling lot is one acre or more; or
- iii. No more than one attached accessory dwelling unit and two detached accessory dwelling units if the single-family dwelling lot is one acre or more, but only if at least one of the accessory dwelling units is a restricted-affordable dwelling unit.

(2) For the purpose of eligibility under this section, an accessory dwelling unit shall not exceed the lesser of:

- i. Seventy-five percent of the gross floor area of the existing single-family dwelling on the same lot or parcel; or
- ii. One thousand square feet.

(3) For the purpose of eligibility under this section, the single-family lot or parcel shall not be located on:

- i. Tribal land;
- ii. Land in the territory in the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461;
- iii. Land in the territory in the vicinity of a general aviation airport; or
- iv. Land in the territory in the vicinity of a public airport as defined in A.R.S. § 28-8486.

(b) Appeals. If an application for a proposed accessory dwelling unit is denied or deemed to not be a permitted use, the applicant can appeal the decision before the board of adjustment pursuant to Sec. 2-302.

Sec. 106-11.4. - Accessory Dwelling Units; Deviations from Certain Zoning Regulations; Eligibility.

(a) Eligibility. Except as provided in state law, this Article, or the City's building codes, fire codes, and public health and safety regulations, an accessory dwelling unit that is proposed on the same lot or parcel as a single-family dwelling of greater square footage and includes its own sleeping and sanitation facilities is eligible for the following deviations from the zoning regulations:

(1) Location. The accessory dwelling unit may be constructed where the zoning allows for a single-family dwelling on the lot or parcel. An accessory dwelling unit is not permitted on the same lot or parcel as a duplex or other multiple-family development.

(2) Building frontage. The accessory dwelling unit is subject to the same building frontage requirements that apply to a single-family dwelling on the same lot or parcel.

(3) Setbacks. The accessory dwelling unit is subject to the same setback requirements that apply to a single-family dwelling on the same lot or parcel except that:

(i) The rear setback for the accessory dwelling unit shall be no less than five (5) feet from the property line.

(ii) The side setbacks for the accessory dwelling unit shall be no less than five (5) feet from the property line.

(iii) The front setback for the accessory dwelling unit shall be no less than those permitted for the single-family dwelling on the same lot.

(4) Lot coverage. The accessory dwelling unit is subject to the same lot coverage regulations that apply to a single-family dwelling on the same lot or parcel, as outlined in Chapter 106 Article II, Residential zoning Districts.

(5) Height. The accessory dwelling unit is subject to the same height restrictions that apply to a single-family dwelling on the same lot or parcel. as outlined in Chapter 106 Article II, Residential zoning Districts.

(6) Parking and Access. No additional parking space or in lieu parking fee shall be required to accommodate the accessory dwelling unit.

(b) Utility conflicts. The accessory dwelling unit shall not encroach upon an existing or planned public utility easement unless the property owner obtains written consent from each easement holder and each affected utility.

(c) Other Requirements. The accessory dwelling unit must comply with all other City Code requirements unless otherwise approved by use permit or variance.

(d) Exception. This section does not apply to any lot or parcel within tribal land, on land in the territory in the vicinity of a military airport or ancillary military facility as defined in section 28-8461, on land in the territory in the vicinity of a federal aviation administration commercially licensed airport or a general aviation airport or on land in the territory in the vicinity of a public airport as defined in A.R.S. § 28-8486.

Sec. 106-11.5. - Accessory Dwelling Unit; Permit Approval.

(a) Applicability. This Section governs ministerial review of applications for accessory dwelling units under this Chapter.

(b) Ministerial review. Applications for the following types of accessory dwelling units shall be approved ministerially by the community development director pursuant to the procedures of this Section without a public hearing, variance, conditional use permit, special permit or special exception.

(c) Permit requirement. The applicant shall obtain a building permit prior to the construction of any accessory dwelling unit.

(d) Procedure for review.

(1) Administrative completeness review time frame. For each residential zoning application, the community development director shall designate a staff member to review the application. The designated City staff member shall determine whether the application is administratively complete within thirty (30) days after receiving the application. If the application is deemed incomplete, the staff member will provide the applicant with a written notice that includes a comprehensive list of the specific deficiencies. Upon issuance of the written notice, the administrative completeness review time frame and overall time frame contained in this Section are suspended until the staff member receives the resubmitted application. The staff member shall have fifteen (15) days to review the resubmitted application and determine whether every deficiency has been resolved for administrative completeness.

(2) Substantive review. After determining that the application is administratively complete, the community development director or designee shall review the application to determine whether it meets the requirements of this Article. Unless an administrative adjustment is granted by the community development director pursuant to Section 102-4.6 excusing noncompliance that would otherwise require denial of the application, the community development director or designee shall deny an application for an accessory dwelling unit if the requirements of this section 106 have not been satisfied.

(e) Right to Appeal. The applicant may appeal the decision of the community development director in accordance with Section 102-2. The appeal shall be limited to a consideration of whether the objective criteria in Section 106 have been met.

Sec. 106-11.7. - Restricted-Affordable Dwelling Unit.

(a) Deed Restriction.

(1) The owner of a proposed restricted-affordable dwelling unit that is subject to this Chapter must execute and deliver an original recorded copy of a development agreement with the City or a deed restriction on the City's standard form prior to issuance of a building permit for the construction of the proposed restricted-affordable dwelling unit on the lot or parcel.

(2) The deed restriction shall be recorded by the owner of the lot burdened thereby in the property records of the Maricopa County Recorder's Office and remain a covenant and restriction running with the property for a minimum period of thirty (30) years.

(3) The restricted-affordable dwelling unit shall be constructed in accordance with the city's adopted building and fire codes and the conditions and restrictions set forth in the deed restriction and any applicable development agreement between the developer/owner and the City.

(b) Affordability. The rent of the restricted-affordable dwelling unit shall not exceed the maximum rents established according to the United States Department of Housing and Urban Development (HUD). The restricted-affordable dwelling unit shall not be rented to any entity.

(c) Occupancy Requirement.

(1) When the restricted-affordable dwelling unit becomes vacant, the owner shall promptly make it available and actively market said unit for lease to another qualified occupant in accordance with the deed restriction or development agreement and any rental guidelines adopted by the City.

(2) In the event the income status of the occupant of the restricted-affordable dwelling unit is altered so as to no longer meet the qualifications of this Section, said occupant shall be permitted to reside in the unit under the same terms and conditions of the unit lease, except that no extension of the lease term shall be granted.

(3) The restricted-affordable dwelling unit is subject to Sec. 106-10.23 of the City Code regarding home-based occupations.

(e) Reporting Requirement. The owner of restricted-affordable dwelling unit shall provide an annual report and proof to the city to demonstrate compliance with the rental requirements set forth in this Section. The annual report shall be submitted to the community development director or designee by January 30 of each year and shall cover the entire twelve (12) month period of the preceding calendar year. Said report shall contain, at a minimum:

(1) the period(s) the restricted-affordable dwelling unit was rented and the status by which its occupant(s) qualified under the deed restriction;

(2) the monthly rental price; and

(3) the taxes, special assessments, and homeowners' association and management fees, and any other fees or charges, including common utilities, assessed to each unit.

CHAPTER 107 – DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE IV – PARKING AND LOADING

Sec. 107-4.9. Minimum off-street parking requirements.

A. Each individual land *use* within the different *zoning districts* and overlay *zoning districts* shall provide the required number of *off-street parking spaces* as described in **Table 107-4c** below.

B. The community development director or designee will determine if *uses* are significantly similar or dissimilar to particular *uses* not expressly listed in **Table 107-4c**. The parking requirement for *uses* that are significantly dissimilar to *uses* listed in **Table 107-4c** shall be determined by the community development director or designee. In such instances, the *applicant* will provide adequate information by which the proposal can be reviewed, which includes but not limited to the following:

1. Type of *use(s)*.
2. Number of employees.
3. *Building* design capacity.
4. Square feet of *sales areas* and service area.
5. *Parking spaces* proposed on site.
6. *Parking spaces* provided elsewhere.

Table 107-4c—Parking Standards

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are **highlighted**).

Uses	Min. Off-Street Parking Spaces
Residential	
Assisted living center (more than 10 residents)	0.5 per sleeping room
Assisted living home (10 or less residents)	2 per dwelling unit plus 0.5 per sleeping room
Dormitory	0.5 per sleeping room
Dwelling, live/work	2 per DU
Dwelling, multi-family (4 or more)	Studio-1B=1/unit, 2+B=2.0/unit plus 1 per 250 sf of office and community facility uses 0.2 spaces per DU dedicated to visitor parking
Dwelling, single-family	2 per DU
Dwelling, two-family (duplex)	2 per DU
Dwelling, three-family (triplex)	2 per DU
Group home	Same as dwelling
Residential health care facility	2 per DU plus 0.5 per sleeping room
Commercial	
Airport (private)	1 per 100 sf GFA of waiting room space or 2 spaces per craft staging/tie down pad
Amusement and/or theme park	1 per 600 sf outdoor public activity area
Animal boarding facility	1 per 375 sf GFA
Animal clinic	1 per 200 sf GFA
Animal grooming	1 per 200 sf GFA
Animal hospital	1 per 200 sf GFA
Animal shelter	1 per 300 sf GFA

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

*(~~Strikethrough~~ indicates deletions; edits or additions are **highlighted**).*

Athletic or fitness club (commercial)	1 per 250 sf GFA
Bank	1 per 250 sf GFA
Bar	1 per 100 sf GFA
Bus terminal	Determined by site plan
Campgrounds	1 per 4 campsites plus 2 per laundry/shower facilities
Catering services	1 per 500 sf GFA
Cemetery and mausoleum	Determined by site plan
Cemetery, pet (limited to small animals)	Determined by site plan
Community facility	3 spaces when on-street parking is prohibited or 1 per 500 sf GFA
Community garden	2 spaces when on-street parking is prohibited or 1 per 500 sf GFA
Day care center (child or adult)	1 per 375 sf GFA
Entertainment establishment—indoor	1 per 4 seats or 1 per 50 of GFA if no permanent seats
	Bowling, billiards, pool, etc. 2 per lane or gaming table
	Miniature golf establishment—1 per hole
	Skating rinks—1 per 200 sf GFA
	Theater (movie and performance)—1 per 4 seats
Entertainment establishment—outdoor	Miniature golf—1 per hole
	Driving range—2 per tee
	1 per 4 seats or 1 per 50 sf of activity area if no permanent seats
Fairground/stadium	TBD by parking study with site plan

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are **highlighted**).

Funeral home, mortuary	1 per 4 seats
Galleries, museums (including display and production space)	1 per 1,000 sf GFA
Golf course (public or private)	2 per hole plus ancillary uses
Hotels, motels, resort	0.8 per room plus 1 per 800 sf GFA of public meeting area and restaurant space
Medical hospital, overnight surgical facility	1 per 400 sf GFA
Medical marijuana off-site cultivation facility	1 per 1,000 sf GFA of activity area
Medical marijuana dispensary	1 per 400 sf GFA
Medical marijuana infusion facility	1 per 1,000 sf GFA of activity area
Medical office (health care facility)	1 per 200 sf GFA
Microbrewery, distillery, winery	1 per 100 sf GFA
Nursing care facility	0.5 per room
Office	1 per 250 sf GFA
Park, recreation, and open lands	1 per 1,000 sf GFA of activity area
Park and ride	TBD by parking study with site plan
Parking lot, parking structure	TBD by parking study with site plan
Personal service establishment	1 per 400 sf GFA
Places of assembly	1 per 4 seats or 1 per 50 sf GFA if no permanent seats
Places of worship	1 per 4 seats or 1 per 50 sf GFA if no permanent seats
Plant nursery	1 per 400 sf GFA of sales areas and service building
Private club	1 per 300 sf GFA

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are **highlighted**).

Post office	TBD by parking study with site plan
Public facility	TBD by parking study with site plan
Racetrack	1 per 4 seats or 1 per 50 sf GFA if no permanent seats
Recreational vehicle (RV) park	1 per 4 camp sites, plus 2 per laundry and shower facility (camping related establishments) and 1 space adjacent to each lot
Recreational vehicles (RV) storage	1 per 20 RV parking space
Repair service establishment	1 per 400 sf GFA
Restaurant	1 per 100 sf GFA
Restaurant, convenience/take out	1 per 150 sf GFA
Retail shopping establishment	1 per 400 sf GFA
Schools: pre-K through 12 (private)	2 per classroom, 1 per 6 students for grades 10—12
Schools: universities or colleges (public or private)	1 per 4 students
Schools: vocational (technical or trade)	1 per 200 sf GFA
Self-storage facility	Drive-up storage—1 per 300 sf GFA of office/retail space Multi-story/climate controlled—1 per 50 storage unit
Service call establishment	1 per 400 sf GFA
Sexually oriented business	1 per 400 sf GFA
Shooting range—indoor only	2 per stall
Showroom/sales office	1 per 400 sf GFA
State vehicle license and inspection station	TBD by parking study with site plan
Tattoo and body piercing	1 per 400 sf GFA

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

*(~~Strikethrough~~ indicates deletions; edits or additions are **highlighted**).*

Technology/business incubator space	1 per 300 sf GFA
Utility equipment infrastructure	1 space when on-street parking is prohibited
Utility service yard	TBD by parking study with site plan
Vehicle fueling station	1 per 300 sf GFA retail areas
Vehicle rental facilities	1 per 500 sf GFA retail areas
Vehicle sales and leasing: new or used (commercial, including equipment)	1 per 300 sf GFA of office and covered sales areas
Vehicle sales and leasing: new or used (OHV, motorcycles, boats, or similar)	1 per 300 sf GFA of office and covered sales areas
Vehicle sales and leasing: new or used (personal)	1 per 300 sf GFA of office and covered sales areas
Vehicle service: major repair	1 per 500 sf GFA, including service bays, wash tunnels, and retail areas
Vehicle service: minor repair	1 per 500 sf GFA , including service bays, wash tunnels, and retail areas
Vehicle washing facilities	1 per 300 sf GFA office and retail areas or self-serve car washes—3 per property
Zoo and exotic animal keeping	TBD by parking study with site plan
Employment/industrial	
Agricultural operations	1 per 1,500 sf GFA
Auction—vehicle (passenger, commercial) and heavy equipment	TBD by parking study with site plan
Batch plant, paving material mixing plant	TBD by parking study with site plan

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are **highlighted**).

Brick, clay, concrete, or similar product	TBD by parking study with site plan
Contractors yard	1 per 1,000 sf GFA plus 1 per 400 sf GFA of sales and service building
Correctional institutions/facilities	TBD by parking study with site plan
Data center	TBD by parking study with site plan
Equestrian center, commercial stables	1 per 3 stalls
Farm and heavy equipment sales, service or storage	1 per 300 sf GFA of office and covered sales areas
Feed and tack sales	1 per 400 sf GFA
Fleet-based services	TBD by parking study with site plan
Food manufacturing and processing	1 per 1,500 sf GFA
Freight depot/distribution center	1 per 1,500 sf GFA
Grain processing; including milling, drying, storage	1 per 1,500 sf GFA
Laundry, dry cleaning: bulk operation (pick-up and delivery)	1 per 1,500 sf GFA
Machine shop, welding shop	1 per 1,000 sf GFA
Manufacturing and fabrication	1 per 1,500 sf GFA
Manufactured home portable buildings, oversized and recreational (RV) vehicles sales and service	1 per 375 sf GFA of sales and service building
Mining and mineral extraction	1 per 300 sf GFA of office and covered sales areas plus ancillary uses
Plant nursery (growing facility and wholesale)	1 per 1,000 sf growing area plus 1 per 400 sf GFA of sales and service building

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

*(~~Strikethrough~~ indicates deletions; edits or additions are **highlighted**).*

Printing plant (commercial scale)	TBD by parking study with site plan
Recycling, collection facility	TBD by parking study with site plan
Recycling, processing facility	TBD by parking study with site plan
Research facility—laboratory and testing facility	1 per 1,500 sf GFA
Sand and gravel operation	1 per 300 sf GFA of office and covered sales areas plus ancillary uses
Sanitary landfill, solid waste facility	TBD by parking study with site plan
Stone product curing, fabrication	1 per 1,500 sf GFA
Taxidermist	TBD by parking study with site plan
Tile, roofing and waterproofing production	1 per 1,500 sf GFA
Truck stop (full service and repair permitted)	1 per 500 sf GFA, including service bays and retail areas
Vehicle towing and impound lot	1 per 300 sf GFA of sales and service building
Warehouse/distribution	1 per 1,000 sf GFA (for first 10,000 sf) plus 1 per 5,000 sf GFA (remaining sf) plus 1 per 250 sf GFA for office areas (shell buildings to be calculated at 15%)
Water aquifer recharge/storage facility	TBD by parking study with site plan
Water reclamation or wastewater facility	TBD by parking study with site plan
Wholesale shopping	1 per 400 sf GFA
Accessory uses	
Accessory dwelling unit (ADU)	1 per ADU plus spaces for primary residence
Cottage industries	2 plus spaces for primary residence

FS24-1421 – Zoning Text Amendment to conform with Legislative Updates

Legislative Edits

SB1162 – Residential Zoning Hearings/ Administrative Approval Timelines

Sec. 101-2.2. Glossary of terms.

- A. Definitions. The following additional words and phrases shall, for the purpose of this ordinance, have the following meanings:

R

Residential Zoning Application *An application that seeks to rezone from one type of zoning district to a residential zoning district.*

Chapter 102 – REVIEW PROCESS AND APPLICATIONS

ARTICLE II – PROCEDURE TYPES AND SUBMITTALS

Sec. 102-2.3. - Approval of Residential Zoning Applications.

(A) Administrative completeness review time frame. For each residential zoning application, the Community Development Director shall designate a staff member to review the application. The designated City staff member shall determine whether the application is administratively complete within thirty (30) days after receiving the application. If the application is deemed administratively incomplete, the staff member will provide the applicant with an electronic notice that includes a comprehensive list of the specific deficiencies. Upon issuance of the written notice, the administrative completeness review time frame and overall time frame contained in this Section are suspended until the staff member receives the resubmitted application. The staff member shall have fifteen (15) days to review the resubmitted application and determine whether every deficiency has been resolved for administrative completeness.

(B) Approval or Denial of Residential Zoning Applications. After determining that a residential zoning application is administratively complete, the City Council shall approve or deny the application within one hundred eighty (180) days. The City Council may extend the time frame to approve or deny beyond one hundred eighty (180) days as follows:

(1) staff may grant a one-time extension of not more than thirty (30) days for extenuating circumstances; or

(2) staff may grant extensions in thirty (30) day increments at the request of the applicant.

FS24-1421 – Zoning Text Amendment to conform with Legislative Updates

Legislative Edits

(C) Exceptions. This Section does not apply to:

- (1) Land that is designated as a district of historical significance pursuant to Ariz. Rev. Stat. § 9-462.01(a); and
- (2) An area that is designated as historic on the national register of historic places;
- (3) Land that is already zoned as a planned area development (PAD).

Citizen Participation Report

Zoning Text Amendment Legislative Updates

FS24-1421 – November 13, 2024

PROJECT DESCRIPTION

The city has initiated this Zoning Text Amendment (ZTA) to the Surprise Municipal Codes and Land Development Ordinances (LDO) in response to a series of recently passed legislative measures aimed at reducing municipal review timeframes for development and reducing housing costs by modifying various zoning and development requirements within municipalities. Impacted municipalities are required to modify conflicting codes and ordinances on or before January 01, 2025. As part of these changes, this amendment is proposing the following:

- Corrections to scrivener's errors, incorrect references, and other minor cleanup items that will improve overall clarity and consistency.
- Adding and modifying various defined terms.
- Adding language to allow for the keeping of fowl and removing conflicting language.
- Adding language to allow for accessory dwelling units on single-family residential lots and removing conflicting language.
- Adding language regarding timeframes for city review and processing of residential zoning applications and removing conflicting language.
- Adding language regarding the adaptive reuse of commercially zoned buildings and removing conflicting language.

ADVERTISING

The meeting was advertised in the Daily Independent on Friday, October 25, 2024 and the Surprise Independent on Wednesday, October 30, 2024, and published on the City website.

MEETING DESCRIPTION & ATTENDANCE

The meeting was held at the Surprise Regional Library on November 14, 2024 at 6 p.m. and there were no members of the public in attendance.

FEEDBACK

No feedback or concerns were expressed.



Neighborhood Meeting Sign-In Sheet

FS24-1407 & FS24-1421

	Name	Address	Contact Information
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14			
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16			
17			None
18			JMS
19			11-18-2024
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State of Arizona:
County of Maricopa:
Affidavit of Publication

I, Charlene Bisson, Arizona President/CEO of Independent Newsmedia Inc. USA, am authorized to make this affidavit of publication. Under oath, I state that the following is true and correct.

The Daily Independent is a newspaper which is published daily, is of general circulation and is in compliance with the Arizona Revised Statutes 10-140.34 & 39-201 A & B. I solemnly swear that the notice was published in the regular and entire section of the said newspaper and not in any supplement. The below listed advertisement appeared in the following issue(s)

Daily Independent: 10/25/2024
Surprise Independent: 10/30/2024

Charlene Bisson

CHARLENE BISSON
President/CEO

Sworn to and subscribed before me this
11/12/2024

Karen Kirkendoll



KAREN KIRKENDOLL
Notary Public

Name	CITY OF SURPRISE-Community Development
Order Number	9709
Ordered By	Tiffany Copp
Order Date	10/21/2024
Description	FS24-1421
Number Issues	2
Pub Count	2
Order Cost	\$222.88
First Issue	10/25/2024
Last Issue	10/30/2024
Publications	Daily Independent, Surprise Independent

ZONING TEXT AMENDMENT
NEIGHBORHOOD MEETING

Please be advised that the City of Surprise will host a Neighborhood Meeting to discuss the Zoning Text Amendment (ZTA) to the Surprise Municipal Code and Land Development Ordinances (LDO) referenced below. Any member of the public may participate in the conversation as it pertains to this project by attending in person. According to Surprise Municipal Code, we are required to host a Neighborhood Meeting to present the proposal to the public while soliciting feedback and providing answers to questions.

Applicant: City of Surprise
City of Surprise: Tiffany Copp;
623-222-3020; tiffany.copp@surpriseaz.gov

NEIGHBORHOOD MEETING DETAILS

DATE: Wednesday, November 13, 2024

TIME: 6:00 PM

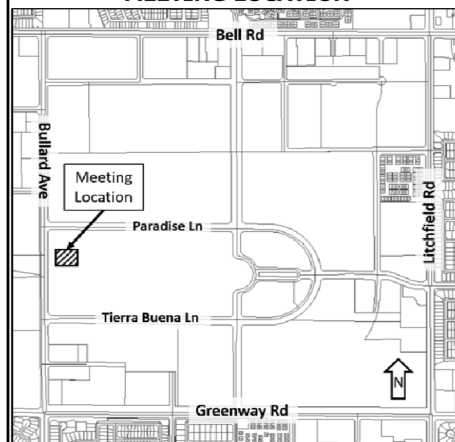
PHYSICAL LOCATION: City of Surprise

Regional Library

16089 N. Bullard Avenue

Surprise, AZ 85374

MEETING LOCATION



PROJECT DESCRIPTION:

A Zoning Text Amendment (ZTA) to the Surprise Municipal Code and the Land Development Ordinances (LDO) to update various sections of the code in conformance with the legislative changes and statutory requirements effected from the 56th Legislative Session and to remove conflicts with other sections of the code and LDO, Case # FS24-1421.

Publish: Daily Independent, October 25,
Surprise Independent, October 30,
2024/9709_1



Zoning Text Amendment- Legislative Updates Discussion

Lloyd Abrams, CD 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
- SB1162 Residential Zoning Hearings



REPORTING

HB2210 – Modified Powers of the ACA (Passed with the Budget)

Modifies the duties of the Arizona Commerce Authority (ACA), establishes the Municipality Time Frames Advisory Committee (MTFAC) and requires jurisdictions report on various development related activity to the MTFAC and requires that the MTFAC report its findings and recommendations back to the ACA.



REPORTING

HB2210 – Modified Powers of the ACA

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 SUMMARY

HB2210 – Modified Powers of the ACA

Reporting compliance achieved prior to September 30th!



Challenges:

- Manual tabulation took several staff many hours to compile and verify for reporting
- Anticipated updates to reporting requirements and further legislation impacting cities
- 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 non-conforming 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

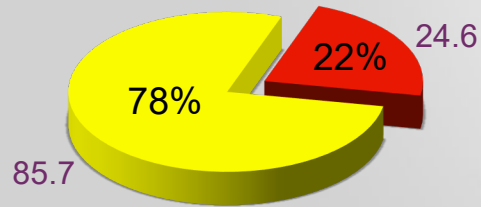
HB2297- Adaptive Reuse, Exclusions

This provision does not apply in the following situations:

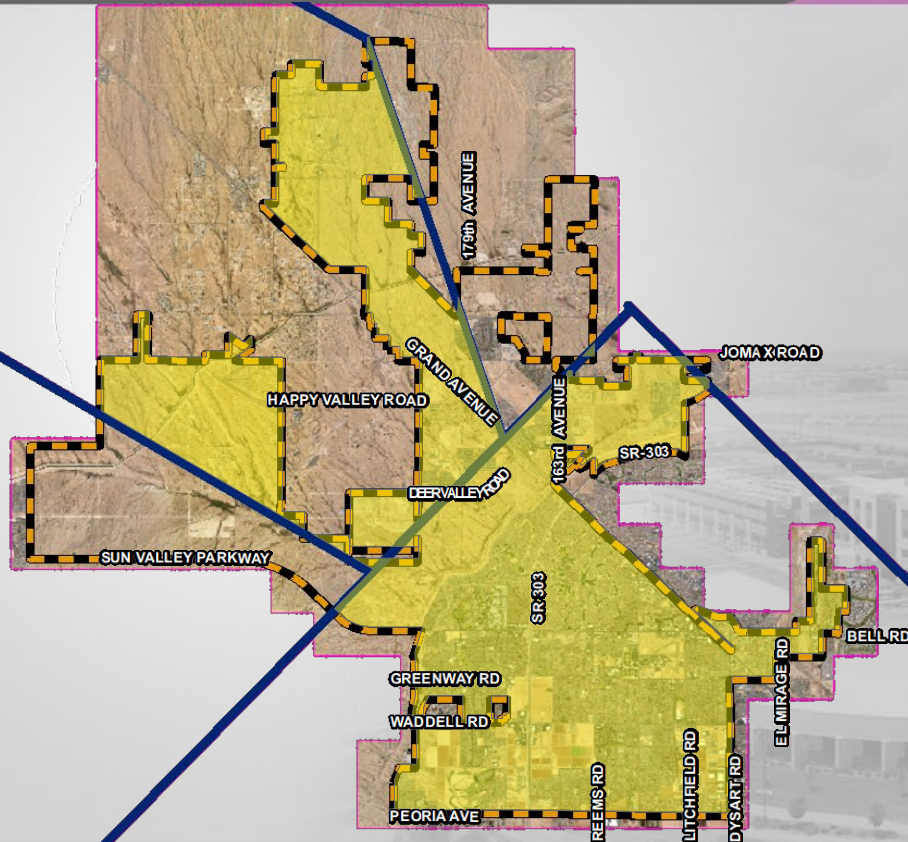
- Land in an area of designated district of historical significance
- Land in the vicinity of a military airport or ancillary military facility
- Land in in the vicinity of a FAA commercially licensed or public airport
- Tribal land

IMPACT MAP

Square Miles



■ Affected (no color) ■ Not Affected





ADAPTIVE REUSE

HB2297- Adaptive Reuse Text Amendment Impact

Chapter 111, Article 1, Sec. 111-1.1. - Definitions

- Modify: *Adaptive Reuse*
- Add: *Building code, economically or functionally obsolete, low-income housing, moderate-income housing, multifamily residential development, nonconforming, qualified obsolete commercial building and rooftop appurtenances*

Addition of Article 2, Optional Redevelopment of Qualified Obsolete Commercial Buildings



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** (no roosters) in the backyard of the property.

Note: Properties of more than one half acre may have up to 25 fowl per current code and that is not proposed to change.

- CC&R limitations may still apply
- Fowl may not run at large
- Fowl must be kept as follows:
 - Feed must be stored in an insect-proof container



FOWL

HB2325 – Fowl

- 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
- 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

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

HB2325- Fowl Text Amendment Impact

Modify MuniCode Chapter 10, Article III, Livestock, fowl, rodents and reptiles as follows:

- Strike “fowl and rodents” from Section 10-113 and move to new section, making this section just “livestock”
- Rename Section 10-114, “Enclosures”, as “Fowl and Rodents” and refer to all enclosure requirements for the keeping of both fowl and rodents in this section
 - Add subsection E related to the keeping of fowl on single family residential lots



ADU

HB2720 – Accessory Dwelling Units, In General

Requires that municipalities with a population exceeding 75,000 adopt regulations allowing 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

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

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.

Note: This is not a current requirement of the city so there is no impact from this specific language change.



ADU

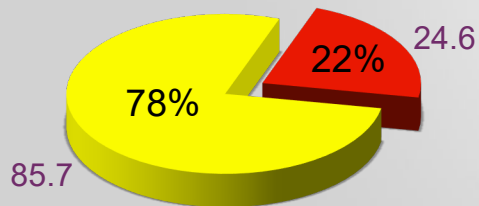
HB2720- Accessory Dwelling Unit, Exclusions

This provision does not apply in the following situations:

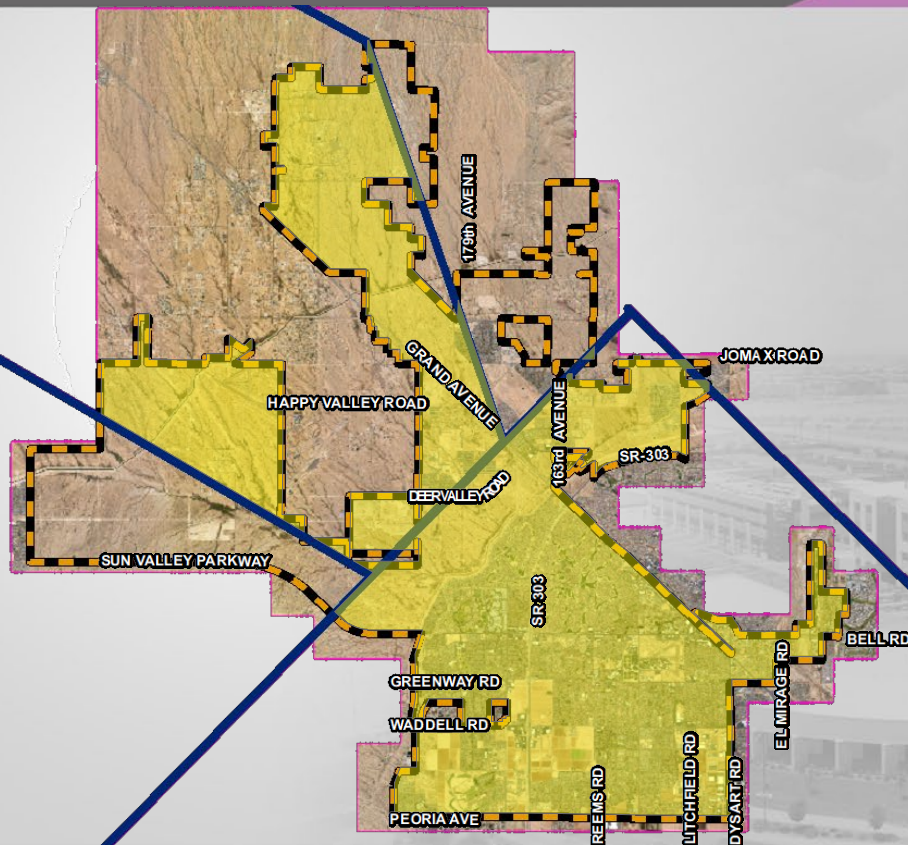
- Land in an area of designated district of historical significance
- Land in the vicinity of a military airport or ancillary military facility
- Land in in the vicinity of a FAA commercially licensed or public airport
- Tribal land

IMPACT MAP

Square Miles



■ Affected (no color) ■ Not Affected





ADU

HB2720 – Accessory Dwelling Units Text Amendment Impact

Strike LDO Chapter 106, Article X, Section 106-10.2, Accessory Dwelling Units

Add Chapter 106 , Article XI , Accessory Dwelling Units

- Includes the following newly defined terms: *Accessory dwelling unit, Deed Restriction, Gross floor area, Long-term rental, Permitted use and Restricted-affordable dwelling unit.*

Strike reference to ADU Parking Requirements from Chapter 107, Article IV, Sec. 107-4.9. Minimum off-street parking requirements, Table 107-4c.



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/deny the application within 180 days.

- Resubmittals must be reviewed for administrative completeness within 15 days
- Excludes land designated as a district of historical significance.

Timeframes may be extended beyond the 180 days as follows 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



RESIDENTIAL ZONING

SB1162 – Municipal Housing Needs Assessment

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 – Housing Reporting

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
- % of multifamily zoned versus single family zoned land needed to meet population demand
- Plan with status update of municipality toward meeting these demands



RESIDENTIAL ZONING

SB1162 – Text Amendment Impact

Addition of LDO Chapter 102, Article 2, Sec. 102-2.3- Approval of Residential Zoning Applications

Next Steps:

League is working with cities on Housing Needs Assessment through a selected contractor

Cities shall respectively work on Housing Reporting

- Awarded MAG's HOME TA Grant for consultant services (\$30,000)
 - ✓ Kickoff meeting was 11/21/2024



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





SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You





CITY OF SURPRISE Planning & Zoning Commission

Council Meeting Date: December 5, 2024 Contact Person:
Submitting Department: Community Development District: Citywide
Staff Recommendations: None

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

Consideration and action pertaining to a Zoning Text Amendment (ZTA) to the Surprise Municipal Code and Land Development Ordinances for Administrative Plat Approvals. Case FS24-1407.

Motion:

I move to recommend approval of Zoning Text Amendment Administrative Plat Approvals, Case # FS24-1407.

I move to recommend denial of Zoning Text Amendment Administrative Plat Approvals, Case # FS24-1407 because insert reason.

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:

Policy Compliant:

Financial 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.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

1. 00-FS24-1407 ZTA Administrative Plat Approvals - PZ Staff Report
 2. 01- FS24-1407 ZTA for Administrative Plat Approvals - Leg Edit CLEAN
 3. 02- FS24-1407 Citizen Participation Report
 4. FS24-1407 Administrative Plat Approvals - PZ Presentation
-

ZONING TEXT AMENDMENT

REPORT TO THE PLANNING AND ZONING COMMISSION

Case: FS24-1407

Project Name: Zoning Text Amendment Administrative Plat Process

Council District: Citywide

Meeting Date: December 05, 2024

Planner: Tiffany Copp, Assistant Director

Applicant: City of Surprise

Request: Presentation and discussion pertaining to a proposed Zoning Text Amendment (ZTA) for Administrative Plat Approvals. Case FS24-1407.

General Plan Conformance: The proposal is consistent with the Surprise General Plan 2040.

Support/Opposition: None known

Staff Recommendation: Staff recommends the Commission recommend **approval** of the proposed Zoning Text Amendment (ZTA) for Administrative Plat Approvals, case FS24-1407, to the Mayor and City Council.

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.

45
46 **ANALYSIS AND DISCUSSION:**
47

48 The proposed Zoning Text Amendment includes several text modifications throughout
49 Chapters 2, 42 and 58 of the Surprise Municipal Code, as well as Chapters 102 and 108
50 of the Land Development Ordinance (LDO), to streamline staff and applicant
51 development processes and allow for administrative approvals, while clarifying
52 readability and removing conflicts with other sections of the municipal codes in an effort
53 to conform with the changes permitted pursuant to SB1103. The specific changes are
54 outlined in the attached Zoning Text Amendment draft.
55

56 **CONFORMANCE WITH ADOPTED PLANS:**
57

58 **Surprise General Plan:** The subject request is consistent with, and will help implement,
59 the Surprise General Plan 2040.
60

61 **CITIZEN PARTICIPATION:**
62

63 An outreach meeting was held at Surprise Regional Library on Wednesday November 13,
64 2024 at 6:00PM. There were no members of the public in attendance. City staff has not
65 received any opposition.
66

67 **SUMMARY:**
68

69 This Zoning Text Amendment will streamline and make administrative the preliminary
70 and final plat processes, as well as the infrastructure acceptance processes, while
71 removing conflicts with other sections of the municipal code.
72

73 **RECOMMENDATION:**
74

75 Based on the findings noted above, staff recommends the Commission recommend
76 **approval** of the subject Zoning Text Amendment to the Mayor and City Council.
77

78 However, should the Commission wish to **recommend denial of** the request, the
79 Commission should make its own findings and base its decision on those alternative
80 findings.
81

82 *Recommended Motions:*
83

84 I move to a recommend approval of Zoning Text Amendment Administrative Plat
85 Approvals, Case # FS24-1407.
86

87 I move to recommend denial of Zoning Text Amendment Administrative Plat Approvals,
88 Case # FS24-1407 because insert reason.
89

90 **Attachments:**
91

01 ZTA Legislative Edit

92 02 Citizen Participation Report
93 PowerPoint

Legislative Edits

(Strikethrough indicates deletions; edits or additions are highlighted)

Chapter 2- Administration
ARTICLE VIII. - BOARDS, COMMITTEES AND COMMISSIONS

Sec. 2-301. Planning and zoning commission.

- (a) Mission. To promote the health, safety, and beauty of the community, and secure growth and development within the city in conformance with the General Plan. Where necessary for the efficient and ~~cost~~ **effective** ~~cost-effective~~ operation of the city, the city council may direct that the planning and zoning commission may also sit as the board of adjustment and/or the board of construction review.
- (b) Bylaws. Unless otherwise delineated within this section, the bylaws contained in section 2-295 apply.
- (c) Composition. Members will represent a cross section of stakeholders in the community, including different professions or occupations, so as to constitute as much as possible equal representation for all areas within the city.
- (d) Powers, duties and responsibilities. The commission will:
 - (1) Recommend to city council a General Plan, specific plans, and amendments thereto;
 - (2) Review, decide, and make recommendations to city council on matters as set forth in the development code, or as otherwise set forth in this Code.
 - (3) Review and make recommendations to city council regarding design guidelines;
 - (4) Review development applications for consistency with applicable zoning and design standards, consistent with the development code.
 - (5) Review and make recommendations to city council regarding the classification of parcels of land from one zoning district to another, the adoption or modification of the zoning map, and text amendments to the development code.
 - (6) Review and make recommendations to city council regarding regulations and restrictions concerning the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land.
 - (7) Make recommendations to city council on policy matters regarding the interpretation, enforcement, and administration of the development code.
 - (8) Review and approve or deny applications for ~~preliminary plat approval and~~ conditional use permits, as set forth in the land development code, or as otherwise set forth in this Code.
- (e) All regular meetings of the planning and zoning commission will be televised when reasonably feasible.
- (f) Appeals. Decisions by the planning and zoning commission may be appealed as follows:
 - (1) Any person aggrieved by the decision of the planning and zoning commission to approve or disapprove an application for a ~~preliminary plat approval or~~ conditional use permit may appeal the decision to the city council within 15 calendar days after the commission has rendered its decision. The aggrieved person, or any municipal officer or official department of the city, or member of city council, may file an appeal whether or not they were a previous party to the decision. Appeals shall be filed in writing with the office of the city clerk and shall specify the grounds for the appeal. The decision by the city council shall be final.
 - (2) When sitting as either the board of adjustment or the board of construction review, decisions of the planning and zoning commission may be appealed as set forth in section 2-303 or 2-304 as appropriate.

(Ord. No. 2014-14, § 5(Exh. A), 11-23-2014; Ord. No. 2016-27, § 1(Exh. A), 10-4-16; Ord. No. 2021-17, § 1(Exh. A), 2-1-22; Ord. No. 2022-10, § 1(Exh. A), 4-19-22)

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted)

CHAPTER 42 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE 1- IN GENERAL

Sec. 42-8. - Reimbursement amounts.

(a) When a special public improvement is constructed by the city or its contractors, the city may require the benefitted parcels to reimburse the city prior to the ~~city council~~ approval of a final plat.

(b) It shall be unlawful for any benefitted party to extend service from a special public improvement to its property without first paying its reimbursement share and obtaining a permit issued by the engineering division or final plat approval by the city.

CHAPTER 58 – UTILITIES

ARTICLE IV- WATER SERVICE

DIVISION 3- EXTENSIONS

Sec. 58-214. Inspection and acceptance.

The city ~~engineer~~ ~~council~~, if satisfied that the extension is in the public interest and suitable and conforming to the existing system in the city, may ~~by motion~~ accept and approve the same and authorize the use thereof, provided that the extension shall be first conveyed to the city free and clear of any and all encumbrances.

(Ord. No. 2012-06, § 1, 5-8-2012)

PART II – LAND DEVELOPMENT ORDINANCE

CHAPTER 102- REVIEW PROCESS AND APPLICATIONS

ARTICLE II. PROCEDURE TYPES AND SUBMITTALS

Sec. 101-2.2. Glossary of terms.

Financial assurance. A form of security including a cash deposit, third party trust, ~~or performance bond~~ ~~an irrevocable letter of credit, of funds in escrow,~~ in an amount and form satisfactory to the city attorney and meeting the requirements expressed elsewhere in this ordinance and/or this Code.

Plat. A map, survey, plan or *replat* certified by a licensed, registered land survey containing a description of the subdivided land with ties to permanent monuments that provides for changes in land use or ownership.

1. **Final plat.** A final map of a subdivision, including supporting data, in substantial conformance to an approved *preliminary plat* and all conditions placed upon it by the ~~community development director and city engineer~~ ~~council~~, prepared by a ~~registered land surveyor~~, in accordance with this ordinance and the Arizona Revised Statutes.
2. **Preliminary plat.** An initial map, including supporting data, approved by the ~~planning and zoning commission~~ ~~community development director and city engineer~~, indicating a proposed subdivision design, prepared by a registered ~~civil engineer and a registered land surveyor~~, in

FS24-1407- Zoning Text Amendment Administrative Plat Approvals

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted)

accordance with this ordinance and the Arizona Revised Statutes. A preliminary site plan for a condominium development shall be considered a preliminary plat.

3. **Recorded plat.** A final plat bearing all of the certificates of approval required by this ordinance and the Arizona Revised Statutes and duly recorded in the county recorder's office.

Sec. 102-2.1. Procedure types.

- B. The following **Table 102-2a** describes the level of public outreach required, decision-making authority, and the appeal authority for the applications processed and the approvals that may be granted under this ordinance.

Table 102-2a: Application Type, Procedure, and Decision Authority Summary								
	Public Outreach				Community Development Director	Planning and Zoning Commission	City Council	Board of Adjustment
	Agenda Posting	Notice Letter & Newspaper	Neighborhood Meeting	Site Posting				
Type 1 applications								
Zoning interpretation					D			A
Minor land division/parcel assemblage					D			A
Administrative use permits					D			A
Temporary use permits					D	A		
Home product review					D	A		
Corrective plat					D			A
PEDS deviation/waiver					D	A		
Preliminary plats					D			A
Final plats					D			A
Slope Category Analysis waiver					D	A		
Administrative waiver/extension					D	A		
Site plan review					D	A		
Type 2 applications								
Protected development rights plans	X				R	R	D	
Preliminary plats	X				R	D	A	
Final plats	X				R		D	
Original townsite incentive	X				R		D	
Development agreement	X				R		D	
Hillside cut and fill waiver	X			X	R	D		
Type 3 applications								
General Plan amendments	X	X	X	X	R	R	D	
Specific area plan requests	X	X	X	X	R	R	D	
Rezoning requests	X	X	X	X	R	R	D	
LDO text amendments	X	X ⁽¹⁾	X		R	R	D	
Conditional use permits	X	X	X	X	R	D	A	
Comprehensive sign program	X	X	X	X	R	R	D	
Variances requests	X	X		X	R			D

Annexation	X	X	X	X	R		D	
Key: X = Required (1) = 1 st class letter not required R = Reviews and recommends action to decision-making body D = Decision-making body A = Appeal authority								

(Ord. No. 2021-17 , § 1(Exh. A), 2-1-22; Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)

ARTICLE IV. TYPE 1 APPLICATION AND REQUESTS

Sec. 102-4.9. Preliminary plats.

The *preliminary plats* involve detailed land division planning. The submittal is reviewed by staff for an approval, approval with conditions, or denial of the *preliminary plat*. The *applicant* shall provide the city with all information, outlined at the *preliminary plat* concept review meeting and the information listed in **Chapter 108** of this Code, essential to determine the character and general acceptability of the proposed development.

Sec. 102-4.10. Final plats.

A. The *final plat* stage of land division involves submittal, review, and approval of the *final plat* that is in conformance with a *preliminary plat*, the improvement plans for all improvements required by this ordinance and recording of the *plat* with the county recorder. A *preliminary plat* approval may be used as an attachment to the concept review waiver.

ARTICLE V. TYPE 2 APPLICATION AND REQUESTS

Sec. 102-5.5. Preliminary plats.

The *preliminary plats* involve detailed land division planning. The submittal is reviewed by staff for an approval, approval with conditions, or denial of the *preliminary plat*. The *applicant* shall provide the city with all information, outlined at the *preliminary plat* concept review meeting and the information listed in **Chapter 108** of this Code, essential to determine the character and general acceptability of the proposed development.

(Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)

Note(s)—Formerly § 102-5.6, see editor's note for § 102-5.1.

Sec. 102-5.6. Final plats.

A. The *final plat* stage of land division involves submittal, review and approval of the *final plat* that is in conformance with a *preliminary plat*, the improvement plans for all improvements required by this ordinance, and recording of the *plat* with the county recorder. A *preliminary plat* approval may be used as an attachment to the concept review waiver.

(Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)

Note(s)—Formerly § 102-5.7, see editor's note for § 102-5.1.

Chapter 108 LAND DIVISION AND SUBDIVISION REGULATIONS

ARTICLE I. GENERAL PROCESS AND OVERVIEW Sec. 108-1.2. General provisions.

- A. Recording any assemblage, split, or subdivision of land with the county recorder's office, without prior review and approval by the city in accordance with the provisions of this ordinance will not create a legal *lot* and *building permits* will not be issued.
- B. All land divisions and subdivisions must result in the creation of *lots* that are developable and capable of being built upon. No land division or subdivision shall create *lots* that are impractical of improvement due to location of water courses, problems of *sewerage* or driveway *grades*, steepness of terrain, or natural physical conditions.
- C. Where, in the opinion of the council, and after review by the community development director and **city engineer** ~~/or planning and zoning commission~~, there may exist extraordinary conditions of topography, land *ownership* or *adjacent* development, or other circumstances not provided for in the LDO or this chapter, the council may modify these provisions in such a manner and to such an extent as it may deem appropriate to the public interest. In modifying the standards or requirements the council may make such additional requirements as appear necessary to secure substantially the objectives of the standards or requirements so modified.
- D. The regulations herein apply to subdivisions and any other division of land within the city creating a legally developable *lot*. For a legally enforceable division or assemblage of property to occur in the City of Surprise, any properties assembled, split, or *subdivided* must be approved by the city through one (1) of the following means:
 - 1. *Map of dedication*;
 - 2. *Minor land division, lot line adjustment, or parcel assemblage*;
 - 3. Subdivisions;
 - 4. Condominium *plat*.

Sec. 108-1.5. Subdivisions.

- D. Final plat overview.
 - 1. The *final plat* stage of land division involves submittal, review and approval of the *final plat*, the improvement plans for all improvements required by ordinance, and recording of the *plat* with the county recorder.
 - 2. The *applicant* shall provide the city with all information, outlined by the community development director or designee in conjunction with the *final plat* concept review meeting and consistent with information outlined in **Article III** herein, essential for review of the improvement plans and *final plat*.
 - 3. The *final plat* shall conform to the approved *preliminary plat* and/or *site plan/conditional use permit*.
 - 4. Prior to the *final plat* being administratively approved the following must have occurred:
 - a. The city engineer or designee has approved the associated improvement plans and related final reports; and
 - b. Letters from all involved utility companies approving the utility installation improvement plans and confirming both the availability of services and the intent to serve the subdivision with said services have been received by the city; and
 - c. All required certifications from state and county agencies have been procured; and

-
- d. The city engineer has received the project cost estimate; and
 - e. The city engineer has received the *financial assurance* document or the alternative improvements contract, per the development option chosen, in the form and amount to the city's satisfaction; and
 - [f.] Documents, easements, and the necessary recording fees have been submitted; and
 - [g.] In the event the *final plat* or *map of dedication* includes the dedication of *rights-of-way* to the city, a completed Phase I Environmental Assessment that has been prepared with the previous 90 days and which indicates no contaminations occurring within the *right-of-way* to be dedicated.
5. Once the *final plat* is approved, the community development director and city engineer ~~mayor~~ shall sign the *plat* and the city clerk shall attest the ~~mayor's~~ signatures.
6. The *final plat* will be transmitted by city staff to the county recorder's office for recording; at the appropriate time and depending upon the development option being utilized as outlined below.
7. The simple approval of a *final plat* shall not constitute acceptance of dedication by the city of any *street*, easement, or other public area, shown on said *plat*. Recordation of a *final plat* shall constitute such acceptance and a statement of dedication along with signatures shall be included on the *plat*.
- E. Amended or corrected final plat overview.
1. If, after the approval and recording of a *final plat*, errors are found in the language or numbers on the *recorded plat*, the *subdivider/applicant* shall file a properly signed, corrected or revised original Mylar with the community development director. The *plat* shall be noted "corrected *plat*" under the name of the subdivision. Notations shall be made on the face of the *plat* listing all corrections made and the book and page numbers where the original *plat* was recorded. The community development director shall review the *plat* for corrections, secure the proper signatures of the proper public officials on the corrected *plat* and send to the county recorder for recording. The recording of the corrected *plat* shall void the incorrect original *plat*, and the county recorder shall note "void" across the face of the incorrect *plat*.
2. If, after the approval and recording of a *final plat*, a *subdivider/applicant* wishes to modify the location of *lot lines* on part or all of the *recorded plat*, the *subdivider/applicant* shall submit a new *final plat* drawing with the revised *lot* arrangement. The *plat* shall be marked the "*Replat* of _____" under the name of the land division and shall be processed as a *final plat*. If the change is found to be substantial by the community development director, a new *preliminary plat* and *final plat* will be required as described herein.
3. If, after the approval and recording of a *final plat*, the *subdivider/applicant* wishes to substantially change the *street* and *lot* arrangement of a part or all of the *platted* area, the resulting subdivision shall be treated as a new submittal with both a *preliminary plat* and a *final plat* required. The subdivision shall be identified as the "*Replat* of _____."
- F. Exception. For any subdivision that consists of four (4) to ten (10) lots, tracts or parcels, each of which complies with the size requirements of this LDO, it may proceed without the requirement to prepare, submit and receive approval of a preliminary plat as a condition precedent to submitting a final plat. Requirements for dust-controlled access and drainage improvements shall not be waived.

(Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)

PART II

CHAPTER 108 – LAND DIVISION AND SUBDIVISION REGULATIONS

ARTICLE II. REPORTS, PLANS, AND DESIGN STANDARDS

Sec. 108-2.1. General requirements.

- A. The development standards of the *zoning district* as well as the city's Parks and Trails Master Plan, the integrated Water Master Plan, both volume 1 and volume 2 of the Planning and Engineering Design Standards (PEDS), and any supplemental design criteria that may be adopted by the city from time to time shall be followed when designing any subdivision.
- B. Except where modified by the **community development director** ~~city~~ through a stipulation clearly noted on the plat itself ~~council, upon recommendation by the planning and zoning commission~~, each subdivision and map thereof shall also be in conformity with the standards set forth in this article. ~~Unless otherwise noted herein, this~~ article shall apply to all ~~new~~ residential and non-residential subdivision development within the city.
- C. In addition to ordinances and standards adopted by the city, subdivision improvements shall be in conformance with the following rules and regulations:
 - 1. Rules of the Arizona Department of Transportation (ADOT) relating to provisions for the safety of *ingress and egress* with the *abutting* state highway.
 - 2. Rules of the Flood Control District of Maricopa County (FCDMC) and where applicable, rules of the county department of transportation, the state department of water resources, Federal Emergency Management Agency, and the National Flood Insurance Program.
 - 3. Rules of the state department of health, state department of environmental quality, the county department of health and county environmental services department as they relate to water supply, sanitary sewage disposal, and dust control.
 - 4. Manual on Uniform Traffic Control Devices (MUTCD) standards and guidelines.
 - 5. Maricopa Association of Governments (MAG) standards and guidelines unless modified within the city PEDS.
- D. Where a tract of land to be *subdivided* contains all or any part of a *park, school*, flood control facility, or other *public improvement* or facility as shown in the *General Plan*, ~~or as recommended by the planning and zoning commission~~, such site shall be either dedicated to the public or reserved for acquisition by the city, appropriate public agency, or land trust within a specified time period. A development agreement shall be prepared between the *subdivider* and the city, appropriate agency, or land trust regarding the time, method and cost of land acquisition. Said acquisition shall be completed within one (1) year from the date of recording the *final plat*, or within such extensions of time as may be mutually agreed upon. In the event a development agreement cannot be reached between the *subdivider* and the city, agency, or land trust relative to the acquisition of the land, the city council shall make a determination relative to the reserved area's compliance with the requirements of this chapter for subdivision.
- E. Land that is subject to periodic flooding, cannot be properly drained, has unstable soils or slopes, rock formations, adverse earth formations or topography, major utility easements or land which is otherwise unsuitable for subdivision *use* due to safety, health and welfare concerns, shall not be *subdivided* but shall be set aside for *uses* that shall not involve such a danger. The city council may approve subdivision of such land upon receipt of evidence provided by the *applicant* and approved by the city engineer or designee that the

construction of specific improvements can be expected to render the land suitable; thereafter, construction upon such land shall be prohibited until the specified improvements have been planned and construction guaranteed.

- F. All land proposed for subdivision and development within the city shall be served by services and infrastructure. No *building permit* shall be issued for development of a subdivision not served by existing infrastructure, or proposed extensions thereof. In no case shall temporary package water and/or sewer treatment plants be permitted as a means of providing water and sewer service to the development, unless designated in the integrated water master plan and approved by the water resource director.
- G. ~~A proposed subdivision name shall not duplicate, or approximate phonetically, the name of any other subdivision located within the city, unless a clear distinction between the two (2) subdivisions is evident. The In the event of a conflict, the planning and zoning commission city council shall have final authority to designate the name of the subdivision which shall be determined at the preliminary plat approval.~~
- H.G. Any contiguous property owned by the *subdivider/applicant* shall not be excluded from the boundaries of a subdivision when needed or required for traffic, drainage, or flood control facility for the subdivision, or dedication of *rights-of-way*, unless said property is dedicated through a *map of dedication* or other instrument acceptable to the city.
- I.H. If the subdivision is traversed by or is *adjacent* to any *water features* the *subdivider/applicant* shall provide tracts or easements for storm drainage substantially in line with the natural alignment of the *water features* and in designed in accordance with the PEDS.
- J.I. The *developer* shall be responsible for all costs, including improvement plan review fees, for installation of the improvements as a condition of *zoning* and/or *plat* approval which shall at least include, but not limited to, the improvements outlined in the following sections.

(Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)

Sec. 108-2.4. Circulation design standards.

- E. Street names and signage.
1. The name of a new *street*, unless an extension of the county *street* grid alignment, shall not duplicate existing or *platted street* names in the county, or approximate such names in spelling, sound, or pronunciation in conformance with the MAG address and *street* assignment policy. A *street* shall bear the same name of an existing *street* when planned as a continuation of or when in alignment with an existing or *platted street*.
 2. The city's GIS department shall ~~propose~~ **provide** the *street* names at the *preliminary plat* submittal stage ~~and the names shall be approved by the planning and zoning commission.~~
 3. The *applicant* shall deposit with the city at the time of *final plat* approval an amount equal to the cost of each required *street* sign. *Street* name *signs* are to be placed at all intersections within or *abutting* the land division, and be in place by the time the *street* pavement is ready for *use*. Specifications for design, the type and location shall conform to Manual on Uniform Traffic Control Devices (M.U.T.C.D.) standards as approved by the city engineer.

(Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)

Sec. 108-2.11. Open space.

- A. The hierarchy, types, and locations of *open space* required by the city are detailed in **Chapter 104** of this ordinance. The design standards for the required *open space* are detailed throughout the different chapters of volume 1 of the PEDS.

-
- B. For residential subdivisions and traditional neighborhood development (TND) the specific percentage of required *open space* is prescribed within the development standards tables in **Chapter 106** of this ordinance.
 - C. For *mixed use*, commercial, *business park*, and industrial subdivisions the required amount of *open space* shall be those areas that are required for the specific *zoning* and *land use* as detailed in **Chapters 104, 106 and 107** of this ordinance. The design standards for the required *open spaces* are detailed throughout the different chapters of volume 1 of the PEDS.
 - D. Where a proposed *park*, playground, *open space*, or other public *use* shown on the *General Plan* and/or parks and trails master plan, is located in whole or in part in a subdivision, the area **shall** be shown on both the preliminary and *final plats* and such area(s) shall be reserved to the city by the *subdivider* if the city council approves such reservation. The city or other public agency shall enter into an agreement on the method of acquiring such reserved land area(s) prior to approval of the *final plat*.
 - E. Unless a public entity has accepted primary maintenance responsibility for all *common areas* within a subdivision, the property *owner/developer* shall create a method, acceptable to the community development director to provide for the **long-term long-term** maintenance of the *common areas* in perpetuity.

ARTICLE III. SUBDIVISION CONSTRUCTION, INSPECTION AND ACCEPTANCE

Sec. 108-3.1. Construction of improvements financial assurance.

- A. An *applicant* shall submit a *financial assurance* to the city thirty (30) days prior to a *final plat* ~~being placed on the city council agenda for action~~ **being approved and recorded by the City**. The amount of this *financial assurance* shall be no less than one hundred twenty-five (125) percent of the total cost necessary to complete the required improvements, including but not limited to, the costs of labor, and materials, permits, management fees, insurance costs and any other capital costs.
- B. The *financial assurance* shall secure to the city the satisfactory construction, installation, and dedication of required *street*, utility, drainage, water and *sewer systems*, and other improvements, including any portions of such improvements which are located in the public *rights-of-way*, easements, and upon individual *lots*. Improvements may include, but are not limited to, streetlights, landscaping, drainage facilities, *street* improvements, perimeter *fences/walls*, water and *sewer* distribution lines, and *common area* and *open space* improvements.
- C. The *financial assurance* shall comply with all statutory requirements and shall be satisfactory to the city attorney as to form, sufficiency, and manner of execution, as set forth herein. The periods within which required improvements must be completed shall be incorporated in the *financial assurance* and shall not exceed twelve (12) months from the date of *final plat* approval ~~by city council~~.
- D. Nothing in this section may be interpreted to limit the application of A.R.S. § 34-222 et seq., including but not limited to that statute's requirements with respect to *financial assurance* for public projects.
- E. In the event *temporary improvements* are required by city ~~council staff~~, the *applicant* shall provide a separate *financial assurance*, in addition to any *financial assurance* required for permanent improvements, that covers all costs of constructing, maintaining, and removal of the temporary facilities and improvements.

Sec. 108-3.2. Financial assurance options.

- A. There are two (2) *financial assurance* options related to the timing of the construction of the required subdivision *improvements* and the recordation of the *final plat* available to the *subdivider/applicant*. Following the review and approval of all subdivision *improvements plans* and final reports, and after securing

all certifications and written proof of service from all applicable agencies, utilities, and/or districts the *subdivider/applicant* may choose to follow one (1) of the two (2) development options outlined below.

1. *Financial assurance/record plat*. The *subdivider/applicant* provides a "construction of improvements *financial assurance*" to the city and recordation of the *final plat* occurs prior to, or in conjunction with, construction of the subdivision improvements.
 - a. The *subdivider/applicant* provides the required form of financial guarantee, acceptable to the city attorney, which assurance construction of all of the required subdivision improvements (see **Section 108-3.1** herein for information on the amount and specific forms of *financial assurances* accepted by the city).
 - b. The *city engineer and community development director* ~~city council~~ approves and subsequently ~~transmit~~ the *final plat* ~~and the community development director subsequently transmits the final plat~~ for recordation. After a *final plat* has been recorded, the city engineer may, in his/her discretion, allows a *subdivider/applicant* to substitute one (1) type of *financial assurance* for another.
 - c. In the event the *subdivider/applicant* fails to initiate construction within twelve (12) months of approval, and after reasonable notice to the *subdivider/applicant* of default, the city may choose to take formal action to either abandon the recorded *final plat* or to do/have done all work; in which case the *financial assurance* instrument will be charged with all costs and expenses incurred.
 - d. The community development director may, upon proof of difficulty, ~~recommend to the city council, and the council may~~ approve a one-time extension of the completion date for a maximum of an additional twelve (12) months provided the "construction of improvements *financial assurance*" form is amended by the *subdivider/applicant* to cover the extended time period.

Sec. 108-3.4. Release or reduction of financial assurance.

- A. Once the *public improvements* have passed the final inspection by the city engineer, the *applicant's* engineer or surveyor shall submit a certified final *as-built* survey of both the *plat* and the constructed improvements, indicating location, dimensions, materials, and that the layout of the line and *grade* of all required improvements is in accordance with the approved construction plans for the improvements.
- B. The *subdivider/applicant* may submit a request for release of the original *financial assurance* only after they submit to the city engineer the lien release documents along with the new financial warranty of improvements guarantee documents as outlined below in **Section 108-3.5**.
- C. The city engineer ~~or designee~~ shall issue a statement of completion and acceptance ~~shall make a written recommendation to the city council to~~ release the original *financial assurance*, ~~conditionally~~ accept the *public improvements* for maintenance, and accept the new warranty of improvements *financial assurance*.

Sec. 108-3.5. Warranty of improvements financial assurance.

- A. The *subdivider/applicant* shall be required to file a warranty of improvements *financial assurance* with the city engineer ~~or designee prior to city council action~~ on maintenance responsibilities of the ~~subdivision-public improvements~~. The *financial assurance* shall be in a form as outlined in **subsection 108-3.1.A**. in the amount of ten (10) percent of the actual cost of constructing and installing the improvements. The warranty assurance shall be for a period of two (2) years beginning from the date of "conditional acceptance" of maintenance responsibilities for said improvements by the city ~~council~~.
- B. The *applicant* shall be required to maintain all improvements for the two (2) year warranty period. If any certificates of occupancy have been issued for *buildings* served by improvements for which the city has not accepted maintenance responsibility, the city may affect emergency repairs and the *applicant* or other owner

thereof shall pay the cost of such emergency repairs. Prior to effecting such emergency repairs, the city shall give to the person responsible for maintaining the improvements such notice as may be practicable under the circumstances.

Sec. 108-3.6. Costs, reimbursements, and city participation in public improvements.

- A. All *public improvements* shown on the *final plat* and the improvement plans, and any additional improvements that may be required by the city **engineer or designee** ~~council~~ as a condition for approval of the *final plat*, shall be the responsibility of the *developer*; **unless otherwise approved by the city engineer or designee** ~~council~~.
- B. If a *street* within or *adjacent* to the development is improved as an arterial or parkway *street* and dedicated to the public the city, upon completion of the warranty guarantee, will accept maintenance responsibility for *street* lighting, median landscaping, and pavement.
- C. If a *street* within or *adjacent* to the development is improved as a collector or *local street* and dedicated to the public the city upon completion of the warranty guarantee will accept maintenance responsibility for the pavement and curbs. Maintenance responsibilities for landscaping and *street* lighting shall remain with the property *owner* and/or homeowner's association.
- D. If a *developer* is required to oversize infrastructure to serve future development in *adjacent* areas that is other than their own property the city may assist the *developer* recoup proportionate costs from those *adjacent* properties through a repayment agreement as further described in **Chapter 42** of this Code.

Citizen Participation Report

Zoning Text Amendment Administrative Plat Approvals

FS24-1407 – November 13, 2024

PROJECT DESCRIPTION

The city has initiated this Zoning Text Amendment (ZTA) to the Surprise Municipal Codes and Land Development Ordinances (LDO) in response to the passing of Senate Bill 1103 in March of 2023, which allows, as an *option*, for the administrative review and approval of preliminary plats, final plats, and plat amendments without a public hearing. Staff are also proposing changes to allow for the administrative acceptance of various infrastructure improvements. As part of these changes, this amendment is proposing the following:

- Corrections to scrivener's errors, incorrect references, and other minor cleanup items that will improve overall clarity and consistency.
- Modifying various defined terms.
- Modifying the roles and responsibilities of the Planning and Zoning Commission and City Council and city staff related to the approval and acceptance of preliminary plats, final plats, plat amendments, appeals and various infrastructure improvements.

ADVERTISING

The meeting was advertised in the Daily Independent on Friday, October 25, 2024 and the Surprise Independent on Wednesday, October 30, 2024, and published on the City website.

MEETING DESCRIPTION & ATTENDANCE

The meeting was held at the Surprise Regional Library on November 14, 2024 at 6 p.m. and there were no members of the public in attendance.

FEEDBACK

No feedback or concerns were expressed.



Neighborhood Meeting Sign-In Sheet

FS24-1407 & FS24-1421

	Name	Address	Contact Information
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**State of Arizona:
County of Maricopa:
Affidavit of Publication**

I, Charlene Bisson, Arizona President/CEO of Independent Newsmedia Inc. USA, am authorized to make this affidavit of publication. Under oath, I state that the following is true and correct.

The Daily Independent is a newspaper which is published daily, is of general circulation and is in compliance with the Arizona Revised Statutes 10-140.34 & 39-201 A & B. I solemnly swear that the notice was published in the regular and entire section of the said newspaper and not in any supplement. The below listed advertisement appeared in the following issue(s)

Daily Independent: 10/25/2024
Surprise Independent: 10/30/2024

Charlene Bisson

CHARLENE BISSON
President/CEO

Sworn to and subscribed before me this
11/5/2024

Karen Kirkendoll



KAREN KIRKENDOLL
Notary Public

Name	CITY OF SURPRISE-Community Development
Order Number	9856
Ordered By	Tiffany Copp
Order Date	10/23/2024
Description	FS24-1407
Number Issues	2
Pub Count	2
Order Cost	\$222.88
First Issue	10/25/2024
Last Issue	10/30/2024
Publications	Daily Independent, Surprise Independent

ZONING TEXT AMENDMENT
NEIGHBORHOOD MEETING

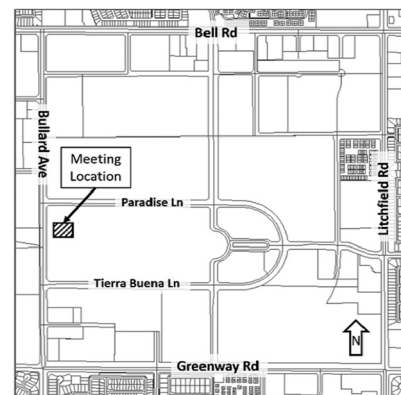
Please be advised that the City of Surprise will host a Neighborhood Meeting to discuss the Zoning Text Amendment (ZTA) to the Surprise Municipal Code and Land Development Ordinances (LDO) referenced below. Any member of the public may participate in the conversation as it pertains to this project by attending in person. According to Surprise Municipal Code, we are required to host a Neighborhood Meeting to present the proposal to the public while soliciting feedback and providing answers to questions.

Applicant: City of Surprise
City of Surprise: Tiffany Copp;
623-222-3020;
tiffany.copp@surpriseaz.gov

NEIGHBORHOOD MEETING DETAILS

DATE: Wednesday, November 13, 2024
TIME: 6:00 PM
PHYSICAL LOCATION:
City of Surprise Regional Library
16089 N Bullard Ave
Surprise, AZ 85374

MEETING LOCATION



PROJECT DESCRIPTION:

A Zoning Text Amendment (ZTA) to the Surprise Municipal Code and the Land Development Ordinances (LDO) in order to streamline the approvals of pre and final plat cases, financial assurances, and final acceptance of infrastructure and remove conflicts with other sections of the code and LDO, Case # FS24-1407.

Publish: Daily Independent, October 25, 2024, Surprise Independent, October 30, 2024/9856



Zoning Text Amendment- Administrative Plat Processing Discussion FS24-1407

Kristin Tytler, Public Works Director

Lloyd Abrams, CD 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
- Board of Adjustment is 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
 - Expedites approval process for applicants (30-60 business days)
- Eliminates staff time to agendize and prepare public meeting documents
- Board of Adjustment is 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 change process
- **City of Glendale:** Pending Response

NOTE: Nearly every city in the valley completes infrastructure acceptance administratively regardless of how plats are processed.



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



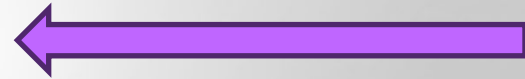
TIMELINE

11/13/2024: Public Outreach Meeting

11/19/2024: Council Work Session

12/5/2024: Planning & Zoning Commission

12/17/2024: Regular Council Meeting



TEXT AMENDMENTS

SB1103- Administrative Approvals Text Amendment Impact

Chapter 2, Article VIII, Sec. 2-301 – Planning and zoning commission.

- Remove language referring to preliminary plat approvals

Chapter 42, Article I, Sect. 42-8 – Reimbursement Amounts

- Remove reference to City council approving final plat.

Chapter 28, Article IV, Sect. 58-214 – Inspection and acceptance

- Remove reference to city council accepting the improvement by motion.
- Add reference to city engineer approval.

Chapter 102, Article II, Sect. 101-2.2 – Glossary of terms

- Modify: *Financial assurance, Final plat, Preliminary plat*



TEXT AMENDMENTS

SB1103- Administrative Approvals Text Amendment Impact Cont.

Chapter 102, Article II, Sect. 101-2.1 – Procedure Types

- Modify Table 102-2a to reflect that preliminary and final plats are administratively approved, and the Board of Adjustment is the appellate body.

Chapter 102, Article IV – Type 1 Application and Requests

- Add preliminary and final plat approvals as Sections 102-4.9 and 102-4.10.

Chapter 102, Article V – Type 2 Application and Requests

- Strike preliminary and final plat approval Sections 102-5.5 and 102-5.6.

Chapter 108, Article I, Sect. 108-1.2(C), General Provisions

- Remove reference to Planning and Zoning Commissioner approval and add City Engineer



TEXT AMENDMENTS

SB1103- Administrative Approvals Text Amendment Impact Cont.

Chapter 108, Article I, 108-1.5(D)(5) and (E)(1) – Land Division and Subdivision Regulations, Subdivisions

- Remove reference to mayor signing plats and replace with Community Development Director and City Engineer.
- Remove reference to signatures of public officials.

Chapter 108, Article II, Sect. 108-2.1(B), (D) & (G) – Reports, Plans and Design Standards, General Provisions

- Remove references to city council and planning and zoning recommendations
- Strike “G” as it is a restatement of state law regarding the naming of subdivisions and relabel subsequent provisions of this section accordingly.



TEXT AMENDMENTS

SB1103- Administrative Approvals Text Amendment Impact Cont.

Chapter 108, Article II, Sect. 108-2.4(E)(2) – Circulation Design Standards

- Remove references to planning and zoning commission approving street names

Chapter 108, Article II, Sect. 108-2.11(D) & (E) – Open space

- General edits for clarification and readability.

Chapter 108, Article III, Sect. 108-3.1(A), (C) & (E) – Construction of improvements financial assurance

- Strike the reference to agendizing final plats with being approved and recorded by the city.
- Remove reference to City Council approval for financial assurances.



TEXT AMENDMENTS

SB1103- Administrative Approvals Text Amendment Impact Cont.

Chapter 108, Article III, Sect. 108-3.2(A)(1)(b) & (d) – Financial Assurance Options

- Strike the references to city council approval of final plats and replace with Community Development Director and City Engineer.

Chapter 108, Article III, Sect. 108-3.4(C) – Release or reduction of financial assurance

- Strike the reference to city council approval and replace with City Engineer or designee.
- General edits for clarification and readability.



TEXT AMENDMENTS

SB1103- Administrative Approvals Text Amendment Impact Cont.

Chapter 108, Article III, Sect. 108-3.5 – Warranty of improvements financial assurance

- Strike the reference to city council approval and replace with City Engineer or designee.

Chapter 108, Article III, Sect. 108-3.6(A) – Costs, reimbursements, and city participation in public improvements

- Strike the reference to city council approval and replace with City Engineer or designee.



RECOMMENDATION

Staff recommends Commission recommend to Council making both infrastructure acceptances and pre and final plats fully administrative.

I move to a recommend approval of Zoning Text Amendment Administrative Plat Approvals, Case # FS24-1407.

I move to recommend denial of Zoning Text Amendment Administrative Plat Approvals, Case # FS24-1407 because insert reason.



SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You

